

*Atlantic States Marine Fisheries Commission*

**DRAFT ADDENDUM XXV TO THE SUMMER  
FLOUNDER, SCUP, BLACK SEA BASS FISHERY  
MANAGEMENT PLAN**

*Summer Flounder and Black Sea Bass Recreational Management in 2014*



**This draft document was developed for Management Board review and discussion.**

**This document is not intended to solicit public comment as part of the Commission/State formal public input process. Comments on this draft document may be given at the appropriate time on the agenda during the scheduled meeting.**

**If approved, a public comment period will be established to solicit input on the issues contained in the document.**

*ASMFC Vision Statement:*

*Healthy, self-sustaining populations for all Atlantic coast fish species or successful restoration well in progress by the year 2015.*

**December 2013**

## **1.0 Introduction**

This Draft Addendum is proposed under the adaptive management/framework procedures of Amendment 12 and Framework 2 that are a part of the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP). Summer flounder, scup, and black sea bass fisheries are managed cooperatively by the states through the Atlantic States Marine Fisheries Commission (Commission) for state waters (0-3 miles), and through the Mid-Atlantic Fishery Management Council (Council) and the NOAA Fisheries for federal waters (3-200 miles).

The management unit for summer flounder, scup, and black sea bass in US waters is the western Atlantic Ocean from Cape Hatteras, North Carolina northward to the US-Canadian border. The Commission's Summer Flounder, Scup, and Black Sea Bass Management Board (Board) approved the following motions on October 29, 2013:

- 1) *Move to initiate an addendum to the summer flounder, scup, and black sea bass fisheries management plan to consider and develop alternate approaches for management of the recreational summer flounder fishery for the 2014 fishing season;*
- 2) *Move to initiate an addendum using an ad hoc regional approach in the recreational black sea bass fishery.*

This Draft Addendum proposes alternate approaches for management of the recreational summer flounder and black sea bass recreational fisheries for the 2014 fishing year with the possibility to extend the measures for an additional year.

## **2.0 Overview**

### **2.1 Statement of the Problem**

#### **2.1.1 Summer Flounder**

It is important that Commission fishery management plans strive to provide recreational anglers with equitable access to shared fishery resources throughout the range of each managed species. While equitable access is difficult to characterize, it generally relates to the distribution, abundance, and size composition of the resource vis-à-vis the abundance and distribution of anglers along the coast.

There is a growing concern that the management measures set forth under the Summer Flounder FMP are not providing recreational fishermen along the coast with equitable access to the summer flounder fishery. Those measures, involving use of state conservation equivalency on a state-by-state basis, are increasingly being viewed as problematic due to several factors, including: reliance upon recreational harvest estimates for a single year (1998) as the basis for individual state allocations; a change in the abundance and distribution of the resource; and changes in the socio-economic characteristics of the fishery.

The dynamic stock characteristics of summer flounder, such as recruitment, spawning stock biomass and age class expansion, for the last 20 years have challenged managers. These elements of the fishery have created a need for more dynamic and adaptive management that can handle potential inequities that may arise.

### 2.1.2 Black Sea Bass

During the past 15 years, the black sea bass recreational harvest target was exceeded six times, most recently in 2010, 2012, and 2013 when the harvest target was the lowest in the time series. The management plan for black sea bass does not provide an opportunity to craft recreational measures by regions or state, it only allows for a coastwide measure. Due to the wide geographic range of this species, the application of coastwide minimum size, possession limit, and season restrictions may not affect every area involved in the fishery the same way. States are concerned that the coastwide regulations have disproportionately impacted states within the management unit. To address these concerns, the Board approved Addendum XXIII to provide the necessary management flexibility to mitigate potential disproportionate impacts on states in 2013. Addendum XXIII established regional management for 2013 black sea bass recreational fishery and Draft Addendum XXV proposes to continue regional approaches for black sea bass recreational fishery management in 2014.

## **2.2 Background**

### **2.2.1 Summer flounder**

Amendment 2, which introduced quota-based to the summer flounder fishery, initially required each state (Massachusetts to North Carolina) to adopt the same minimum size and possession limit as established in federal waters, allowing only for different open seasons. The consistent measures were intended to achieve conservation equivalency in all state and federal waters throughout the range of the resource. However, states soon found that one set of measures applied coastwide did not achieve equivalent conservation due to the significant geographic differences in summer flounder abundance and size composition.

To address this disparity, the FMP was amended (in 2001 via Addendum IV and again in 2003 via Addendum VIII) to allow for the use of state conservation equivalency to manage recreational harvests. Since 2001, the FMP has allowed for, and the Commission and Council have utilized, a state-by-state allocation formula, based on estimates of state recreational landings in 1998, to establish individual state harvest targets. Individual states have the flexibility to tailor their regulations – namely, minimum size, possession, and season limits – to meet the needs and interests of their fishermen, provided that the targets are not exceeded. The individual state allocations, as a percentage of the total coastwide recreational harvest limit, are set forth in Table 1.

#### *Re-assessing in the Face of Changing Conditions:*

The interim solution of state-by-state conservation equivalency based on estimated state harvests in 1998 succeeded, initially, in mitigating the disparity in conservation burden among states, but the approach is increasingly being viewed as an inadequate long-term solution, given recent changes in resource status and fishery performance. Fifteen years have passed since 1998. Even if the allocations were perfectly equitable when adopted over a decade ago, they are now likely out of synch given the substantial variation in stock dynamics that has occurred since then. Over the many years since Amendment 2

was first implemented, the summer flounder stock spawning stock biomass has increased approximately six-fold, and the number of age classes has increased from 2-3 to 7 or more. These changes have led to significant geographic shifts in the distribution of the resource. (As the stock has rebuilt, its range has expanded). Climate change may also be contributing to shifts in migratory patterns, spatially and temporally. Taken together, these changing conditions have altered the dynamics regarding the challenge of maintaining balance in equivalent conservation burden across the range of the species.

Further, the 1998-based allocation formula set forth by the FMP does not reflect changes in socio-economic patterns over the past fifteen years, particularly with regard to the number and distribution of anglers along the coast. During this time, estimates of angler participation have increased 35% from 4.6 million in 1998 to 6.2 million in 2012 (Table 2). Landings by mode have also changed over the past 15 years, with decreases across all modes (Table 3). Lastly, the Summer Flounder Advisory Panel members for the Commission and Council have noted that the continuing rising cost of fuel, bait and other trip expenditures have impacted anglers financially.

Finally, any attempt to allocate harvest opportunities on the basis of estimated recreational harvests for a given year is necessarily fraught with uncertainty and error, given the general difficulty of measuring recreational catch and effort, and the particular difficulty of doing so on a state-by-state basis. Over the past 15 years, there have been strides made by NOAA Fisheries to more accurately estimate catch and effort data by reducing the potential for bias. This has been and will continue to be a process in improving precision in estimates for species such as summer flounder, due to factors including weighting survey intercepts, variety of fishing modes, and catch rates.

#### *Alternative Approaches:*

A more realistic and flexible gauge of equitable conservation may be needed to enable the summer flounder management program to adjust to past, current, and future changes in the resource and the fishery. The biological characteristics of the summer flounder stock have changed with the restoration of this stock that occurred in 2010. In particular, there has been a substantial expansion in the size and age composition, as more large summer flounder and greater overall abundance have resulted from management conservation measures over the course of a decade. Since 2011 there have been reductions in the recreational harvest limit (RHL) partly because the spawning stock biomass has been less than the SSBMSY proxy =  $SSB_{35\%} = 137.555$  million pounds. In addition, recruitment has been below average since 2009, and these two stock conditions could lower future recreational harvest limits and this would present additional challenges to equitability in fishing and harvest opportunities among states.

### **2.2.2 Black Sea Bass**

The black sea bass recreational fishery is managed on a “target quota” basis. Fifty-one percent of the total allowable landings are allocated as a recreational harvest target and forty-nine percent is allocated to the commercial sector. From 1996 to 2010, a uniform coastwide size, season, and bag limits had been used by the Commission and Council to

constrain the recreational fishery to the annual harvest limit (Table 4). States were concerned that the coastwide regulations disproportionately impacted states within the management unit; therefore, the Board approved several addenda which allowed for state-by-state and regional measures for 2011 through 2013 in state waters only. Each of the addenda expired at the end of one year. The Board passed Addendum XXIII in 2013 to provide the necessary management flexibility to mitigate potential disproportionate impacts through the use of regional ad hoc management. Table 5 shows the individual state regulations for the 2013 fishing year. In 2013, the projected coastwide harvest is estimated at 2.43 million pounds or, approximately 170,000 pounds over the harvest target (2.26 million pounds) (Tables 4 & 6). The management plan for black sea bass does not provide an opportunity to craft recreational measures by regions or state, it only allowed for a coastwide measure. Due to the wide geographic range of this species, the application of coastwide minimum size, possession limit, and season restrictions may not affect every area involved in the fishery the same way. Additionally, black sea bass migrations may result in differences in availability to the recreational fishery in each state.

## **2.3 Description of the Fishery**

### **2.3.1 Summer Flounder**

In practice, the recreational fishery for summer flounder is managed on a “target quota” basis. A set portion of the total allowable landings is established as a RHL, and management measures are established by the states that can reasonably be expected to constrain the recreational fishery to this limit each year. It has historically been deemed impractical, because of the limitations of producing timely landing estimates, to try to manage these recreational fisheries based on a real-time quota.

With a catch of over 5.5 million fish and a harvest of over 500,000 fish in 2012, New York is second only to New Jersey (1 million fish harvested in 2012) in the size of its fluke fishery (Table 7). Virginia ranks third with 259,973 fish harvested. Catch and harvest levels diminish rapidly, thereafter, such that the smallest landing state (Maryland) landed 22,617 fish and the combined harvest of six states (MA, RI, CT, DE, MD, NC) totals 372,632 fish.

Minimum sizes adopted by states follow a general south to north pattern of increasing size. In 2013, they ranged from 15 inches in North Carolina (smallest) to 19 inches in New York (largest), and then drop again northward to Massachusetts (Table 8). Despite the wide range in minimum sizes, only two states: New York and New Jersey exceeded their targets in 2012 (Table 7). For many other states, harvest fell significantly below 2012 targets despite expectations that the adopted regulatory programs would produce landings near their targets. These states were allowed to adopt more liberal regulations in 2013 even with lower harvest targets, because their 2012 harvest was lower than the 2013 target.

In assessing the performance of the summer flounder recreational fishery, fishing opportunities and success vary across the range of the management unit (Table 9). Using metrics including retention rate, fishing trips, possession limits, season length, and

scoring each state in relation to each of other, the fishing opportunity differs on a state by state basis with little to no regional distinction; for example, retention rates are highest in the states of Virginia and Massachusetts, and the lowest in New York and Maryland (Table 9). Fishing seasons also vary significantly along the coast, with states such as North Carolina and Virginia open all year, while Massachusetts and New Jersey have the shortest seasons within the management unit (132 and 147 days respectively). Interest or avidity in relation to successful trips also varies widely as well; for example, trips targeting summer flounder are lowest in North Carolina (.02% of all trips) and highest in New Jersey and New York, yet the highest success rates for targeted trips in relation to harvest is North Carolina by a large margin (Table 9). Bag limits also vary across the states from the most restrictive in Maryland (3 fish possession limit) to least in Rhode Island (8 fish possession limit). Lastly, in comparing states to their nearest neighboring state regarding size limit, states differ significantly, with New York having the highest difference between its two neighbors (1.8 inch average difference compared to Connecticut and New Jersey) and smallest between Maryland and its neighboring states.

#### *Recreational Survey Estimates*

The Marine Recreational Information Program, or MRIP, is the new way NOAA Fisheries is counting and reporting marine recreational catch and effort. It is a angler-driven initiative that will not only produce better estimates, but will do so through a process grounded in the principles of transparency, accountability and engagement. MRIP replaces the Marine Recreational Fisheries Statistics Survey, or MRFSS, which has been in place since 1979. MRIP is designed to meet two critical needs: (1) provide the detailed, timely, scientifically sound estimates that fisheries managers, stock assessors and marine scientists need to ensure the sustainability of ocean resources and (2) address head-on stakeholder concerns about the reliability and credibility of recreational fishing catch and effort estimates.

The MRIP is an evolving program with ongoing improvements. Most recently, NOAA Fisheries scientists, in partnership with leading outside experts, have created an improved method for estimating recreational catch using data from existing shoreside angler survey data. The new method addresses a major concern raised by the National Research Council's evaluation of MRFSS –that the MRFSS catch estimation method was not correctly matched with the sampling design used gathering data, leading to potential bias in the estimates. Eliminating potential sources of bias is a fundamental change that lays the groundwork for future improvement and innovations, many of which are already being piloted. More detailed information on the improvement to the MRIP program can be found at <https://www.st.nmfs.noaa.gov/mrip/aboutus/timeline.html>.

#### **2.3.2 Black Sea Bass**

Black sea bass are generally considered structure oriented, preferring live-bottom and reef habitats. Within the stock area, distribution changes on a seasonal basis and the extent of the seasonal change varies by location. In the northern end of the range (Massachusetts to New York), sea bass move offshore crossing the continental shelf, then south along the edge of the shelf . By late winter, northern fish may travel as far south as Virginia, however most return to the northern inshore areas by May. Sea bass along the

Mid-Atlantic (New Jersey to Maryland) head offshore to the shelf edge during late autumn, traveling in a southeasterly direction. They also return inshore in spring to the general area from which they originated, 2009. Black sea bass in the southern end of the stock (Virginia and North Carolina) move offshore in late autumn/early winter. Because they are close to the continental shelf, they transit a relatively short distance, due east, to reach over-wintering areas (Moser and Shepherd, 2009). Fisheries also change seasonally with changes in distribution; recreational fisheries generally occur during the period that sea bass are inshore.

An examination of the previous 7 years of recreational harvest data shows there is no systematic pattern in state harvest. In the most recent years, the states of Delaware and Massachusetts have seen an increase in harvest (Figures 1 and 2); Maryland and Virginia have seen a decline in harvest (Figures 2); and Connecticut and Rhode Island have remained fairly stable (Figures 1 and 2). For the past 3 years, the states of Massachusetts, New York and New Jersey make up the majority of the coastwide harvest. An examination of average state-specific MRIP harvest estimates by 'Area Harvested' (State v. EEZ waters) for the last 3 years indicate that the majority of the black sea bass fishery occurs in state waters in Massachusetts, Rhode Island, Connecticut, and New York (60%). For the states of Delaware to North Carolina, the majority of fishery operates in the waters of the EEZ (NJ and VA 31% and DE, MD and NC 9%).

## **2.4 Status of the Stock**

### **2.4.1 Summer Flounder**

The most recent peer-reviewed benchmark assessment for summer flounder was conducted by the July 2013 Stock Assessment Workshop/Stock Assessment Review Committee. The assessment utilizes an age-structured assessment model called ASAP. Results of the benchmark assessment indicate that the summer flounder stock was not overfished and overfishing was not occurring in 2012 relative to the biological reference points. The fishing mortality rate has been below 1.0 since 1997 and was estimated to be 0.285 in 2012, below the threshold fishing mortality reference point  $F_{MSY} = 0.309$ . Spawning stock biomass (SSB) was estimated to be 113 million pounds (51,238 mt) in 2012, about 82% of  $SSB_{MSY} = 137.6$  million pounds (62,394 mt). NOAA Fisheries declared the summer flounder stock rebuilt in 2010, based on the 2011 assessment update.

### **2.4.2 Black Sea Bass**

The most recently approved benchmark assessment on black sea bass was peer-reviewed and accepted in December 2008 by the Data Poor Stock Work Group (DPSWG) Peer Review Panel. Based on the June 2012 update, the stock is not overfished and overfishing is not occurring, relative to the biological reference points. Fishing mortality in 2011 is  $F = 0.21$ , a decrease from 2010. This point estimate of  $F$  in 2011 is below the fishing mortality threshold of  $F=0.44$ . Estimates for 2011 total biomass remain above the biomass maximum sustainable yield. SSB in 2011 is 24.6 million pounds, which is 0.6 million pounds above the  $SSB_{MSY}$  target (24 million pounds) and a small decrease from the 2010 SSB estimate. Recruitment at age 1 averaged 26.4 million fish during 1968-

1999 and in 2000, peaking at 56 million fish. Recruitment estimated by the model was relatively constant through the time series with the exception of 1975, 1999, and 2001 year classes. The 2011 year class was 21.0 million fish.

### 3.0 Proposed Management Program

#### 3.1. Summer Flounder Options

The below options can be used stand-alone or in combination.

##### Option 1: Status Quo: Coastwide or Conservation Equivalency

The Board and Council specify coastwide measures to achieve a coastwide recreational harvest limit or permit conservation equivalent management measures using guidelines agreed upon by both management authorities in Framework 2 and Addenda XIV and XVII. Under conservation equivalency states can implement state-by-state measures or adjacent states or contiguous states can voluntarily enter into an agreement forming regions. Under either option the combined measures of all the states or regions would constrain recreational landings to the coastwide recreational harvest limit.

##### *Example of a Coastwide Measure for 2013:*

The Council’s Monitoring Committee developed a coastwide set of measures of 18 inches, 4 fish, and a season from May 1-September 30. It provided an alternative season of May 15-October 15. These measures would constrain the coast to the 2014 RHL.

##### *State-by-state conservation equivalency:*

If state-by state conservation equivalency is chosen, states would be required to implement size, possession and season limits that constrained the state's harvest to the 2014 harvest target see below table:

STATE	2013 Target	Projected 2013 Harvest*	2014 Target	Liberalization	Reduction
MA	137,000	25,719	141,746	451%	
RI	141,000	126,835	146,901	16%	
CT	93,000	218,028	95,357		56%
NY	440,000	424,235	453,588	7%	
NJ	977,000	1,796,492	1,007,688		44%
D	78,000	34,956	79,893	129%	
MD	74,000	30,950	77,316	150%	
VA	417,000	168,279	430,393	156%	
NC	140,000	49,632	144,324	191%	
<b>Coast</b>		2,875,125	2,577,206		

\* Projected harvest using MRIP harvest estimates waves 1-4 and projected waves 5 and 6.



## **Option 2: Utilization of Additional RHL**

*This option is designed to be used in conjunction with conservation equivalency as outlined in option 1 status quo.*

States/regions that may liberalize their 2014 summer flounder recreational regulations but choose not to fully utilize their entire harvest target, agree to allow for these potential “under-utilized fish” to be distributed to any other state/region, upon request. Savings would be distributed to any requesting states/regions through Board action. States/regions with the option to liberalize are not giving up their state/region portion of the 2014 RHL. For example, if a state/region adopts management measures that project that 2014 landings will be under target but achieves the full target, that state/region will incur no penalty.

Once states/regions with the opportunity to liberalize their recreational fishery in 2014 have finalized their management programs, any state/region would be allowed to request access to the RHL that is projected to not be harvested in 2014. A state/region would request access to additional RHL to the Board. The total amount of additional RHL will be determined by the Technical Committee. A state/region requesting access to additional RHL would send a memo to the Board including why the state/region has not been able to address its fisheries needs through the current management system, how the additional fish would impact the state’s 2014 fishing season, and the amount of fish a state/region is requesting. The Board will determine how much of the additional RHL any state/region may access through Board action. The state/region then may adjust its 2014 state/regional recreational management program using the same analysis as presented to the Board at the February 2014 meeting.

To further clarify the process: following the adoption of each state’s measures, the resulting recreational harvest will be projected by the Technical Committee. This projected harvest will be compared to the total RHL (7.01 million fish) to determine the amount of additional fish available to states to allow for the more equitable distribution of fishing opportunities in the 2014 summer flounder recreational fishery while accounting for regional differences in fish size and availability.

The specification process for the summer flounder fishery would only be altered for 2014. In 2015, the Commission would revert to the specification process used in previous years unless altered through a subsequent addendum.

This method was utilized in 2012. All states except for New York and New Jersey had the opportunity to liberalize measures. The combination of the measures for all states except for New York and New Jersey projected to leave 263,182 fish unutilized. New York and New Jersey were able to utilize 235,414 of these additional fish to lower the size limit in New York by 0.5 an inch and extend the season in New Jersey by 11 days.

## **Option 3: Adaptive Regional Management**

Due to the wide geographic range of this species, the application of a coastwide minimum size, possession limit, and season restrictions would not affect all jurisdictions involved in the fishery the same way. Dividing the coastal states into regions allows states the flexibility to mitigate potential disproportionate impacts resulting from

coastwide measures while providing consistent measures to states within the same region, in many cases sharing the same fishing grounds.

Under regional management, states within regions would implement management measures prescribed by the Technical Committee that when combined would constrain the coastwide harvest to the RHL. The adaptive regional management approached is designed to give the coast a more equitable harvest opportunity than under state-by-state management while providing consistent measures to the states within the same region.

Under this approach the Technical Committee would develop proposed measures for each region that when combined would constrain the coastwide harvest to the RHL. The proposed measures would be developed to be similar to the previous years' regulations but allow for some flexibility to allow for consistent harvest opportunity among the regions. States within each region would be required to implement the same bag and size limits. The Technical Committee prescribed measures would include a number of days each state can be open within the region. A season length outside of the prescribed number of days must be reviewed by the Technical committee and approved by the Board. Each state would implement a season that when combined with the other states' seasons and the regional bag and size limit constrained the region to the harvest target. Once the Technical Committee developed proposed measures for each region the Board would review and approve a set of regional regulations that when combined would constrain the coastwide harvest to the RHL.

Any number of size, possession, and season combinations can be evaluated when looking at regional management. **One example of possible measures is given for each region for use in this public comment document (this example may change as additional MRIP data are released).**

**Option 3a: Region 1**

Under this alternative the coastwide recreational harvest limit would be divided into four regions: 1) Massachusetts 2) Rhode Island-New Jersey 3) Delaware-Virginia and 4) North Carolina.

**Example region 1 measures:**

STATE	HARVEST	SIZE	POSS	DAYS
MASSACHUSETTS	27,410	16	5	132
RHODE ISLAND	95,584	18	4	149
CONNECTICUT	254,098	18	4	149
NEW YORK	637,992	18	4	149
NEW JERSEY	1,065,529	18	4	149
DELAWARE	66,968	16	4	306
MARYLAND	32,231	16	4	306
VIRGINIA	197,306	16	4	306
NORTH CAROLINA	48,861	15	6	365

### Option 3b: Region 2

Under this alternative the coastwide recreational harvest limit would be divided into four regions: 1) Massachusetts 2) Rhode Island-Delaware 3) Maryland-Virginia and 4) North Carolina.

#### Example region 2 measures:

STATE	HARVEST	SIZE	POSS	DAYS
MASSACHUSETTS	17,542	17	5	132
RHODE ISLAND	155,279	17	5	132
CONNECTICUT	227,603	17.5	4	112
NEW YORK	648,927	17.5	4	112
NEW JERSEY	1,034,413	17.5	4	112
DELAWARE	31,917	17.5	4	112
MARYLAND	32,231	16	4	245
VIRGINIA	197,306	16	4	245
NORTH CAROLINA	48,861	15	6	365

### Option 3c: Region 3

Under this alternative the coastwide recreational harvest limit would be divided into four regions: 1) Massachusetts-Rhode Island 2) Connecticut-Delaware 3) Maryland-Virginia and 4) North Carolina.

#### Example region 3 measures:

STATE	HARVEST	SIZE	POSS	DAYS
MASSACHUSETTS	27,410	16	5	132
RHODE ISLAND	112,207	17.5	4	114
CONNECTICUT	227,722	17.5	4	114
NEW YORK	651,875	17.5	4	114
NEW JERSEY	1,065,373	17.5	4	114
DELAWARE	31,966	17.5	4	114
MARYLAND	32,231	16	4	245
VIRGINIA	197,306	16	4	245
NORTH CAROLINA	48,861	15	6	365

### Option 3d: Region 4

Under this alternative the coastwide recreational harvest limit would be divided into four regions: 1) Massachusetts 2) Rhode Island-Delaware 3) Maryland-Virginia and 4) North Carolina. This option allows for different size limit in Delaware only due to the large inland body of water shared by the two state.

#### Example region 4 measures:

STATE	HARVEST	SIZE	POSS	DAYS
MASSACHUSETTS	27,410	16	5	132
RHODE ISLAND	112,207	17.5	4	114
CONNECTICUT	227,722	17.5	4	114
NEW YORK	651,875	17.5	4	114
NEW JERSEY	1,065,373	17.5	4	114
DELAWARE	42,928	17	4	184
MARYLAND	32,231	16	4	245
VIRGINIA	197,306	16	4	245
NORTH CAROLINA	48,861	15	6	365

### Option 3e: Region 5

Under this alternative the coastwide recreational harvest limit would be divided into four regions: 1) Massachusetts-Rhode Island 2) Connecticut-Delaware 3) Maryland-Virginia and 4) North Carolina. This option allows for different size limit in Delaware only due to the large inland body of water shared by the two state.

#### Example region 5 measures:

STATE	HARVEST	SIZE	POSS	DAYS
MASSACHUSETTS	27,410	16	5	132
RHODE ISLAND	90,991	18	4	151
CONNECTICUT	233,367	18	4	151
NEW YORK	609,837	18	4	151
NEW JERSEY	1,109,579	18	4	151
DELAWARE	42,928	17	4	184
MARYLAND	32,231	16	4	245
VIRGINIA	197,306	16	4	245
NORTH CAROLINA	48,861	15	6	365

### 3.1.1 Timeframe for Summer Flounder Measures

#### Option 1: Status Quo

The addendum would expire at the end of 2014. After 2014, measures would revert back to the FMP status quo: The Board and Council specify coastwide measures to achieve a coastwide recreational harvest limit or permit conservation equivalent management measures using guidelines agreed upon by both management authorities in Framework 2 and Addenda XIV and XVII. Under conservation equivalency, states can implement state-by-state measures or adjacent/contiguous states can voluntarily enter into an agreement forming regions. Under either option, the combined measures of all the states or regions need to constrain recreational landings to the coastwide recreational harvest limit.

#### Option 2: One year extension

The Board would take action, through a Board vote, to extend the addendum for one year, expiring at the end of 2015. After 2015, measures would revert back to the FMP status quo.

### **3.2 Black Sea Bass Options**

The measures in this Draft Addendum are only proposed for state waters in 2014. Absent any subsequent action by the Board, coastwide measures will be implemented in 2015. The Draft Addendum is not intended to implement state allocations and is not intended to set a precedent for state allocations.

The federal FMP does not allow for conservation equivalency and would require an amendment to the plan to make the necessary changes consistent with those proposed in this document; therefore, a single coastwide measure is set in federal waters. Federal permit holders have to follow regulations set by the NOAA Fisheries regardless of where they are fishing: The Council recommended to NOAA Fisheries that the federal measures for the 2014 fishing year be: xxx inch TL minimum fish size, xx fish possession limit, and open season xxxx. Under the proposed measures, regions will implement recreational black sea bass management programs that utilize minimum size limits, maximum possession limits, and seasonal closures that are designed to achieve a specific harvest reduction/liberalization that, when combined with the other regions in the management unit, achieve the required coastwide reduction/liberalization for 2014.

Reduction tables, provided by the Technical Committee, will be used to determine which suite of possession limits, size limits, and closed seasons would constrain recreational landings to the recreational harvest limit for the state/region. Tables would be adjusted for each region to account for past effectiveness of the regulations. Each region would propose a combination of size limit, possession limit, and closed season that would constrain landings to the appropriate level. These regulations will be reviewed by the Technical Committee and approved by the Board. States would not implement measures by mode or area unless the PSE of the mode or area for that region is less than 15%.

Note: The MRIP data used to set state-specific conservation equivalent measures produces more variable results when used on a state-by-state basis. As the coverage area increases, the variability of the data decreases; therefore, adopting regional or coastwide approaches will give more precision to the data.

#### **Option 1: Status Quo**

2013 black sea bass recreational measures would be set using a single coastwide size limit, bag limit, and season. A 7% reduction in harvest in numbers of fish would be required to achieve the 2014 RHL (2.26 million pounds).

#### **Option 2: Ad Hoc Regional Measures**

Two regions will be established. Each region will implement recreational black sea bass management programs that utilize minimum size limits, maximum possession limits, and seasonal closures that are designed to achieve a specific harvest reduction that, when combined with the other regions in the management unit, achieve the required coastwide limit for 2014. The northern region will contain the states of Massachusetts through New Jersey and the southern region will contain the states of Delaware through North Carolina (North of Cape Hatteras). All states will agree to the regulations implemented within the region. While not required, states will work to develop consistent regulations to allow for a seamless as possible recreational management program within the region. Under this option, the states of Massachusetts through New Jersey would reduce their regulations by xx% based on the region's performance in 2013. The states of Delaware through North Carolina (North of Cape Hatteras) will set their measures consistent with federal regulations (xx inch TL minimum fish size, xx fish possession limit, and open season from xxxxx). The regulations of the two regions combined would require a total harvest reduction of 7% in numbers of fish to achieve the 2014 recreational harvest limit (RHL) (2.26 million pounds).

### **3.2.1 Timeframe for Black Sea Bass Measures**

#### **Option 1: Status Quo**

The addendum would expire at the end of 2014. After 2014, measures would revert back to the FMP coastwide measures.

#### **Option 2: One year extension**

The Board would take action to extend the addendum for one year, expiring at the end of 2015. After 2015, measures would revert back to the FMP coastwide measures.

## **4.0 Compliance: To be determined by the Board**

### **4.1 Summer Flounder**

### **4.2 Black Sea Bass**

**Table 1. State summer flounder harvest in 1998 and the proportion of harvest conservation equivalency is based on**

State	1998 estimated harvest (thousands)	Percent of the 1998 harvest
MA	383	5.5%
RI	395	5.7%
CT	261	3.7%
NY	1,230	17.6%
NJ	2,728	39.1%
DE	219	3.1%
MD	206	3.0%
VA	1,165	16.7%
NC	391	5.6%

**Table 2. Angler Participation on the Atlantic Coast with percent change from 1998-2012**

Angler Participation coastwide from 1998-2012				
Year	Coastal	Non-Coastal	Total	Percent Change
1998	4,137,554	447,172	4,584,726	
1999	3,797,901	480,630	4,278,531	-6.68%
2000	5,074,359	653,104	5,727,463	24.92%
2001	5,537,676	717,490	6,255,166	36.43%
2002	4,660,668	597,327	5,257,995	14.69%
2003	5,697,540	768,372	6,465,912	41.03%
2004	5,623,004	832,386	6,455,390	40.80%
2005	6,965,785	892,768	7,858,553	71.41%
2006	6,886,353	889,097	7,775,450	69.59%
2007	7,799,919	910,168	8,710,087	89.98%
2008	6,541,755	944,118	7,485,873	63.28%
2009	5,581,259	812,991	6,394,250	39.47%
2010	5,848,691	882,858	6,731,549	46.83%
2011	5,293,098	726,760	6,019,858	31.30%
2012	5,399,706	821,199	6,220,905	35.69%

Source: Personal Communication from National Marine Fisheries Service, Fisheries Statistics Division, 12/3/2013

**Table 3. The number of summer flounder landed from Maine through North Carolina by mode, 1981-2012.**

<b>Year</b>	<b>Shore</b>	<b>Party/Charter</b>	<b>Private/Rental</b>
1981	3,145,683	1,362,252	5,058,639
1982	1,120,521	5,936,006	8,416,173
1983	3,963,680	3,574,229	13,458,398
1984	1,355,595	2,495,733	13,623,843
1985	786,185	1,152,247	9,127,759
1986	1,237,033	1,608,907	8,774,921
1987	406,095	1,150,095	6,308,572
1988	945,864	1,134,353	7,879,442
1989	180,268	141,320	1,395,177
1990	261,898	413,240	3,118,447
1991	565,404	597,610	4,904,637
1992	275,474	375,245	4,351,387
1993	342,225	1,013,464	5,138,352
1994	447,184	836,362	5,419,145
1995	241,906	267,348	2,816,460
1996	206,927	659,876	6,130,182
1997	255,066	930,633	5,981,121
1998	316,314	360,777	6,302,004
1999	213,447	300,807	3,592,741
2000	569,612	648,755	6,582,707
2001	226,996	329,705	4,736,910
2002	154,958	261,554	2,845,647
2003	203,717	389,142	3,965,811
2004	200,368	463,776	3,652,354
2005	104,295	498,614	3,424,557
2006	154,414	315,935	3,479,934
2007	98,418	499,160	2,510,000
2008	79,339	171,951	2,098,583
2009	62,691	176,997	1,566,490
2010	59,812	160,109	1,281,546
2011	34,849	137,787	1,667,240
2012	106,342	96,386	1,996,407
<b>% of Total, 1981-2012</b>	9%	14%	77%
<b>% of Total, 2008-2012</b>	3%	8%	89%

Source: Summer Flounder AP Information Document. Mid-Atlantic Fishery Management Council. August 2013.



**Table 4. Black Sea Bass Specifications and Harvest estimates from 1996-2013**

Year	1998	1999	2000	2001	2002	2003	2004	2005
<b>Harvest Limit (mlbs)</b>	3.15	3.15	3.15	3.15	3.43	3.43	4.01	4.13
<b>Harvest (mlbs)</b>	1.51	1.94	4.30	3.98	4.65	3.44	2.88	2.55
<b>Size (inches)</b>	10	10	10	11	11.5	12	12	12
<b>Bag<sup>^</sup></b>	--	--	--	25	25	25	25	25
<b>Open Season</b>	1/1-7/30 and 8/16-12/31	All year	All year	1/1-2/28 and 5/10-12/31	All year	1/1-9/1 and 9/16-11/30	1/1-9/7 and 9/22-11/30	All year

Year	2006	2007	2008	2009	2010	2011	2012	2013
<b>Harvest Limit (mlbs)</b>	3.99	2.47	2.11	1.14	1.83	1.84	1.32	2.26
<b>Harvest (mlbs)</b>	2.31	2.64	2.40	2.78	3.72	1.54	3.57	
<b>Size (inches)</b>	12	12	12	12.5	12.5	Varied by region	Varied by region	Varied by region
<b>Bag<sup>^</sup></b>	25	25	25	25	25	Varied by region	Varied by region	Varied by region
<b>Open Season</b>	All year	All year	All year	All year*	5/22-10/11 and 11/1-12/31	Varied by region	Varied by region	Varied by region

<sup>^</sup> The state of Massachusetts has a more conservative bag limit of 20 fish.

\* In 2009 Federal waters were closed on October 5, 2009

**Table 5. 2013 Black Sea Bass recreational management measure**

State	Minimum Size (inches)	Possession Limit	Open Season
Massachusetts (Private and For-hire)	14	4 fish	May 11- October 31
Massachusetts (For-hire with Letter of Authorization from MA DMF)	14	10 fish	May 11- June 14
		20 fish	July 1- August 11 September 1- October 10
Rhode Island	13	3 fish	June 15- August 31
		7 fish	September 1- December 31
Connecticut (Private and Shore)	13	3 fish	June 15- August 31
		8 fish	September 1- October 29
		8 fish	June 15-November 30
New York	13	8 fish	July 10- December 31
New Jersey	12.5	20 fish	May 19- August 8; September 27- October 14; November 1- December 31
Delaware	12.5	15 fish	January 1- February 28
		20 fish	May 19 - October 14 and November 1 - December 31
Maryland	12.5	15 fish	January 1 - February 28
		20 fish	May 19 - October 14 and November 1 - December 31
PRFC	12.5	15 fish	January 1 - February 28
		20 fish	May 19 - October 14 and November 1 - December 31
Virginia	12.5	15 fish	January 1 - February 28
		20 fish	May 19 - October 14 and November 1 - December 31
North Carolina (North of Cape Hatterass 35° 15'N Latitude)	12.5	15 fish	January 1 - February 28
		20 fish	May 19 - October 14 and November 1 - December 31

**Table 6. Black Sea Bass MRIP Harvest Estimates (in number of fish)**

State	2010	2011	2012	2013*
NH	0	0	3,195	26,985
MA	702,138	194,753	519,910	516,678
RI	160,428	50,204	102,548	188,841
CT	15,682	8,377	110,858	311,421
NY	543,245	274,475	321,516	667,379
NJ	687,450	148,486	734,928	613,350
DE	21,029	42,962	40,141	37,087
MD	36,019	47,444	33,080	5,559
VA	29,717	18,964	4,075	32,432
NC**	138,963	95,002	75,637	30,747
total	2,334,671	880,667	1,945,888	2,430,479
NH-NJ	2,108,943	676,295	1,792,955	2,324,653
DE-NC	225,728	204,372	152,933	105,826
*2013 estimates are preliminary (waves 5 & 6 are projected using prior year data)				
** post-stratified data unavailable, North of Hatteras landings estimated at 1/4 of total NC landings				

**Table 7. Summer flounder recreational landings ('000 fish) by state, waves 1-6, 2003-2012.**

State	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
ME	-	-	-	-	-	-	-	-	-	-
NH	<1	-	-	<1	-	<1	-	-	-	<1
MA	177	225	267	239	138	232	50	45	58	76
RI	205	249	165	264	176	204	72	118	161	103
CT	166	216	157	138	112	146	45	35	47	63
NY	1,539	1,025	1,163	752	866	609	299	334	376	482
NJ	1,784	1,617	1,300	1,556	1,067	762	825	552	737	1,130
DE	106	111	73	88	108	35	87	54	67	45
MD	41	42	117	37	104	58	65	25	15	23
VA	451	675	684	763	397	260	289	260	318	260
NC	88	157	101	112	139	44	75	77	60	63

Source: Pers. Comm. with the National Marine Fisheries Service, Fisheries Statistics Division, November 1, 2013. For 1981- 2003 data are based on MRFSS, 2004-2012 are MRIP.

**Table 8. 2013 Summer Flounder recreational management measures**

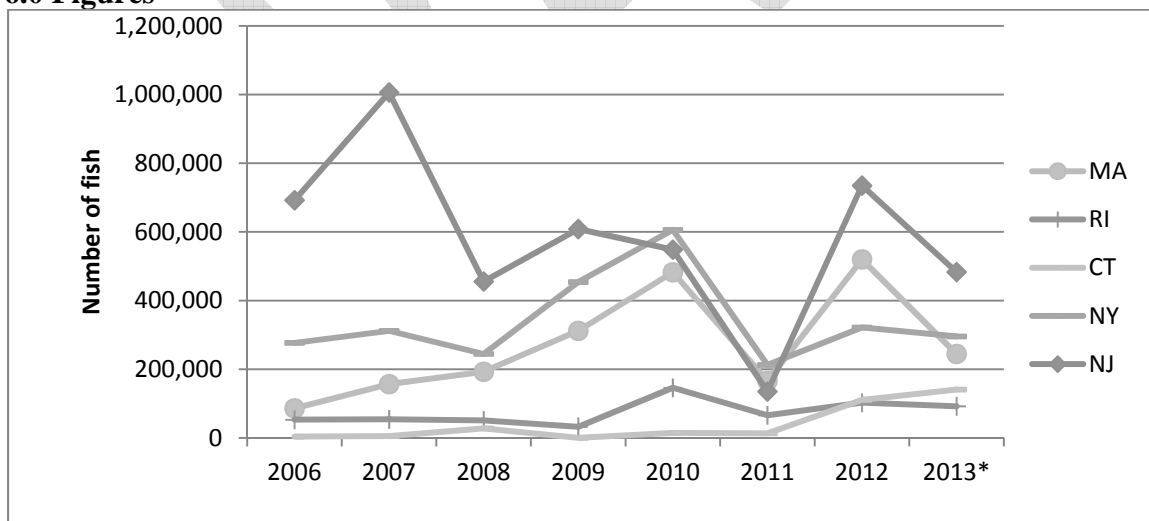
State	Minimum Size (inches)	Possession Limit	Open Season
Massachusetts	16	5 fish	May 22-September 30
Rhode Island	18	8 fish	May 1-December 31
Connecticut*	17.5	5 fish	May 15-October 31
*At 42 designated shore sites	16		
New York	19	4 fish	May 1-September 29
New Jersey	17.5	5 fish	May 18-September 16
Delaware	17	4 fish	All year
Maryland	16	4 fish	March 28-December 31
PRFC	16	4 fish	All year
Virginia	16	4 fish	All year
North Carolina	15	6 fish	All Year

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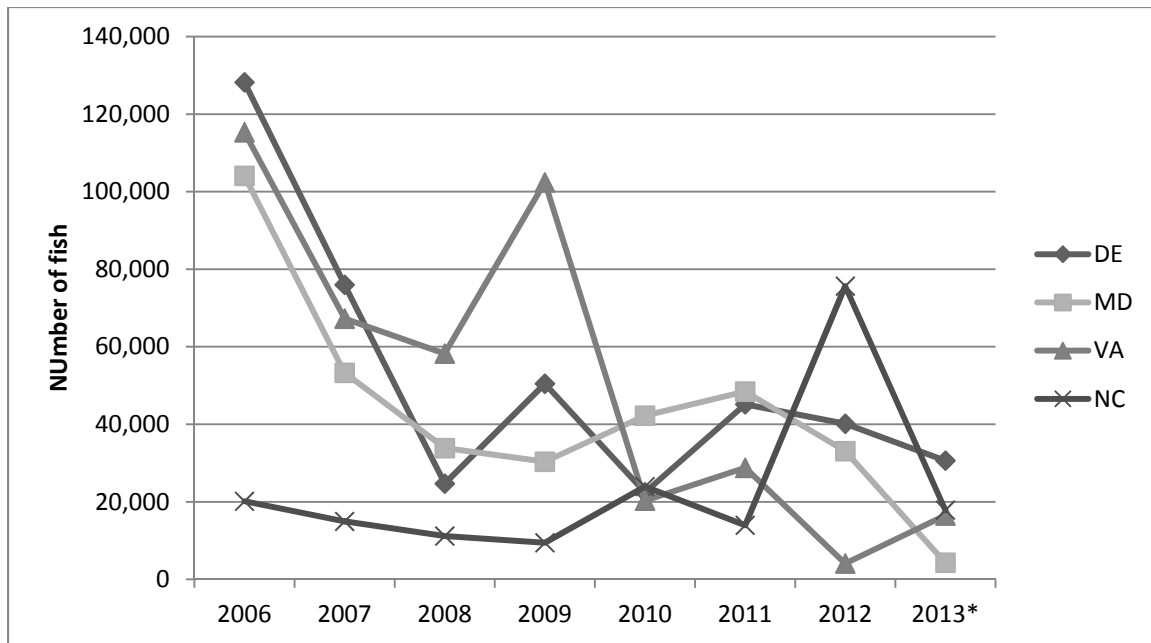
**Table 9. Summer Flounder Recreational Fishery Performance Matrix**

North to South	4	6	7	3	5	8	2	1	9		
STATE	NY	DE	MD	CT	NJ	VA	RI	MA	NC	SCORING	AVG
RETENTION RATE	9.0%	14.5%	9.2%	16.9%	13.7%	23.2%	21.3%	23.2%		High is positive	16.4%
SIZE LIMIT	19.5	18	17	18	17.5	16.5	18.5	16.5	15.0	Low is positive	17.39
% of ALL S/W TRIPS TARGETING SFL	32.1%	19.1%	5.7%	17.2%	39.5%	23.7%	13.9%	3.4%	0.02%	Low is positive	17.2%
TRIPS w/ HARVEST : TARGETED TRIPS	0.20	0.16	0.22	0.16	0.29	0.28	0.31	0.37	35.11	High is positive	4.12
NO. TRIPS HARVEST : CATCH	0.22	0.23	0.20	0.28	0.35	0.41	0.43	0.50	1.00	High is positive	0.40
BAG LIMIT	4	4	3	5	5	4	8	5	6	High is positive	4.89
SEASON (DAYS)	153	296	248	170	147	365	245	132	365	High is positive	235.67
NEAREST NEIGHBOR SIZE LIMIT	1.8	0.8	-0.3	-1.0	-1.3	0.5	1.3	-2.0	-1.5	Low is positive	-0.19
	<b>SCORING</b>									<b>FACTOR WEIGHT</b>	
RETENTION RATE	-2.02	-0.49	-1.96	0.21	-0.69	1.98	1.43	1.98			0.5
SIZE LIMIT	-1.95	-0.62	0.27	-0.62	-0.18	0.71	-1.07	0.71	2.04		0
% of ALL S/W TRIPS TARGETING SFL	-1.33	-0.02	1.33	0.17	-2.08	-0.49	0.50	1.56	1.90		0.25
TRIPS w/ HARVEST : TARGETED TRIPS	-1.17	-1.81	-0.71	-1.84	0.51	0.39	0.86	2.01	2.01	2.01	1
NO. TRIPS HARVEST : CATCH	-1.68	-1.54	-1.87	-1.06	-0.51	-0.14	-0.01	0.38	2.08		0.5
BAG LIMIT	-1.02	-1.02	-1.81	-0.24	-0.24	-1.02	2.12	-0.24	0.55		0.5
SEASON (DAYS)	-1.56	0.89	0.06	-1.27	-1.66	2.07	0.01	-1.92	2.07		0.5
NEAREST NEIGHBOR SIZE LIMIT	-1.98	-0.93	0.13	0.92	1.18	-0.66	-1.45	1.97	1.44		0.75
REC SFL FISHERY TOTAL	-6.1	-3.59	-3.07	-2.3	-0.7	1.2	1.7	4.0	5.9		
"RANK"	9	8	7	6	5	4	3	2	1		

**6.0 Figures**



**Figure 1.** Recreational harvest estimates by state (MA-NJ) from 2006 to 2012. 2013 estimates are preliminary (waves 5 & 6 are projected using prior year data).



**Figure 2.** Recreational harvest estimates by state (DE-NC) from 2006 to 2012. 2013 estimates are preliminary (waves 5 & 6 are projected using prior year data).



STATE OF DELAWARE  
DEPARTMENT OF NATURAL RESOURCES  
& ENVIRONMENTAL CONTROL  
DIVISION OF FISH & WILDLIFE  
89 Kings Highway  
Dover, Delaware 19901

TO: ASMFC Summer Flounder Management Board

FROM: John Clark, Delaware Division of Fish and Wildlife

DATE: December 4, 2013

RE: Summer Flounder Regional Management Options

The Summer Flounder Working Group approved keeping the regional management options presented in the George LaPointe Consulting LLC paper in Draft Addendum XXV during its conference call of December 3, 2013. Several of the regional options will present major difficulties for Delaware, but these options can be slightly modified to alleviate these difficulties. I realize that different states may have objections to specific options, but the problems that these options present to Delaware are unique and simple to fix.

Regional Option 1 is the only option that allows Delaware to keep its current 365 day season and gives Delaware the same size and bag limits as Maryland and Virginia. The other options group Delaware with the Northern region (Rhode Island or Connecticut to New Jersey) rather than the Southern region (Maryland and Virginia). These options either increase Delaware's current size limit while drastically shortening Delaware's season or simply drastically shorten Delaware's season. On behalf of Delaware, I respectfully request that the Options other than Option 1 be recalculated with Delaware kept in the Southern region with the Southern size limit and season length. Keeping Delaware in the Southern region is the right decision for the following reasons:

- Delaware's summer flounder recreational fishery is more akin to the Maryland and Virginia recreational fisheries than to those in the northern region and our similarities have strengthened in recent years. Delaware's landings have declined to record lows, along with Maryland and Virginia. In Delaware, this is a reflection of a very distinct, recent shift in flounder abundance towards deeper ocean waters. In turn, our fishery is transforming from a bay and inshore fishery to an offshore, wreck fishery. The consequence of this abundance shift is that the our inshore anglers, who make up the vast majority of our anglers, have

virtually no access to legal sized fish and are shut out of this hugely important fishery. As this inshore-to-offshore phenomenon occurs, we've seen progressively fewer trips and lower participation. We believe this inequity is clearly visible in the Summer Flounder Recreational Fishery Performance matrix (Table 7 of Draft Addendum XXV) put forward by the Technical Committee, as Delaware is ranked second to last. Current regional options other than Option 1, which further increase our size limit and reduce our season, will only exacerbate this growing problem. Landings will continue to plummet and the fishery will be devastated. This will contradict our goal of more equitable access to the resource across the management unit.

- Delaware summer flounder anglers and the Delaware businesses that cater to summer flounder anglers have repeatedly expressed a desire for a long season and will opt for a larger minimum size and smaller possession limits over a shortened season. Delaware has been open all year in nine of the thirteen years of conservation equivalency management. Delaware's fishing public made clear their distaste for short summer flounder seasons in 2002, the one year during conservation equivalency management that Delaware had a season shorter than 285 days.
- Delaware's small size and fishery make its impact on the size and possession limits, and season length in the Northern region negligible, so there is really no advantage to Northern region states in keeping Delaware in the Northern region. Conversely, there is no disadvantage to Maryland or Virginia in putting Delaware in the Southern region.
- Delaware has had a different size limit than New Jersey in 12 of 13 years since the start of conservation equivalency management, and the size limit difference has been as large as 1.5 inches in several years. This has not presented enforcement problems in the past and we do not anticipate problems from the size limit difference in shared waters in the future.

Thank you for your consideration of this request.