Atlantic States Marine Fisheries Commission

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

Allocation Calculations for the Summer Flounder Recreational Fishery

December 2003

Background

This Addendum is proposed under the adaptive management/framework procedures that are a part of the Fishery Management Plan for Summer Flounder. The Addendum applies only to the summer flounder fishery management plan, and is authorized by Amendment 12 and Framework 2 to the Summer Flounder, Scup and Black Sea Bass Fishery Management Plan. The summer flounder 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.

The states, operating through the Commission's Summer Flounder, Scup and Black Sea Bass Management Board (Board) and the Mid-Atlantic Council (Council), jointly adopted Amendment 2 to the Fishery Management Plan 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 utilizing a Technical Monitoring Committee and joint meetings of the Board and Council to set annual management measures. In 1998, the Commission and the Council adopted Amendment 12 to the Fishery Management Plan. In addition to measures bringing the Council process into compliance 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.

The Board utilized these frameworking options by creating 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.

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 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 landings estimates, to try to manage these recreational fisheries on the basis of 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 in 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, 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 Marine Recreational Fisheries Statistics Survey (MRFSS).

A monitoring committee for summer flounder, composed of representatives from the Council, the Commission, the states and NMFS, met on July 25, 2002 to make recommendations to the Council and Board with respect to 2003 commercial fishing specifications. The Board met with the Council on August 7, 2002 to consider these recommendations and passed a motion limiting 2003 total allowable landings to 23.3 million pounds, with a subsequent recreational harvest limit of 9.32 million pounds (400,000 pounds below the harvest limit for 2002).

The Board met again with the Council in December 2002, to consider recommendations from the monitoring committee regarding recreational fishing regulations for 2003. The Board adopted conservation equivalency in 2003.

The purpose of this Addendum, which is proposed by the states under Amendment 12, is to establish a program wherein any state which exceeds its recreational harvest limit for summer flounder in 2003 and beyond will receive a reduction from its future recreational harvest limits.

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Statement of the Problem

The Summer Flounder FMP allocates 40% of the annual total allowable catch to the recreational fishery. The states, operating through the Commission's Management Board, are required to develop and implement measures that can reasonably be expected to constrain the recreational fishery to this limit. In 1993 the recreational fishery for summer flounder slightly exceeded its allowable landings (6%), but in 1994 and 1995 it was under its limit (13% and 30%, respectively). From 1996 to 1999, however, the recreational fishery for summer flounder significantly exceeded its harvest limit (33%, 60%, 67% and 13%). In 1999, states were allowed to choose between a coastwide measure, or adopt state-specific approaches that would achieve the coastwide percentage reduction. The fact that the 1999 overage decreased greatly from the three previous years gave some reason to believe that the 2000 fishery might come in on target or close to it.

In 2000, states were again given flexibility in deciding which recreational measures to adopt. However, rather than continue the 1999 trend of moving towards the required landings, recreational landings in 2000 increased dramatically. Recreational landings were 15.82 million pounds, more than double the harvest limit of 7.41 million pounds. 2001 landings, though lower than in 2000, were 11.64 million pounds, exceeding the harvest limit by 4.48 million pounds. Thus, the MRFSS data for recreational summer flounder landings show steady increases from 1995 through 1998, a sharp decline in 1999, followed by a dramatically large increase in 2000 and a slight decrease in 2001 (Table 1).

The impacts of these overages on the fishery are significant and extend beyond the recreational sector. Summer flounder is managed using a target exploitation rate. The Technical Monitoring Committee uses the most current stock assessment information to generate a TAL with at least a 50% likelihood of achieving the target exploitation rate assuming the preceding year's TAL and discard level are not exceeded. When regulations fail to constrain landings effectively the resulting exploitation rate is higher than the target, which leads to a state of overfishing and thus slower stock recovery. The long-term effect of these overages is a lower TAL than would have been possible had the target exploitation rate not been repeatedly exceeded and the stock been permitted to recover at a more rapid rate. As the TAL is divided on a 60%/40% basis to create the commercial quota and recreational harvest limit, respectively, the commercial fishery has had lower quotas as a result of recreational overages. This, in the eyes of many fishermen and managers, is an unacceptable inequity and must be rectified through either the curtailment of the recreational harvest or a mechanism for the re-payment of overages

MANAGEMENT ISSUES IN THE RECREATIONAL FISHERY

Calculation of State Specific Recreational Allocation

Under this addendum, state-specific targets for recreational landings are derived from the coastwide harvest limit based on each state's proportion of landings reported in 1998 (Table 2).

Over the past few seasons, the base year used for recreational harvest limit allocation has come under close scrutiny. Currently, the landings reported in 1998 are used as the basis for state shares. However, the use of another year or combination of years has been suggested due to perceived inequities in the current state-specific allocation.

Note: In a report dated October 24, 2001, the Technical Committee reported the following with regard to alternative base years for use in conservation equivalency:

> The Technical Committee considered the idea of using a year other than 1998 as the basis for conservation equivalency in the summer flounder recreational fishery. 1998 has been used as the base year because it was the most recent year that coastwide management measures were in place. Chris Moore presented several options to consider for alternative base years. These included average landings for various years from 1981 through 2000 and state landings for 1992. It was decided that using the average landings for 1981-2000 was not appropriate because the earlier years in the fishery did not reflect it's current status. State landings for 1992 were proposed, as this was the year before Amendment 2 went into effect, but again, 1992 landings do not reflect the current fishery. The Technical Committee considered transforming the landings data from the MRFSS to standardize the landings to estimate what would have been if management measures were uniform for the years since 1998. Committee members have attempted to do this in the past and the lack of length-frequency data by wave was the problem that prevented any useful analysis. After considering the problems with the various base years and problems with standardizing recent MRFSS data, it was the Technical Committee's opinion that from a technical standpoint, 1998 is the most appropriate base year as it was the last year regulations among the various states were consistent.

Other Issues

The draft addendum VIII address other issues that the Board agreed to continue to work together with the Mid-Atlantic Fisheries Management Council to solve. They include quota overage repayment, quota/harvest limit underage rollover, and allocation of commercial quota based on a TAL calculated without recreational overages.

Table 1: Recreational Harvest Limits and Landings 1995-2001 (m. lbs.)

	1995	1996	1997	1998	1999	2000	2001	2002
Harvest Limit	7.76	7.04	7.41	7.41	7.41	7.41	7.16	9.72
Rec. Landings	5.42	9.82	11.87	12.48	8.37	16.47	11.64	

Table 2: Recreational landings of summer flounder (number of fish; A+B1) by state, 1981-2001including state shares by year, 1992-2001

Year	ME	NH	MA	RI	CT	NY	NJ	DE	MD	VA	NC	Total
1981	487		78,593	113,453	76,170	1,787,157	4,287,626	151,979	184,896	2,195,815	690,398	9,566,574
1982		695	1,145,227	317,529	133,730	1,634,198	3,965,918	808,864	190,082	5,559,001	1,717,457	15,472,701
1983			424,840	91,080	576,160	3,546,885	7,370,484	631,717	830,680	6,582,072	942,385	20,996,303
1984			215,383	100,163	319,804	3,024,735	9,051,331	767,221	528,615	1,750,208	1,717,711	17,475,171
1985			28,697	178,388	187,698	1,195,393	7,750,366	142,525	94,991	611,087	877,045	11,066,190
1986		979	1,141,005	1,055,190	482,616	1,603,964	5,531,494	105,590	195,445	506,880	997,698	11,620,861
1987		1,266	302,594	172,442	217,530	1,530,896	3,458,856	155,942	613,598	1,134,192	277,445	7,864,761
1988		5,679	194,923	139,056	80,534	2,004,524	4,460,385	432,588	684,991	1,300,225	656,755	9,959,660
1989		6,208	18,136	88,262	28,314	315,171	399,122	100,649	199,371	352,225	209,305	1,716,763
1990		25,688	31,587	40,720	17,707	975,947	1,460,301	135,538	173,874	420,960	511,263	3,793,585
1991		1,872	47,237	76,554	65,545	1,009,831	3,034,975	173,395	282,623	1,165,821	209,794	6,067,647
1992			55,828	72,514	109,418	458,211	2,799,076	286,281	321,133	692,865	206,781	5,002,107
1993	98	247	136,810	134,501	77,216	1,208,119	3,235,519	368,014	241,659	711,178	380,682	6,494,043
1994		59	164,939	174,284	316,007	1,855,451	2,826,431	230,479	81,715	665,152	388,172	6,702,689
1995		99	105,896	119,533	188,531	579,239	1,303,958	99,608	139,697	639,609	149,546	3,325,716
1996			89,002	357,247	282,054	788,024	3,324,028	480,946	153,580	1,175,389	346,717	6,996,987
1997			220,234	254,024	243,842	1,206,254	3,742,162	201,443	64,226	946,688	287,951	7,166,824
1998			383,447	394,907	261,401	1,230,402	2,728,286	218,933	206,057	1,164,527	391,136	6,979,096
1999			174,720	432,087	215,311	759,640	1,502,689	180,562	226,912	378,283	236,791	4,106,995
2000		143	366,875	755,387	352,225	1,602,592	2,925,953	321,009	249,934	564,708	355,544	7,494,370
2001			152,132	268,244	152,813	699,625	2,070,234	145,786	139,392	1,338,134	327,249	5,293,609
1992	0	0	55,828	72,514	109,418	458,211	2,799,076	286,281	321,133	692,865	206,781	5,002,107
% of Tot	0.00	0.00	1.12	1.45	2.19	9.16	55.96	5.72	6.42	13.85	4.13	100.00
1993	98	247	136,810	134,501	77,216	1,208,119	3,235,519	368,014	241,659	711,178	380,682	6,494,043
% of Tot	0.00	0.00	2.11	2.07	1.19	18.60	49.82	5.67	3.72	10.95	5.86	100.00
1994	0	59	164,939	174,284	316,007	1,855,451	2,826,431	230,479	81,715	665,152	388,172	6,702,689
% of Tot	0.00	0.00	2.46	2.60	4.71	27.68	42.17	3.44	1.22	9.92	5.79	100.00
1995	0	99	105,896	119,533	188,531	579,239	1,303,958	99,608	139,697	639,609	149,546	3,325,716
% of Tot	0.00	0.00	3.18	3.59	5.67	17.42	39.21	3.00	4.20	19.23	4.50	100.00

1996	0	0	89,002	357,247	282,054	788,024	3,324,028	480,946	153,580	1,175,389	346,717	6,996,987
% of Tot	0.00	0.00	1.27	5.11	4.03	11.26	47.51	6.87	2.19	16.80	4.96	100.00
1997	0	0	220,234	254,024	243,842	1,206,254	3,742,162	201,443	64,226	946,688	287,951	7,166,824
% of Tot	0.00	0.00	3.07	3.54	3.40	16.83	52.22	2.81	0.90	13.21	4.02	100.00
1998	0	0	383,447	394,907	261,401	1,230,402	2,728,286	218,933	206,057	1,164,527	391,136	6,979,096
% of Tot	0.00	0.00	5.49	5.66	3.75	17.63	39.09	3.14	2.95	16.69	5.60	100.00
1999	0	0	174,720	432,087	215,311	759,640	1,502,689	180,562	226,912	378,283	236,791	4,106,995
% of Tot	0.00	0.00	4.25	10.52	5.24	18.50	36.59	4.40	5.53	9.21	5.77	100.00
2000	0	143	366,875	755,387	352,225	1,602,592	2,925,953	321,009	249,934	564,708	355,544	7,494,370
% of Tot	0.00	0.00	4.90	10.08	4.70	21.38	39.04	4.28	3.33	7.54	4.74	100.00
2001	0	0	152,132	268,244	152,813	699,625	2,070,234	145,786	139,392	1,338,134	327,249	5,293,609
% of Tot	0.00	0.00	2.87	5.07	2.89	13.22	39.11	2.75	2.63	25.28	6.18	100.00