

Atlantic States Marine Fisheries Commission

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

Summer Flounder Recreational Management



ASMFC Vision Statement:

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

August 2005

Background

This Addendum was developed and approved under the adaptive management/framework procedures that are a part of the Fishery Management Plan (FMP) for Summer Flounder. The Addendum applies only to the Summer Flounder FMP, and is authorized by Amendment 12 and Framework 2 to the Summer Flounder, Scup, and Black Sea Bass FMP. The summer flounder fishery is managed cooperatively by the states through the Atlantic States Marine Fisheries Commission, and the federal government through the Mid-Atlantic Fishery Management Council (Council) and the National Marine Fisheries Service (NMFS).

The states, operating through the Commission's Summer Flounder, Scup, and Black Sea Bass Management Board (Board) and the Council, jointly adopted Amendment 2 to the FMP for Summer Flounder in 1992. Amendment 2 established a comprehensive program for the development of annual fishing regulations for summer flounder, including the current specification setting process utilizing a Technical Monitoring Committee and joint meetings of the Board and Council to set annual management measures. In 1998, the Commission and the Council adopted Amendment 12 to the FMP. In addition to measures bringing the Council process into compliance with the Sustainable Fisheries Act, Amendment 12 contained a framework procedure for modifying FMP elements without having to go through the complete FMP amendment process. The frameworking possibilities authorized by Amendment 12 include minimum fish size, recreational possession limit, and recreational season.

The Board utilized these frameworking options by creating Addendum IV to the Summer Flounder FMP on January 29, 2001. Under the provisions of Addendum IV, the Commission continues to participate in the monitoring committee processes as established by Amendment 2. However, upon the recommendation of the relevant monitoring committee and joint consideration with the Council, the Board will make the final decision regarding state regulations rather than forwarding a recommendation to NMFS for its approval. The states are then responsible for implementing the Board's decision. States may still be subject to a noncompliance determination by the Commission under the Atlantic Coastal Fisheries Cooperative Management Act if they do not act in concert with the Commission-mandated management regime and enact the required regulations.

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 harvest limit, 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 landings estimates to try to manage these recreational fisheries on the basis of a real-time quota. However, due to the variations in the fishery across the species range, there was considerable interest in allowing states to develop regulations on an individual basis. Implemented as an interim measure, the Board utilized conservation equivalency to allow state-specific regulation of the recreational fishery in 1999 and 2000. In order to make conservation equivalency a permanent tool available for summer flounder management, the Board and Council were required to modify the FMP. This was accomplished in 2001 with Framework 2, which established a system that allows the Council and Board to either (1) specify coastwide measures to achieve a coastwide recreational harvest limit or (2) permit state-specific conservationally-equivalent management measures using guidelines agreed

upon by both bodies. Since 2001, Addendum XIV and Framework 2 have permitted states to implement recreational summer flounder management programs that utilize minimum size limits, maximum possession limits, and seasonal closures that are designed to achieve harvest reductions that, when combined, achieve the required coastwide reduction. States are required to adjust effort to achieve landings proportional to their landings from 1998, as reported by the Marine Recreational Fisheries Statistics Survey (MRFSS).

This Addendum establishes a program wherein the Board has the ability to sub-divide the recreational summer flounder coastwide allocations into voluntary regions. The Addendum also allows for averaging of multiple years of data in analyses to determine impacts of proposed recreational management programs.

Statement of the Problem

The Summer Flounder FMP allocates 40% of the annual total allowable catch to the recreational fishery. The states, operating through the Commission's Management Board, are required to develop and implement measures that can reasonably be expected to constrain the recreational fishery to this limit. Summer flounder migrations may result in differences in availability to the recreational fishery in each state. These differences make it difficult to choose coastwide management measures that are equitable to all geographic regions; therefore, starting in 1999, states were allowed to choose between a coastwide measure or adopt state-specific approaches that would achieve the coastwide percentage reduction. The fact that the 1999 overage greatly decreased from the three previous years gave some reason to believe that the 2000 fishery might come in on target, but some states went over their state specific target. Since 1999 when state specific approaches started, various states have excessively exceeded their targets in some years and have had to take reductions as high as 48 percent in the following year's fishery. The MRFSS 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 credibility to the data.

When state-specific conservation equivalent measures are adopted, water bodies fished on by more than one state have multiple regulations, such as the Long Island Sound. Different regulations between states in the same water body cause confusion amongst the fishermen fishing in that area. Regional approaches to the summer flounder recreational management could potentially minimize differences in adjacent states fishing on the same water body.

Management Program

I. Voluntary participation in formation of regions

This Addendum allows adjacent states or a running line of adjacent states to voluntarily enter into an agreement forming multi-state conservation equivalency regions. Region-specific tables developed by the Technical Committee would be used to determine which possession limits, size limits, and closed seasons would constrain recreational landings to the coastwide recreational harvest limit for the entire region. Tables would be adjusted for each region to account for past effectiveness of the regulations. The states within the region would choose a regional size limit, possession limit, and closed season that would constrain landings to the appropriate level. The

management measures within the region would be the same for each state in that region and conservation equivalency would not be permitted. If this alternative were chosen, regions would not be allowed to implement measures by mode or area unless the percent standard error (PSE) of mode or area for that region is less than 15%.

Regions exceeding their current fishing year target would have to restrict their upcoming fishing year's recreational measures, and regions remaining under their current target could liberalize their upcoming fishing year's recreational management measures.

II. Data Application in the Development of Recreational Regulations

As described in the procedures for conservation equivalency determinations in Addendum XIV, the Commission Technical Committee evaluates each state's proposed regulations in January and advises the Board of the proposal's consistency with achieving the coastwide recreational harvest limit.

This Addendum allows the averaging or combination of multiple years of data (i.e. landings-per-angler, length-frequency distributions) in analyses to determine the impacts of proposed recreational management programs. These programs may include minimum fish sizes, possession limits, and fishing seasons. The averaging of annual harvest estimates will not be allowed.

APPENDIX A

2005 Recreational Summer Flounder Fishery Regulations

STATE	Minimum Size (inches)	Possession Limit	Open Season
Massachusetts	17.0	7 fish	All Year
Rhode Island	17.5	7 fish	April 1-December 31
Connecticut	17.5	6 fish	April 30-December 31
New York	17.5	5 fish	April 29- October 31
New Jersey	16.5	8 fish	May 7 –October 10
Delaware	17.5	4 fish	All Year
Maryland: Atlantic & Coastal Bays Chesapeake Bay	15.5 15.0	4 fish 2 fish	All Year All Year
PRFC	15.0	2 fish	All year
Virginia	16.5	6 fish	All year
North Carolina	14	8 fish	All Year