

*Atlantic States Marine Fisheries Commission*

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

**Commercial Summer Flounder Allocation of Additional Quota**



*ASMFC Vision Statement:*

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

**November 2004**

## **Background**

This Addendum is implemented under the adaptive management/framework procedures that are a part of the Fishery Management Plan (FMP) for Summer Flounder. The Addendum applies only to the Summer Flounder FMP, and is authorized by Amendment 12 to the Summer Flounder, Scup, and Black Sea Bass FMP. The Atlantic States Marine Fisheries Commission and the Mid-Atlantic Fishery Management Council (Council) cooperatively manage the summer flounder fishery.

The states, operating through the Commission's Summer Flounder, Scup, and Black Sea Bass Management Board (Board) and the Council, jointly adopted Amendment 2 to the FMP for Summer Flounder in 1992. Amendment 2 established a comprehensive program for the development of annual fishing regulations for summer flounder, including the current specification setting process. The commercial quota is divided into state-specific quotas (see table 1) based on historic landings from 1980-1989. Amendment 12, adopted in 1998, 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, commercial state shares, and recreational regulations.

Addendum IV to the Summer Flounder FMP on January 29, 2001. Under the provisions of Addendum IV, the Commission continues to participate in the monitoring committee processes as established by Amendment 2. However, upon the recommendation of the relevant monitoring committee and joint consideration with the Council, the Board will make a decision concerning what state regulations will be rather than make a recommendation to NMFS. The states are then responsible for implementing the Board's decision. States may still be subject to a noncompliance determination by the Commission under the Atlantic Coastal Fisheries Cooperative Management Act if they do not act in concert with the Commission mandated management regime and enact the required regulations.

This Addendum establishes an allocation program for the increase in commercial total allowable landings in the summer flounder fishery for 2005 and 2006 only. The Board modified an option developed by participants at the industry workshop. Two industry members from each state, Massachusetts to North Carolina, were invited to participate in a workshop to develop management options, by consensus, for the allocation of the increase in commercial total allowable landings in the summer flounder fishery. The workshop was held in Philadelphia, PA on September 27-28, 2004. Several management options were developed at the workshop.

## **Statement of the Problem**

Differences of opinion exist among commercial fishermen concerning quota allocations. Some states feel inequities are inherent in the allocation program for reasons such as incomplete historical catch reports. Also, as stocks continue to rebuild, the availability of fish increases and changes in the distribution of fish are seen. As the stock distribution widens, fishing grounds that were once absent of fish are abundant with fish of differing sizes and year-classes. States are now beginning to see a population of summer flounder that can

support a limited directed fishery, yet their quota allocations will only support bycatch levels of fishing throughout much of the year, resulting in persistently high levels of regulatory discards. Recent discussions have highlighted the increase in quota as an opportunity to address allocation and discard issues.

The industry workshop identified commercial discards as a major problem in the summer flounder fishery. Industry members found that discard data is not representative of what is occurring in today's fishery. Adding observer coverage to the fishery can reduce variability in the discard data. Summer flounder commercial discards are estimated from fishery observer data and represent about 5%-10% of the commercial catch assuming a discard mortality of 80%. Discards are recorded by areas not states (e.g., Gulf of Maine, Georges Bank). In 2003, discards accounted for 8% of the total coastwide commercial catch or 1.14 million pounds. Of those discards, 0.91 million pounds are assumed dead. A reduction in discards should increase the summer flounder spawning stock biomass. With more fish reproducing, the opportunity for rebuilding increases. As stock size increases, the number of available fish for harvest increases.

This Addendum has been developed to allow for a change in the allocation scheme for the additional commercial quota from 2004 to 2005, approximately 1.3 million pounds, as well as the additional quota from 2004 to 2006, approximately 1.6 million pounds.

## **Management Program**

### **State-specific Bycatch Allocation\***

For the fishing years 2005 and 2006, the associated quota increases will be allocated to the following states as a bycatch allocation. 75,000 pounds of summer flounder will be allocated each to Maryland, New York, Connecticut, and Massachusetts; 15,000 lbs to Delaware; 5,000 lbs to Maine; and 90 lbs to New Hampshire. The remaining quota will be allocated according to the historic shares (table 1). The bycatch allocation will be used to address bycatch issues where they exist in each of the receiving states. States must notify the Commission of adjustments made to their management program that address bycatch issues.

Approximate state shares for 2005 and 2006 are found in table 1. If a state incurs overages in 2004, the overage will come out of their 2005 quota. The 2006 shares have not been adjusted for research set asides, up to 3% of the total coastwide quota (33.0 million pounds) can be set aside for research programs. If a state incurs overages in 2005, the overage will come out of its 2006 quota.

### **Implementation**

In order for the management program in this addendum to take effect in 2005 and 2006, compliance criteria are required. Both the commission and council would have execute management changes to alter state quotas; therefore, to implement the management in this addendum quota transfers must take place. All "donor states" have to employ the quota transfer provisions of the FMP. Each donor state gives the same proportional percent of its commercial quota to each receiving state (tables 2 and 3). For example, in 2005, Maine receives approximately 2% of the total quota to be transferred by all four states (259,747 lbs); therefore RI, NJ, VA, and NC will all give approximately 2% of their total transferred quota

to Maine (table 2). New Hampshire declined the 90 pounds allocated to them in 2005; therefore, no additional quota will be transferred to that state.

New Hampshire has not declined quota for 2006. Table 3 reflects the quota transfers for 2006, assuming New Hampshire will receive 90 pounds.

A receiving state's transferred quota will not add up to the total amount in the management program above. For example, Maryland will not be transferred a total of 75,000 pounds, instead the 75,000 pounds is allocated in the initial distribution of the quota. The transferred amount is determined by the gains and losses a state incurred with the new allocation from status quo, the historic state shares. For example, with the new allocation formula in 2005 New Jersey receives 53,520 pounds less than they would have had if no change in the allocation had occurred; therefore, New Jersey will transfer 53,520 pounds total: 2% to Maine, 20% to Massachusetts, 26% to Connecticut, 19% to New York, 58% to Delaware, and 26% to Maryland. The percent a state gains from each donor state is determined by how much quota they gained from status quo divided by the total amount of quota to be transferred (tables 2 and 3).

**Table 1. Historic State shares and approximate state shares under the management program described in the addendum for 2005 and 2006 (shares are in pounds).**

State	Historic Percent Allocation	Approximate State Share for 2005	Approximate State Share for 2006
Maine	0.00047560	13,393	14,265
New Hampshire	0.00000460	81	90
Massachusetts	0.06820460	1,278,651	1,403,626
Rhode Island	0.15682980	2,767,677	3,055,045
Connecticut	0.02257080	473,322	514,679
New York	0.07646990	1,424,514	1,564,634
New Jersey	0.16724990	2,951,568	3,258,028
Delaware	0.00017790	18,140	18,465
Maryland	0.02039100	434,853	472,217
Virginia	0.21316760	3,761,907	4,152,505
North Carolina	0.27445840	4,843,546	5,346,450
<i>Total</i>	1.00000010	17,967,652	19,800,002

**Table 2. 2005 transfer program (in pounds).**

States Transferring Quota 2005	States Receiving Quota in 2005						Total Quota Transferred in 2005 (lbs)
	ME	MA	CT	NY	DE	MD	
RI	937	10,274	13,095	9,763	2,887	13,230	<b>50,186</b>
NJ	999	10,957	13,965	10,412	3,079	14,109	<b>53,520</b>
VA	1,273	13,965	17,799	13,270	3,924	17,983	<b>68,214</b>
NC	1,639	17,980	22,917	17,085	5,053	23,153	<b>87,827</b>
<b>Total Quota Received (lbs)</b>	<b>4,848</b>	<b>53,175</b>	<b>67,777</b>	<b>50,530</b>	<b>14,943</b>	<b>68,475</b>	<b>259,747</b>

**Table 3. 2006 transfer program (in pounds).**

States Transferring Quota in 2006	States Receiving Quota in 2006							Total Quota Transferred in 2006 (lbs)
	ME	NH	MA	CT	NY	DE	MD	
RI	937	17	10,273	13,095	9,762	2,887	13,230	50,200
NJ	999	18	10,955	13,965	10,410	3,079	14,109	53,535
VA	1,273	24	13,963	17,799	13,268	3,924	17,982	68,234
NC	1,639	30	17,977	22,916	17,083	5,053	23,152	87,851
<b>Total Quota Received (lbs)</b>	<b>4,848</b>	<b>90</b>	<b>53,168</b>	<b>67,775</b>	<b>50,523</b>	<b>14,943</b>	<b>68,473</b>	<b>259,820</b>