



Atlantic States Marine Fisheries Commission

ASMFC & MAFMC Joint Meeting Summary

Sustainable and Cooperative Management of Atlantic Coastal Fisheries

Bluefish and Summer Flounder, Scup and Black Sea
Bass Management Boards & MAFMC
December 13 & 14, 2021

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Meeting Summaries, Press Releases and Motions

TABLE OF CONTENTS:

BLUEFISH MANAGEMENT BOARD & MAFMC (DECEMBER 13, 2021).....	2
<i>Meeting Summary</i>	2
<i>Motions</i>	2
SUMMER FLOUNDER, SCUP AND BLACK SEA BASS MANAGEMENT BOARD & MAFMC (DECEMBER 14, 2021).....	2
<i>Press Release</i>	2
<i>Meeting Summary</i>	4
<i>Motions</i>	6

BLUEFISH MANAGEMENT BOARD & MAFMC (DECEMBER 13, 2021)

Meeting Summary

The Bluefish Management Board (Board) met jointly with the Mid-Atlantic Fishery Management Council (MAFMC or Council) to develop bluefish recreational management measures for 2022 and 2023. The Council and Board agreed to maintain status quo recreational management measures for bluefish in state and federal waters for both years. These measures include a coastwide 3-fish and 5-fish bag limit for private and for-hire anglers, respectively. The Council and Board discussed uncertainty associated with bluefish discard estimates and MRIP inputted 2020 harvest estimates. The Council and Board also acknowledged that bluefish is entering a 7-year rebuilding plan (starting in 2022) and is scheduled for a research track assessment in June 2022. In addition, the current recreational management measures were not implemented by all states until mid-late 2020; therefore, the full impact of these measures is currently difficult to assess. Given these uncertainties and future bluefish developments, the Council and Board agreed with the Monitoring Committee recommendation to maintain status quo measures for 2022-2023.

The Council and Board recommended that the Monitoring Committee consider assessing the impact of a 7-fish bag limit for the for-hire sector when the 2023 specifications are reviewed next year. However, it was indicated that given the research track assessment work and other uncertainties, conducting this analysis will be challenging.

For more information, please contact Dustin Colson Leaning, Fishery Management Plan Coordinator, at dleaning@asmfc.org.

Motions

Move to maintain status quo state and federal waters recreational measures for bluefish in 2022 and 2023, 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.

Board: Motion made by Mr. Clark, second by Ms. Meserve. Motion carries by consent with no objections. Roll Call: In favor - ME, MA, RI, CT, NY, NJ, DE, MD, PRFC, VA, NC, GA, FL, NOAA Fisheries. Council: Batsavage/Geer. Motion carries (19 in favor). Motion carries.

SUMMER FLOUNDER, SCUP AND BLACK SEA BASS MANAGEMENT BOARD & MAFMC (DECEMBER 14, 2021)

Press Release

MAFMC and ASMFC Approve Changes to Commercial and Recreational Allocations of Summer Flounder, Scup, and Black Sea Bass

Changes Expected to be Effective January 1, 2023

The Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Board (Board) approved changes to the commercial and recreational allocations of summer flounder, scup, and black sea bass during a joint meeting this week in Annapolis, Maryland. These changes are intended to better reflect the current

understanding of the historic proportions of catch and landings from the commercial and recreational sectors. The modified allocations are provided in the table below.

	Current Allocations	Revised Allocations
Summer Flounder	60% Commercial; 40% Recreational Landings-based	55% Commercial; 45% Recreational Catch-based
Scup	78% Commercial; 22% Recreational Catch-based	65% Commercial; 35% Recreational Catch-based
Black Sea Bass	49% Commercial; 51% Recreational Landings-based	45% Commercial; 55% Recreational Catch-based

Note: Landings-based allocations are based on each sector’s harvest only. Catch-based allocations are based on each sector’s harvest plus dead discards.

The current commercial and recreational allocations for all three species were set in the mid-1990s based on historical proportions of landings (for summer flounder and black sea bass) or catch (for scup) from each sector. The Council and Board developed this amendment partly in response to recent changes in how recreational catch is estimated by the Marine Recreational Information Program (MRIP), which resulted in a revised time series of recreational data going back to the 1980s. This created a mismatch between the data that were used to set the allocations and the data currently used in management for setting catch limits. In addition, some changes have been made to commercial catch data since the allocations were established.

The amendment contained a range of allocation alternatives, with options that would maintain the current allocations and a variety of options to revise the allocations based on updated data using the same or modified “base years” (the time periods used to set the current allocations). The Council and Board ultimately voted to revise the allocations using the original base years updated with new data. This approach allows for consideration of fishery characteristics in years prior to influence by the commercial/recreational allocations, while also using the best scientific information available to understand the fisheries in those base years.

For all three species, these changes result in a shift in allocation from the commercial to the recreational sector. However, because the summer flounder and black sea bass fisheries will be transitioning from landings-based to catch-based allocations, the current and revised allocations for those species are not directly comparable.

The Council and Board also approved an option to allow future changes to commercial/recreational allocations, annual quota transfers, and other measures addressed in the amendment to be made through framework actions/addenda. The Council and Board considered but did not recommend an option to “phase in” the allocation changes over a period of time. A phase in period was deemed unnecessary given the relatively small magnitude of allocation changes. They also considered, but did not recommend, an option to allow transfers of annual quota between the commercial and recreational sectors at this time.

The Council will forward the amendment to the National Marine Fisheries Service for review and rulemaking. The Commission’s Business Session, which represents its 15 state members, will consider

final approval of the amendment, based on the Board's recommendations, at its Winter 2022 Meeting in late January. These changes are expected to take effect on January 1, 2023.

Additional information about this amendment is available at <https://www.mafmc.org/actions/sfsbsb-allocation-amendment>.

Meeting Summary

Summer Flounder

The Summer Flounder, Scup and Black Sea Bass Management Board (Board) and the Council agreed to continue the use of regional conservation equivalency for summer flounder in 2022 to achieve, but not exceed, the 2022 recreational harvest limit (RHL) of 10.36 million pounds. Conservation equivalency allows individual states or multi-state regions to develop customized measures that, in combination, will achieve but not exceed the coastwide RHL. Due to the increase in the RHL between 2021 and 2022, from 8.32 to 10.36 million pounds, and because recent harvest estimates have been well below the 2022 RHL, the Council and Board recommended allowing for up to a 16.5% liberalization of state or regional measures under conservation equivalency. The Council and Board agreed with the Monitoring Committee's conclusion that liberalizations beyond this amount may pose too much of a risk of exceeding the RHL, as harvest has varied considerably under the same management measures over the past four years. Any proposed state or regional adjustments to measures will be considered by the Commission's Technical Committee and Summer Flounder, Scup, and Black Sea Bass Board in early 2022.

The Council and Board also approved non-preferred coastwide measures consisting of a 4-fish possession limit, an 18.5-inch total length minimum size, and an open season of May 15 – September 15. These measures will be waived in favor of state regulations if conservation equivalency is approved by the National Marine Fisheries Service (NMFS). The Council and Board made no changes to the current precautionary default measures (i.e., a 2-fish possession limit, a 20-inch total length minimum size, and an open season of July 1 – August 31) which would be implemented in any state or region that does not adopt measures consistent with the conservation equivalency guidelines.

For more information, please contact Dustin Colson Leaning, Fishery Management Plan Coordinator, at dleaning@asmfc.org.

Scup

The Council and Board agreed to increase the scup recreational minimum size by one inch in state and federal waters. In federal waters, this results in a 10 inch total length minimum size. In state waters, this one-inch increase would be applied to each state's measures, which varies by state and mode. Collectively, this change in state and federal waters is expected to achieve an approximate 33% reduction in harvest compared to the 2019-2021 average. The Council and Board acknowledged that this is less than the estimated 56% reduction in harvest needed to fully constrain recreational harvest to the 2022 RHL of 6.08 million pounds; however, they agreed that 33% was an appropriate level of reduction given the negative socioeconomic impacts of the full 56% reduction and the current high biomass level. In 2020 and 2021 the Council and Board maintained status quo recreational measures despite predicted overages as a short-term approach to allow more time to consider how management should adapt to the revised recreational harvest estimates from MRIP. During this meeting, the Council and Board considered continuing status quo measures for a third year, but they concluded that this had been intended as a temporary solution and that some reduction in recreational harvest in 2022 is necessary to meet the Council's statutory requirement to prevent overfishing. They also noted that it

would not be appropriate to leave measures unchanged in 2022 given the magnitude of the expected RHL overage and concerns about low recruitment in recent years, including the lowest for the time series in 2019.

For more information, please contact Dustin Colson Leaning, Fishery Management Plan Coordinator, at dleaning@asmfc.org.

Black Sea Bass

The Council and Board approved measures to achieve a 28% reduction in coastwide harvest of black sea bass in 2022, compared to the 2018-2021 average. This reduction is needed to avoid exceeding the 6.74 million pound RHL for 2022. Given the current healthy stock status of black sea bass, the Council and Board considered requiring a 14% reduction rather than the full 28% reduction; however, this would be expected to result in an RHL overage and is therefore not consistent with the fishery management plan or the federal regulations. After a lengthy discussion, the Council and Board agreed to use the conservation equivalency process to waive federal waters measures and allow states to work together as regions to develop measures to collectively reduce harvest by 28% compared to the 2018-2021 average. The regional measures will be determined through the Commission process in early 2022.

This will be the first time conservation equivalency has been used for the recreational black sea bass fishery. The Council and Board approved the use of conservation equivalency for black sea bass through a framework action and addenda completed in 2019. As a result, the Council and Board must now make an annual decision between implementing one set of coastwide measures which apply uniformly in federal waters and all states or using the conservation equivalency process to waive the federal waters measures and allow individual states or multi-state regions to develop customized measures that, in combination, will achieve but not exceed the coastwide RHL.

As part of approving conservation equivalency for 2022, the Council and Board also approved non-preferred coastwide measures consisting of a 14-inch minimum size limit, a 5 fish possession limit, and an open season of May 15-September 21. These measures are intended to be waived in favor of regional measures which would collectively prevent an RHL overage. The Council and Board also agreed to precautionary default measures consisting of a 16-inch minimum size, a 3 fish possession limit, and an open season of June 24-December 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.

Ecosystem Approach to Fisheries Management Recreational Summer Flounder Management Strategy Evaluation

The Council and the Summer Flounder, Scup, and Black Sea Bass Management Board received an update on recent activities regarding the recreational summer flounder management strategy evaluation (MSE) project. Development of this MSE is part of the continued implementation of the Council's Ecosystem Approach to Fisheries Management (EAFM) structured framework process. The objectives of this MSE are to (1) evaluate the biological and economic benefits of minimizing discards and converting discards into landings in the recreational summer flounder fishery, and (2) identify management strategies to effectively realize these benefits. In August the Council and Board approved a range of management objectives and alternatives for further refinement and evaluation by the technical work group and core stakeholder group. During this meeting, staff provided an update on the

project activities that have occurred since the August meeting with a focus on the outcomes of workshop #2 with the core stakeholder group and on the development of biological and economic models to be used to evaluate different management objectives and strategies. It is anticipated that final results of the project will be presented to the Council and Board in mid-2022.

Motions

Summer Flounder Recreational Measures

Move to adopt conservation equivalency for 2022 summer flounder recreational management, and allow for up to a 16.5% liberalization in state or regional measures. Non-preferred coastwide measures would include an 18.5-inch minimum size, 4 fish possession limit, and open season from May 15-September 15. In addition, the precautionary default measures would include a 20-inch minimum size, 2 fish possession limit, and open season from July 1-August 31.

Council: Nowalsky/Lenox. Motion carries (19 in favor, 1 abstention).

Board: Motion made by Mr. Nowalsky and seconded by Mr. Clark. Motion passes without objection.

Roll Call: In favor - MA, RI, CT, NY, NJ, DE, MD, PRFC, VA, NC; Abstentions – NOAA Fisheries, USFWS.

Scup Recreational Measures

Move to increase the scup recreational minimum size by one inch in state and federal waters. The one inch increase would be applied to existing 2021 state measures, which vary by state and mode. In federal waters, this results in a 10 inch total length minimum size for scup achieving an approximate 33% reduction in harvest.

Council: Nowalsky/Risi. Motion carries (12 in favor, 7 opposed).

Board: Motion made by Mr. Nowalsky and seconded by Mr. Borden. Motion passes (6 in favor, 2 opposed, 2 null and 1 abstention). Roll Call: In favor - MA, RI, CT, NY, NJ, MD; Opposed – NC, NOAA Fisheries; Null – VA, DE; Abstentions – PRFC.

Black Sea Bass Recreational Measures

Move to adopt conservation equivalency for 2022 black sea bass recreational management, with a 28% reduction in coastwide harvest compared to the 2018-2021 average. Non-preferred coastwide measures are: 14-inch minimum size, 5 fish possession limit, and open season of May 15-September 21. Precautionary default measures are: 16-inch minimum size, 3 fish possession limit, and open season of June 24-December 31.

Council: Pentony/Wilke. Motion carries (11 in favor, 9 opposed).

Board: Motion made by Mr. Pentony and seconded by Mr. Cimino. Motion passes (7 in favor, 4 opposed, 1 null). Roll Call: In favor – NH, RI, DE, PRFC, VA, NC, NOAA Fisheries; Opposed – MA, CT, BY, NJ; Null – MD.

Motion to Substitute

I move to substitute to adopt conservation equivalency for 2022 black sea bass recreational management, with a 14% reduction in coastwide harvest compared to the 2018-2021 average. Non-preferred coastwide measures are: 14-inch minimum size, 5 fish possession limit, and open season of May 15-October 31. Precautionary default measures are: 16-inch minimum size, 3 fish possession limit, and open season of June 24-December 31.

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

Council: Davidson/Nowalsky (9 in favor, 11 opposed)

Motion fails for lack of Council majority.

Summer Flounder, Scup, Black Sea Bass Commercial/Recreational Allocation Amendment

Main Motion

I move to adopt the status quo alternatives for summer flounder (1a-4), scup (1b-1) and black sea bass (1c-4) as final preferred alternatives for the commercial/recreational re-allocation amendment.

Board: Motion made by Mr. Reid, and seconded by Ms. Madsen

Council: Gwin/Hemilright

Motion substituted.

Motion to Substitute

Move to substitute to adopt options fluke-4, scup-4 and BSB-4 as preferred alternatives for the commercial/recreational reallocation amendment. For summer flounder, this results in a 50% allocation of catch to the commercial sector and a 50% allocation of catch to the recreational sector. For scup, this results in a 63.5% allocation of catch to the commercial sector and a 36.5% allocation of catch to the recreational sector. For black sea bass, this results in a 40.5% allocation of catch to the commercial sector and a 59.5% allocation of catch to the recreational sector.

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

Council: Nowalsky/Cimino. Motion carries (13 in favor, 5 opposed, 1 abstention).

Motion to Substitute

Move to substitute the adoption of allocations for all 3 species that are based on updating the base years with new data, applying those as catch for all three species (alternatives 1a-5, 1b-2, and 1c-5). For summer flounder, this results in a 55% commercial allocation and 45% recreational allocation. For scup, this results in a 65% commercial allocation and 35% recreational allocation. For black sea bass, this results in a 45% commercial allocation and 55% recreational allocation.

Board: Motion made by Ms. Madsen and seconded by Mr. Gilmore. Motion carries (6 in favor, 4 opposed, 1 null, 2 abstentions).

Council: Risi/Gwin. Motion carries (13 in favor, 6 opposed, 1 abstention).

Main Motion as Substituted

Move to adopt allocations for all 3 species that are based on updating the base years with new data, applying those as catch for all three species (alternatives 1a-5, 1b-2, and 1c-5). For summer flounder, this results in a 55% commercial allocation and 45% recreational allocation. For scup, this results in a 65% commercial allocation and 35% recreational allocation. For black sea bass, this results in a 45% commercial allocation and 55% recreational allocation.

Council: Motion carries (14 in favor, 5 opposed, 1 abstention).

Board: Motion carries (9 in favor, 1 opposed, 1 null, 2 abstentions).

I move to approve the following alternatives for the commercial/recreational allocation amendment:

- **No phase in for reallocation (alternative 1d-1)**
- **No action on transfers (alternative 2a)**

Council: Batsavage/Davidson. Motion carries by consent.

Board: Motion made by Mr. Batsavage, seconded Madsen. Motion carries by consent with one abstention from USFWS.

Move to allow future changes to commercial/recreational allocations, transfers, and other measures included in this amendment to be made through a framework/addendum (alternative 3b).

Board: Motion made by Ms. Meserve and seconded by Mr. Gilmore. Motion carries (11 in favor, 1 opposed).

Council: Duval/Risi Motion carries (15 in favor, 5 opposed).

Move to recommend to the Commission to approve the Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment as modified today, with an implementation date of January 1, 2023.

Board: Motion made by Mr. Gilmore and seconded by Mr. Clark. Motion passes without objection. Roll

Call: In favor NH, MA, RI, CT, NY, NJ, DE, MD, PRFC, VA, NC; Abstentions – NOAA Fisheries, USFWS.

I move to submit this amendment, with identification of the preferred alternatives, to NOAA Fisheries.

Council: Risi/Wilke. Motion carries by consent with 1 abstention from NMFS.