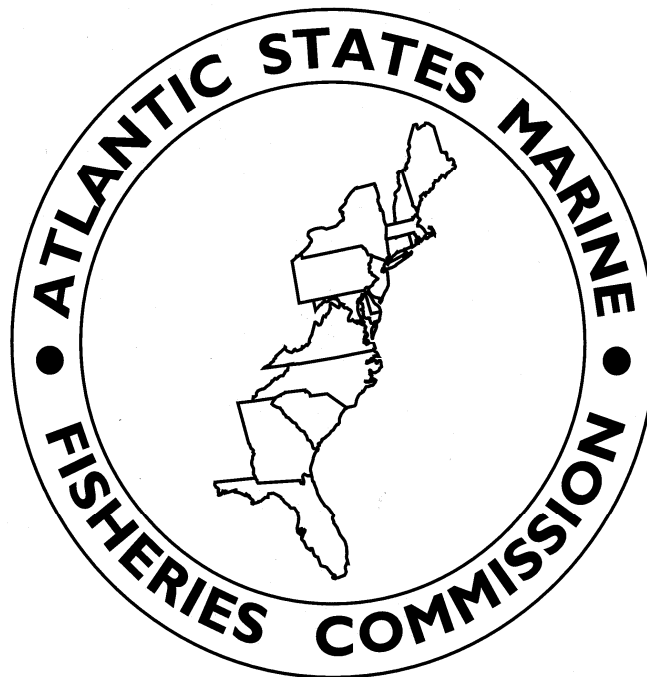


Atlantic States Marine Fisheries Commission

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

**Rollover Quota Strategy of Scup from Winter I to Winter II and Defining
Summer Period Start Date**



ASMFC Vision Statement:

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

August 2003

Background

The Atlantic States Marine Fisheries Commission (ASMFC) and the Mid-Atlantic Fisheries Management Council (MAFMC) jointly manage scup. The Fishery Management Plan for Scup was approved in March 1996 by the ASMFC, and the MAFMC approved scup management measures as Amendment 8 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP) in January 1996.

Addendum 1 to the Scup FMP presents that the annual coastwide quota is divided among three periods. The winter I period runs from January 1 through April 30, the summer period runs from May 1 through October 31, and the winter II period runs from November 1 through December 31. Table one summarizes the allocation of the commercial quota by period. During the winter periods, the quota is available coastwide and is restricted through the implementation of trip limits. Addendum 1 also includes a state-by-state quota system that is in effect during the summer period. In the state-by-state system, quotas are distributed to the states based on their percent share of commercial landings for the period May through October of 1983-1992.

Amendment 12 to the Summer Flounder, Scup and Black Sea Bass FMP established a biomass threshold for scup based on the maximum value of the 3-year moving average of the North East Fisheries Science Center spring bottom trawl survey index of spawning stock biomass of 2.77 kg/tow from 1977-1979. The scup stock is overfished when the spawning stock biomass index falls below this value. Amendment 12 also defined overfishing for scup to occur when the fishing mortality rate exceeds the threshold fishing mortality of $F_{max}=0.26$.

In 2002, the Board developed Addendum V to the FMP in order to avoid the necessity of developing annual Emergency Rules for summer period quota management. This addendum established state shares of the summer period quota based on historical commercial landings from 1983-1992, including additional landings from Massachusetts added to the National Marine Fisheries Service database in 2000. State shares implemented by this addendum will remain in place until the Board takes direct action to change them.

Another significant change to scup management occurred with the approval of Addendum VII in February 2002. This document established a state specific management program for the 2002 recreational scup fishery based on the average landings (in number of fish) for 1998-2001. Only Massachusetts through New York (inclusive) were permitted to develop individual management programs. 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. This addendum has no application beyond 2002.

Statement of the Problem

Underharvest in Winter I can occur for a number of reasons including market effects, inclement weather, reduced number of participants in the scup fishery, possible effects of an increase in mesh size in the mid-Atlantic mixed trawl fishery, or some combination of all these factors. For 2002 and 2003, the Winter I quota was not fully harvested while quota for the Winter II period has been harvested early each year since 1999. Scup caught after closure of the Winter II period are discarded. As a result of changes in the management system for scup, it is likely that fishing

patterns have changed relative to the historic landings patterns that provided the basis for the period allocations.

The purpose of this framework adjustment to the Summer Flounder, Scup and Black Sea Bass FMP is to allow the scup fishery to operate more efficiently during the winter periods. Specifically, this framework would modify the current system to allow for the transfer of unused scup quota from the Winter I period to the Winter II period. If the fishery did not land their quota in Winter I due to circumstances such as poor weather conditions, changes in the distribution of scup, or market conditions (i.e., low price) the opportunity to land those scup would not be lost. As such, this management measure should allow for positive economic and social impacts on fishermen and their communities. In addition, this transfer will not negatively impact the scup stock, stocks of other species, EFH, or protected species.

Occasionally, the distribution of scup is such that they are highly available to nearshore (state) fisheries prior to the start of the states' Summer period (May 1). The second issue addressed in this addendum is the start date of summer scup period. Specifically, in the event of a Federal closure prior to April 15th, state permit holders could land and sell scup to state and Federally permitted dealers after April 15th and prior to the Federal opening of the Summer period on May 1. Although this action is expected to primarily affect landings by the inshore floating trap fishery in Rhode Island, it does not include restrictions on gear types. Landings by state-permitted fishermen after April 15th and prior to May 1 would apply to the Summer period quota allocated to the state where the scup were landed. The current allocation formula would remain unchanged, i.e., commercial quota would be allocated as follows: Winter I - 45.11%, Summer - 38.95%, and Winter II - 15.94%. The timing of the periods for Federal permit holders would remain unchanged - the Winter I period would begin January 1 and end April 30; the Summer period would begin May 1 and end Oct 31; the Winter II period would begin November 1 and end December 31. Federal regulations would have to be modified to state that in the event of a Winter I closure prior to April 15, landings from fisheries for scup conducted exclusively in state waters between April 15 and May 1 would be counted against the Summer period quota.

Management Program

Quota Rollover

Under the addendum, the current allocation formula would remain unchanged, i.e., commercial quota will be allocated as follows: Winter I - 45.11%, Summer - 38.95%, and Winter II - 15.94%. The Winter I period will end on April 30 for Federal permit holders. Any unused quota from Winter I will be added to the Winter II period. Each year, during the specification setting process, the Commission will establish possession limits that would account for the transfer. Specifically, the Commission will set possession limits for the Winter I and Winter II period prior to the start of the fishing year. The Commission will specify the formula that will be used each year to derive the Winter II possession limits in the event of a rollover from Winter I to Winter II, i.e., the possession limit in Winter II will be contingent on the amount of transferred quota.

In 2003, 1.980 million pounds are currently allocated to Winter II, and roughly 2 million pounds of Winter I quota were left unharvested. If an additional 2 million pounds of unused Winter I quota is transferred to Winter II, the total Winter II quota will be about 4 million pounds. Based

on a ratio of 1,000 pounds per day possession limit for each 1 million pounds of quota, the possession limit will be 4,000 pounds per day for Winter II in 2003.

This ratio is based upon the performance of the fishery in 2002. In 2002, the 1 million pound Winter II quota was taken in one month under a 2 thousand pound per day possession limit. If the quota had been 2 million pounds under this limit, it is likely that the fishery would have remained open for the entire two month period. As such, if a 2,000 pounds per day limit allows for 2 million pounds of landings in 2 months, each additional million pounds of quota should be accompanied by an increase of 1,000 pounds per day in the possession limit.

Defining the Start of the Summer Period

Under this addendum, this alternative requires a slight modification to the current Federal regulations. It recognizes that the states could allow for landings of scup by state permit holders that would apply to the Summer period quota beginning on April 15th. Specifically, in the event of a closure prior to April 15th, state permit holders could land and sell scup caught exclusively in state waters to state and Federally permitted dealers after April 15th and prior to the Federal opening of the Summer period on May 1. Landings by state permitted fishermen after April 15th and prior to May 1 will apply to the Summer period quota allocated to the state where the scup were landed. States have to request that the date of the Summer period change for state permit holders and are required to notify NMFS that these landings will apply to the Summer period quota. The current allocation formula will remain unchanged, i.e., commercial quota would be allocated as follows: Winter I - 45.11%, Summer - 38.95%, and Winter II - 15.94%. The timing of the periods for Federal permit holders will remain unchanged - the Winter I period would begin January 1 and end April 30; the Summer period will begin May 1 and end Oct 31; the Winter II period will begin November 1 and end December 31.

Tables

Table 1. Allocation of the commercial quota by period.

Quota Period	% of Commercial Allocation
Winter I (1/1-4/30)	45.11%
Summer (5/1-10/31)	38.95%
Winter II (11/1-12/31)	15.94%