



## Accountability Measures for Summer Flounder, Scup, and Black Sea Bass (Revised 5/31/23)

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The Magnuson-Stevens Fishery Conservation and Management Act requires that Council Fishery Management Plans (FMPs) contain provisions for annual catch limits (ACLs) and “measures to ensure accountability.” The National Standards Guidelines state that accountability measures (AMs) “are management controls to prevent ACLs, including sector-ACLs, from being exceeded, and to correct or mitigate overages of the ACL if they occur. AMs should address and minimize both the frequency and magnitude of overages and correct the problems that caused the overage in as short a time as possible” (50 CFR 600.310 (g)).

AMs for summer flounder, scup, and black sea bass were first established through Amendment 15 in 2011. The recreational fishery AMs were modified through Amendment 19 in 2013 and Framework 17 in 2023. The commercial fishery AMs were modified through Framework 13 in 2018.<sup>1</sup> This document provides a summary of the current accountability measures for these fisheries.

All three species are jointly managed by the Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission (Commission). Some aspects of these AMs are included both FMPs, while others are included only in the Council or Commission’s FMP.

### Recreational Accountability Measures

AMs for summer flounder, scup, and black sea bass include reactive AMs for when the most recent three year average recreational ACL has been exceeded and proactive AMs to help prevent the ACLs from being exceeded.

**Proactive recreational AMs** include adjustments to the management measures (bag limits, size limits, and season) for the upcoming fishing years, if necessary, to allow recreational harvest to meet, but not exceed the relevant harvest target. The harvest target is defined based on the average recreational harvest limit (RHL, a landings-only limit which is derived from the ACL) for the upcoming two years, expectations of future harvest under the current measures, and biomass compared to the target level. Measures are set for two years at time, with the potential for revisions in interim years if necessary.

The FMPs and regulations do not allow for in-season closure of the recreational fisheries if the harvest target is expected to be exceeded prior to the end of the year. Therefore, measures must be set in a manner that is reasonably expected to prevent overages of the harvest target.

**Reactive recreational AMs** include a set of possible responses to exceeding the most recent three-year average recreational ACL, depending on stock status and which limits are exceeded. Paybacks of ACL overages may be required in a subsequent fishing year, depending on stock status and the scale 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

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<sup>1</sup> All FMP amendments and frameworks are available at <https://www.mafmc.org/sf-s-bsb>.

catch (i.e., landings and dead discards). If average catch exceeds the average ACL, then the appropriate AM is determined based on the following criteria:

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 three-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 2 years if doing so allows for use of identical recreational measures across the upcoming 2 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 will be made in the following year, or as soon as possible once catch data are available. These adjustments will take into account the performance of the measures and conditions that precipitated the overage.
  - b. If the most recent estimate of fishing mortality has exceeded  $F_{MSY}$  (or the proxy) (i.e., if overfishing occurred) in addition to the three-year average recreational ACL overage, then a single year deduction will be made as a payback, scaled based on stock biomass. The calculation for the payback amount is: (overage amount) \*  $(B_{msy} - B) / \frac{1}{2} B_{msy}$ . This payback may be evenly spread over 2 years if doing so allows for identical recreational management measures across the upcoming 2 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 acceptable biological catch (ABC) will be used.
3. If biomass is above the target ( $B > B_{MSY}$ ): Adjustments to the recreational management measures will be made for the following year, or as soon as possible once catch data are available. These adjustments will take into account the performance of the measures and conditions that precipitated the overage.

### Commercial Accountability Measures

The commercial fisheries have AMs to prevent overages of the commercial quota and the commercial ACL, as well as mechanisms for paybacks under certain circumstances if these limits are exceeded.

**Proactive commercial fishery AMs** include in-season monitoring and closure mechanisms at various levels depending on the species and the circumstances:

- For summer flounder, the Council and Commission's FMPs specify that individual states must close their commercial fisheries when landings reach their state allocation for that year. The commercial fishery may also close at the coastwide level for federally permitted vessels for the remainder of the year if "the inaction of one or more states will cause the commercial sector ACL to be exceeded, or if the commercial fisheries in all states have been closed." The fishery may reopen if earlier inaction by a state has been remedied by that state, or if commercial fisheries in one or more states have been reopened without causing the commercial ACL to be exceeded.
- For scup, the commercial fishery is closed for federally permitted vessels for the remainder of the quota period if the quota allocated to the Winter I, Summer, or Winter II quota period is reached or exceeded. During the summer quota period, the Commission's FMP specifies that states must close their fisheries if landings reach their state allocation for that period.
- For black sea bass, the Commission's FMP specifies that states must close their fisheries if their annual quota is reached or exceeded. The federal regulations specify that GARFO will close the

fishery to federally permitted vessels coastwide if the coastwide commercial quota is projected to be landed prior to the end of the year.

- In all cases, during a federal closure, federally permitted fish dealers may not purchase the species affected by the closure.

**Reactive commercial AMs** include potential paybacks for landings and/or discards overages, depending on the circumstances, as described below.

Overages of the coastwide quota must always be repaid, pound for pound in a following year, regardless of whether the ACL was also exceeded.

- For summer flounder, this is done at the state level. States that exceed their allocations pay back their own overages, regardless of whether the coastwide quota was exceeded.
- For scup, landings overages are deducted from the corresponding period's quota (Winter I, Summer, or Winter II) in a following year. Under the Commission's FMP, overages at the state level for the Summer period (the only period with state-by-state allocations) are deducted from that state's summer quota in the following year only if the coastwide quota was exceeded.
- For black sea bass, coastwide landings in excess of the annual coastwide quota will be deducted from the quota in a following year. Under the Commission's FMP, overages at the state level are deducted from that state's quota in the following year only if the coastwide quota was exceeded.

Commercial ACL overages are evaluated based on the most recent single year comparison of dead commercial catch to the commercial ACL in that year. If the ACL is exceeded due to estimated dead discards, the AMs are similar to those described above for the recreational fishery in that the need for a payback and the payback amount is determined based on stock status and other factors. When discards contribute to a commercial ACL overage, the following system is used to determine the appropriate response:

1. If the stock is overfished ( $B < \frac{1}{2} B_{MSY}$ ), under a rebuilding plan, or stock status is unknown, then the exact amount by which the most recent commercial ACL has been exceeded will be deducted in the following year as a single-year adjustment.
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 the commercial ACL has been exceeded, but not the overall ABC, then no payback is required.
  - b. If both the commercial ACL and the ABC have been exceeded, then a single year deduction will be made as a payback, scaled based on stock biomass. The calculation for the payback amount is:  $(\text{overage amount}) * (B_{msy} - B)^{1/2} B_{msy}$ .
3. If the current biomass is above the target ( $B > B_{MSY}$ ): no overage payback is required.