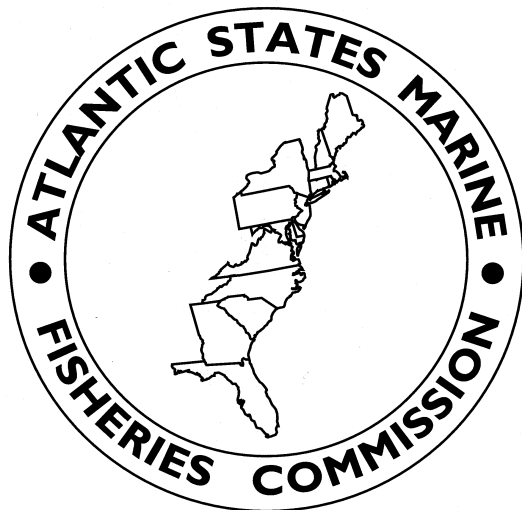


*Atlantic States Marine Fisheries Commission*

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

**2002 Recreational Fishery Specifications for Scup**



Approved by the Summer Flounder, Scup, and Black Sea Bass Management  
Board on February 21, 2002

## **Background**

The scup 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. In 1996, the Commission and the Council adopted the 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 the current program, the States, operating through the Commission's Summer Flounder, Scup and Black Sea Bass Management Board, and the Mid-Atlantic 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, however, follows the provisions outlined in Addendum IV to the Summer Flounder, Scup and Black Sea Bass Fishery Management Plan. Approved on January 29, 2001, this Addendum provides that, 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 forward a recommendation to NMFS. The states will then be responsible for implementing the Board's decision. During the fishing year, the Commission staff will monitor the progress of the fishery, and notify the states when closures or other regulatory actions are required; and the states are responsible for taking the necessary implementing action. Regulations will continue to be in effect the following year if they have not been changed by the Board.

The Scup FMP allocates 22% of the annual total allowable catch to the recreational fishery. It is 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. . In practice, the recreational fisheries for scup are managed on a "target quota" basis using harvest limits. A set portion of the total allowable landings is established as a harvest limit, and measures are established by the states that can reasonably be expected to constrain the recreational fisheries to that limit each year. Beginning in 1997, recreational harvest limits were established to achieve the target exploitation rates. The harvest limit in 1997 was 1.947 million pounds, but estimated landings were only 1.2 million pounds, or 0.74 million pounds below the limit. Landings in 1998 were similarly low at 0.68 million pounds below a limit of 1.553 million pounds. In 1999, however, 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. The harvest limit of 1.238 million pounds was exceeded by 3.945 million pounds.

The projected landings for 2001 are 4.970 million pounds, or over 3 million pounds more than the limit of 1.76 million pounds. In fact, projected landings would have to be reduced by 45.4 percent to achieve the harvest limit of 2.77 million pounds in 2002 assuming no change in stock status or angler effort. In developing regulations for 2002 it is important to consider that the most recent assessment indicates that the scup biomass increased in 2001 and is likely to increase again in 2002. In fact, the increase in angler catches in 2000 and 2001 indicate an increase in availability of scup. Survey information indicates that regulations may have protected the 1997

year class and also indicate large 1999 and 2000 year classes. If the 1999 and 2000 year classes are large and mortality of undersized fish is reduced, substantial biomass could be added to the stock by 2002.

A monitoring committee has been established with representatives from the Council, the Commission, the states and NMFS. This monitoring committee met on August 6, 2001 to make recommendations to the Council and Board for the total allowable landings and commercial fishing regulations for the 2002 scup fishery. The Board met with the Mid-Atlantic Fishery Management Council on August 8, 2001, to consider the recommendations of the monitoring committees and recommended to NMFS that the total allowable landings for 2002 be limited to 12.92 million pounds.

The most prominent data set that has been used in monitoring and assessing scup recreational fisheries is and has been 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 2002, as in previous years, the monitoring committees considered preliminary information from the first four waves (January-August). The preliminary 2001 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 12, 2001, to consider monitoring committee recommendations for the 2002 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 a open season from January 1-February 28 and from July 1-October 31 in the EEZ. Though the Monitoring Committee reported that the required coastwide reduction is 45%, the Council recommendations were aimed to achieve a 31% reduction in scup landings from the 2001 recreational harvest.

### **Statement of the Problem**

The fishery management plan for scup does not provide an opportunity to craft recreational measures that will adequately meet the reductions that the FMP requires. The FMP allows for a single, coast-wide measure for recreational fisheries, but the application of bag, size and season limits end up having significantly different impacts from one area within the range of these species to another. This results in a great deal of inequity, which is exacerbated when significant reductions are required.

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. In 2001, under the provisions of Addendum III, states were allowed to craft individual regulations in an attempt to achieve the targeted reductions. This addendum expired at the end of 2001.

The purpose of this Addendum, which is proposed by the states under Amendment 12, is to establish recreational fishing specifications for scup for 2002. Its provisions have no application beyond 2002.

**Management Program**

Under this addendum, each state will have to achieve a percent reduction that is based on the performance of the regulations in previous years. Calculations of the reduction in landings necessary to achieve the 2002 harvest limit have been based on the number of fish caught and the average landings from 1998-2000. Table 1 illustrates the percent reduction each state from Rhode Island through New York (inclusive) will be required to achieve. It is important to note that Massachusetts is not required to reduce their landings and will be permitted to liberalize their regulations by 7%.

Table 1. Average Scup Landings (number) by state for 1998-2000 and 2002 (assuming a 4.5% increase in 2002 landings), and the 2001 projected landings (based on waves 1-5). The percent reduction or increase relative to 2001 landings necessary to achieve the 2002 recreational harvest limit is also presented.

<b>State</b>	<b>1998-2000 Landings (number '000)</b>	<b>4.5% Increase (2002)</b>	<b>2001 Landings (number '000)<sup>A</sup></b>	<b>% Increase or Decrease</b>
<b>MA</b>	895	935	871	+7
<b>RI</b>	701	732	1,096	-33
<b>CT</b>	605	632	1,040	-39
<b>NY</b>	1,436	1,500	1,754	-15

<sup>A</sup> The projected landings are based on waves 1-5.

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. The State of New Jersey is required to implement a 10-inch minimum size, a season of July 1 – October 31, and a 50 fish bag limit. The states of Delaware, Maryland, Virginia and North Carolina are required to implement an 8” minimum size, a 50 fish bag limit and no seasonal closure, which is consistent with the requirements for 2001.

Table 2. Recreational scup regulations for 2002 in the states of Delaware, Maryland, Virginia and North Carolina

State	Minimum Size	Bag Limit	Open Season
NJ	10"	50 Fish	July 1-October 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

This addendum will also permit individual states to separate the management of the Party and Charter Boat sector from the remainder of the recreational fishery. This separation is justified by the financial dependence of captains and crew. The main incentive for many participants in the party and charter boat scup fishery is the “promise” of large catches. Should the bag limit for this sector be too low, the incentive will be removed and many party and charter boat captains and crew will experience severe economic consequences due to a lack of participation in the fishery. Should a state determine that their party and charter fishery would benefit from separate management measures, a proposal is required to be submitted to the Summer Flounder, Scup and Black Sea Bass Technical Committee for review prior to Board approval.

No guidelines for separating the recreational fishery by mode have been established. It will be the responsibility of the individual state to justify their proposal as statistically sound. However, the Summer Flounder, Scup and Black Sea Bass Management Board has set 30% as the maximum coefficient of variation.

### Calculating Reductions Associated with Management Programs

Under this Addendum, states will be required to use the following methodology to determine the reduction in landings associated with certain combinations of possession limit, minimum size limit and seasonal restrictions. Each option must address the fact that the 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. 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 should be 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 2001. This adjustment is achieved by “zeroing-out” any reductions gained from closed seasons in 2001. In other words, if a state received a 15% credit for seasonal closures in 2001 from Table 4, any reductions associated with closures for 2002 will need to be reduced by 15%. As an example, state X was closed from January 1 - May 9 in 2001 which, based on Table 4, accounted for a 12% reduction. In 2002 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 2002 reduction given the proposed closure.

Also, the Total Reduction Equation that is detailed above must be used to determine the effect of a proposed management program.

Table 3. The effect of various size and possession limits on 2001 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 2001 management measures.

<b>Bag Limit</b>	<b>No Size Limit</b>	<b>7” Minimum Size</b>	<b>8” Minimum Size</b>	<b>9” Minimum Size</b>	<b>10” Minimum Size</b>
No Limit	0	0	0	0.018	0.097
1	0	0	0	0.832	0.844
2	0	0	0	0.703	0.732
3	0	0	0	0.607	0.640
4	0	0	0	0.524	0.568
5	0	0	0	0.456	0.505
6	0	0	0	0.392	0.446
7	0	0	0	0.337	0.397
8	0	0	0	0.286	0.351
9	0	0	0	0.255	0.322
10	0	0	0	0.226	0.294
15	0	0	0	0.156	0.229
20	0	0	0	0.114	0.193
25	0	0	0	0.087	0.167
30	0	0	0	0.064	0.144
35	0	0	0	0.041	0.120
40	0	0	0	0.027	0.106
45	0	0	0	0.021	0.100
50	0	0	0	0.018	0.097

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

<b>State</b>	<b>Wave 1</b>	<b>Wave 2</b>	<b>Wave 3</b>	<b>Wave 4</b>	<b>Wave 5</b>	<b>Wave 6</b>
<b>MA</b>	-	-	0.61	0.51	0.51	-
<b>RI</b>	-	-	0.08	0.78	0.75	0.02
<b>CT</b>	-	-	0.13	0.80	0.69	-
<b>NY</b>	-	-	0.36	0.45	0.80	0.02
<b>NJ</b>	-	0.01	-	0.05	1.29	0.30
<b>DE</b>	-	-	-	0.15	1.47	0.02
<b>MD</b>	-	-	-	0.74	-	0.88
<b>VA</b>	-	-	-	-	1.44	0.20
<b>NC</b>	-	0.05	0.67	0.50	0.40	-
<b>Coast</b>	-	0.01	0.21	0.44	0.82	0.16

### **Approval of State Management Programs**

Each state from Massachusetts through New York (inclusive) is required to submit its proposed management measures for Technical Committee review by March 15, 2002. These proposals will include the minimum size, bag limit and open season that will achieve the state-specific 2002 harvest limit as described above. Any state that proposes to separate their recreational fishery by mode will be required to provide a detailed description of the data and analysis techniques used. Again, a maximum 30% coefficient of variance in the mode specific data will be permitted. All state plans will be submitted to the Board for review and approval by conference call after Technical Committee review.