

Atlantic States Marine Fisheries Commission

**ADDENDUM XIII TO THE SUMMER FLOUNDER, SCUP AND
BLACK SEA BASS FISHERY MANAGEMENT PLAN**

Multiple-year specification of total allowable landings for summer flounder, scup, and
black sea bass



ASMFC Vision Statement:

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

August 2004

Background

This Addendum is adopted under the adaptive management procedures that are a part of the Fishery Management Plans for Summer Flounder, Scup, and Black Sea Bass. The Addendum applies to all three fishery management plans, and is authorized by Amendment 12, which amended each of these FMPs. These fisheries are managed cooperatively by the states, through the ASMFC, and the federal government, through the Mid-Atlantic Fishery Management Council (MAFMC).

Amendment 2 to the Fishery Management Plan for Summer Flounder was adopted by the ASMFC in 1992. It established a comprehensive program for annual fishing regulations for summer flounder. Under the program as adopted, the ASMFC, operating through its Summer Flounder, Scup, and Black Sea Bass Management Board, and the Mid-Atlantic Council meet jointly and make a recommendation to the Regional Administrator of NMFS with respect to total allowable landings (TAL) and a regime of commercial and recreational fisheries regulations that are consistent with achieving the TAL. The Regional Administrator then proposes a rule that considers the recommendation, receives public comment, and publishes a final rule. Under the terms of the FMP, the states are bound to implement the decision of the Regional Administrator as a mandatory compliance element and may be subject to a noncompliance determination under the Atlantic Coastal Fisheries Cooperative Management Act.

In 1996, the Commission and the Council adopted the FMP and Addendum 1 for Scup. In the federal version, this is Amendment 8 and the Regulatory Amendment to the Fishery Management Plan for Summer Flounder, Scup, and Black Sea Bass. It contained a similar regime for setting annual specifications for commercial and recreational fisheries. As in the case of summer flounder, states are bound to implement the regulations published by the Regional Administrator.

In 1996, the Commission and the Council adopted the FMP for Black Sea Bass. In the federal version, this is Amendment 9 to the Fishery Management Plan for Summer Flounder, Scup and Black Sea Bass. It contained a similar regime for setting annual specifications for commercial and recreational fisheries. In the case of black sea bass, however, the decision of the Board on specifications is binding upon the states, regardless of subsequent action taken by the Regional Administrator.

Addendum IV established the annual specification setting process for the Summer Flounder, Scup, and Black Sea Bass Management Board. The process established in Addendum IV was consistent with the process included in the Black Sea Bass FMP in that the Board's decision on the annual specifications are binding upon the states regardless of the Regional Administrator's subsequent actions. The intent of the Addendum was to clarify the ability of the states to operate effectively and is consistent with basic concepts of state sovereignty. In practice, a Monitoring Committee for each of these species has been established with representatives from the MAFMC, the ASMFC, the states, and NMFS. These monitoring committees meet between July and August to make recommendations to the Council and Board for the following year's

specifications for total levels of allowable harvest and landings and for commercial fishing regulations. In recent years, it has been late in the fall before NMFS has published the proposed rule to implement these regulations. The monitoring committees meet again between November and December to consider recreational fishing regulations based on information from the first eight months of the current fishing year, or the first ten if available. They then make recommendations to the Council and Board for the following year's recreational fishing specifications. Proposed rules to implement these recommendations for recreational fisheries have been published in the spring, and final rules publicized during the summer.

In 1998, the Commission adopted an amendment to all three of these fishery management plans, under the title: Amendment 12 to the Fishery Management Plan for Summer Flounder, Scup, and Black Sea Bass. Amendment 12 contained a framework (adaptive management) procedure for modifying FMP elements without having to go through the complete FMP amendment process. Among the frameworking possibilities authorized by Amendment 12 are the annual quota specification setting process.

Statement of the Problem

ASMFC specifies TALs for summer flounder, scup, and black sea bass fisheries in order to achieve healthy and self-sustaining fish populations. Under the current management system for these species, this specification of commercial quotas and recreational harvest limits are conducted every year for TALs that apply for only one fishing year. This annual process makes it difficult for industry to set long term business plans and goals. This addendum allows for specification of TALs for the summer flounder, scup, and/or black sea bass fisheries in any given year for up to three years. This allows for fishermen to better utilize the quota to meet their fishing needs from planning fishing days to planning the time to service boats. Multi-year specifications also allow fishermen to establish strong business plans that are effective in meeting their goals. Multi-year specifications also streamline the administrative processes involved in specifying TALs for the summer flounder, scup, and black sea bass fisheries.

Management Program

This addendum modifies the FMP so that, within a given year, TALs for the summer flounder, scup, and/or black sea bass can be specified for up to three years. Multi-year TALs do not have to be constant from year to year, but instead are based upon expectations of future stock conditions as indicated by the best available scientific information during the year in which specifications are set. If multi-year TALs are implemented, annual review of updated information on the fishery by the Monitoring Committee and Commission is not required. As such, this addendum does not allow for adjustments to the TALs for years two and three in the years immediately prior to their implementation. Given the absence of an annual review TAL adjustment process, the Monitoring Committee has to thoroughly consider the uncertainty associated with projected estimates of stock size in the two to three-year time horizon when making recommendations to the Board. Accordingly, the Management Board's decisions for multi-year TALs are adequately conservative in order to accommodate this uncertainty. This option provides the Board with the authority to specify multi-year quotas, but would not obligate the Board to establish quotas for more than a single year.

The Council has adopted Framework 5 to the Summer Flounder, Scup and Black Sea Bass Management Plan. This Framework will allow the council to specify TALs for up to 3 years with no annual review. Framework 5 is consistent with option 2 of this document.