



# Atlantic States Marine Fisheries Commission

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## MEMORANDUM

**TO:** Business Session  
**DATE:** April 23, 2019  
**SUBJECT:** Summer Flounder Commercial Issues Amendment Summary

In March, the Summer Flounder, Scup, and Black Sea Bass Management Board (Board) and Mid-Atlantic Fishery Management Council (Council) approved preferred alternatives for the Summer Flounder Commercial Issues Amendment to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP). The Council and Commission proposed this action to evaluate the need for a management response to changing conditions in the summer flounder fishery. This includes addressing apparent shifts in the distribution and center of biomass for the summer flounder stock (possibly related to the effects of rebuilding and/or climate change), as well as changing social and economic drivers for these fisheries. This action was proposed so that the FMP goals, objectives, and management strategies could be assessed in light of these changing fishery conditions, and can be better aligned with stakeholder priorities.

The preferred alternatives included revisions to the goals and objectives in the FMP, specific to summer flounder, and as well as new state-specific commercial allocations.

### **Revisions to Summer Flounder Goals and Objectives**

Since Amendment 2 was implemented in 1993, the FMP objectives for summer flounder have been the following:

1. Reduce fishing mortality in the summer flounder, scup and black sea bass fishery to assure that overfishing does not occur.
2. Reduce fishing mortality on immature summer flounder, scup and black sea bass to increase spawning stock biomass.
3. Improve the yield from these fisheries.
4. Promote compatible management regulations between state and federal jurisdictions.
5. Promote uniform and effective enforcement of regulations.
6. Minimize regulations to achieve the management objectives stated above.

Revisions to these original FMP objectives were included in the Amendment not as explicit alternatives, but were included in the public hearing document to receive feedback from the public. The revised management goals and objectives focus on ensuring biological sustainability

of the summer flounder resource, supporting and enhancing development of effective management measures, and optimizing social and economic benefits from the resource. The revisions approved by the Board and Council were made to reflect current priorities in sustainably managing the resource. **The preferred alternative for revised goals and objectives follows:**

**Goal 1:** Ensure the biological sustainability of the summer flounder resource in order to maintain a sustainable summer flounder fishery.

**Objective 1.1:** Prevent overfishing, and achieve and maintain sustainable spawning stock biomass levels that promote optimum yield in the fishery.

**Goal 2:** Support and enhance the development and implementation of effective management measures.

**Objective 2.1:** Maintain and enhance effective partnership and coordination among the Council, Commission, Federal partners, and member states.

**Objective 2.2:** Promote understanding, compliance, and the effective enforcement of regulations.

**Objective 2.3:** Promote monitoring, data collection, and the development of ecosystem-based science that support and enhance effective management of the summer flounder resource.

**Goal 3:** Optimize economic and social benefits from the utilization of the summer flounder resource, balancing the needs and priorities of different user groups to achieve the greatest overall benefit to the nation.

**Objective 3.1:** Provide reasonable access to the fishery throughout the management unit. Fishery allocations and other management measures should balance responsiveness to changing social, economic, and ecological conditions with historic and current importance to various user groups and communities.

### **Summary of Commercial Allocation Changes**

The Board and Council selected a modified version of Amendment Alternative 2C, which modifies the state-by-state commercial quota allocations in years when the annual coastwide commercial quota exceeds the specified trigger of 9.55 million pounds. When the annual coastwide commercial quota is at or below 9.55 million pounds, the formula for allocating the quota to the states will remain status quo, i.e., the same state-specific percentages that have been in effect since 1993. When the annual coastwide quota exceeds 9.55 million pounds, additional quota above 9.55 million pounds will be distributed as follows: 0.333% to the states of Maine, New Hampshire and Delaware and 12.375% to the remaining states (Table 1). As a result, state allocations will vary over time based on overall stock status and the resulting coastwide commercial quotas. For 2019-2021, the Board and Council approved an annual

coastwide commercial quota of 11.53 million pounds. Depending on the timing of final rule-making by NOAA Fisheries, the new state allocation strategy could go into effect as early as January 2020.

**Table 1: Modified version of Alternative 2C adopted by the Board and Council as the preferred alternative for commercial allocation.**

State	Allocation of baseline quota ≤9.55 mil lb	Allocation of <u>additional</u> quota <u>beyond</u> 9.55 mil lb	Revised state quota
ME	0.04756%	0.333%	Dependent on total annual coastwide quota; state percent shares vary with amount of "additional" quota in a given year
NH	0.00046%	0.333%	
MA	6.82046%	12.375%	
RI	15.68298%	12.375%	
CT	2.25708%	12.375%	
NY	7.64699%	12.375%	
NJ	16.72499%	12.375%	
DE	0.01779%	0.333%	
MD	2.03910%	12.375%	
VA	21.31676%	12.375%	
NC	27.44584%	12.375%	
<b>Total</b>	100%	100%	

**Other Issue Items in the Amendment**

The Amendment included two other issue items: 1) federal moratorium permit requalification criteria and 2) adding landings flexibility to the Council’s FMP. Requalification criteria for federal moratorium permit holders was included in the Amendment based on concerns that the current number of federal permits in the fishery is too high relative to recent stock size estimates and resulting quotas; the Amendment offered options to reduce the number of permit holders to reflect current stock and fishery conditions. In considering this issue item, the Board and Council made no changes to the current permit qualification criteria, which were established via Amendment 2 to the FMP – namely, any commercial landings of summer flounder in the management unit between January 26, 1985 and January 26, 1990.

The other issue item included an option to add landings flexibility to the Council’s FMP. This issue was added to the Amendment to give commercial vessels greater freedom to land or possess summer flounder in the state(s) of their choice. The Council moved to not add commercial landings flexibility as a framework issue in the Council’s FMP at this time. The Board currently has the flexibility to implement landings flexibility policies without a full amendment process, and landings flexibility can be considered through state level agreements without Council action.