



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 14,566 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<sup>1</sup> 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.

<sup>1</sup> NOAA Fisheries. 2023. Stock SMART data records. Retrieved from [apps-st.fisheries.noaa.gov/stocksmart](https://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<sup>2</sup> (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**

<b>Fishing Year</b>	<b>Landings</b>	<b>Discards<sup>3</sup></b>	<b>Total Catch</b>	<b>ACL</b>	<b>MRIP</b>
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
		<b>Average</b>	<b>5,015</b>	<b>5,840</b>	

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

<b>Fishing Year</b>	<b>Landings</b>	<b>Discards</b>	<b>Total Catch</b>	<b>ACL</b>	<b>MRIP</b>
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
		<b>Average</b>	<b>7,735</b>	<b>3,416</b>	

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

<b>Fishing Year</b>	<b>Landings</b>	<b>Discards</b>	<b>Total</b>	<b>ACL</b>	<b>MRIP</b>
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
		<b>Average</b>	<b>6,137</b>	<b>3,745</b>	

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

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

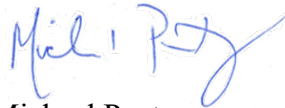
<sup>3</sup> The 2020 and 2021 summer flounder and scup recreational discard estimates have been revised based on the 2023 Management Track Assessments. While the estimates differ from those in the October 20, 2022, GARFO to MAFMC letter, this update does not change the fact that the recreational harvest 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%
<b>summer flounder commercial catch</b>	<b>14,093,073</b>	<b>6,393</b>	<b>76.3%</b>

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%
<b>scup commercial catch</b>	<b>16,996,441</b>	<b>7,709</b>	<b>67.9%</b>

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%
<b>black sea bass commercial catch</b>	<b>6,714,727</b>	<b>3,046</b>	<b>66.5%</b>

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.