



**Summer Flounder, Scup, and Black Sea Bass Monitoring Committee
Webinar Meeting Summary
July 28, 2022**

Monitoring Committee Attendees: Tracey Bauer (ASMFC), Julia Beaty (MAFMC), Peter Clarke (NJ F&W), Dustin Colson Leaning (ASMFC), Kiley Dancy (MAFMC), Lorena de la Garza (NC DMF), Steve Doctor (MD DNR), Alexa Galvan (VMRC), Hannah Hart (MAFMC), Emily Keiley (GARFO), Mike Schmidtke (SAFMC), Rachel Sysak (NY DEC), Mark Terceiro (NEFSC), Corinne Truesdale (RI DEM), Sam Truesdell (MA DMF), Greg Wojcik (CT DEP), Rich Wong (DNREC)

Additional Attendees: John Almeida, Chris Batsavage (Council/Board member), Karson Cisneros (MAFMC), Greg DiDomenico (AP member), Michelle Duval (Council member), James Fletcher (AP member), Sonny Gwin (Council member), Laura Hansen, Dewey Hemilright (Council member), Meghan Lapp, Nichola Meserve (Board member), Adam Nowalsky (Council member), Willow Patten, Mike Waine (AP member)

The Summer Flounder, Scup, and Black Sea Bass Monitoring Committee (MC) met via webinar on Thursday, July 28, 2022 to review previously implemented 2023 commercial and recreational Annual Catch Limits (ACLs), Annual Catch Targets (ACTs), commercial quotas, and recreational harvest limits (RHLs) for summer flounder, scup, and black sea bass. In addition, the MC reviewed commercial management measures for all three species, and the February recreational black sea bass opening, to consider whether changes were needed for 2023. As noted below, after the webinar, additional MC input was provided over email on the February recreational black sea bass fishery and projected recreational black sea bass discards.

Briefing materials considered by the Monitoring Committee are available at:
<https://www.mafmc.org/council-events/2022/summer-flounder-scup-and-black-sea-bass-monitoring-committee>.

Summer Flounder 2023 Specifications

Based on the revised commercial/recreational allocation adopted in December 2021, 2023 ACLs will be derived by a formulaic application of the catch-based allocation to the Acceptable Biological Catch (ABC). Based on the SSC's recommendation to maintain the 33.12 million pound ABC for 2023, the resulting commercial ACL would be 18.21 million pounds and the recreational ACL would be 14.90 million pounds (Table 1).

The MC maintained their previous recommendation to take no deductions from the 2023 commercial or recreational ACLs to ACTs to account for management uncertainty. The MC agreed with the rationale in the staff memo, including that the commercial fishery is well controlled with in-season closure authority and commercial discard overages observed in 2017-2018 are less of a concern under higher quotas since mid-2019. Recreational harvest relative to the RHL has been variable in recent years but was well below the RHL in 2021. The recreational ACL has not been exceeded in recent years for which there is catch data (dead discard data are currently not available for 2020 or 2021).

The MC agreed with the staff recommendation to maintain the current method of projecting 2023 dead discards for each sector. Projected dead discards are subtracted from the sector ACTs to arrive at the commercial quota and RHL. Under this method, total expected discards are estimated from the ABC projections received from the Northeast Fisheries Science Center (NEFSC) and apportioned to the commercial and recreational fisheries based on a 3-year moving average of dead discards by sector. In this case, 2017-2019 dead discard data indicate that 41% of dead discards came from the commercial sector and 59% from the recreational sector. This remains the most recent 3-year period of available dead discards estimates in weight. One MC member asked if an alternative method of instead applying the revised allocation percentages (55% commercial/45% recreational) to total projected discards warranted consideration. Ultimately the MC agreed it was preferable to use more recent years of data to better capture recent trends in the proportion of discards by sector as the allocations are based on data from 1981-1989. Because the 2023 projection of total discards was not revised, maintaining the existing method results in the same quantity of expected discards for each sector in 2023 as the previously adopted specifications.

Removing projected dead discards from the MC recommended sector ACTs results in a commercial quota of 15.27 million pounds and an RHL of 10.62 million pounds (Table 1). Compared to the previously adopted 2022-2023 limits, the commercial quota would decrease by 2% and the RHL would increase by 3%.

The MC agreed with the staff recommendation that no changes be made to the Fishery Management Plan requirements for commercial minimum fish size (14-inch total length), commercial gear requirements, and mesh size exemption programs for 2023. However, the MC continues to support further analysis and future consideration of modifications for several issues related to the mesh size regulations and exemptions, as described in the [July 14, 2022 staff memo](#) for summer flounder. These issues have been discussed over the past several years, but additional evaluation has been identified as a lower priority by the Council and Board given other ongoing management actions and priorities.

Table 1: Previously approved 2022-2023 catch and landings limits for summer flounder as well as MC recommended revisions for 2023. Italicized text indicates a change in methodology for calculating the associated measure.

Measure	2022-2023		Basis	2023 MC Rec.		Basis
	mil lb	mt		mil lb	mt	
OFL	36.28 (2022) 34.98 (2023)	16,458 (2022) 15,865 (2023)	Stock assessment projections	34.98	15,865	Stock assessment projections
ABC	33.12	15,021	July 2021 SSC recommendation	33.12	15,021	July 2022 SSC recommendation (no changes to previous ABC)
ABC landings	25.89	11,743	ABC projections provided by the NEFSC; averaged 2022-2023 expected landings	NA	NA	Not needed under new catch-based allocation
ABC dead discards	7.23	3,279	ABC projections provided by the NEFSC; averaged 2022-2023	7.23	3,279	Same basis as previously approved.
Com. ACL	18.48	8,382	60% of ABC landings portion (current FMP allocation) + expected comm. dead discards	18.21	8,262	<i>55% of ABC (revised commercial allocation)</i>
Com. ACT	18.48	8,382	No deduction from ACL for management uncertainty	18.21	8,262	Same basis as previously approved.
Expected com. dead discards	2.95	1,336	59% of ABC dead discards portion, based on 2017-2019 average % dead discards by sector	2.95	1,336	Same basis as previously approved.
Com. quota	15.53	7,046	Comm. ACT, minus expected comm. dead discards	15.27	6,925	Same basis as previously approved.
Rec. ACL	14.64	6,639	40% of ABC landings portion (FMP allocation) + expected rec. dead discards	14.90	6,759	<i>45% of ABC (revised recreational allocation)</i>
Rec. ACT	14.64	6,639	No deduction from ACL for management uncertainty	14.90	6,759	Same basis as previously approved.
Expected rec. dead discards	4.28	1,942	59% of ABC dead discards portion, based on 2017-2019 average % dead discards by sector	4.28	1,942	Same basis as previously approved.
RHL	10.36	4,697	Rec. ACT minus expected rec. dead discards	10.62	4,817	Same basis as previously approved.

Scup 2022-2023 Specifications

The MC agreed with the staff recommendation for 2023 ACLs, ACTs, and landings limits based on the SSC's ABC recommendations to maintain the previously adopted 2023 ABC (Table 2). The recommendations for commercial and recreational ACLs reflect the revisions to the commercial/recreational allocation adopted in December 2021.

The MC maintained their previous recommendation to take no deductions from the 2023 commercial or recreational ACLs to ACTs to account for management uncertainty. The MC agreed with the rationale presented by staff, including that the commercial fishery is well monitored and can be controlled by in-season closures if needed. They also agreed that since commercial quota and commercial/recreational ACL overages are historically uncommon for this fishery adding a management uncertainty buffer was not necessary at this time. More restrictive recreational measures were put in place with the goal of preventing a 2022 RHL overage and an updated management track assessment is expected in 2023. Additionally, it is currently unknown if a reduction or liberalization compared to 2022 will be needed under the Recreational Harvest Control Rule Framework/Addenda Percent Change Approach, approved for use starting with 2023 recreational measures. For these reasons, the MC agreed that adding a management uncertainty buffer for the recreational sector does not seem necessary

The MC agreed with the staff recommendation to maintain the current method of projecting 2023 dead discards for each sector. The current method of projecting dead discards is the same method described above under summer flounder. Under this approach, using the most recent 3 years of discard data available, 2017-2019, 82.6% of total projected 2023 discards would be subtracted from the commercial ACT and 17.4% from the recreational ACT, resulting in the commercial quota and RHL shown in Table 2.

The MC recommended no changes to commercial measures which can be modified through specifications (Winter I and II possession limits, commercial minimum fish size, and commercial gear requirements) for 2023. The MC agreed because there is no new information and the lengthy discussion concerning commercial regulations last year, no changes are needed at this time. However, as described in the section above for summer flounder, the MC agrees further analysis and future consideration of modifications for several mesh size regulations and exemptions should be a conducted in a future year.

Public Comments

An AP member requested the MC to recommend decreasing the recreational size limit in state waters coast wide or move to a total length limit to increase angler satisfaction and reduce discard mortality.

A Council member also questioned at what point a percentage is deducted for management uncertainty and where that percentage is derived from. The Council member was curious as to why that buffer can be so variable from species to species and why the process differs between the different councils.

Table 2: Previously adopted 2022-2023 scup catch and landings limits as well as 2023 MC recommended changes. Italicized text indicates a change in methodology for calculating the associated measure.

Mgmt. measure	Previously adopted				Basis	MC recommendation		
	2022-2023					2023		Basis
	mil lbs.	mt	mil lbs.	mt		mil lbs.	mt	
OFL	32.56	14,770	30.09	13,648	Assessment projections	30.09	13,648	Same basis as previously approved.
ABC	32.11	14,566	29.67	13,460	Assessment projections & risk policy	29.67	13,460	Same basis as previously approved.
ABC discards	5.65	2,564	6.39	2,900	Assessment projections	6.39	2,900	Same basis as previously approved.
Com. ACL	25.05	11,361	23.15	10,499	78% of ABC	19.29	8,749	<i>65% of ABC (new commercial allocation)</i>
Com. ACT	25.05	11,361	23.15	10,499	Set equal to com. ACL; no deduction for management uncertainty	19.29	8,749	Same basis as previously approved.
Projected com. discards	4.67	2,117	5.28	2,394	82.6% of ABC discards (avg. % of dead discards from commercial fishery, 2017-2019)	5.28	2,394	Same basis as previously approved.
Com. quota	20.38	9,245	17.87	8,105	Commercial ACT minus projected commercial discards	14.01	6,355	Same basis as previously approved.
Rec. ACL	7.06	3,205	6.53	2,961	22% of ABC	10.39	4,711	<i>35% of ABC (new recreational allocation)</i>
Rec. ACT	7.06	3,205	6.53	2,961	Set equal to recreational ACL; no deduction for management uncertainty	10.39	4,711	Same basis as previously approved.
Projected rec. discards	0.99	447	1.12	506	17.4% of the ABC discards (avg. % of dead discards from rec. fishery, 2017-2019)	1.12	506	Same basis as previously approved.
RHL	6.08	2,757	5.41	2,455	Recreational ACT minus projected recreational discards	9.27	4,205	Same basis as previously approved.

Black Sea Bass 2023 Specifications

Summary

The MC agreed by consensus with the staff recommendations for 2023 black sea bass ACLs, ACTs, commercial discards projections, and commercial measures. The MC did not reach consensus on the recommended approach to 2023 projected recreational discards. As described in more detail below, **seven MC members supported the staff recommendation for recreational projected dead discards and five MC members supported the prior years' method.**

The MC agreed that further discussion was warranted regarding the February recreational fishery. After the webinar meeting, a sub-group of the MC continued to further discuss the February recreational fishery to help determine the best path forward. Their recommended approach is described below and was approved by the full MC over email.

The 2023 commercial and recreational catch and landings limits recommended by the MC are shown in Table 3.

Management Uncertainty

For similar reasons as described above for summer flounder and scup, the MC recommended no management uncertainty buffer in either sector for 2023.

Projected Dead Discards

For 2021-2022 specifications, black sea bass projected dead discards were calculated based on an assumption that dead discards as a proportion of total dead catch in each sector would be equal to the average sector-specific proportions during the most recent three years of available data. This method differs from that used for summer flounder and scup in that it is not informed by ABC projections provided by the NEFSC as those projections are not available for black sea bass. In addition, it starts with sector-specific assumptions, rather than dividing total projected dead discards into sector-specific amounts based on recent proportions. This method could be adapted for 2023 specifications under the revised catch-based allocation by applying the 3-year average proportion of dead discards in each sector to the respective ACLs. As previously stated, 2019 is the most recent year for which dead discard estimates are currently available.

The MC agreed that no change is needed to the dead discard projection methodology for the commercial sector for 2023. They had a lengthy discussion on the best method for projecting 2023 recreational dead discards. Some of this discussion continued over email. Ultimately, **seven MC members supported the staff recommendation of using a simple three-year average of recreational dead discards (i.e., 3.04 million pounds) and five MC members supported using the 2021-2022 method (i.e., 2.14 million pounds).** Multiple Council and Commission staff are members of the MC. They agreed that for the purposes of voting, all Council staff would count as one vote and Commission staff would count as one vote.

One complication of comparing these two methods is that the 2021-2022 method was not reproduced for years prior to 2021 as it requires complex calculations due to the previous landings-based allocation. Given that discard estimates for 2020-2021 are not yet available, it is not yet possible to predict how well this method predicted discards.

Several MC members who supported the simple three-year average for the recreational fishery noted that the resulting value is more in line with recreational discard estimates through 2019 than

the value resulting from the 2021-2022 method. One MC member said this is likely because the three-year average approach does not require an assumption that recreational dead catch will be equal to the ACL. This assumption can lead to underestimation of discards because the ACL has been exceeded for several years in a row. One MC member expressed concern that continued underestimation of discards could contribute to continued ACL overages. It is currently unknown how catch will compare to the ACL under the Recreational Harvest Control Rule Percent Change Approach, which will be used to set the bag, size, and season limits for 2023. However, under the Percent Change Approach, measures will not be tied as closely to an RHL (or, by extension, an ACL) as in previous years.

One MC member also noted that, although we don't have recent data, we also don't have information to suggest that discards decreased below 2015-2019 levels (Figure 1). However, one MC member noted that the black sea bass RHL increased by 59% and 73% in 2020 and 2021 relative to the 2019 RHL. This could have resulted in reduced discards.

One MC member noted that a rough estimate of 2020 recreational dead discards in weight using the average weight of discarded fish results in about 3 million pounds of recreational dead discards, which is similar to the 2017-2019 average.

Of the five MC members who supported use of the 2021-2022 method for both sectors, three noted similarities with the approach used for summer flounder and scup and supported consistency across species and sectors. Two MC members expressed concern about the lack of information to assess how accurately the 2021-2022 approach projected discards. Therefore, although it appears that this method may underestimate discards, we cannot know for sure how well it predicted 2021-2022 discards based on information currently available. Two MC members expressed support for maintaining the current approach for one more year because by this time next year, three additional years of data will be available through a management track assessment and these data will allow for evaluation of the performance of this approach. One MC member also expressed concern that over-estimating discards can create a negative feedback loop by leading to more restrictive measures, which can in turn increase discards.

Three MC members said they would not be opposed to averaging the two approaches described above, especially if it allowed the MC to reach consensus. However, no other MC members supported this and most continued to support one of the two approaches described above.

Commercial Management Measures

The MC agreed that no changes are needed to the commercial measures which can be modified through specifications (possession limits, including those triggering the minimum mesh requirements, gear restrictions, and minimum fish size) for 2023.

February Recreational Opening

Starting in 2018, the Council and Commission provided states the opportunity to open their recreational black sea bass fisheries during the month of February under specific conditions, as described in more detail in the [July 14, 2022 staff memo for black sea bass](#).

Starting with the 2022 recreational measures, the Council and Board will now make an annual decision to either waive the federal waters recreational measures for black sea bass in favor of the state waters measures, or implement one set of coastwide measures which would be applied uniformly in all states and federal waters. This approach poses challenges for the February recreational opening because under the current process, states participating in the February

opening would be held to the coastwide measures during February, even when those measures are waived as “non-preferred coastwide measures.” This is due to the typical timing of rulemaking for waiving federal waters measures. Federal measures cannot remain waived from one year to the next.

Virginia participated in the optional February opening during 2018-2021 and expressed an interest in participating in 2023. However, the MC representative from Virginia said the current non-preferred coastwide measures may be too restrictive for their recreational fishery stakeholders to see the benefits of the February opening. The MC has been very supportive of the Virginia monitoring program for the February fishery. Participating captains or operators of each vessel must have a permit that is specific to this February opening, must hail to the Virginia Marine Resources Commission’s Marine Police Operations station prior to or just after the start of each trip, and must report the number of anglers and number of kept and released black sea bass for every trip. This information is used to adjust measures in Virginia later in the year to account for February harvest. The MC agreed that under this same program, it should not be a problem for Virginia to open their season during the month of February with measures that are more liberal than the current non-preferred coastwide measures as all harvest will be accounted for when adjusting measures later in the year.

During the MC meeting, the group could not determine the best path forward to address the challenges posed by the non-preferred coastwide measures. A subset of the MC continued these discussions after the meeting and put forward a proposal to use the specifications process to clarify that **vessels landing black sea bass in a state with an approved Wave 1 recreational fishery are subject to the state regulations during that Wave 1 fishery**. This differs from the current process in that states with an approved February fishery would not need to match the federal waters measures. The full MC approved this recommendation over email.

The Commission’s Technical Committee will still review all state proposals for February recreational openings and those proposals would need to be approved by the Board. It is not anticipated that other states besides Virginia will participate in 2023; however, if they do, the MC recommends use of a monitoring approach similar to that used by Virginia.

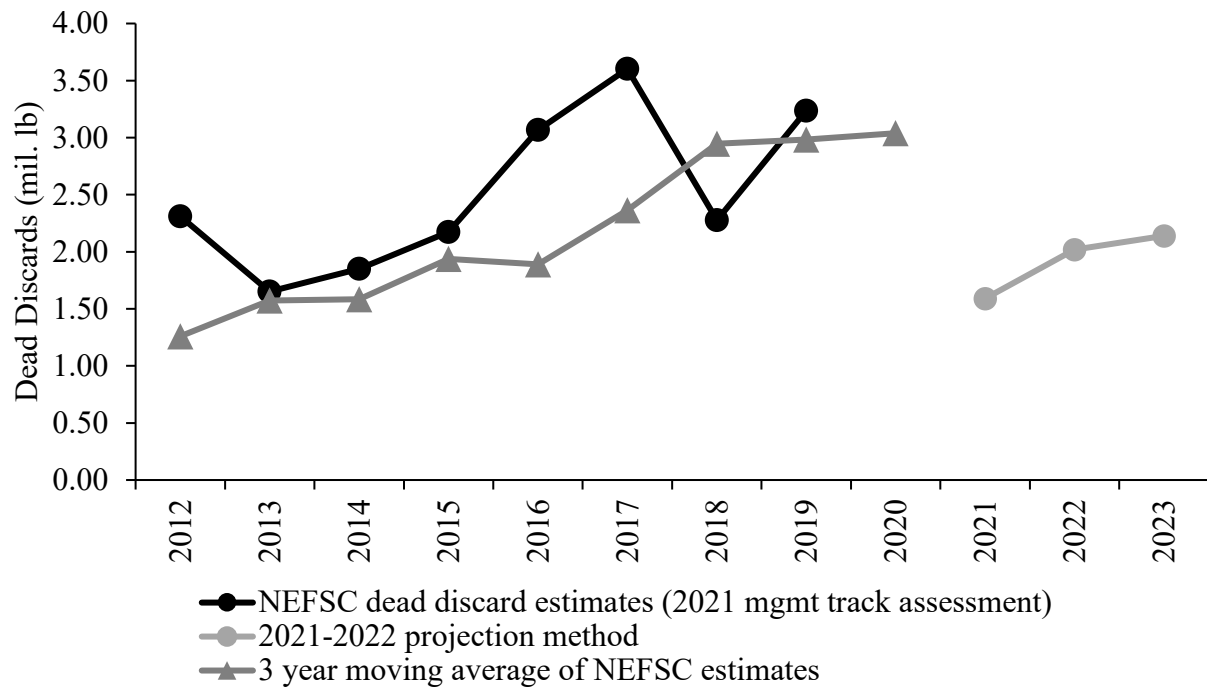


Figure 1: Black sea bass recreational dead discard estimates from the 2021 management track assessment (only available through 2019), compared to a three-year moving average of those estimates and the 2021-2022 method for projecting recreational dead discards.

Table 3: Previously approved 2022-2023 catch and landings limits for black sea bass as well as MC recommended revisions for 2023. Italicized text indicates a change in methodology for calculating the associated measure. See note above about the lack of MC consensus on the projected recreational discard estimate.

Measure	Previously Approved				Basis	MC Recommended Revisions		
	2022		2023			2023		
	mil lb	mt	mil lb	mt		mil lb	mt	Basis
OFL	19.26	8,735	17.01	7,716	SSC recommendation.	17.01	7,716	Same basis as previously approved.
ABC	18.86	8,555	16.66	7,557	SSC recommendation.	16.66	7,557	Same basis as previously approved.
ABC landings	13.20	5,990	11.66	5,291	ABC - expected com. and rec. dead discards	NA	NA	Not needed under new catch-based allocation.
Com. ACL	10.10	4,583	8.93	4,048	49% of ABC landings portion (com. allocation) + expected com. disc.	7.50	3,401	<i>45% of ABC (commercial allocation)</i>
Com. ACT	10.10	4,583	8.93	4,048	Equal to the ACL; no deduction for management uncertainty	7.50	3,401	Same basis as previously approved.
Expected com. dead discards	3.63	1,649	3.21	1,456	Com. dead disc. = 36% of com. catch (2017-2019 avg.)	2.70	1,224	Same basis as previously approved but accounting for allocation change.
Com. quota	6.47	2,934	5.71	2,592	Com. ACT minus expected com. dead discards	4.80	2,177	Same basis as previously approved.
Rec. ACL	8.76	3,972	7.74	3,509	51% of ABC landings portion (rec. allocation) + expected rec. disc.	9.16	4,156	<i>55% of ABC (recreational allocation)</i>
Rec. ACT	8.76	3,972	7.74	3,509	Equal to the ACL; no deduction for management uncertainty	9.16	4,156	Same basis as previously approved.
Expected rec. dead discards	2.02	917	1.79	810	Rec. dead disc. = 23% of rec. catch (2017-2019 avg)	3.04	1,378	<i>Three-year avg. of most recent discard estimates available (2017-2019)</i>
RHL	6.74	3,055	5.95	2,699	Rec. ACT minus expected rec. dead discards	6.12	2,778	Same basis as previously approved.