

Atlantic States Marine Fisheries Commission

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

Summer Flounder Recreational Fishery Management



ASMFC Vision Statement:

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

February 2006

Background

This Addendum is proposed under the adaptive management/framework procedures that are a part of the Fishery Management Plan for Summer Flounder. The Addendum applies only to the summer flounder fishery management plan, and is authorized by Amendment 12 and Framework 2 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan. 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 and the National Marine Fisheries Service.

The states, operating through the Commission's Summer Flounder, Scup, and Black Sea Bass Management Board (Board) and the Mid-Atlantic Council (Council), jointly adopted Amendment 2 to the Fishery Management Plan 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 Fishery Management Plan. 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 a decision concerning what state regulations will be rather than make a recommendation to NMFS. 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 landing estimates, to try to manage these recreational fisheries based on 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 in 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 conservation equivalent management measures using guidelines agreed upon by both bodies. Since 2001, Addendum XIV/Framework 2 has 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 Fishery Statistics Survey (MRFSS). Addendum XVII establishes a program wherein the board could sub-divide the recreational summer flounder coastwide allocations into voluntary regions.

Statement of the Problem

Based on the 2005 Summer Flounder Stock Assessment, the 2006 coastwide TAL was significantly reduced from an expected 33 million pounds to 23.59 million pounds; therefore, state recreational quotas are smaller than anticipated. Over half of the states did not harvest their entire 2005 summer flounder recreational quota. On a coastwide basis, the recreational fishery did not harvest their entire 2005 quota. Due to the drop in the 2006 quota, it is necessary to reduce coastwide landings by 3.85 % (based on projected landings data from NMFS MRFSS waves 1-5).

Managing the recreational fishery in the same way that the commercial fishery is managed must be viewed with caution due to uncertainties resulting from recreational data collection. Uncertainty results when the MRFSS data is used for state-by-state quota management. National Marine Fisheries Service has cautioned the use of MRFSS estimates for state-by-state quota management. Real time monitoring is necessary for hard TAC quota management in the commercial fishery; weekly reporting satisfies this need.

Setting recreational fishery measures at the beginning of the fishing year to achieve but not exceed a harvest target requires states to implement conservative management programs. History has shown that one or more states have been faced with considerable overages or underages in a given year. A state does not know until months later the outcome of its past years fishery and how that will affect the upcoming fishing year.

This addendum seeks to stabilize fishing rules as close to those that existed in 2005, in part, to minimize the drastic reductions facing three states. The approach taken is to allow the three states facing large reductions in their harvest targets to capitalize on harvest opportunities that are foregone by states that choose to maintain their 2005 recreational fishing rules in 2006. In this sense, it is a voluntary program.

Management

In 2006 only, states with the option to liberalize their 2006 summer flounder recreational regulations (table 1) but which choose to maintain 2005 regulations (table 2) agree to distribute “savings” to New York, Connecticut, and Massachusetts. This assumes that the

states maintaining regulations land the same amount in 2006 as in 2005. Savings are distributed proportionately among New York, Connecticut, and Massachusetts by the percent reduction the three states are required under status quo conservation equivalency i.e. 37.61 %, 34.73%, and 14.62%, respectively (table 1). The states of North Carolina, Virginia, and Maryland chose to maintain their 2005 recreational regulations in 2006 at the February 22, 2006 Board meeting. Their savings, 155,948 fish, are distributed among New York, Connecticut, and Massachusetts reducing their required reduction to 25.88%, 23.9%, and 10.06% respectively (table 3).

A state that implements recreational regulations for 2006 based on accepting savings increases the probability that their 2006 quota will be exceeded, which would result in more restrictive regulations for the 2007 recreational season. The increased risk is derived from lowering a state's 2005 landings (by accepting savings), thus allowing a state to adopt less restrictive regulations for the 2006 fishing season. Under the assumption that a state will land the same number of fish from one year to the next if the regulations are not changed, there is an increase in the probability that a state will exceed their 2006 target if savings are accepted because the state receiving savings have lowered their 2005 landings but have not had an increase their 2006 target or adjusted their 2006 regulations to make up for the overage in 2005.

The specification process for the summer flounder fishery is only altered for 2006. In 2007, the commission reverts to the specification process used in previous years.

Table 1. State reductions and liberalizations for the 2006 summer flounder recreational fishery.

State	% Share	2005 Total Projected*	2005 Target	2006 Target	Reduction	Liberalization
CT	3.7%	211,426	179,000	138,000	34.73%	
DE	3.1%	81,863	150,000	116,000		41.70%
MD	2.9%	85,867	141,000	109,000		26.94%
MA	5.5%	237,766	263,000	203,000	14.62%	
NJ	39.1%	1,315,026	1,873,000	1,443,000		9.73%
NY	17.6%	1,041,824	845,000	650,000	37.61%	
NC	5.6%	126,110	269,000	207,000		64.14%
RI	5.7%	170,060	271,000	209,000		22.90%
VA	16.7%	564,075	800,000	616,000		9.21%
Total	100.0%	3,836,055	4,791,000	3,691,000	3.73%	

* 2005 Total Landings Estimates projected from waves 1-6 landing data from the NMFS MRFSS survey data.

Table 2. 2005 Recreational Summer Flounder Fishery Regulations by State

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	15.5	4 fish	All Year
Bays	15.0	2 fish	All Year
Chesapeake Bay			
PRFC	15.0	2 fish	All year
Virginia	16.5	6 fish	All year
North Carolina	14	8 fish	All Year

	% must reduce by in 2006	# of fish must reduce by in 2006	# of fish over the 2005 target
Coastwide Overage After Savings		344,068	
CT	23.90%	50,525	73,426
NY	25.88%	269,620	391,824
MA	10.06%	23,923	34,766
Coastwide Overage Before Savings			500,016