

Atlantic States Marine Fisheries Commission

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

2004 Recreational Fishery Specifications for Scup



ASMFC Vision Statement:

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

January 2004

Background

The scup fishery is managed cooperatively by the states through the Atlantic States Marine Fisheries Commission (Commission), and by the federal government through the Mid-Atlantic Fishery Management Council (Council) and the National Marine Fisheries Service (NMFS). In 1996, the Commission and the Council adopted a Fishery Management Plan 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.) Under this program, the States, operating through the Commission's Summer Flounder, Scup, and Black Sea Bass Management Board (Board), and the Council meet jointly to consider management options for the upcoming year. The Council makes a recommendation to the Regional Administrator of NMFS with respect to a total allowable landing (TAL) for scup and a regime of commercial and recreational fisheries regulations that are consistent with achieving the TAL. The Board follows the provisions outlined in Addendum IV to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan approved in January of 2001. Addendum IV provides that, upon the recommendation of the monitoring committee and joint consideration with the Council, the Board finalizes state regulations without having to forward recommendations to NMFS. The states are then responsible for implementing the Board's decision. During the fishing year, Commission staff monitor the progress of the fishery and notifies states when closures or other regulatory actions are required. Regulations continue to be in effect the following year, if the Board has not changed them.

The Scup FMP allocates 22% of the annual total allowable catch (TAC) to the recreational fishery. It is impractical to try to manage these recreational fisheries on the basis of a real-time quota due to the limitations of producing timely landings estimates. In practice, the recreational fisheries for scup are managed on a "target quota" basis using harvest limits. States establish measures that can reasonably be expected to constrain the recreational fisheries to stay within the set harvest limit. Beginning in 1997, recreational harvest limits were established to achieve target exploitation rates. The harvest limit in 1997 was 1.947 million pounds, but estimated landings were 0.74 million pounds below the limit, with similar landings in 1998. Starting in 1999, landings exceeded the harvest limit of 1.238 million pounds by 52% or about 0.65 million pounds. The 2000 fishery, as a result of a conflict between the Mid-Atlantic Council, the Board, and NMFS, had only minimal regulations in place. 3.945 million pounds exceeded the harvest limit of 1.238 million pounds in 2000. Another overage occurred in 2001, with the 1.76 million pound harvest limit exceeded by 2.502 million pounds.

Recognizing the need to address these overages while providing maximum flexibility to the states, the Board approved Addendum VII to the Summer Flounder, Scup and Black Sea Bass FMP in early 2002. Under Addendum VII, states from Massachusetts through New York were required to modify their fishing effort based on the performance of their regulations in previous years. Calculations of the state specific effort necessary to achieve the 2002 harvest limit were based on the average number of fish landed from

1998-2000. The addendum also permitted individual states to separate the management of the Party and Charter Boat sector from the remainder of the recreational fishery, provided that the estimated landings for each mode had a percent standard error not greater than 30%. Due to the absence of data, the Board could not use similar calculations for states from New Jersey south. These states were assigned specific bag, size and season regulations. In 2002, the recreational scup fishery exceeded its target by .91 million pounds. This overage was offset to a large degree by the increased 2003 harvest limit due to assessments indicating that the scup biomass would increase in 2002.

In 2003, the Board addressed the overages in the scup fishery with Addendum IX that gave the same flexibility to the states as Addendum VII. Massachusetts through New York were required to modify their fishing effort based on the performance of their regulations in previous years. Calculations of the state specific effort necessary to achieve the 2003 harvest limit were based on the average number of fish landed from 1998-2000. The addendum also permitted individual states to separate the management of the Party and Charter Boat sector from the remainder of the recreational fishery, provided that the estimated landings for each mode had a percent standard error not greater than 30%. Due to the absence of data, the Board could not use similar calculations for states from New Jersey south. These states were assigned specific bag, size, and season regulations.

The Scup Technical Monitoring Committee, comprised of representatives from the Council, the Commission, the states and NMFS, met in July 2003 to make recommendations to the Council and Board for the total allowable landings and commercial fishing regulations for the 2004 scup fishery. The Board met with the Mid-Atlantic Fishery Management Council in August 2003, to consider the recommendations of the monitoring committees and recommended to NMFS that the total allowable landings for 2004 be limited to 16.5 million pounds.

The most prominent data set that has been used in monitoring and assessing scup recreational fisheries is the Marine Recreational Fisheries Statistics Survey (MRFSS). Throughout the year, data are collected in two-month "waves" using a method of trip intercepts (fisherman interviews), which are then expanded by a factor determined through a random telephone survey. For 2004, as in previous years, the monitoring committees considered preliminary information from the first five waves (January-October). The preliminary 2003 MRFSS data predicted significant overages in the landings above the target landings for the recreational fishery.

The Board met again with the Council on December 3, 2003, to consider monitoring committee recommendations for the 2004 recreational fishery. The Board decided at that time not to recommend any specifications for the scup recreational fishery, but rather to initiate this addendum process in order to set the specifications. As required by the Scup FMP, the Council made a recommendation to NMFS that the recreational fishery specifications include a 50-fish possession limit, a minimum size of 10 inches, and an open season from January 1 - February 28 and August 15 - November 30 in the EEZ.

Statement of the Problem

The current management plan for scup does not provide an opportunity to craft recreational measures that will adequately meet the needs of the fishery. The FMP allows for a single, coastwide measure for recreational fisheries. Due to the life history and wide geographic range of this species, the application of coastwide minimum size, possession limit, and season restrictions does not affect every area involved in the fishery the same way. For example, a certain minimum size may be appropriate at the northern end of the species range, but would eliminate the fishery in the Mid-Atlantic States. This inequity can most effectively be addressed through the development of state-specific management measures for the recreational fishery.

In 1998, the Commission and the Council adopted an amendment to the fishery management plan, under the title Amendment 12 to the Fishery Management Plan for Summer Flounder, Scup, and Black Sea Bass. In addition to measures for the Council to comply 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. From 2001-2003, under the provisions of Addenda III, VII, and IX respectively, certain states were allowed to craft individual regulations in an attempt to achieve the targeted landings. These addenda expired at the end of their respective year.

This addendum proposes a management system that will constrain the recreational scup fishery to the coastwide recreational harvest limit; and allow states to customize scup recreational management measures in order to deal with burden issues associated with the implementation of coastwide measures. It also proposes a management process that minimizes the administrative burden when implementing conservation equivalency.

Management Program

The 2004 recreational scup fishery will be managed using a regional approach. Landings data for each state from Massachusetts through New York have been combined to form a single dataset. Using the average landings that occurred in 1998-2000 as the basis, a regional quota of 4,300,000 fish has been calculated for 2004 (table 1). Under this addendum, each state in the region from Massachusetts through New York will be required to reduce their landings by 57% relative to their landings in 2003.

Table 1. Regional Harvest Limit Alteration Permitted for 2004 Based on Effectiveness of 2003 Regulations (numbers of fish)

Area	1998-2000 Average Landings	% Share	2004 Allocation	2003 Landings	2004 Percent Alteration
Regional (MA, RI, CT, NY)	3,637,000	97%	4,300,000	9,480,700	57%

Due to the extremely limited data available, the Board developed specific management measures for the states of New Jersey, Delaware, Maryland, Virginia and North Carolina for the 2004 fishery (Table 2). The State of New Jersey is required to implement a 10-inch minimum size, a season of July 1 – December 31, and a 50 fish possession limit. The states of Delaware, Maryland, Virginia, and North Carolina are required to implement an 8” minimum size, a 50 fish possession limit and no seasonal closure.

Table 2. Recreational scup regulations for 2004 in the states of Delaware, Maryland, Virginia and North Carolina

State	Minimum Size	Possession Limit	Open Season
NJ	10”	50 Fish	July 1-December 31
DE	8”	50 Fish	All Year
MD	8”	50 Fish	All Year
VA	8”	50 Fish	All Year
NC	8”	50 Fish	All Year

Calculating Reductions Associated with management Programs

Under this addendum, states that must reduce landings for 2004 are required to use the following methodology to determine the reduction in landings associated with certain combinations of possession limit, minimum size limit, seasonal restrictions. Each state must address the fact that cumulative reductions associated with size/possession limits and seasonal closures are not additive. In other words, the total recreational reduction does not equal the sum of the size/possession limit reduction and the seasonal closure reduction. In order to account for this fact the following equation must be used to determine the total reduction associated with a combination of recreational management measures. This approach is used in other Commission FMP’s and was utilized in scup recreational management in as part of Addendum VII and IX. The equation is:

$$\text{Total Reduction} = X + [(1-X)*Y];$$

X = The percent reduction associated with seasonal closure(s).

Y = The percent reductions associated with size/possession limit.

Table 3 and Table 4 are used to determine the reduction associated with different bag/size limits and seasonal closures, respectively. The MRFSS data is not sufficient to develop state-specific bag and size limit reduction tables; therefore, each state should use the coastwide table (Table 3) to determine the reduction associated with combinations of bag limits and size limits. The state-specific information in Table 4 should be used to calculate the reduction associated with seasonal closures.

When calculating the effect of seasonal closures, the percent reductions based on Table 4 needs to be adjusted to account for the seasonal closures that were in place during 2003. This adjustment is achieved by “zeroing-out” any reductions gained from closed seasons in 2003. In other words, if a state received a 12% credit for seasonal closures in 2003 from Table 4, any reductions associated with closures for 2004 will need to be reduced by 12%. As an example, state X was closed from January 1 - May 9 in 2003, which, based on Table 4, accounted for a 12% reduction. In 2004 state X is proposing to close from January 1 - June 2 which accounts for a 19% reduction based on Table 4. In this example state X will only be able to receive a 7% (19%-12%) credit toward their required 2004 reduction given the proposed closure.

Table 3. The effect of various size and possession limits on 2003 scup recreational landings. The tables contain the proportional reduction in number of scup landed after the landings data set has been adjusted to account for the effectiveness of 2003 management measures.

Bag Limit	No Size Limit	10” Minimum Size	10.5” Minimum Size	11” Minimum Size	11.5” Minimum Size	12” Minimum Size
1	0.894	0.895	0.897	0.905	0.914	0.924
2	0.804	0.806	0.811	0.827	0.847	0.868
3	0.729	0.731	0.740	0.763	0.795	0.826
4	0.664	0.666	0.680	0.709	0.752	0.791
5	0.608	0.611	0.630	0.664	0.717	0.764
6	0.559	0.563	0.585	0.625	0.687	0.740
7	0.516	0.522	0.547	0.592	0.661	0.722
8	0.478	0.485	0.515	0.565	0.639	0.706
9	0.445	0.454	0.488	0.542	0.622	0.693
10	0.416	0.427	0.464	0.523	0.607	0.683
15	0.302	0.326	0.375	0.452	0.559	0.648
20	0.228	0.262	0.317	0.413	0.530	0.623
25	0.172	0.215	0.278	0.386	0.511	0.608
30	0.132	0.179	0.249	0.365	0.497	0.600
35	0.100	0.155	0.229	0.350	0.487	0.594
40	0.075	0.137	0.216	0.340	0.480	0.588
45	0.055	0.122	0.205	0.333	0.474	0.585
50	0.038	0.112	0.197	0.326	0.468	0.582

Table 4. Projected percent reduction in landings (in number) associated with closing one day per wave, based on 1996-2000 MRFSS landings data.

State	Wave 1	Wave 2	Wave 3	Wave 4	Wave 5	Wave 6
MA	-	-	0.61	0.51	0.51	-
RI	-	-	0.08	0.78	0.75	0.02
CT	-	-	0.13	0.80	0.69	0.00
NY	-	-	0.36	0.45	0.80	0.02
NJ	-	0.01	-	0.05	1.29	0.30
DE	-	-	-	0.15	1.47	0.02
MD	-	-	-	0.74	-	0.88
VA	-	-	-	-	1.44	0.20
NC	-	0.05	0.67	0.50	0.40	-

Some states have expressed an interest in implementing slot limits or combinations of bag/size limits that vary throughout the year. The Technical Committee has not developed a methodology to analyze the reductions associated with these types of management programs. If a state would like to propose a slot limit or seasonal bag/size limits, the states will have the responsibility to provide the necessary analysis to evaluate the proposed management programs.

Management process establishing conservation equivalency

This addendum permits managers to establish conservation equivalency without going through the addendum process. The Management Board has the authority to develop scup recreational conservation equivalency programs through Board action. This authority is similar to the process that is currently in place for the summer flounder recreational fishery management program. This allows for minimum regulatory process to achieve the management goals and objectives.

In summary, the steps from the Monitoring Committees to action by the ASMFC and the Regional Administrator are:

1. The Monitoring Committees review the data and make recommendations to the Council and Board.
2. The ASMFC and Council Citizens Advisory Panels present recommendations to the Committee and Board.
3. The Council and Board consider the recommendations of the Monitoring Committees, Advisors, and other public input in jointly determining annual quotas and framework adjustments.
4. The Board and Council make final decisions through motions on quotas and framework adjustments for state waters, establishing compliance criteria and dates.
5. The Council considers the recommendations of the Demersal Species Committee and makes recommendations to the Regional Administrator.

6. The Regional Administrator considers the recommendations of the Council and the Board's decisions and publishes proposed measures in the *Federal Register*.

