

*Atlantic States Marine Fisheries Commission*

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

*Summer Flounder Recreational Management in 2013*



*ASMFC Vision Statement:*

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

**March 2013**

## Addendum Process

The Atlantic States Marine Fisheries Commission (Commission) Summer Flounder, Scup, and Black Sea Bass Management Board (Board) approved the following motion: Move to initiate a fast-track addendum to allow for the use of any unused quota by other states for 2013 only.

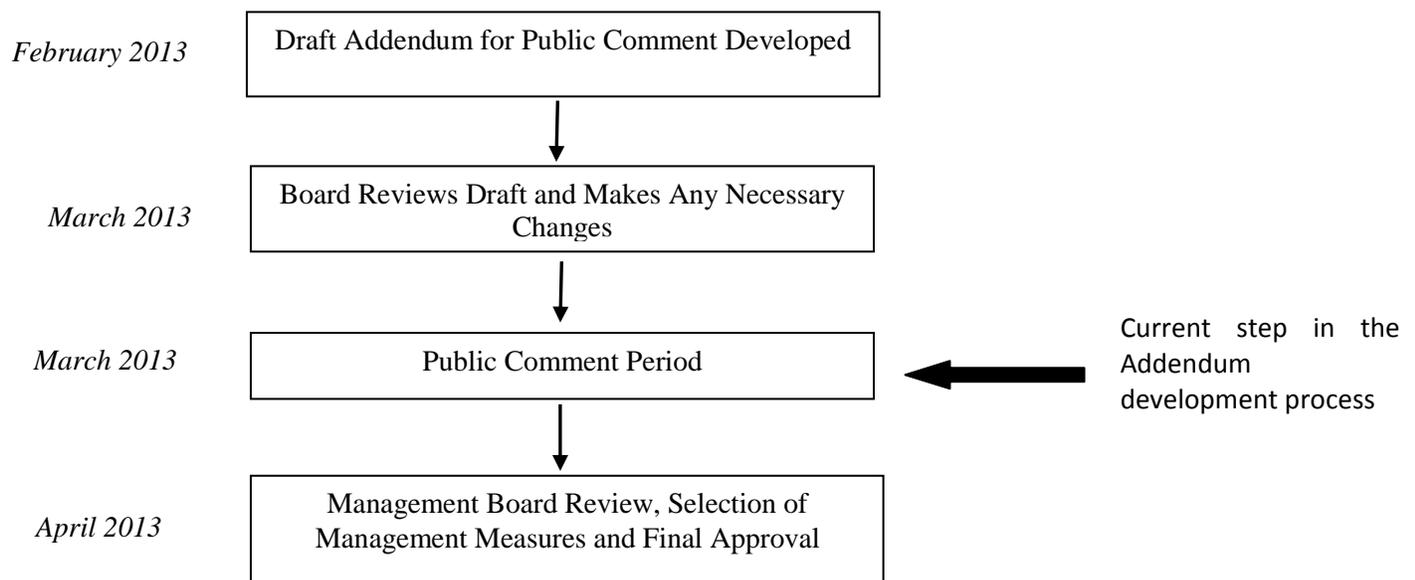
This Draft Addendum proposes a mechanism to allow states access to the recreational harvest limit that is projected to not be harvested in 2013. The intent is to allow for the more equitable distribution of fishing opportunities in the 2013 summer flounder recreational fishery while accounting for regional differences in fish size and availability. This Draft Addendum presents background on the Commission's management of summer flounder, scup, and black sea bass; the addendum process and timeline; and a statement of the problem. This document also provides management options for public consideration and comment. Specifically, the Commission is seeking comment on issues under Section 3.0 Management Measures.

The public is encouraged to submit comments on the issues contained in this document. **The final date comments will be accepted is 5 PM (EST) on April 12, 2013.** Comments may be submitted by mail, email, or fax. If you have any questions or would like to submit comment, please use the contact information below.

Mail: Toni Kerns

Atlantic States Marine Fisheries Commission  
1050 N. Highland St. Suite 200 A-N  
Arlington, VA 22201

Email: [tkerns@asmfc.org](mailto:tkerns@asmfc.org)  
(Subject: summer flounder)  
Phone: 703-842-0740  
Fax: 703-842-0741



## **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 Fishery Management Plan (FMP) for Summer Flounder, Scup, and Black Sea Bass. The adaptive management program allows for changes to recreational fishery measures. This Draft Addendum applies only to the summer flounder section of the FMP. The summer flounder fishery is managed cooperatively by the states through the Commission for state waters, and the federal government through the Mid-Atlantic Fishery Management Council (Council) and NOAA Fisheries for federal waters. The management unit for summer flounder remains unchanged in this addendum. Specifically, the management unit for summer flounder in US waters is the western Atlantic Ocean from North Carolina northward to the US-Canadian border.

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 year's fishery and how that will affect the upcoming fishing year. This Draft Addendum proposes to stabilize fishing rules close to those that existed in 2012, partly, to minimize the reductions facing two states and partly to allow for the more equitable distribution of fishing opportunities in the 2013 season. The proposed approach is to allow states to capitalize on harvest opportunities that are foregone by states that choose not to fully utilize their 2013 harvest target.

## **2.0 Statement of the Problem**

The states, operating through the Board and Council, jointly adopted Amendment 2 to the FMP for Summer Flounder in 1992, which established a comprehensive program for the development of annual fishing regulations for summer flounder on a coastwide basis. In the mid- to late 1990s, significant overages began to occur and coastwide measures were adjusted (made more conservative) to address these overages of the coastwide target (Figure 1). Increasingly restrictive measures began to impact the traditional fisheries of individual states, putting states with a small-fish fishery at a disadvantage with increasing size limits. The Board and Council developed a program to allow for state-specific measures through conservation equivalency as set forth in Framework 2 in 2001. Framework 2 allowed for states to develop measures that met the needs of their fishery to reflect the timing and size of fish available in their state waters. To develop conservationally equivalent measures individual states needed annual harvest targets; therefore, state-specific harvest targets were made based on the state proportion of harvest in 1998 estimated from the Marine Recreational Fisheries Statistics Survey (MRFSS). Pursuant to the Framework 2 process, following the recommendation of the technical committee and joint consideration with the Council, the Board makes the annual decision concerning what state regulations will be rather than make a recommendation to NOAA Fisheries. 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.

Although the shift away from coastwide management to state conservation equivalency addressed the interests of some states (e.g. North Carolina with its smaller fish and later season, Nov-Dec fishery), it has given rise to concerns on the part of other states. While conservation equivalency provided greater flexibility for individual states to set their limits from year to year, individual state targets was based upon the states proportion of the 1998 MRFSS harvest estimate, 1998. No mechanism, outside of the addendum process, was included to allow for the adjustment of the mechanism to set the harvest target or the management strategy if changes occurred in the fishery along the coast. This resulted in ever increasing size limits, reduced bag limits, and shorter seasons for most of the states while the stock was at a low level and recovering. However, the impact of these ever-restrictive measures seemed to effect New York the most, where the size limit reached 21 inches by 2009, which also saw a very short season including mid-season closure. In 2012, with a fully recovered stock, New York's minimum size (19.5 inches) was at least one inch higher than any other state, one and a half inches higher than its Long Island Sound bordering state, Connecticut and two inches greater than its ocean / New York Harbor bordering state, New Jersey (Table 1).

New York has argued that reliance on the 1998 MRFSS estimate for management of summer flounder harvest has resulted in an unfairly low harvest target (and chronic overages). The state points to the consistently higher minimum size it has been compelled to adopt as evidence of the problem. Recently, Marine Recreational Information Program (MRIP) estimates have become available which seem to further support this contention, with MRIP harvest estimates being higher than the previous MRFSS estimates for New York, while being lower for some other states, notably New Jersey.

Minimum sizes adopted by states follow a general south to north pattern of increasing size. In 2012, they ranged from 15 inches in North Carolina (smallest) to 19.5 inches in New York (largest), and then dropped again northward to Massachusetts (Table 1). Despite the wide range in minimum sizes in place, only two states, New York and New Jersey, exceeded their targets in 2012. Both states must reduce their harvest in 2013 by tightening their regulations in order to achieve their 2013 target (Table 2). For many other states, their harvest fell significantly below 2012 targets despite expectations that their adopted regulatory programs would produce landings near their targets (Table 2 and Figure 2). These states are allowed to adopt more liberal regulations in 2013 even with lower harvest targets, because their 2012 harvest was lower than the 2013 target.

With a catch of over 5.5 million fish and a harvest of over 500,000 fish in 2012, New York is second only to New Jersey (8.3 million fish caught, 1 million fish harvested in 2012) in the size of its fluke fishery (see Table 3 and Figure 2). Virginia ranks third with 1.1 million fish caught and 263,000 harvested. Catch and harvest levels diminish rapidly, thereafter, such that the smallest landing state, Maryland, landed just 20,000 fish and the combined harvest of six states (MA, RI, CT, DE, MD, NC) totals just 363,000 fish. Figure 3 shows these ratios of landed to caught summer flounder, as retention rates. This Draft Addendum proposes to allow for the more equitable distribution of fishing opportunities in the 2013 fishing season. A subcommittee has been established to address long-term solutions for the 2014 summer flounder recreational fishery and beyond to be presented to the Board.

## **2.0 Background**

### **2.1 History of the Recreational Fishery Specifications**

The recreational summer flounder fishery has been managed under a Recreational Harvest Limit (RHL) since 1993. During the initial years of quota management (1993-1998), the recreational fishery was managed under a single set of coastwide management measures, adjusted annually, based on landings relative to the available RHL. However, concerns soon developed over the equity of coastwide measures given the varied distribution of fish by size and numbers over the broad geographic range of this resource (Massachusetts-North Carolina).

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 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 MRFSS. States developed “conservation equivalent” measures based on this implicit harvest target. Even today, Commission documents and guidance to states for developing recreational summer flounder fishery management measures reference only the values of the 1998 landings by state and do not specify a percentage allocation. Addendum XVII establishes a program wherein the Board could sub-divide the recreational summer flounder coastwide allocations into voluntary regions.

## **3.0 Proposed Management**

The measures proposed would be for the 2013 recreational fishing year only. Measures adopted through this addendum process would expire at the end of 2013.

### **Option 1. Status quo**

The Board and Council specify coastwide measures to achieve a coastwide recreational harvest limit or permit state-specific conservation equivalent management measures using guidelines agreed upon by both management authorities in Framework 2, Addendum XIV and Addendum

XVII. Under this option, the states of North Carolina, Virginia, Maryland, Delaware, Rhode Island, Connecticut and Massachusetts could liberalize their 2013 regulations and New Jersey and New York must implement more conservative their regulations (Table 2).

### **Option 2: Utilization of Additional RHL**

States that may liberalize their 2013 summer flounder recreational regulations (Table 2) but choose not to fully utilize their entire harvest target, agree to allow for these potential “under-utilized fish” to be distributed to any other state, upon request. Savings would be distributed to any requesting states through Board action. States with the option to liberalize are not giving up their state portion of the 2013 RHL. For example, if a state adopts management measures that project that 2013 landings will be under target but achieves the full target, that state will incur no penalty.

Once states with the opportunity to liberalize their recreational fishery in 2013 have finalized their management programs, any state would be allowed to request access to the RHL that is projected to not be harvested in 2013. A state would request access to additional RHL to the Board. The total amount of additional RHL will be determined by the Technical Committee. A state requesting access to additional RHL would send a memo to the Board including why the state has not been able to address its fisheries needs through the current management system, how the additional fish would impact the state’s 2013 fishing season, and the amount of fish a state is requesting. The Board will determine how much of the additional RHL any state may access through Board action. The state then may adjust its 2013 state recreational management program using the same analysis that was presented to the Board at the February 2013 meeting.

To further clarify the process: following the adoption of each state’s measures, the resulting recreational harvest will be projected by the Technical Committee. This projected harvest will be compared to the total RHL (2.5 million fish) to determine the amount of addition fish available to states to allow for the more equitable distribution of fishing opportunities in the 2013 summer flounder recreational fishery while accounting for regional differences in fish size and availability.

The specification process for the summer flounder fishery would only be altered for 2013. In 2014, the Commission would revert to the specification process used in previous years unless altered through a subsequent addendum.

### **4.0 Compliance**

Provisions adopted through this addendum process would become effective immediately upon approval of the addendum.

**Table 1. 2012 recreational management measures for summer flounder by state.**

| State                         | Minimum Size (inches) | Possession Limit | Open Season          |
|-------------------------------|-----------------------|------------------|----------------------|
| Massachusetts                 | 16.5                  | 5 fish           | May 22-September 30  |
| Rhode Island                  | 18.5                  | 8 fish           | May 1-December 31    |
| Connecticut*                  | 18                    | 5 fish           | May 15-October 31    |
| *At 44 designated shore sites | 16                    |                  |                      |
| New York                      | 19.5                  | 4 fish           | May 1-September 30   |
| New Jersey                    | 17.5                  | 5 fish           | May 5-September 28   |
| Delaware                      | 18                    | 4 fish           | January 1-October 23 |
| Maryland                      | 17                    | 3 fish           | April 14-December 16 |
| PRFC                          | 16.5                  | 4 fish           | All year             |
| Virginia                      | 16.5                  | 4 fish           | All year             |
| North Carolina                | 15                    | 6 fish           | All Year             |

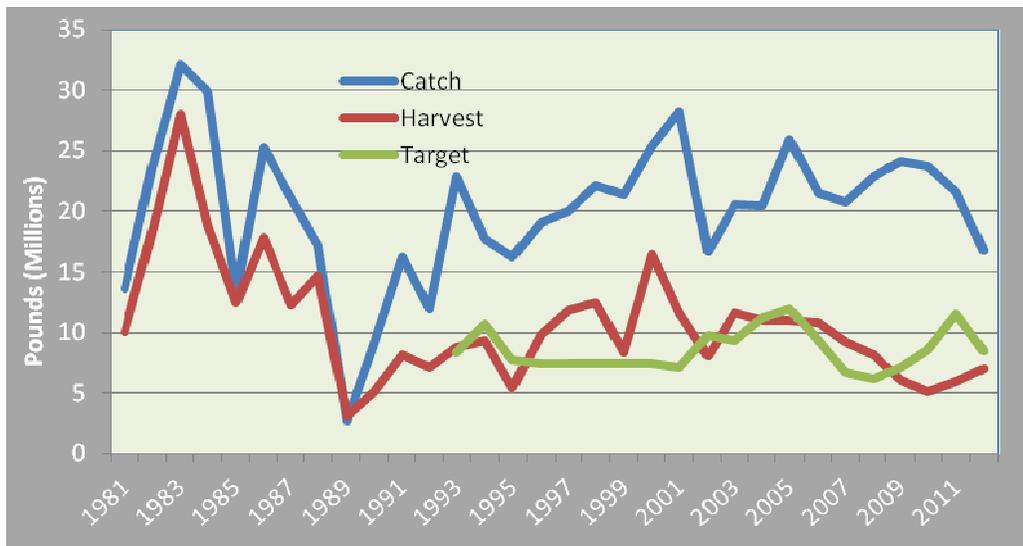
**Table 2. Summer flounder landings estimates (number of fish) by state in 2012<sup>1</sup>**

| State | 2012 Target | 2012 projected estimated harvest | 2013 Target | % Reduction | % Liberalization |
|-------|-------------|----------------------------------|-------------|-------------|------------------|
| MA    | 153,089     | 77,375                           | 137,307     |             | 77.5%            |
| RI    | 157,885     | 103,669                          | 141,609     |             | 36.6%            |
| CT    | 104,324     | 61,969                           | 93,569      |             | 51.0%            |
| NY    | 491,642     | 514,328                          | 440,960     | 14.3%       |                  |
| NJ    | 1,090,407   | 1,153,975                        | 977,998     | 15.2%       |                  |
| DE    | 87,536      | 38,469                           | 78,512      |             | 104.1%           |
| MD    | 82,340      | 20,699                           | 73,852      |             | 256.8%           |
| VA    | 465,661     | 262,828                          | 417,657     |             | 58.9%            |
| NC    | 156,286     | 62,100                           | 140,175     |             | 125.7%           |
| Coast | 2,789,171   | 2,295,412                        | 2,501,639   |             | 9.0%             |

<sup>1</sup> Source: <http://www.st.nmfs.noaa.gov/st1/recreational/index.html>.

**Table 3. 2012 Summer flounder recreational management measures for New York and New Jersey.**

| State        | Minimum Size (Inches) | Creel Limit | Open Season          | 2012 Catch        | 2012 Harvest     | 2012 Retention Rate | 2013 Target      |
|--------------|-----------------------|-------------|----------------------|-------------------|------------------|---------------------|------------------|
| New York     | 19.5                  | 4 fish      | May 1 – September 30 | 5,554,298         | 514,328          | 9%                  | 440,960          |
| New Jersey   | 17.5                  | 5 fish      | May 5 – September 28 | 8,341,150         | 1,153,974        | 14%                 | 977,998          |
| Others       |                       |             |                      | 3,160,455         | 625,815          | 20%                 | 1,082,708        |
| <b>Coast</b> |                       |             |                      | <b>17,055,874</b> | <b>2,294,197</b> | <b>13.5%</b>        | <b>2,501,666</b> |



**Figure 1. Summer flounder catch, harvest and targets from 1981-2012.**

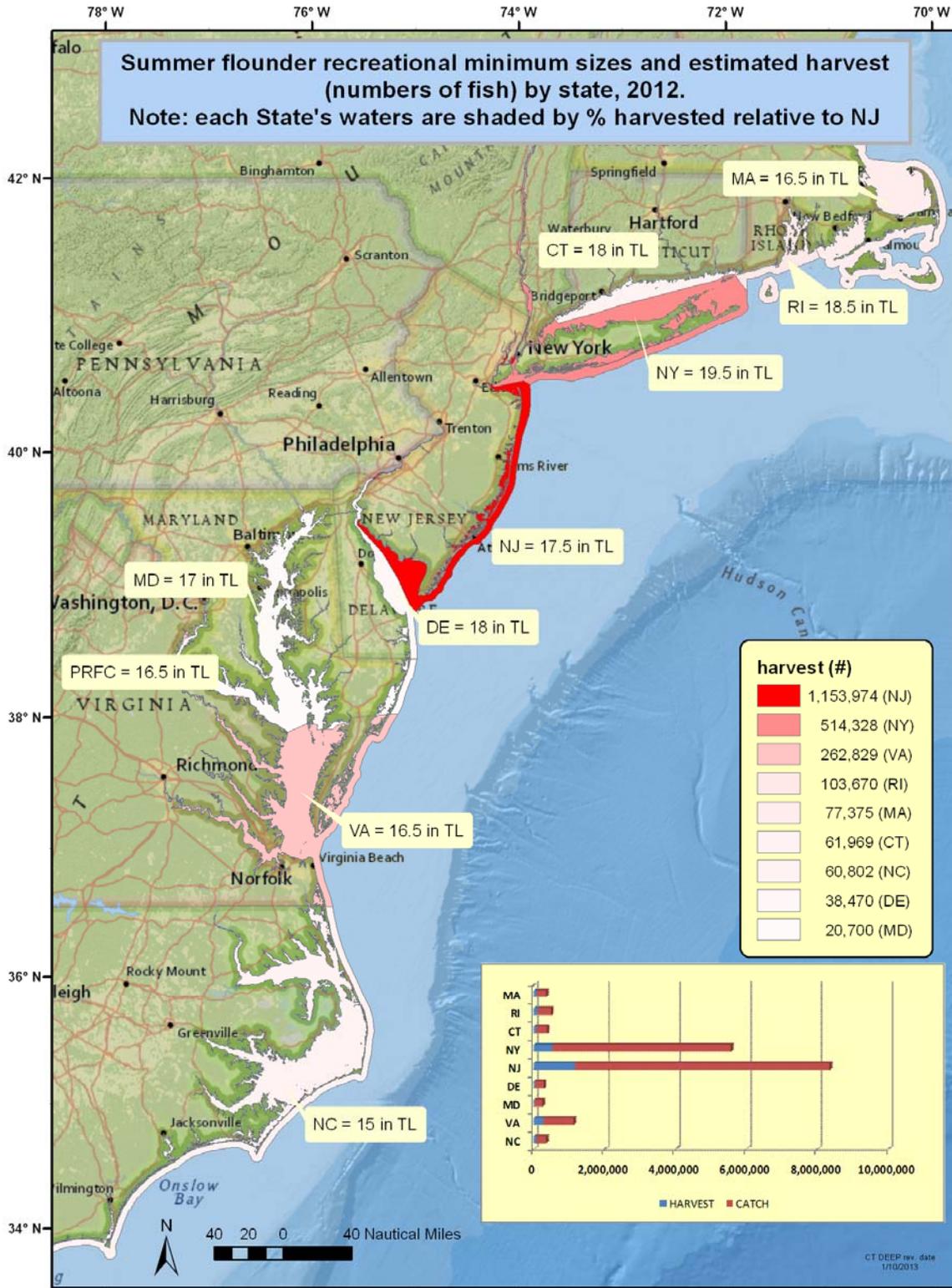
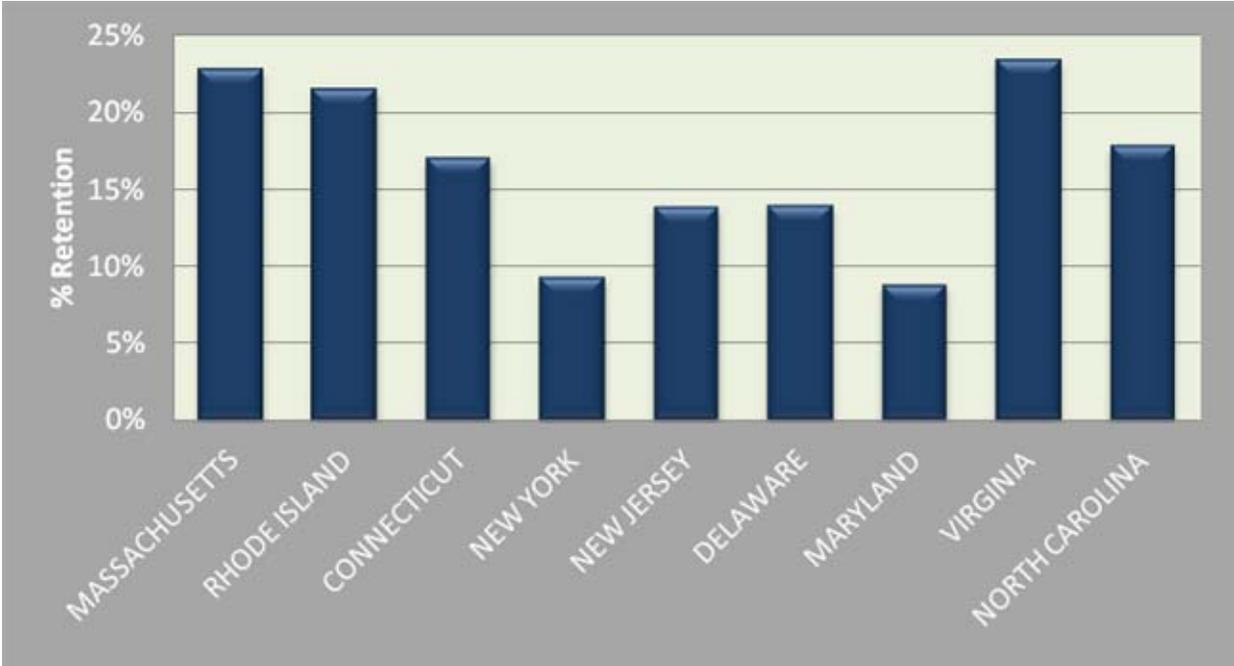


Figure 2. 2012 Harvest by State.



**Figure 3. Retention rate of summer flounder by state.**