Mid-Atlantic Fishery Management Council
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Phone: 302-674-2331 | FAX: 302-674-5399 | www.mafmc.org
P. Weston Townsend, Chairman | Michael P. Luisi, Vice Chairman
Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: November 30, 2023

To: Chris Moore, Executive Director

From: Kiley Dancy, Staff

Subject: Summer Flounder Recreational Measures for 2024-2025

On Tuesday, December 12, the Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Management Board (Board) will consider 2024-2025 recreational management measures for summer flounder, including the use of either conservation equivalency or coastwide measures. Materials listed below are provided for the Council and Board's discussion of this agenda item. As noted below, some materials will be posted at a later date.

1) Summary of November 13-14, 2023 Monitoring Committee meeting (Part 2: Recreational Measures)
2) Council staff memo on 2024-2025 recreational summer flounder measures dated November 8, 2023
3) 2022 year-end catch accounting and Accountability Measures letter from GARFO dated October 30, 2023
4) Public comments received by November 29, 2023

The following materials will be posted to the meeting page once they are available:

5) Summary of December 4, 2023 Advisory Panel meeting
6) Summary of December 7, 2023 Monitoring Committee meeting
7) Any additional public comments received by the supplemental comment deadline of December 7, 2023

Summer Flounder, Scup, and Black Sea Bass Monitoring Committee (MC)
November 13-14, 2023 Meeting Summary
Part 2: 2024-2025 Recreational Management Measures
Hybrid Meeting: Philadelphia, PA and Webinar

Monitoring Committee Attendees: Tracey Bauer (ASMFC staff), Julia Beaty (MAFMC staff), Peter Clarke (NJ F&W), Kiley Dancy (MAFMC staff), Lorena de la Garza (NC DMF), Steve Doctor (MD DNR), Alexa Galvan (VMRC), Emily Keiley (GARFO), Hannah Hart (MAFMC staff), Rachel Sysak (NY DEC), Mark Terceiro (NEFSC), Chelsea Tuohy (ASMFC staff), Corinne Truesdale (RIDEM), Greg Wojcik (CT DEEP), Rich Wong (DE DFW)

Additional Attendees: Kim Bastille, Chris Batsavage, Alan Bianchi, Lou Carr-Harris, Greg DiDomenico, James Fletcher, Joe Grist, Jesse Hornstein, Raymond Kane, Elise Koob, Meghan Lapp, Andrew Loftus (MAFMC Contractor), John Maniscalco, Meghna Marjadi, Nichola Meserve, Brandon Muffley, Adam Nowalsky, Will Poston, Eric Reid, Robert Ruhle, Scott Steinback, Wes Townsend, Mike Waine, Kate Wilke

Summer Flounder 2024-2025 Recreational Measures

The MC supported the use of the RDM estimates for summer flounder 2024-2025 harvest under status quo measures. Using the group's previous recommendation for an 80% confidence interval around the RDM median harvest estimate of 8.88 million pounds for 2024-2025 under status quo measures, the 2024-2025 RHL (6.35 million pounds) falls below the lower bound of the confidence interval. In combination with summer flounder stock status, this would result in reduction equivalent to the difference between the harvest estimate and the RHL. The MC confirmed that the 2024-2025 coastwide harvest target would thus be the RHL of 6.35 million pounds, **resulting in a 28% reduction from harvest expected under current measures.**

The MC agreed with the staff recommendation for **continued use of regional conservation equivalency for summer flounder to achieve the harvest target in 2024-2025**, using the same regions as adopted in 2023 and as defined in Addendum XXXII. RDM runs were not available at the time of this meeting to assist the MC with identifying non-preferred coastwide measures under conservation equivalency. Similarly, the MC believed the precautionary default measures could likely remain unchanged for 2024-2025 but wanted to see additional RDM results for coastwide measures to confirm this recommendation. **The MC will identify non-preferred coastwide and precautionary default measures at their follow up meeting on December 7, 2023.**

Scup 2024-2025 Recreational Measures

The MC supported the use of the RDM for estimating scup 2024-2025 harvest under status quo measures, as well as for adjusting the measures. Using the group's previous recommendation for

an 80% confidence interval around the RDM median harvest estimate of 15.29 million pounds for 2024-2025 under status quo measures, the 2024-2025 average scup RHL (12.51 million pounds) falls below the lower bound of the confidence interval. In combination with scup stock status ("very high"), **this results in a required 10% reduction in harvest.** The MC confirmed that the 2024-2025 coastwide harvest target would thus be 13.76 million pounds (10% reduction from the RDM median harvest estimate).

The MC discussed potential removal or modifications to the federal waters January 1 - April 30 closure (resulting in a May 1 - December 31 open season) previously approved by the Council and Board in December 2022. The MC noted there is limited data available to assess the impacts of the federal waters closure given the lack of Marine Recreational Information Program (MRIP) data collected during Wave 1 (January - February) in all states in the management unit except for North Carolina and the minimal MRIP data and intercepts available during Wave 2 (March - April). The group also discussed potential mandatory permit or reporting requirements if the fishery is re-opened during waves 1 and 2, such as implementing a similar system to what is currently in place for the February black sea bass fishery in Virginia. However, it was noted that this Virginia program is specific to black sea bass and a program similar in scope may not be as successful for the scup fishery. For example, the reporting requirements for the Virginia February fishery are largely viewed as something given in return for an opening that was not previously allowed for several years, as opposed to the scup season which was previously open but is now closed.

The MC recommended an analysis of the for-hire vessel trip report (VTR) data for waves 1 and 2, and how we might estimate total recreational harvest based on that information similar to what has been done in the past for other species (i.e., black sea bass prior to the February fishery program that is currently in place). The MC agreed to look at the VTR data analysis at a follow up meeting in December, but noted given the minimal harvest that occurs in waves 1 and 2 in combination with the overall minimal effort in federal waters (less than 5% of total coastwide harvest annually), the removal of the January 1 - April 30 closure in federal waters would have minimal to no impact on overall scup harvest. Therefore, t**he MC recommended removing the federal closure for 2024 but maintaining the current 40 fish possession limit and 10 inch minimum size limit. They recommended that the necessary 10% reduction be taken through the state recreational measures setting process** to give states more flexibility in setting measures for 2024-2025.

Given the required 10% reduction and the discussion described above related to the recommendation to remove the federal waters closure, **the MC agreed with the staff recommendation for continued use of the current federal water measures, with the exception of the January 1 - April 30 closure, and adjustments to state waters measures made through the Commission process to achieve the full 10% reductions required for 2024-2025**.

Black Sea Bass 2024 Recreational Measures

The MC recommended continued use of conservation equivalency to waive federal waters black sea bass measures in favor of state waters measures in 2024.

The MC discussed the requirements of the Percent Change Approach given that the 2024 black sea bass RHL differs from the 2023 RHL due only to three additional years of catch data without

updated stock status information. They agreed that the Percent Change Approach requirements in this situation are not clear. The framework/addenda which implemented the Percent Change Approach did not contemplate a situation where the RHL would change without a stock assessment update. When the framework/addenda were finalized, it was assumed that management track stock assessments would be available every other year. The Percent Change Approach intends to set identical recreational measures across two years to provide some stability; however, measures were set for just 2023 with the intent of setting 2024-2025 measures in response to an anticipated 2023 management track assessment. However, the management track assessment was later delayed to 2024.

The MC discussed that the 2024 RHL is only about 5% lower than the 2023 RHL. Therefore, if the 2023 and 2024 RHLs had both been available for setting identical measures across 2023-2024, use of the average of the two RHLs under the Percent Change Approach would have resulted in the same 10% reduction as was implemented for 2023. This reduction would have been used to set identical measures in 2023 and 2024. It would not have required a 10% reduction in 2023 and an additional 10% reduction in 2024. In short, the same measures implemented for 2023 would also have applied to 2024.

One MC member noted that there is no status quo option for stocks in the "very high" biomass category (i.e., at least 150% of the target level) under the Percent Change Approach. They said they would feel comfortable leaving black sea bass with status quo measures in 2024 given the high biomass. Another MC member agreed it is problematic that the Percent Change Approach does not include a status quo outcome for stocks in the very high biomass category under any of the three categories of expected harvest compared to the upcoming RHL(s).

The MC discussed whether status quo measures in 2024 would increase the likelihood of an additional reduction being needed for 2025, and alternatively if a 10% reduction in 2024 would prevent the need for an additional reduction in 2025 or even allow for a liberalization. They ultimately agreed it is not possible to predict outcomes for 2025 given the changes to the stock assessment which will take place over the next several months (e.g., transition to a new modeling framework, inclusion of several new years of data, and likely changes to the biological reference points). It is not possible to predict if the Percent Change Approach biomass category will change or how the outcome of the RDM will change after the assessment is updated. Therefore, the MC decided not to base their 2024 recommendations on any anticipated outcomes beyond 2024. Measures for 2025 and beyond will be set based on an updated stock assessment using the most recent information available.

The MC also noted that if a status quo approach is not used for 2024, the likely outcome would be changes in measures for 2022, 2023, 2024, 2025, and potentially also 2026 (given that an additional management track assessment may occur in 2025 to get black sea bass back on the same cycle as summer flounder and scup). Frequent changes in measures can lead to frustration and non-compliance among anglers, especially when the measures are restricted each time, as would be the case for black sea bass through at least 2024. Stability in measures, even if it means less frequent but larger restrictions, rather than frequent but smaller restrictions, can have benefits in terms of angler buy-in and compliance.

In light of these considerations, the MC agreed it would be appropriate to treat 2024 as the second year of a two-year cycle with 2023, despite the fact that this was not the intent when the 2023

measures were set. The MC agreed this would align with the goals of the Percent Change Approach to provide some stability in measures and to update measures in sync with the timing of updated stock assessment information.

One MC member noted that although biomass remains very high, the most recent stock assessment suggests it is declining. Therefore, status quo measures in 2024 may result in less harvest than 2023 due to reduced availability. Another MC member noted that the final 2023 harvest estimates may be lower than the preliminary wave 1-4 data suggest due to poor weather in the fall. In addition, the trawl survey in Maryland suggests recent strong recruitment.

Given all these considerations, but with greatest emphasis on the lack of updated stock assessment information, **the MC recommended that recreational black sea bass measures be left unchanged in 2024**.

The MC also briefly discussed the Virginia February recreational black sea bass fishery and expressed no concerns with continuation of this fishery in 2024.

Public Comment

One member of the public asked if the Monitoring Committee would discuss management uncertainty and what would happen if the ongoing research track stock assessment determines that the stock is overfished. Staff responded that management uncertainty impacts the RHL. The 2024 RHL was set in August 2023; therefore, the Monitoring Committee would not revisit the management uncertainty discussions as part of their 2024 recreational management measures discussions. Similarly, the research track assessment is not intended to be used in management. The research track will inform a management track assessment in 2024 which will be used to set measures for 2025. Changes in stock status shown in the management track assessment will impact the Percent Change bin for setting 2025 measures.

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MEMORANDUM

Date: November 8, 2023

To: Chris Moore, Executive Director

From: Kiley Dancy, Staff

Subject: Summer Flounder Recreational Management Measures for 2024-2025

Summary

This memo provides information to assist the Monitoring Committee (MC), Advisory Panels, the Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission's (Commission's) Summer Flounder, Scup, and Black Sea Bass Management Board (Board) in developing recommendations for summer flounder recreational measures for 2024-2025.

The target level of harvest that 2024-2025 measures must aim to achieve will be determined using the Percent Change Approach, as required by Framework 17/Addendum XXXIV. This is the first year that two-year measures will be considered for summer flounder under this approach. As described in more detail below, the harvest target is defined based on expectations of 2024-2025 harvest under 2023 measures compared to the average 2024-2025 RHL, as well as considerations about stock biomass.

A model referred to as the Recreational Demand Model (RDM) has been developed by the Northeast Fisheries Science Center (NEFSC). The RDM was used to set 2023 recreational summer flounder measures. As described in more detail in the next section, the RDM remains the best currently available tool for predicting recreational summer flounder harvest in upcoming years under different management measures. As such, it will be used to define the appropriate harvest target and the resulting measures for summer flounder.

RDM results suggest that the median projected 2024-2025 harvest under current (2023) measures would be 8.88 million pounds, with an 80% confidence interval of 8.10 to 9.48 million pounds. The lower bound of this confidence interval is above the 2024-2025 RHL of 6.35 million pounds. Based on summer flounder being in the "low" biomass category within the percent change table, this means that **summer flounder harvest must be reduced down to the RHL, resulting in a 28% needed reduction relative to expected harvest under current measures.**

For summer flounder, the MC is tasked with recommending either the use of coastwide measures (identical measures in all states and federal waters) or conservation equivalency (state- or region-specific measures in state waters, and "non-preferred" federal measures that are waived in favor of the state measures). Under conservation equivalency, the Council and Board must also adopt non-preferred coastwide and

precautionary default measures (described in more detail below). **Staff recommends the continued use of conservation equivalency in 2024-2025.** State/regional measures under conservation equivalency would be determined through the Commission process in early 2024.

As of this memo, additional RDM estimates are not available under alternative sets of measures to inform a recommendation for non-preferred coastwide measures. Staff will work with the modelers to run estimates under alternative non-preferred coastwide measures and provide additional information to the Monitoring Committee at the November 13-14 meeting. The Monitoring Committee should consider whether changes to the precautionary default measures may also be warranted depending on the degree of changes in measures that may be needed to achieve the necessary reduction.

Recreational Demand Model

The RDM uses trip attributes such as expected harvest and costs, as well as the availability of different sizes of fish, to estimate the likelihood that an angler will go fishing under a given set of regulations. The RDM is informed by a 2022 survey of anglers from Maine through Virginia as well as recent size distribution information from the stock assessment. The RDM can predict harvest and discards of summer flounder at the trip, state, wave, and mode level under different sets of recreational measures. The RDM also predicts how regulations for scup and black sea bass may impact harvest and discards of summer flounder. Additional information about this model can be found in this overview document: https://www.mafmc.org/s/fluke-RDM-overview-final-report.pdf.

The RDM was used to set 2023 summer flounder recreational measures. Prior to 2023, summer flounder recreational measures were informed by MRIP data and the Monitoring Committee's expert judgement. The RDM represents a major improvement over prior methods for setting recreational measures in that it accounts for factors such as angler preferences and varying year class strength, which could not be explicitly accounted for under the previous methods. The RDM is based on peer-reviewed models for other species and was reviewed by the Council's Scientific and Statistical Committee (SSC) in September 2022.Several improvements have been made since the SSC review. The Monitoring and Technical Committees have also discussed the RDM several times over the past few years and several additional improvements have been made in response to Monitoring and Technical Committee feedback.[1,2] For all these reasons, the RDM is the best tool currently available for use in determining the harvest target and the associated recreational measures for 2024-2025.

Determining the Percent Change in Harvest for 2024-2025

Framework 17/Addendum XXXIV implemented a new process for setting recreational measures called the Percent Change Approach.[3] Under this approach, measures aim to achieve a specified percent change in harvest compared to the expectation of harvest in the upcoming year(s) under current measures. Unlike the previous process, the recreational measures no longer aim to achieve but not exceed the RHL. Instead, measures aim to achieve a different level of harvest, which will vary based on the following two factors:

1) A confidence interval (CI) around an estimate of expected harvest in the upcoming two years under current measures compared to the average RHL for the upcoming two years and

[1] Additional information at https://asmfc.org/uploads/file/64dbc727SFSBSB_TC_Report_May2023.pdf.
[2] Additional information at https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/6541443d28772b1877b0ab95/1698776125234/Monitoring+Committee+9-20-23+Summary.pdf
[3] See action documents and additional information at https://www.mafmc.org/actions/hcr-framework-addenda.

2) Biomass compared to the target level, as defined by the most recent stock assessment.

The resulting percent change in harvest that measures should aim to achieve is summarized in Table 1. This process allows recreational measures to remain unchanged across two years, aligned with the timing of updated management track stock assessments, which are expected to be available every other year for summer flounder. For 2023, measures were set for one year only given the schedule for the management track assessments. Thus, 2024-2025 is the first time this process will be used to set two-year measures. Additional detail about how this process will be applied for 2024-2025 is included below.

Table 1: Process for determining appropriate percent change in expected harvest when developing measures under the Percent Change Approach. Cells highlighted in yellow indicated the percent change in harvest needed for summer flounder in 2024-2025 based on the information summarized on the next page.

Column 1 **Future RHL vs Estimated Harvest**	*Column 2* **Biomass compared to target level (SSB/SSB_{MSY})**	*Column 3* **Change in Harvest**
Future 2-year average RHL is **greater than** the upper bound of the harvest estimate CI (harvest expected to be lower than the RHL)	**Very high** (greater than 150% of target)	**Liberalization** percent equal to difference between harvest estimate and 2-year avg. RHL, not to exceed 40%
	High (at least the target level, but no higher than 150% of target)	**Liberalization** percent equal to difference between harvest estimate and 2-year avg. RHL, not to exceed 20%
	Low (below the target stock size)	**Liberalization**: 10%
Future 2-year average RHL is **within** harvest estimate CI (harvest expected to be close to the RHL)	**Very high** (greater than 150% of target)	**Liberalization**: 10%
	High (at least the target level, but no higher than 150% of target)	**No liberalization or reduction:** 0%
	Low (below the target stock size)	**Reduction:** 10%
Future 2-year average RHL is **less than** the lower bound of the harvest estimate CI (harvest is expected to exceed the RHL)	**Very high** (greater than 150% of target)	**Reduction:** 10%
	High (at least the target level, but no higher than 150% of target)	**Reduction** percent equal to difference between harvest estimate and 2-year avg. RHL, not to exceed 20%
	Low (below the target stock size)	**Reduction** percent equal to difference between harvest estimate and 2-year avg. RHL, not to exceed 40%

Column 1: Compare Average 2024-2025 RHL to Expected Harvest Under 2023 Measures

The RDM was used to generate an estimate of expected 2024-2025 harvest under status quo (i.e., 2023) measures, with an associated 80% confidence interval.[4] Results suggest that under status quo (2023) measures, the median projected harvest in 2024-2025 would be **8.88 million pounds, with an 80% confidence interval of 8.10 to 9.48 million pounds**. The 2024-2025 RHL of 6.35 million pounds is less than the lower bound of this confidence interval (i.e., harvest is expected to be higher than the RHL).

Column 2: Biomass Compared to Target Level

As shown in Table 1, the second step under the Percent Change Approach is to consider the most recent estimate of spawning stock biomass compared to the target level. According to the 2023 management track stock assessment (using data through 2022),[5] summer flounder is below the target stock size (estimated at 83% of the spawning stock biomass target). This puts summer flounder in the "low" stock size category for the Percent Change Approach.

Column 3: Determining Necessary Percent Change in Harvest

As specified in Table 1, this results in a required percent change in harvest equal to the difference between harvest estimate and the two-year average RHL, not to exceed 40%. For summer flounder, this results in a **28% reduction based on the percent difference between the projected harvest of 8.88 million pounds and the RHL of 6.35 million pounds**. In other words, the resulting 2024-2025 harvest target is equal to the RHL at 6.35 million pounds.

Accountability Measures

Federal regulations include reactive accountability measures (AMs) for when the recreational summer flounder annual catch limit (ACL) is exceeded. This can include paybacks of ACL overages depending on stock status and the magnitude of the overage, as described below. ACL overages in the recreational fishery are evaluated by comparing the most recent 3-year average recreational ACL against the most recent 3-year average of recreational dead catch (i.e., landings and dead discards). If average dead catch exceeds the average ACL, then the appropriate AM is determined based on the criteria listed below. This reflects minor revisions to the AMs made through Framework 17.

1. If the stock is overfished ($B < \frac{1}{2} B_{MSY}$), under a rebuilding plan, or the stock status is unknown: The exact amount, in pounds, by which the most recent 3-year average recreational ACL has been exceeded, will be deducted in the following fishing year, or as soon as possible once catch data are available. This payback may be evenly spread over two years if doing so allows for use of identical recreational management measures across the upcoming two years.
2. If biomass is above the threshold, but below the target ($\frac{1}{2} B_{MSY} < B < B_{MSY}$), and the stock is not under a rebuilding plan:
    a. If only the recreational ACL has been exceeded, then adjustments to the recreational management measures, taking into account the performance of the measures and

[4] In May 2023, the Monitoring and Technical Committees recommended the use of an 80% CI around the harvest estimate for development of 2024-2025 measures. See the meeting report at: https://asmfc.org/uploads/file/64dbc727SFSBSB_TC_Report_May2023.pdf.

[5] Available at: https://www.mafmc.org/s/e_Summer_flounder_MTA_2023_06_08.pdf.

conditions that precipitated the overage, will be made in the following fishing year, or as soon as possible thereafter, once catch data are available, as a single-year adjustment.

b. If the most recent estimate of total fishing mortality exceeds F_{MSY} (or the proxy), then an adjustment to the recreational ACT will be made as soon as possible as a payback that will be scaled based on stock biomass. The calculation for the payback amount in this case is: (3-year average overage amount) * $(B_{msy}-B)/½\ B_{msy}$. This payback may be evenly spread over two years if doing so allows for use of identical recreational management measures across the upcoming two years. If an estimate of total fishing mortality is not available for the most recent complete year of catch data, then a comparison of total catch relative to the ABC will be used.

3. <u>If biomass is above the target ($B > B_{MSY}$):</u> Adjustments to the recreational management measures, taking into account the performance of the measures and conditions that precipitated the overage, will be made in the following fishing year, or as soon as possible thereafter, once catch data are available, as a single-year adjustment.

Average recreational catch was below the average recreational ACLs for summer flounder from 2020-2022, meaning that an AM has not been triggered for summer flounder (Table 7). No adjustments to the recreational measures are needed due to AMs.

Table 2: Evaluation of summer flounder recreational AMs using the 2020-2022 average recreational ACL compared to the 2020-2022 average recreational dead catch. Data from the 2023 Summer Flounder Management Track Assessment.

Year	Recreational Harvest (mil lb)	Recreational Dead Discards (mil lb)	Total Dead Recreational Catch (mil lb)	Recreational ACL (mil lb)	% Over/ Under ACL
2020[a]	10.08	2.52	12.59	11.51	+9%
2021	6.82	2.20	9.01	12.48	-28%
2022	8.63	2.95	11.58	14.64	-21%
Average	**8.51**	**2.55**	**11.06**	**12.88**	**-14%**

[a] 2020 recreational estimates were developed using imputation methods (incorporating 2018 and 2019 data) to account for missing 2020 APAIS data.

Past Management Measures

RHLs for summer flounder were first implemented in 1993. Since then, they have varied from a high of 11.98 million lb in 2005 to a low of 3.77 million lb in 2017. From 1993-2000, coastwide measures were in place for all states and federal waters, with possession limits ranging from 3-10 fish and size limits ranging from 14.0-15.5 inches. Starting in 2001, conservation equivalency was implemented, and has been used as the preferred management system each year since (Table 1). Under conservation equivalency, individual states or multi-state regions set measures that collectively are designed to constrain harvest to the coastwide RHL. Federal regulations are waived and anglers are subject to the summer flounder regulations of the state in which they land. State-by-state conservation equivalency was adopted each year from 2001 through 2013, with each state implementing different sets of management measures. Each year from 2014 through 2023, the Board has approved the use of regional conservation equivalency, where some states form multi-state regions with the same measures.

In December 2022, the Council and Board adopted conservation equivalency for the summer flounder recreational fishery in 2023. Although the RDM 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 was needed instead. The model revisions were based on a different range of years of catch per trip data and were not reviewed by the Monitoring Committee or other technical advisory group prior to the meeting. 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. Region-specific possession limits in 2023 range from 1-5 fish with size limits ranging from 15-18.5 inches, with various seasons (Table 2).

Under conservation equivalency, the Council and Board must adopt two associated sets of measures: the non-preferred coastwide measures, and the precautionary default measures. The **non-preferred coastwide measures** are a set of measures that would be expected to constrain harvest to the appropriate coastwide target[6] if implemented on a coastwide basis (the same measures in all states and in federal waters). The combination of state or regional measures under conservation equivalency is designed to be equivalent to this set of non-preferred coastwide measures in terms of coastwide harvest. These coastwide measures are included in the federal regulations but waived in favor of state- or region-specific measures. The non-preferred coastwide measures adopted in 2023 include a 3-fish possession limit, an 18-inch total length (TL) minimum size, and an open season from May 15-September 22.

The **precautionary default measures** would be implemented in any state or region that failed to develop adequate measures to constrain or reduce landings as required by the conservation equivalency guidelines. The precautionary default measures in 2023 include a 2-fish possession limit with a 20-inch TL minimum fish size and an open season from July 1-August 31.

[6] Through 2022, the target level of harvest was the RHL. Starting with 2023, the target level of harvest is defined by the Percent Change Approach.

Table 3: Summary of federal management measures for the summer flounder recreational fishery, 1997-2025.

Measure	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
ABC (m lb)	-	-	-	-	-	-	-	-	-	-	-	-	21.5	25.5
Recreational ACL (land+disc; m lb)	-	-	-	-	-	-	-	-	-	-	-	-	-	-
RHL (m lb)	7.41	7.41	7.41	7.41	7.16	9.72	9.28	11.21	11.98	9.29	6.68	6.22	7.16	8.59
Harvest - OLD MRIP (m lb)	11.87	12.48	8.37	16.47	11.64	8.01	11.64	11.02	10.92	10.5	9.34	8.15	6.03	5.11
% Over/Under RHL[c]	60%	68%	13%	122%	63%	-18%	25%	-2%	-9%	13%	40%	31%	-16%	-41%
Harvest - NEW MRIP	18.52	22.86	16.70	27.03	18.56	16.29	21.49	21.20	18.55	18.63	13.89	12.34	11.66	11.34
Possession Limit	8	8	8	8	3	a	a	a	a	a	a	a	a	a
Size Limit (TL in)	14.5	15	15	15.5	15.5	a	a	a	a	a	a	a	a	a
Open Season	1/1 – 12/31	1/1 – 12/31	5/29 – 9/11	5/10 - 10/2	4/15 - 10/15	a	a	a	a	a	a	a	a	a
Measure	**2011**	**2012**	**2013**	**2014**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**	**2021**	**2022**	**2023**	**2024-2025**
ABC (m lb)	33.95	25.58	22.34	21.94	22.57	16.26	11.3	13.23	25.03	25.03	27.11	33.12	33.12	19.32
Recreational ACL (land+disc; m lb)	-	11.58	10.23	9.07	9.44	6.83	4.72	5.53	11.51	11.51	12.48	14.64	14.90	8.69
RHL (m lb) - landings only	11.58	8.49	7.63	7.01	7.38	5.42	3.77	4.42	7.69	7.69	8.32	10.36	10.62	6.35
Harvest - OLD MRIP (m lb)	5.96	6.49	7.36	7.39	4.72	6.18	3.19	3.35	-	-	-	-	-	-
% Over/Under RHL[c]	-49%	-24%	-4%	5%	-36%	14%	-15%	-24%	1%	31%	-18%	-17%	-	-
Harvest - NEW MRIP	13.48	16.13	19.41	16.23	11.83	13.24	10.09	7.60	7.80	10.06	6.82	8.63	-	-
Possession Limit	a	a	a	b	b	b	b	b	b	b	b	b	b	-
Size Limit (TL in)	a	a	a	b	b	b	b	b	b	b	b	b	b	-
Open Season	a	a	a	b	b	b	b	b	b	b	b	b	b	-

[a] State-specific conservation equivalency measures.
[b] Region-specific conservation equivalency measures.
[c] Based on a comparison with old MRIP data through 2018 and new MRIP data starting in 2019.

Table 4: Summer flounder recreational fishing measures 2022-2023, by state, under regional conservation equivalency. Conservation equivalency regions in these years include: 1) Massachusetts, 2) Rhode Island, 3) Connecticut and New York, 4) New Jersey, 5) Delaware, Maryland, The Potomac River Fisheries Commission, and Virginia, and 6) North Carolina.

State	2022-2023		
	Minimum Size (inches)	**Possession Limit**	**Open Season**
Massachusetts	16.5	5 fish	May 21-September 29
Rhode Island (Private, For-Hire, and all other shore-based fishing sites)	18	4 fish	May 3-December 31
RI 7 designated shore sites	18	2 fish[a]	
	17	2 fish[a]	
Connecticut	18.5	4 fish	May 1-October 9
CT Shore Program (45 designed shore sites)	17		
New York	18.5		
New Jersey	Slot limit 17-17.99	2 fish[b]	May 2-September 27
	18	1 fish[b]	
NJ Shore program site (ISBSP)	16	2 fish	
New Jersey/Delaware Bay COLREGS	17	3 fish	
Delaware	16	4 fish	January 1- December 31
Maryland			
PRFC			
Virginia			
North Carolina[c]	15	1 fish	***2022:*** September 1-30 ***2023:*** September 15-29

[a] Combined possession limit of 4 fish; no more than 2 fish at 17 inch minimum size limit.

[b] New Jersey's slot limit includes a combined possession limit of 3 fish; two fish greater than 17 inches and less than 18 inches, and one fish greater than 18 inches.

[c] North Carolina's regulations have been restricted for all flounders in North Carolina (southern, gulf, and summer flounder) in recent years due to the need to end overfishing on southern flounder. North Carolina manages all flounder in the recreational fishery under the same regulations.

Recreational Catch and Landings Trends

Table 4 provides the annual MRIP time series[7] of recreational harvest (in number and weight), dead discards (in weight), and catch (in number of fish) for 2009-2022, as well as the estimates for waves 1-4 (i.e., January – August) for 2023. Table 4 also shows the percent of summer flounder released[8] (relative to total catch in numbers of fish) and the mean weight of landed summer flounder each year from 2009-2022, and 2023 through wave 4.

Table 5: Summer flounder recreational catch, landings, and dead discards, Maine through North Carolina, 2009-2022, all waves. 2023 preliminary estimates are shown through wave 4.

Year	Catch (mil fish)	Harvest (mil fish)	Harvest (mil lb)	Dead discards (mil lb)[b]	% Released (Released Alive)[a]	Average Weight of Harvested Fish
2009	50.62	3.65	11.66	5.48	93%	3.19
2010	58.89	3.51	11.34	5.97	94%	3.23
2011	56.04	4.33	13.48	5.98	92%	3.11
2012	44.71	5.74	16.13	4.79	87%	2.81
2013	44.96	6.60	19.41	4.67	85%	2.94
2014	44.58	5.36	16.23	4.61	88%	3.03
2015	34.14	4.03	11.83	3.47	88%	2.94
2016	31.24	4.30	13.24	3.27	86%	3.08
2017	28.07	3.17	10.06	3.30	89%	3.17
2018	23.55	2.41	7.60	2.21	90%	3.15
2019	30.74	2.38	7.80	3.04	92%	3.28
2020[c]	33.25	3.49	10.06	2.52	90%	2.88
2021	22.73	2.32	6.82	2.20	90%	2.94
2022	29.01	3.38	8.63	2.95	88%	2.55
2023 (w1-4 only)	24.02	2.62	6.96	--	89%	2.66

[a] For summer flounder, 10% of recreational releases are assumed to die.

[b] Dead discards source: 2023 Management Track Assessment.

[c] MRIP estimates for 2020 were impacted by the COVID-19 pandemic due to temporary suspension of the Access Point Angler Intercept Survey (APAIS) and headboat sampling. NMFS used imputation methods to fill gaps in 2020 data with data collected in 2018 and 2019. For additional information, see documents at: https://www.mafmc.org/council-events/2021/sfsbsb-mc-july27.

[7] In July 2018, the Marine Recreational Information Program (MRIP) released revisions to their time series of recreational catch and landings estimates based on adjustments for a revised angler intercept methodology and a new effort estimation methodology (i.e., a transition from a telephone-based effort survey to a mail-based effort survey). Recreational data included in this memo reflect revised MRIP data except where otherwise stated.

[8] Reported as released alive, with 10% of those live releases assumed to die post-release.

Landings by state in recent years in pounds are shown in Table 6, including full year estimates for 2018-2022 and preliminary wave 1-4 estimates for 2023.

The percent of summer flounder harvest (in numbers of fish) from state waters (0-3 miles from shore) averaged 72% from 2018-2022 (Figure 1). Over the same time period, most harvest originated from private/rental mode trips (84%), while party/charter mode and shore mode accounted for an average of 5% and 11% of the harvest, respectively (Figure 2).

Table 6: Summer flounder recreational harvest MRIP estimates (in pounds), by state for all waves (January-December), 2018-2023. 2023 values are preliminary estimates through wave 4 (January-August).

	2018	2019	2020	2021	2022	2023 (w1-4)
NH	-	-	-	-	-	3,322
MA	142,541	145,203	175,589	120,806	198,199	173,159
RI	603,752	837,108	479,591	163,105	330,910	237,206
CT	549,267	292,453	387,742	465,969	411,598	306,699
NY	2,385,311	2,441,732	2,389,690	1,156,832	2,840,200	1,330,033
NJ	3,154,539	3,229,057	5,491,680	3,780,044	3,552,155	3,526,360
DE	205,381	224,526	534,247	272,106	253,282	279,757
MD	121,760	206,373	187,227	192,795	185,647	89,580
VA	345,065	368,955	381,164	636,395	839,164	1,013,638
NC	92,032	52,872	37,935	27,492	22,151	
Coast	**7,599,648**	**7,798,279**	**10,064,865**	**6,815,544**	**8,633,306**	**6,959,754**

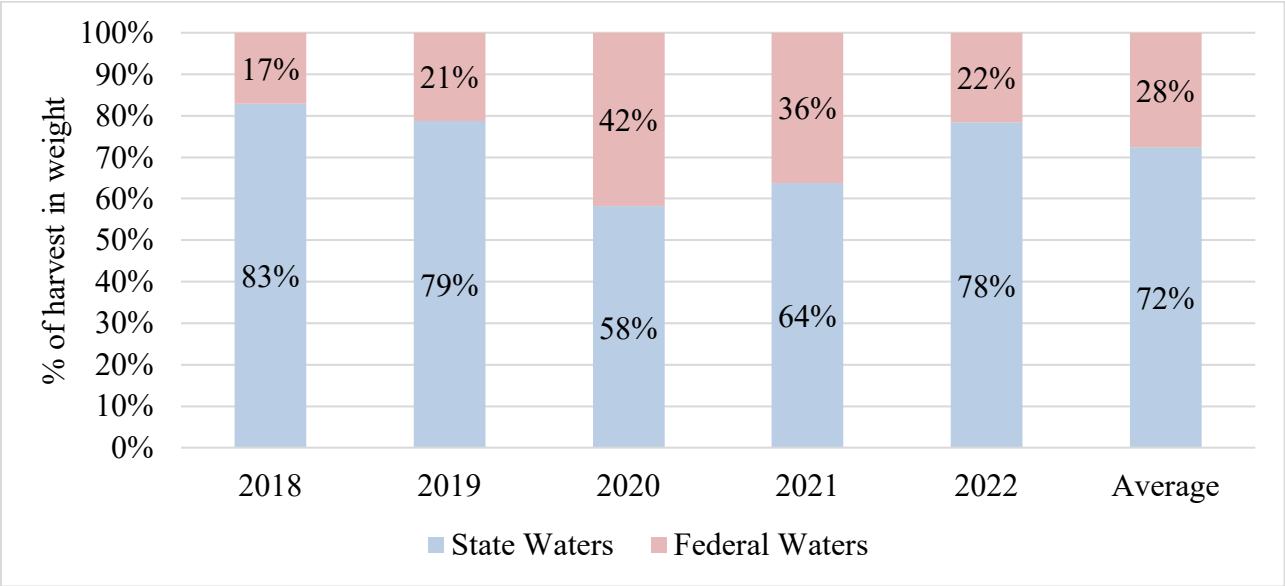


Figure 1: State vs. federal waters harvest (in weight) for summer flounder, 2018-2022. Fishing area information is self-reported by anglers.

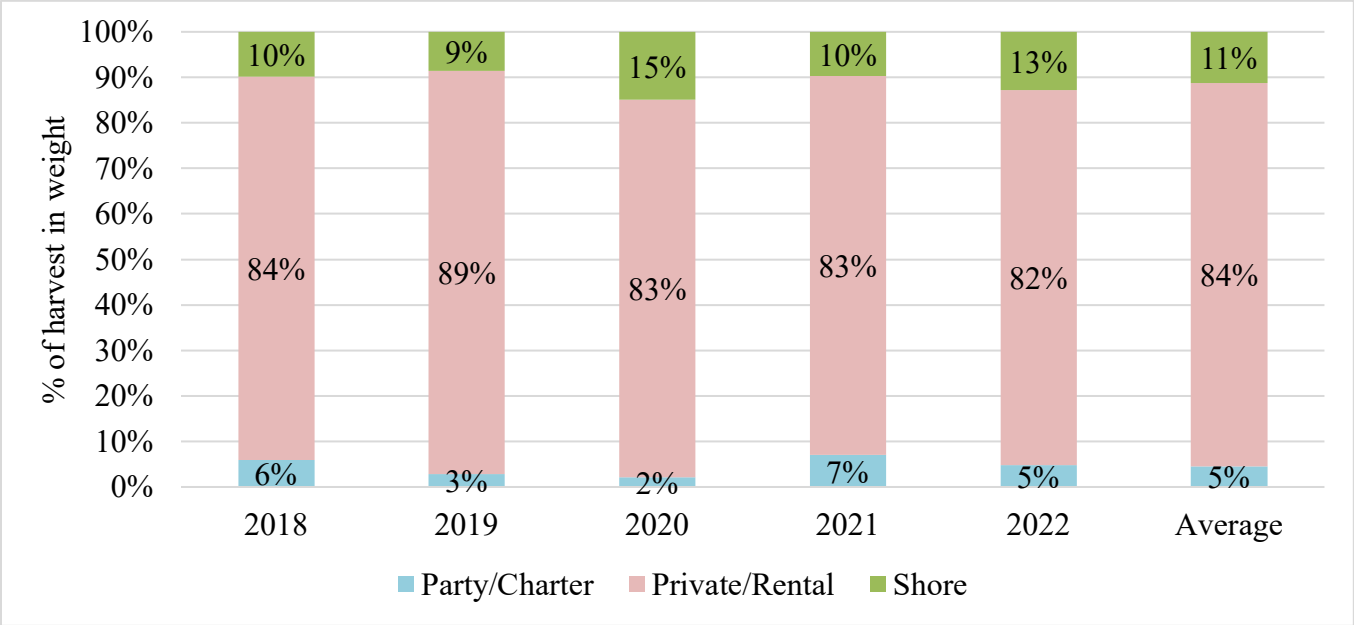


Figure 2: Summer flounder harvest by fishing mode (in weight), 2018-2022.

2024-2025 Staff Recommendation

Staff recommend continued application of regional conservation equivalency in 2024-2025 to achieve the target level of harvest (i.e., the 2024-2025 RHL). Under conservation equivalency, a set of non-preferred coastwide measures must be identified. The non-preferred coastwide measures must consist of a minimum fish size, possession limit, and season for 2024-2025 that if implemented on a coastwide basis, would be expected to achieve the same level of harvest as the conservation equivalency measures. Under conservation equivalency, these measures are written into the federal regulations, but waived in favor of the state- or region-specific measures.

As noted above, the only RDM estimates currently available are those under current (2023) state measures, used to inform the percent change in harvest needed. Additional runs have not yet been completed to identify specific recommendations for adjustments to the non-preferred coastwide measures, or to identify the expected harvest associated with the current non-preferred coastwide measures (18-inch minimum fish size, 3 fish bag limit, and open season from May 15-September 22). Changes to the non-preferred coastwide measures are presumed to be needed based on the degree of reduction needed for summer flounder. Staff will continue to work with the modelers to provide additional information and recommendations for the November 13-14 meeting.

The MC must also provide recommendations for precautionary default measures. The precautionary default measures are intended to be a deterrent against states/regions implementing measures inconsistent with the conservation equivalency guidelines and are not associated with any particular harvest target. In 2023, the precautionary default measures consist of a 20-inch minimum size, a 2-fish possession limit, and an open season of July 1-August 31. Typically, these measures have been identified using non-quantitative methods, by identifying measures that are understood to be deterrent measures to all states. Staff recommends using any results of the RDM from non-preferred coastwide measure runs to gauge whether changes to the precautionary default measures may be needed or if they are still likely to serve as

a deterrent. If the Monitoring Committee believes the current precautionary default measures are more restrictive than any state will consider implementing in 2024-2025, then it may be appropriate to leave these measures unchanged.

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGIONAL FISHERIES OFFICE
55 Great Republic Drive
Gloucester, MA 01930

October 30, 2023

Dr. Christopher Moore
Executive Director
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, DE 1990

Dear Dr. Moore:

We recently completed the summer flounder, scup, and black sea bass year-end catch accounting for 2022. The final report is attached to this letter. A summary table is provided below (Table 1).

In 2022, there were no overages of the acceptable biological catches (ABC) or overfishing limits (OFL) for summer flounder and black sea bass. Scup catch exceeded both the ABC and the OFL (Table 1). There were no overages of the commercial annual catch limits (ACL) or quotas in 2022 for summer flounder, scup, or black sea bass. However, the performance of the recreational fisheries for these species was variable and is discussed further below.

Table 1: Fishing year 2022 summer flounder, scup, and black sea bass catch, OFLs and ABCs (amounts presented in metric tons (mt)).

Stock	Total Catch	OFL	Percent Catch	ABC	Percent Catch
Summer Flounder	11,645	16,458	71%	15,021	78%
Scup	16,322	14,770	111%	14,566	112%
Black Sea Bass	8,455	8,735	97%	8,555	99%

Scup Overage

In 2022, the scup total catch was 16,322 mt. The OFL was 14,770 mt, corresponding to an 11-percent overage, and the ABC was 14,556 mt, corresponding to a 12-percent overage. Although the catch exceeded the OFL and the ABC, the status determination criteria for scup make use of the annual fishing mortality rate (F) relative to a maximum fishing mortality rate (MFMT) to determine if overfishing has occurred. The 2023 Management Track Assessment[1] estimated an F of 0.171 and a fishing mortality rate at maximum sustainable yield (F_{MSY}) of 0.19. While the assessment shows that the stock has decreased in recent years, the estimated biomass (B = 159,050 mt) remains well above the biomass at maximum sustainable yield (B_{MSY} = 78,593 mt). Therefore, the assessment determined that scup is not overfished nor is overfishing occurring.

[1] NOAA Fisheries. 2023. Stock SMART data records. Retrieved from apps-st.fisheries.noaa.gov/stocksmart. 10/04/2023.

Recreational Annual Catch Limit Evaluation

To assess whether accountability measures were triggered for the recreational summer flounder, scup, and black sea bass fisheries, the three-year average recreational catch is compared to the three-year average recreational ACL. This comparison is provided in Tables 2, 3, and 4. All estimates were generated from the Marine Recreational Information Program (MRIP) Fishing Effort Survey[2] (FES) and includes imputed data for 2020 and 2021.

Table 2: Summer Flounder Three-Year Average Recreational Catch vs. Recreational ACL (2020-2022), in mt

Fishing Year	Landings	Discards[3]	Total Catch	ACL	MRIP
2020	4,565	1,141	5,706	5,218	FES
2021	3,091	997	4,088	5,662	FES
2022	3,916	1,336	5,252	6,639	FES
		Average	**5,015**	**5,840**	

Table 3: Scup Three-Year Average Recreational Catch vs. Recreational ACL (2020-2022), in mt

Fishing Year	Landings	Discards	Total Catch	ACL	MRIP
2020	5,858	541	6,399	3,570	FES
2021	7,539	653	8,192	3,474	FES
2022	7,875	738	8,613	3,205	FES
		Average	**7,735**	**3,416**	

Table 4: Black Sea Bass Three-Year Average Recreational Catch vs. Recreational ACL (2020-2022), in mt

Fishing Year	Landings	Discards	Total	ACL	MRIP
2020	4,103	1,569	5,672	3,668	FES
2021	5,428	1,903	7,330	3,596	FES
2022	3,782	1,627	5,409	3,972	FES
		Average	**6,137**	**3,745**	

Recreational catch of scup and black sea bass exceeded their respective ACLs, triggering the accountability measures. When biomass is above the target, as it is for both scup and black sea bass, the accountability measures do not require a pound-for-pound payback, or a specific percent reduction. The accountability measures require that adjustments to the recreational management measures be made in the following fishing year or as soon as possible thereafter, once catch data are available, and as a single-year adjustment, after taking into account the

[2] NOAA Fisheries. 2023. Recreational Fishing Estimate Updates. Retrieved from https://www.fisheries.noaa.gov/recreational-fishing-data/recreational-fishing-estimate-updates. 10/03/2023.

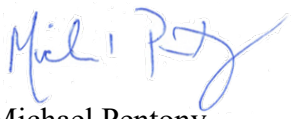
[3] The 2020 and 2021 summer flounder and scup recreational discard estimates have been revised based on the 2023 Management Track Assessments. While the estimates differ from those in the October 20, 2022, GARFO to MAFMC letter, this update does not change the fact that the recreational harvest of summer flounder exceeded the ACL in 2020, but not 2021, and recreational harvest of scup exceeded the ACL in both 2020 and 2021.

performance of the measures and the conditions that precipitated the overage. In 2023, based on the new approach to setting recreational management measures (the Percent Change Approach), the Council and Board have already adopted 10-percent reductions for both scup and black sea bass. We are not yet able to assess the effectiveness of these accountability measures because they were implemented in August 2023. In addition to the new approach to setting recreational management measures, a new bioeconomic model (the Recreational Demand Model) is being used to estimate recreational catch and the uncertainty around estimates of recreational catch. This model is a significant improvement over past methods used to inform management decisions. Additionally, the Recreational Demand Model has been further refined in 2023 in preparation for setting management measures for 2024.

Given these efforts to address the conditions that precipitated the recreational ACL overages for scup and black sea bass and that the biomass of scup and black sea bass are well above their target biomasses, we have determined that no additional action is required to address these overages in 2024.

If you have any questions on the report, please contact Emily Keiley at (978) 281-9116.

Sincerely,



Michael Pentony
Regional Administrator

cc: Dr. Jon Hare, Science and Research Director, Northeast Fisheries Science Center

Enclosure

Table 1. FY2022 Summer Flounder Annual Catch Limit And Commercial Quota Accounting

	Pounds	Metric tons	Percent of ACL (8,382 mt)
summer flounder commercial landings	11,644,969	5,282	63.0%
summer flounder state-permitted only vessel landings	898,880	408	4.9%
summer flounder estimated dead discards	1,549,224	703	8.4%
summer flounder commercial catch	14,093,073	6,393	76.3%

Source: CAMS database, accessed on September 15, 2023.

	Pounds	Metric tons	Percent of Commercial quota (7,046 mt)
summer flounder commercial landings (including commercial RSA landings)	12,543,849	5,690	80.8%
summer flounder commercial RSA landings	0	0	0%
summer flounder commercial landings (excluding commercial RSA landings)	12,543,849	5,690	80.8%

Source: CAMS database, accessed on September 15, 2023.

Table 2. FY2022 Scup Annual Catch Limit And Commercial Quota Accounting

	Pounds	Metric tons	Percent of ACL (11,361 mt)
scup commercial landings	9,682,013	4,392	38.7%
scup state-permitted only vessel landings	2,470,229	1,120	9.9%
scup estimated dead discards	4,844,199	2,197	19.3%
scup commercial catch	16,996,441	7,709	67.9%

Source: CAMS database, accessed on October 5, 2023.

	Pounds	Metric tons	Percent of Commercial quota (9,245 mt)
scup commercial landings (including commercial RSA landings)	12,152,242	5,512	59.6%
scup commercial RSA landings	0	0	0.0%
scup commercial landings (excluding commercial RSA landings)	12,152,242	5,512	59.6%

Source: CAMS database, accessed on September 15, 2023.

Table 3. FY2022 Black Sea Bass Annual Catch Limit And Commercial Quota Accounting

	Pounds	Metric tons	Percent of ACL (4,583 mt)
black sea bass commercial landings	3,790,386	1,719	37.5%
black sea bass state-permitted only vessel landings	1,538,030	698	15.2%
black sea bass estimated dead discards	1,386,311	629	13.7%
black sea bass commercial catch	6,714,727	3,046	66.5%

Source: CAMS database, accessed on September 15, 2023.

	Pounds	Metric tons	Percent of Commercial quota (2,934 mt)
black sea bass commercial landings (including commercial Research Set-Aside landings)	5,328,416	2,417	82.4%
black sea bass commercial Research Set-Aside landings	0	0	0.0%
black sea bass commercial landings (excluding commercial Research Set-Aside landings)	5,328,416	2,417	82.4%

Source: CAMS database, accessed on September 15, 2023.

Table 4. FY2022 Summer Flounder Landings by State

State	Commercial Landings (lbs)
MA	899,778
RI	2,087,578
CT	923,752
NY	1,377,949
NJ	2,417,774
DE	1,083
MD	411,245
VA	2,158,843
NC	2,265,847

Source: CAMS database, accessed on September 15, 2023.

Kiley Dancy

From: James Fletcher <unfa34@gmail.com>
Sent: Wednesday, November 29, 2023 9:47 AM
To: Kiley Dancy
Subject: Re: Reminder and materials for Advisory Panel meeting, Mon Dec 4, 3-6pm

On Recreational discussion WILL TOTAL LENGTH AND NO DISCARD EVER BE DISCUSSED?
DEAD DISCARDS WOULD BE ELIMINATED!
BOFFF BIG OLD FAT FEMALE FISH!! IS THIS SCIENCE/

On 11/28/2023 9:49 AM, Kiley Dancy wrote:

> Hello Summer Flounder, Scup, and Black Sea Bass Advisory Panel:
> This is a reminder of our meeting next **Monday, December 4, from 3-6pm.** Most of the meeting materials have been posted to the event page at: https://www.mafmc.org/council-events/2023/dec-04/sfsbsb-ap. Webinar connection information is on that page and copied below as well.
>
> The summary from the November 13-14 meeting of the Monitoring Committee is not yet available and will be posted later this week. In summary, the Monitoring Committee recommendations are as follows:
>
> **Recreational Measures**
> 1. The Monitoring Committee agreed with the staff recommendations for the specific percent changes in harvest needed for **summer flounder (28% reduci on) and scup (10% reduci on) for 2024-2025** (measures would be held constant over two years for these species).
> 2. The Monitoring Committee recommended that **black sea bass measures be held status quo** for 2024 due to special circumstances with the timing of the stock assessment.
> 3. Due to lack of available Recreational Demand Model results, the Monitoring Committee was not able to make specific recommendations for non-preferred coastwide and precautionary default measures associated with conservation equivalency for summer flounder. We have scheduled a follow up Monitoring Committee call for Thursday, December 7 from 1:30-3:30 pm.
>
> **Summer Flounder Commercial Mesh Regulations and Exemptions**
> 1. **Minimum mesh size:** The Monitoring Committee supported no changes to the current 5.5" diamond and 6.0" square mesh regulations at this time, given insufficient evidence that a change is warranted, lack of information to inform selection of a more appropriate square mesh equivalent, and concerns about costs to industry participants. The group identified additional studies on square mesh selectivity as a potential research priority for Council and Board consideration.
> 2. **Small Mesh Exemption Program:** The MC did not recommend any specific changes to the Small Mesh Exemption Program at this time, but supported further analysis of the industry recommendation to move the area's line to the west. Specifically, additional analysis of the potential biological impacts on summer flounder is needed. The proposed changes may be more complicated than what can be done through specifications and may require a separate action. The MC also recommended identifying improved data sources and methods of analysis for this exemption.
> 3. **Flynet exemption:** The MC agreed that the definition of a flynet under the flynet exemption in the regulations is in need of clarification and modernization. They supported a few tweaks to the definition to this effect, noting that it would bring the regulatory definition in line with current practice. However, they noted that there is limited information available on patterns of use of this exemption or on flynet-type nets outside of North Carolina, and that additional data

streams and methods of analysis are likely needed to understand trends in use of this gear type and the potential implications of the definition change. Staff and GARFO are seeking clarity on whether a definition change of this type could be done through specifications or would require a separate action.

Webinar information for Monday, December 4 AP meeting:

1. Click here to join the webinar (If prompted, enter Meeting Number: 2349 955 1755; Password: SFSBSB_AP)
2. Phone-Only Access: 1-415-655-0001 (U.S. Toll Free); Access code: 2349 955 1755. Please only use this option if you are not connecting to the webinar on your computer or device. Otherwise follow the audio connection prompts to call in when you join the webinar.

Please let us know if you have any questions and we will send the Monitoring Committee summary as soon as it's available.
Council and Commission staff

Kiley Dancy
Fishery Management Specialist
Mid-Atlantic Fishery Management Council
302-526-5257 (direct)
Email: kdancy@mafmc.org or kiley.dancy@noaa.gov

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United National Fisherman's Association James Fletcher Director 123 Apple Rd Manns Harbor NC 27953 land 252-473-3287 cell 757-435-8475