

Draft Addendum for Public Comment

Atlantic States Marine Fisheries Commission

**DRAFT ADDENDUM XXVIII TO THE SUMMER FLOUNDER, SCUP,
BLACK SEA BASS FISHERY MANAGEMENT PLAN
FOR PUBLIC COMMENT**

Summer Flounder Recreational Management in 2017



ASMFC Vision: Sustainably Managing Atlantic Coastal Fisheries

December 2016

(Revised December 23, 2016)

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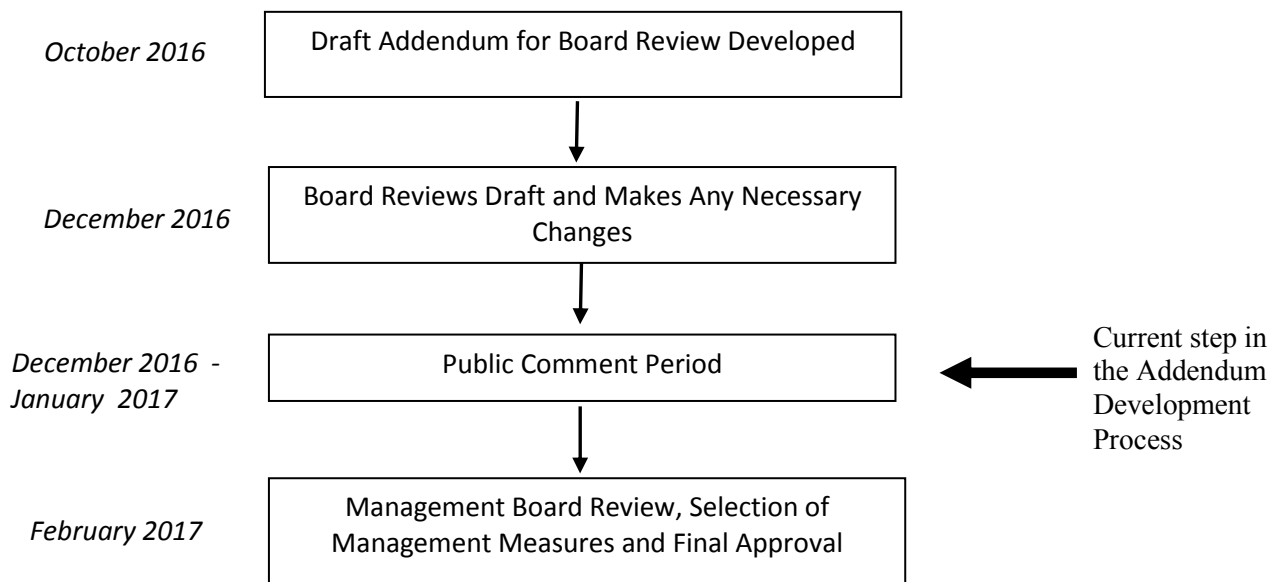
Public Comment Process and Proposed Timeline

In October 2016, the Summer Flounder, Scup, and Black Sea Bass Management Board approved a motion to initiate the development of an addendum to the Interstate Fishery Management Plan (FMP) for Summer Flounder, Scup, and Black Sea Bass. The addendum will address the recreational management of summer flounder for 2017. This draft addendum presents background on the Atlantic States Marine Fisheries Commission's (Commission) management of summer flounder; the addendum process and timeline; and a statement of the problem. This document also provides options of management for public consideration and comment.

The public is encouraged to submit comments regarding this document at any time during the public comment period. The final date comments will be accepted is **January 19, 2016 at 5:00 p.m.** Comments may be submitted at state public hearings or by mail, email, or fax. If you have any questions or would like to submit comment, please use the contact information below.

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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) in state waters (0-3 miles), and through the Mid-Atlantic Fishery Management Council (Council) and the NOAA Fisheries in 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 the southern border of North Carolina northward to the US-Canadian border. The Commission's Summer Flounder, Scup, and Black Sea Bass Management Board (Board) approved the following motion on October 25, 2016:

Move to initiate an addendum to consider adaptive management, including regional approaches, for the 2017 summer flounder recreational fishery.

This Draft Addendum proposes alternate approaches for management of the recreational summer flounder fishery for the 2017 fishing year.

2.0 Overview

2.1 Statement of the Problem

A fundamental goal of Commission FMPs is to provide recreational anglers with fair and equitable access to shared fishery resources throughout the range of each managed species. The Commission's ISFMP Charter establishes fairness and equity as guiding principles for the conservation and management programs set forth in the Commission's FMPs. While the current FMP for summer flounder does not include a goal pertaining to this concept, the Board and Council are considering a new goal for inclusion in the forthcoming Comprehensive Summer Flounder Amendment: "Provide reasonable access to the fishery throughout the management unit." With these principles and goals in mind, the challenges facing the Board (and Council) involve determining what is meant by fair/equitable/reasonable access, and how to achieve it.

Complicating the access issue for 2017 is the significant reduction to the coastwide recreational harvest limit (RHL) set by the Board and Council in August 2016 in response to the most recent Stock Assessment Update. The 2017 RHL is 3.77 million pounds, an all-time low. By way of comparison, the RHL for 2017 is approximately 30% less than 2016, 48% less than 2015, and 68% less than 2011, when it peaked at 11.68 million pounds. Using a projected recreational harvest in 2016 of 6.38 million pounds (subject to change), harvest in 2017 must be reduced by roughly 2.6 million pounds to not exceed the 2017 RHL.

This draft addendum addresses the issue that available management approaches are not viewed as providing a fair and reasonable way to constrain the 2017 recreational summer flounder fishery harvest to the RHL. The Board recognizes the management options within this draft addendum will also have shortcomings with regards to addressing this problem, and thus intends the selected option to be an interim program while focusing on the development of a more comprehensive solution for the future.

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2.2 Background

Amendment 2 (1993) initially required each state (Massachusetts through North Carolina) to adopt the same minimum size, possession limit, and season length as established in federal waters for the recreational fishery, allowing only for different timing of open seasons. The consistent measures were intended to uniformly impact the resource and stakeholders in all state and federal waters throughout the management unit. However, the states later determined one set of management measures applied coastwide did not provide equitable access to the resource due to the significant geographic differences in summer flounder abundance and size composition.

To address this disparity, the FMP was amended in 2001 (Framework Adjustment 2) to allow for the use of state-specific “conservation equivalent” management, through which recreational harvest would be constrained the same as under coastwide management. The Council and Commission would engage in an annual process of determining whether to manage the fishery with coastwide measures or state-specific conservation equivalency; if the latter, the Commission would have the lead in approving state-specific regulations. Concurrently, the Commission adopted a series of addenda (Addenda III and IV in 2001, and Addendum VIII in 2004) implementing state-based conservation equivalency. Estimates of state recreational landings in 1998 were established as the basis for state recreational allocations- this is outlined in Addendum VIII (see Table 1) upon which state-by-state regulations could be developed. From 2001-2013, the Board and Council opted to use state-specific conservation equivalency tied to the proportion of each state’s estimated 1998 recreational landings. This provided states with the flexibility to tailor their regulations—i.e., minimum size, possession, and season limits—to meet the needs and interests of their fishery, provided their targets were not exceeded.

Table 1. State summer flounder harvest in 1998 and the proportion of harvest conservation equivalency state-by-state harvest targets are based on (Addendum VIII)

| 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% |

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The Board also adopted Addendum XVII in 2005, enabling the states to voluntarily opt into multi-state regions that would set regulations based on a pooling of their 1998-based allocations. The Council followed suit with the adoption of Framework Adjustment 6 in 2006, complementing the regional approach set forth by Addendum XVII. However, no states used this optional regional conservation equivalency approach.

Re-assessing in the Face of Changing Conditions:

The use of state-by-state regulations based on estimated state harvests in 1998 succeeded, initially, in mitigating the disparity in conservation burden among states, but later became viewed as an inadequate long-term solution, given changes in resource status and fishery performance.

As 2013 came to an end, the Board identified the following problems with the use of state allocations based on estimates of recreational harvest in 1998:

- 1) Substantial variation in stock dynamics since 1998. These included a six-fold increase in spawning stock biomass and expansion of the age structure from including 2–3 age classes to 7 or more. These changes led to geographic shifts in the distribution of the resource; as the stock rebuilt, its range expanded. Climate change was also identified as possibly contributing to shifts in migratory patterns, spatially and temporally.
- 2) Substantial changes in socio-economic patterns since 1998, particularly with regard to the number and distribution of anglers along the coast. For example, estimated angler participation increased significantly, and a growing percentage of harvest was attributed to private/rental vessels in contrast to shore-based and party/charter vessel harvest. Industry advisors indicated the rising costs of fuel, bait, and other trip expenditures were impacting angler effort.
- 3) Possible error in the estimates of harvest for 1998. Measuring recreational catch and effort, particularly on a state-by-state basis, is challenging and not without uncertainty in the estimates. The methods used to estimate recreational catch and effort are continually evolving, resulting in more accurate and precise estimates in more recent years.
- 4) Major disparities in the regulatory programs among the states; for example, as recently as 2012 and 2013, no two states had the same regulations, and several neighboring states had regulations that differed significantly. A case in point was New York, whose regulations were more restrictive than any other state, and that contrasted markedly with those of New Jersey, Connecticut, and Rhode Island.

To address these concerns, the Board adopted Addendum XXV, which implemented conservation equivalency on a regional basis for 2014. Five¹ regions were established: 1) Massachusetts; 2) Rhode Island; 3) Connecticut, New York, and New Jersey; 4) Delaware, Maryland, and Virginia; and 5) North Carolina. All states within each region were required to have the same possession limit, size limit, and season length.

¹ Initially, in February 2014, the Board established four regions, one being Massachusetts and Rhode Island combined. Subsequently, in March 2014, the Board approved a request from Massachusetts and Rhode Island to split its region into individual state regions to account for the significantly different recreational fisheries of the two states.

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Although the precursors to Addendum XXV (Addendum XVII and Framework Adjustment 6) envisioned a regional approach based on regional harvest limits set as the sum of the harvest limits for all the states in each region, with accountability based on the performance of each region relative to its regional limit, Addendum XXV implemented an alternative approach. Based on analysis provided by the Board's Technical Committee, the Board focused on developing regulations for each region that would lead to projected regional harvests that would collectively achieve, but not exceed, the coastwide recreational harvest limit. The projected regional harvests did not constitute the sum of the harvest limits for all the states in each region. As such, the approach constituted a de facto reallocation of recreational harvest opportunities. Nonetheless, the Board emphasized that:

The new approach is not intended to implement new state allocations and is not intended to set a precedent for new state allocations. Under the adaptive regional approach, states would not give up their (1998-based) allocated portion of the Recreational Harvest Limit (RHL), would not be held accountable for anything other than their allocated portion of the RHL, and would retain the future opportunity (depending on what management approach is adopted for 2015) to continue managing their fisheries in accordance with their allocated portion of the RHL.

To achieve regulatory uniformity within each region, and to meet the coastwide harvest target, regulatory revisions were enacted for CT, NY, NJ, DE, and MD in 2014 (Table 7).

For 2015, the Board continued regional management, with the same regions, via Addendum XXVI. For all states, the same regulations in effect for 2014 were maintained for 2015 (Table 7).

For 2016, the Board again continued regional management via Addendum XXVII, with one adjustment to provide more equity in recreational opportunities for anglers in the Delaware Bay. That adjustment involved establishing New Jersey as a stand-alone region, with the caveat that New Jersey would enact separate management measures for the New Jersey portion of Delaware Bay, while maintaining regulations for the rest of its waters consistent with those of New York and Connecticut. New Jersey complied by enacting regulations for Delaware Bay that were closer to those of Delaware. For all other states the same regulations in effect for 2014 and 2015 were maintained for 2016 (Table 6).

Headed into 2017, the Board continues to have the same concern about disproportionate impacts among states from the use of 1998-based allocations and state-by-state management measures. A return to coastwide management measures is also unlikely to provide equitable access.

2.3 Description of the Fishery

In practice, the recreational fishery for summer flounder is managed on a "target quota" basis. A set portion (40%) of the total allowable landings is established as a recreational harvest limit (RHL), and management measures are established by the states that can reasonably be expected to constrain recreational harvest to this limit each year. It has historically been deemed impractical, because of the limitations of producing timely landing estimates, to try to manage the recreational fishery based on a real-time quota.

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Over the past nine years, the coastwide landings exceeded the annual coastwide RHL three times: 2007, 2008, and 2014 (Table 2). The most recent overage in 2014 was by approximately 5% (approximately 380,000 pounds). Based on preliminary harvest estimates through August 2016, coastwide landings have already exceeded the 2016 RHL. The 2016 harvest estimates are subject to change as many states seasons remain open and data for wave 6 (November-December) are not yet available. Projected harvest through the end of 2016—based on state harvest trends in 2015—indicated the final harvest may be approximately 6.38 million pounds (Table 3).

Table 2. Coastwide Harvest Relative to Coastwide RHL: 2007-2016

| Year | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 |
|-----------------------------|----------------|---------------|--------|--------|--------|--------|--------|----------------|--------|----------------|
| Coastwide Harvest (mil. lb) | 9.34 | 8.15 | 6.03 | 5.11 | 5.96 | 6.49 | 7.36 | 7.39 | 4.72 | 6.38 |
| Coastwide RHL (mil. lb) | 6.68 | 6.21 | 7.16 | 8.59 | 11.58 | 8.49 | 7.63 | 7.01 | 7.38 | 5.42 |
| Percent of RHL harvested | 139.77% | 131.25 | 84.22% | 59.47% | 51.43% | 76.44% | 96.40% | 105.41% | 63.97% | 117.00% |

*2016 Harvest is preliminary, through October only, and subject to change.

Table 3. Projected Coastwide Harvest for 2016 by states

| State | Jan-Aug Estimate | | Sep-Dec Projection | | Projected Total Harvest | |
|--------------|------------------|------------------|--------------------|----------------|-------------------------|------------------|
| | Weight | Numbers | Weight | Numbers | Weight | Numbers |
| MA | 121,791 | 53,294 | 4,860 | 3,348 | 126,651 | 56,642 |
| RI | 278,682 | 89,988 | 6,927 | 2,833 | 285,610 | 92,821 |
| CT | 690,786 | 218,019 | 3,875 | 1,352 | 694,661 | 219,371 |
| NY | 2,238,513 | 712,643 | 55,118 | 18,164 | 2,293,630 | 730,807 |
| NJ | 1,904,113 | 609,878 | 573,966 | 181,181 | 2,478,080 | 791,059 |
| DE | 206,558 | 82,097 | 18,075 | 7,432 | 224,634 | 89,229 |
| MD | 42,574 | 18,537 | 9,123 | 4,538 | 51,697 | 23,075 |
| VA | 188,576 | 75,029 | 12,460 | 5,093 | 201,037 | 79,332 |
| NC | 16,870 | 9,605 | 12,152 | 7,469 | 29,021 | 17,074 |
| Total | 5,688,463 | 1,869,090 | 696,557 | 230,320 | 6,385,020 | 2,099,410 |

*September-December harvest are projected using proportion of landings by two-month wave by state in 2015.

**Total Projected Harvest is based on preliminary information and is subject to change as new information is made available.

Recreational Survey Estimates

The Marine Recreational Information Program, or MRIP, is a program under NOAA Fisheries which counts and reports marine recreational catch and effort. MRIP is driven by data provided by anglers and captains. MRIP replaced the Marine Recreational Fisheries Statistics Survey, or MRFSS, in 2008, which had 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. MRIP is an evolving program with ongoing improvements. Detailed information on MRIP and the improvements can be found at <http://www.st.nmfs.noaa.gov/recreational-fisheries/index>. All recreational catch and effort data considered in this document are derived from MRIP.

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2.4 Status of the Stock

The most recent peer-reviewed benchmark assessment for summer flounder (Northeast Regional Stock Assessment Workshop 57, NEFSC 2013) was updated in July 2016. The assessment utilizes an age-structured assessment model called ASAP. Results of the assessment update indicate the summer flounder stock was not overfished but overfishing was occurring in 2015 relative to the updated biological reference points established in the 2013 SAW 57 assessment. The fishing mortality rate has been below 1.0 since 1997, but was estimated to be 0.390 in 2015, above the threshold fishing mortality reference point $F_{MSY} = 0.309$ (Figure 1). Spawning stock biomass (SSB) was estimated to be 88.9 million pounds (36,240 mt) in 2015, about 58% of the biomass target $SSB_{MSY} = 137.555$ million pounds (62,394 mt) and 16% above the biomass threshold (Figure 2). The 2015 year class is estimated to be about 23 million fish at age 0, continuing the trend of below-average year classes for the past six years (2010-2015).

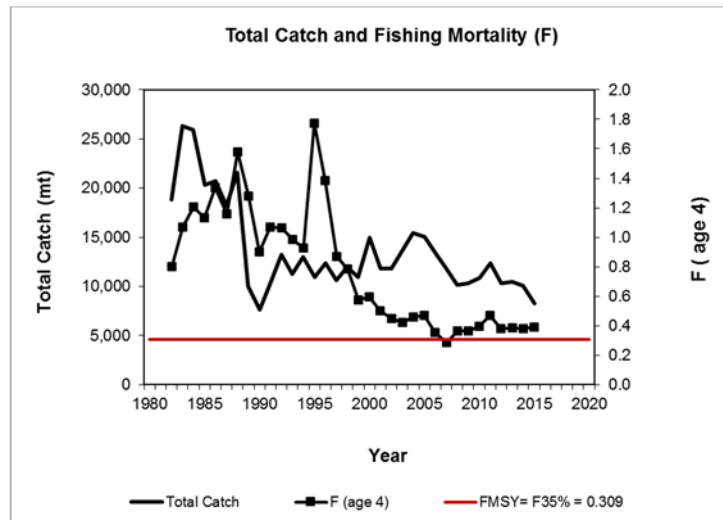


Figure 1. Total fishery catch and fully-recruited fishing mortality (F, peak at age 4) of summer flounder. The horizontal red line is the 2013 SAW 57 fishing mortality threshold reference point proxy. Source: NEFSC Summer Flounder Stock Assessment Update for 2016 (June 2016).

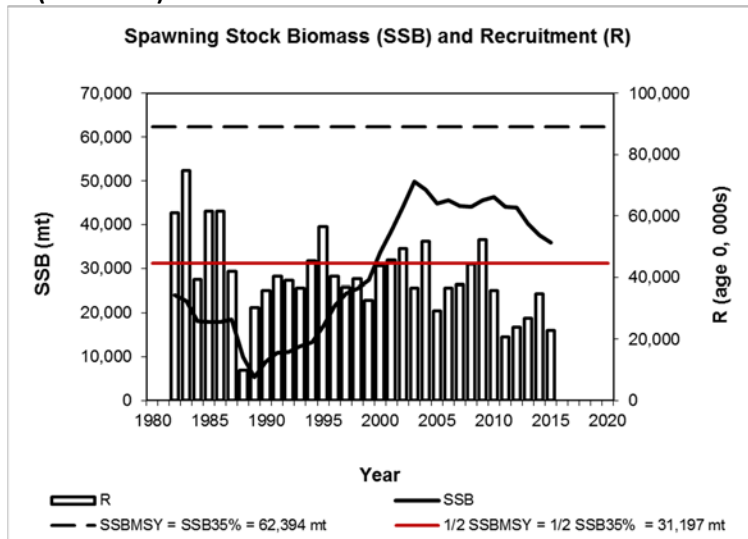


Figure 2. Summer flounder spawning stock biomass (SSB) and recruitment at age 0 (R) by calendar year. The horizontal dashed line is the 2013 SAW 57 biomass target reference point proxy; the horizontal red line is the biomass threshold reference point proxy. Source: NEFSC Summer Flounder Stock Assessment Update for 2016 (June 2016).

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A breakdown of the 2017 Overfishing Limit (OFL), Acceptable Biological Catch Limit (ABC), Annual Catch Limits (ACL), Annual Catch Targets (ACT), and subsequent coastwide RHL based on the 2016 stock assessment update is included in Table 4. The 2017 proposed harvest limit is a time series low as the result of the biomass projections from the 2016 stock assessment update.

Table 4. Basis for 2017 summer flounder catch and landings limits. Numbers may not add precisely due to unit conversions and rounding.

| Management Specifications | 2016 | | 2017 | | Basis for 2017 Limits |
|----------------------------|---------|-------|---------|-------|--|
| | mil lb. | mt | mil lb. | mt | |
| OFL | 18.06 | 8,194 | 16.76 | 7,600 | Stock assessment projections |
| ABC | 16.26 | 7,375 | 11.30 | 5,125 | Stock assessment projections/ SSC recommendation |
| Commercial ACL | 9.42 | 4,275 | 6.57 | 2,982 | 60% of ABC landings portion (per FMP allocation) + 49% of ABC discards portion |
| Commercial ACT | 9.42 | 4,275 | 6.57 | 2,982 | Monitoring Committee recommendation: no deduction from ACL for management uncertainty |
| Commercial Quota | 8.12 | 3,685 | 5.66 | 2,567 | Commercial ACT, less projected commercial discards |
| Recreational ACL | 6.84 | 3,100 | 4.72 | 2,143 | 40% of ABC landings portion (per FMP allocation) + 51% of ABC discards portion |
| Recreational ACT | 6.84 | 3,100 | 4.72 | 2,143 | Monitoring Committee recommendation; no deduction from ACL for management uncertainty |
| Recreational Harvest Limit | 5.42 | 2,457 | 3.77 | 1,711 | Recreational ACT, less projected recreational discards |

3.0 Proposed Management Program

Analysis of options is based on an estimate of the 2017 RHL in numbers of fish. Using preliminary 2016 MRIP data to generate an average harvested fish weight of 3.04 lbs, the 2017 RHL of 3.77 million pounds is equivalent to 1,239,286 fish. This value is subject to change as additional 2016 data become available.

Analysis of options is also based on 2016 projected harvest, calculated from MRIP preliminary 2016 harvest data through October, and projected harvest for November–December (Table 3). The results will change between now and when final 2016 recreational harvest information is released in spring 2017. Based on a 2016 coastwide projected harvest of 2,099,410 fish (Table 3), and the estimated 2017 RHL of 1,239,286 fish, a coastwide harvest reduction of 41% is required. This reduction rate is preliminary and will change as 2016 data are updated.

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PLEASE NOTE: Each option in the addendum includes an example of state regulations that could be implemented. These are just examples, and are based on preliminary 2016 data. The states and/or Technical Committee would develop the actual regulations for state adoption following the finalization of the addendum, subject to Board approval.

3.1 Default Management Approaches

The Board and Council selected to continue conservation equivalency for summer flounder recreational fishery in 2017 at their Joint Meeting in December 2016. Unless an alternative management approach is selected for implementation via this addendum, management of the 2017 recreational summer flounder fishery will default to state-by-state allocations/regulations based on 1998 harvest in order to restrict harvest to the RHL. Under this scenario, states would implement regulations based on their individual harvest allocations. Table 5 provides the allocations based on the 2017 RHL, and state specific reductions or liberalizations under this scenario based on projected 2016 harvest (subject to change).

Note that under any alternative to coastwide measures implemented by the ASMFC (e.g., state-by-state or regional management), NOAA Fisheries has the authority to supersede state regulations if the combined state regulations are deemed inadequate to restrict coastwide harvest to the RHL. Under this scenario the Monitoring Committee has recommended a set of “precautionary default measures” that would be imposed on any state or region that did not follow the conservation equivalency guidelines (i.e., did not develop measures that achieve the necessary reduction). The Board and Council approved in December 2016 precautionary default measures for 2017 that include a minimum size of 20 inches total length, a possession limit of 2 fish, and a season of July 1–August 31. These measures would be in place for both state and federal waters of the state or region in question. If a state or region does not implement either conservationally equivalent measures or the precautionary default measures, states can be found out of compliance with the Commission’s FMP and their fishery could be closed until compliance measures are implemented.

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Table 5. 2017 Projected Harvest Liberalizations or Reductions, and Example Regulations under 1998-based State-specific Conservation Equivalent Management in numbers of fish

| STATE | 2016 Projected Harvest | Preliminary 2017 Allocation of the RHL based on 1998 harvest | Liberalization (+) or Reduction (-) (in Bold) | Example Size Limit | Example Possession Limit | Example Season (# of days) |
|-------|------------------------|--|---|--------------------|--------------------------|----------------------------|
| MA* | 56,642 | 68,161 | +20% | | | |
| RI | 92,821 | 70,639 | -24% | 18" | 4 fish | 105 |
| CT | 219,371 | 45,854 | -79% | 21" | 2 fish | 53 |
| NY | 730,807 | 218,114 | -70% | 21" | 2 fish | 66 |
| NJ | 791,059 | 484,561 | -39% | 18" | 3 fish | 81 |
| DE | 89,229 | 38,418 | -57% | 19" | 4 fish | 365 |
| MD* | 23,075 | 37,179 | +61% | | | |
| VA* | 79,332 | 206,961 | +161% | | | |
| NC* | 17,074 | 69,400 | +306% | | | |

*For states that could liberalize their 2017 management measures, no example measures have been included at this time. The Board’s Summer Flounder Recreational Working Group has recommended that no states liberalize their management measures in 2017 due to the needed reduction.

3.2. Alternative Management Approaches

The following options were developed with the goal of providing more equitable access and less disparate regulations between states than state by state allocations under the Default Management Approaches (Section 3.1). Other approaches were considered and rejected for insufficiently advancing this goal. Because of the all-time low RHL for 2017, there is no option that could be viewed as truly equitable to all.

All options fall under the category of Adaptive Regional Management, and would establish a one-year harvest “target” for each region that deviates from the sum of the 1998-based allocations that would otherwise be attributed to the state(s) in the region by sharing potential harvest across regions.

The options differ in how the 2017 regional harvest targets are developed. Several general differences to note: (1) Options 1–4 still rely in part on the 1998-based allocations for how regional harvest targets are assigned, while Option 5 moves away from the 1998-based allocations in its development of the regional harvest targets. (2) Options 1 and 3 provide the regions with more regulatory flexibility, while Options 2, 4, and 5 are more prescriptive in nature (i.e., they assign specific regulations). (3) Options 1–4 are estimated to achieve a coastwide reduction of 41%, while Option 5 is estimated to achieve an approximate 28–32% coastwide reduction (depending on which possession limit is selected).

The following options are not intended to implement new state allocations and are not intended to set a precedent for new state allocations. Under the alternative management approaches, states would not give up their (1998-based) allocated portion of the RHL, would not be held accountable for

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anything other than their allocated portion of the RHL, and would retain the future opportunity (depending on what management approach is adopted for 2018) to continue managing their fisheries in accordance with their allocated portion of the RHL.

Under the alternative management approaches, states within each region would be required to implement the same possession limit(s), size limit(s), and season length. Additionally, states within a region can pursue area or mode specific measures so long as the same option is available and agreed to by all states within the region; for example, Connecticut and New Jersey have allowed for a separate shore-based set of management measures at select sites from 2014-2016 under regional management and New Jersey pursued area specific management measures in the Delaware Bay in 2016. Regions can also deviate from the example size limit measures and implement variations such as a slot limit, provided it uses methodology approved by the Technical Committee (TC) by meeting the required reduction for the region. The TC will evaluate slot limits in early 2017 and report out analysis to the Board at the ASMFC Winter Meeting.

If an alternative management approach is selected, the TC would develop proposed measures for each region according to its regional harvest target that, when combined with other regions, would constrain the coastwide harvest to the RHL. Regions could deviate from the TC proposed measures provided they use the TC-approved methodology to develop regional measures. The Board would review and only approve regional regulations that, when combined, would constrain the coastwide harvest to the RHL.

Please note: Under the following options the 2016 project harvest target and 2017 harvest target is provided in the example tables. These numbers are expected to change as 2016 data is finalized released. The measures included in the following options are examples.

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Option 1: Fish Sharing

For each region, the included states’ combined 2016 projected harvest is compared to the sum of their 1998-based allocations for 2017 (refer to Table 5). For regions with their combined 2016 projected harvest below their combined 1998-based allocations (MA, DE–VA, NC), the 2016 projected harvest becomes their 2017 harvest target. As such, these regions maintain status quo measures in 2017 to reduce the potential reduction burden of regions whose combined 2016 projected harvests are above their combined 1998-based allocations (RI, CT–NJ). These regions’ 2017 harvest targets are the sum of their combined 1998-based allocations plus additional fish from other regions remaining status quo, which are distributed according to the 1998-based allocations proportionally.

Option 1: Fish Sharing

| STATE | 2016 Projected Harvest | 2017 Harvest Target | Reduction (in Bold) | Example Size Limit | Example Possession Limit | Example Season (# of days) |
|---------------------------------------|------------------------|---------------------|---------------------|--------------------|--------------------------|----------------------------|
| MASSACHUSETTS | 56,642 | 56,642 | 0% | 16" | 5 fish | 125 |
| RHODE ISLAND | 92,821 | 83,985 | -10% | 18" | 4 fish | 118 |
| CONNECTICUT NEW YORK NEW JERSEY | 1,741,237 | 889,949 | -49% | 18" | 2 fish | 59 |
| DELAWARE MARYLAND VIRGINIA | 191,636 | 191,636 | 0% | 16" | 4 fish | 365 |
| NORTH CAROLINA | 17,074 | 17,074 | 0% | 15" | 6 fish | 365 |

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Option 2: One-Inch Size Increase as a Minimum Reduction

This option starts by applying a one-inch minimum size increase to all regions, and projecting the regional harvests that would occur in 2017. For regions with their combined 2016 projected harvest below their combined 1998-based allocations for 2017 (MA, DE–VA, NC), the 2017 projected regional harvest (under a one-inch size increase) becomes their 2017 harvest target. Reduction rates for these regions are then calculated. The regions with their combined 2016 projected harvest above their combined 1998-based allocations for 2017 (RI, CT–NJ) are responsible for the rest of the coastwide reduction that is needed to not exceed the 2017 RHL. The remaining reduction is distributed among these regions according to the 1998-based allocations proportionally.

Option 2: One-Inch Size Increase as a Minimum Reduction

| STATE | 2016 Projected Harvest | 2017 Harvest Target | Reduction (in Bold) | Example Size Limit | Example Possession Limit | Example Season (# of days) |
|---------------------------------------|------------------------|---------------------|---------------------|--------------------|--------------------------|----------------------------|
| MASSACHUSETTS | 56,642 | 39,083 | -31% | 17" | 5 fish | 125 |
| RHODE ISLAND | 92,821 | 63,118 | -34% | 19" | 8 fish | 184 |
| CONNECTICUT NEW YORK NEW JERSEY | 1,741,237 | 976,284 | -44% | 19" | 3 fish | 96 |
| DELAWARE MARYLAND VIRGINIA | 191,636 | 140,087 | -27% | 17" | 4 fish | 365 |
| NORTH CAROLINA | 17,074 | 12,427 | -26% | 16" | 6 fish | 365 |

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Option 3: 30% Reduction as a Minimum

This option starts by applying a 30% harvest reduction to all regions' 2016 projected harvest (based on the 30% reduction in the 2017 RHL). For the regions with their combined 2016 projected harvest below their combined 1998-based allocations for 2017 (MA, DE–VA, NC), the 30% reduction establishes their 2017 harvest target. The regions with their combined 2016 projected harvest above their combined 1998-based allocations for 2017 (RI, CT–NJ) are responsible for the rest of the coastwide reduction that is needed to not exceed the 2017 RHL. The remaining reduction is distributed among these regions according to the 1998-based proportions.

Option 3: 30% Reduction as a Minimum

| STATE | 2016 Projected Harvest | 2017 Harvest Target | Reduction (in Bold) | Example Size Limit | Example Possession Limit | Example Season (# of days) |
|---------------------------------------|------------------------|---------------------|---------------------|--------------------|--------------------------|----------------------------|
| MASSACHUSETTS | 56,642 | 39,649 | -30% | 17" | 5 fish | 134 |
| RHODE ISLAND | 92,821 | 53,348 | -42% | 18" | 4 fish | 88 |
| CONNECTICUT NEW YORK NEW JERSEY | 1,741,237 | 995,358 | -43% | 19" | 3 fish | 99 |
| DELAWARE MARYLAND VIRGINIA | 191,636 | 131,655 | -31% | 17" | 3 fish | 365 |
| NORTH CAROLINA | 17,074 | 11,952 | -30% | 16 | 5 fish | 350 |

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Option 4: One-inch Size Increase and 30% Reduction as Minimums

This option starts by applying a one-inch size increase to all regions, and projecting the regional harvests that would occur in 2017. For regions with their combined 2016 projected harvest below their combined 1998-based allocations for 2017 (MA, DE–VA, NC), if a one-inch size increase achieves a 30% reduction, the 2017 projected regional harvest becomes their 2017 harvest target. If less than a 30% reduction is achieved, the region must further reduce its harvest target (i.e., tighten regulations) to achieve a 30% reduction. If more than a 30% reduction is achieved, the region may increase its harvest target (i.e., loosen other regulations) to achieve a 30% reduction. The regions with their combined 2016 projected harvest above their combined 1998-based allocations for 2017 (RI, CT–NJ) are responsible for the rest of the coastwide reduction that is needed to not exceed the 2017 RHL. The remaining reduction is distributed among these regions according to the 1998-based proportions.

Option 4: One-Inch Size Increase and 30% Reduction as Minimums

| STATE | 2016 Projected Harvest | 2017 Harvest Target | Reduction (in Bold) | Example Size Limit | Example Possession Limit | Example Season (# of days) |
|---------------------------------------|------------------------|---------------------|---------------------|--------------------|--------------------------|-----------------------------|
| MASSACHUSETTS | 56,642 | 44,684 | -30% | 17" | 5 fish | 134 |
| RHODE ISLAND | 92,821 | 53,348 | -42% | 19" | 4 fish | 117 |
| CONNECTICUT NEW YORK NEW JERSEY | 1,741,237 | 987,491 | -43% | 19" | 3 fish | 99 |
| DELAWARE MARYLAND VIRGINIA | 191,636 | 131,655 | -31% | 17" | 3 fish | 365 |
| NORTH CAROLINA | 17,074 | 11,952 | -30% | 16" | 6 fish | 350 |

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Option 5: More Coastwide Consistency

This option applies a near coastwide one-inch size limit increase and bag limit reduction to 4 fish or less. (Note: North Carolina would be exempt as long as the state’s harvest remains low because its fishery is confounded by three species of similar flatfish for which consistency in regulations is ideal.) This option moves away from using the 1998-based allocations to set regional targets, based on the concerns listed in Section 2.2 Background (page 3). Additionally, the past three years have shown how variable annual harvest at the coastal (50%), regional (>60%), and state (>100%) level can be despite consistent measures across the years, underscoring the difficulty of using prior year harvest to predict future year harvest. Consequently, there is doubt as to the effectiveness of crafting measures to achieve calculated reduction targets based on prior year harvest. This option thus applies broad action across all states to reduce harvest and provide for more coastwide consistency in regulations. Of particular note, Option 5 is calculated to achieve a 28–32% coastwide reduction (depending on the sub-option), less than the required reduction of 41% that Options 1–4 are designed to address. **NOTE:** Selection of this option could trigger the National Marine Fisheries Service to implement the non-preferred coastwide measures for all state and federal waters because it may not restrain harvest to the 2017 RHL.

Option 5: More Coastwide Consistency

| STATE | 2016 Projected Harvest | Example Size Limit | Example Possession Limit | Example Season (# of days) |
|--|------------------------|--------------------|--------------------------|-----------------------------|
| MASSACHUSETTS | 56,642 | 17" | 4 fish | 125 |
| RHODE ISLAND | 92,821 | 19" | 4 fish | 245 |
| CONNECTICUT NEW YORK | 950,178 | 19" | 3 fish | 128 |
| NEW JERSEY* | 782,142 | 19" | 3 fish | 128 |
| NEW JERSEY/ DELAWARE BAY COLREGS** | 8,916 | 18" | 3 fish | |
| DELAWARE MARYLAND VIRGINIA | 191,636 | 17" | 4 fish | 365 |
| NORTH CAROLINA | 17,074 | 15" | 4 fish | 365 |

*New Jersey east of the COLREGS line at Cape May, NJ will have management measures consistent with the northern region of Connecticut – New York.

**New Jersey west of the COLREGS line at Cape May, NJ inside Delaware Bay will have a similar size limit to the southern region (DE-VA), the same possession limit and the same season length as the northern region of Connecticut – New York.

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Management for 2018

If the Board chooses to continue one of the alternative management approaches into 2018, the following outlines the process for setting harvest targets:

The TC will use harvest estimates and fishery performance from 2017 to evaluate the 2018 regional management approach. **If the coastwide RHL is exceeded, then region specific harvest will be evaluated, with the understanding that more restrictive management measures will be needed to constrain regional harvest in 2018. If the predicted 2018 combined regional harvest is higher than the 2018 RHL, regions will have to adjust their management measures in 2018.** The TC will develop proposed measures for each region that, when combined, will constrain the coastwide harvest to the 2018 RHL. Any number of size, possession, and season combinations can be evaluated when looking at regional management

3.3 Timeframe for Alternative Management Approaches

Option 1: For 2017 only

The addendum would expire at the end of 2017. After 2017, measures would revert back to the FMP status quo: The Board and Council specify coastwide measures to achieve a coastwide recreational harvest limit or conservation equivalent management measures using guidelines agreed upon by both management authorities in Framework 2 and Addenda XIV and VIII. 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 RHL.

Option 2: For 2017 and ability to extend through 2018 (One year extension)

The management program would be in place for 2017. The Board could take action, through a Board vote, to extend the addendum for one year, expiring at the end of 2018. After 2018, measures would revert back to the FMP status quo coastwide/conservation equivalency measures.

4.0 Compliance

Following the February 2017 Board Meeting, states will implement management measures through their state process to cumulatively achieve the needed coastwide reduction for 2017. Once management measures are finalized, the states must notify the Board of their final 2017 management measures by March 1, 2017. If a state or region does not implement management measures to cumulatively achieve across the regions the needed 2017 reduction, that state or region must implement the precautionary default management measures. If a state or region does not implement either sets of measures, that state or group of states may be found out of compliance.

Tables and Figures

Table 6. 2016 Summer Flounder recreational management measures. Color blocking indicates regions

| State | Minimum Size (inches) | Possession Limit | Open Season |
|--|-----------------------|------------------|------------------------|
| Massachusetts | 16 | 5 fish | May 22-September 23 |
| Rhode Island | 18 | 8 fish | May 1-December 31 |
| Connecticut | 18 | 5 fish | May 17- September 21 |
| CT Shore Program (46 designed shore sites) | 16 | | |
| New York | 18 | 5 fish | May 17- September 21 |
| New Jersey* | 18 | 5 fish | May 21- September 25 |
| NJ Shore program (1 designated site) | 16 | 2 fish | |
| New Jersey/Delaware Bay COLREGS** | 17 | 4 fish | |
| Delaware | 16 | 4 fish | January 1- December 31 |
| Maryland | 16 | 4 fish | January 1- December 31 |
| PRFC | 16 | 4 fish | January 1- December 31 |
| Virginia | 16 | 4 fish | January 1- December 31 |
| North Carolina | 15 | 6 fish | January 1- December 31 |

***New Jersey east of the COLREGS line at Cape May has management measures consistent with the northern region of Connecticut – New York.**

****New Jersey west of the COLREGS line at Cape May, NJ inside Delaware Bay has a similar size limit to the southern region (DE-VA), the same possession limit as the southern region (DE-VA), and the same season length as the northern region of Connecticut – New York.**

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Table 7. State regulations, 2013–2016. 2013 represents the last year state-by-state regulations applied; regional management applies 2014–2016. Colorblocking indicates regions. Red font indicates change from prior year.

| | 2013 | 2014 | 2015 | 2016 |
|------------------------|-------------------------------------|-----------------------------------|-----------------------------------|--|
| MA | 16" 5 fish May 22-Sep 30 | 16" 5 fish May 22-Sep 30 | 16" 5 fish May 22-Sep23* | 16" 5 fish May 22-Sep 23 (125 day season) |
| RI | 18" 8 fish May 1-Dec 31 | 18" 8 fish May 1-Dec 31 | 18" 8 fish May 1-Dec 31 | 18" 8 fish May 1-Dec 31 (245 day season) |
| CT | 17.5"*** 5 fish May 15-Oct 31 | 18"*** 5 fish May 17-Sep 21 | 18"*** 5 fish May 17-Sep21 | 18"*** 5 fish May 17-Sep21 (128 day season) |
| NY | 19" 4 fish May 1-Sep 29 | 18" 5 fish May 17-Sep 21 | 18" 5 fish May 17-Sep21 | 18" 5 fish May 17-Sep21 (128 day season) |
| NJ Coast | 17.5" 5 fish May 18-Sep16 | 18"*** 5 fish May 23-Sep 27 | 18"*** 5 fish May 23-Sep 26 | 18"*** 5 fish May 21-Sep 25 (128 day season) |
| NJ Delaware Bay | 17.5" 5 fish May 18-Sep16 | 18" 5 fish May 23-Sep 27 | 18" 5 fish May 23-Sep 26 | 17" 4 fish May 21-Sep 25 (128 day season) |
| DE | 17" 4 fish Jan 1-Dec 31 | 16" 4 fish Jan 1-Dec 31 | 16" 4 fish Jan 1-Dec 31 | 16" 4 fish Jan 1-Dec 31 (365 day season) |
| MD | 16" 4 fish Mar 28-Dec 31 | 16" 4 fish Jan 1-Dec 31 | 16" 4 fish Jan 1-Dec 31 | 16" 4 fish Jan 1-Dec 31 (365 day season) |
| VA | 16" 4 fish Jan 1-Dec 31 | 16" 4 fish Jan 1-Dec 31 | 16" 4 fish Jan 1-Dec 31 | 16" 4 fish Jan 1-Dec 31 (365 day season) |
| NC | 15" 6 fish Jan 1-Dec 31 | 15" 6 fish Jan 1-Dec 31 | 15" 6 fish Jan 1-Dec 31 | 15" 6 fish Jan 1-Dec 31 (365 day season) |

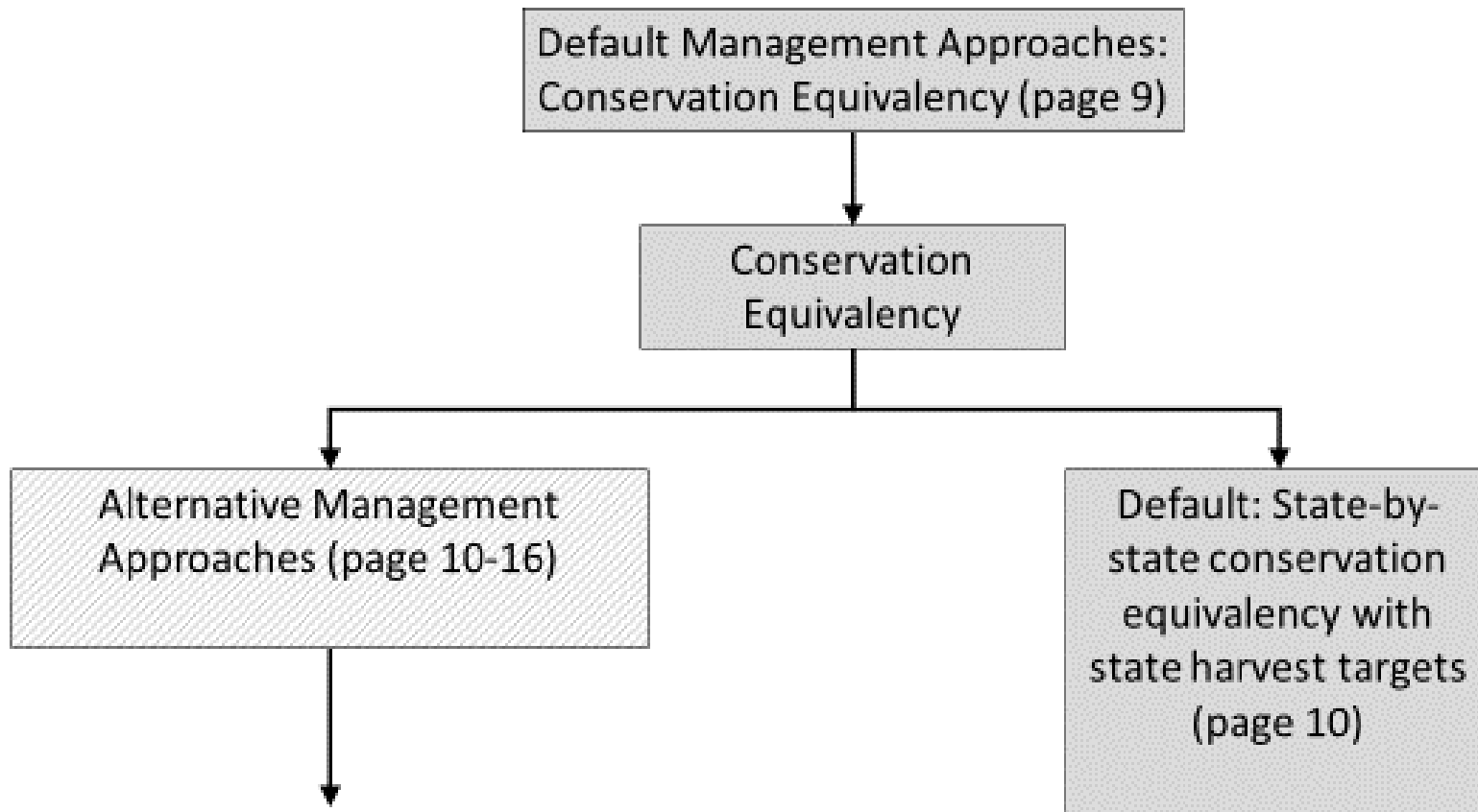
*MA change in season not due to cut, but correction of error from prior year

**CT has 45 designated coastal sites where minimum size is 16" for the 5-fish limit, 2013–2016

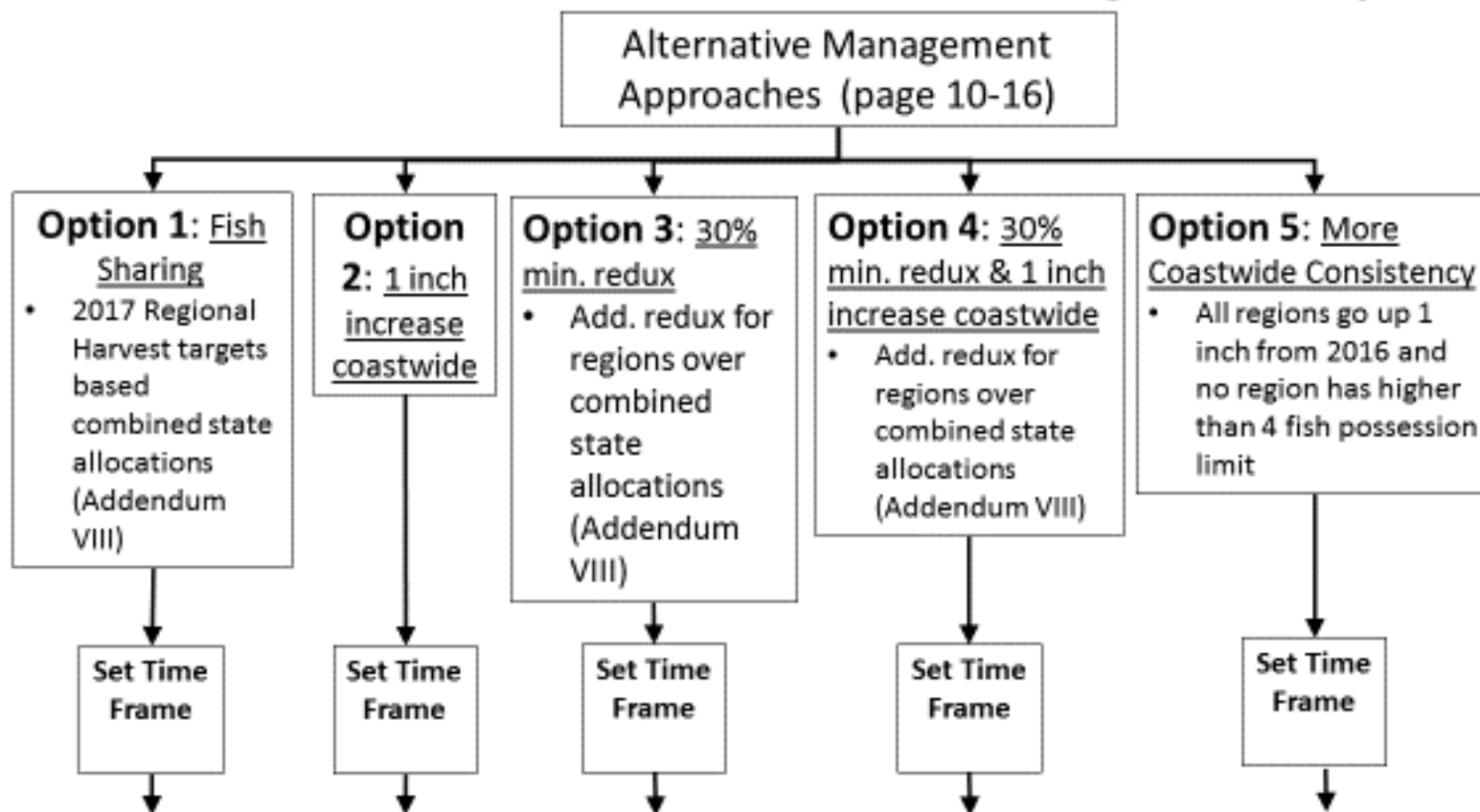
***NJ has 1 designated coastal site where 2 fish at 16" can be taken, 2014–2016 (another 3 at 18" can be taken outside of the designated site)

Appendix I

ASMFC Decision Tree for Draft Addendum XXVIII for Summer Flounder Recreational Management



Summer Flounder Alternative Management Options



Timeframe for Summer Flounder Regional Management

