

Comprehensive Summer Flounder Amendment: Issues for Development

Advisory Panel Discussion Document for June 22, 2016

<http://www.mafmc.org/actions/summer-flounder-amendment>



This document summarizes issues which may be addressed through alternatives in the Comprehensive Summer Flounder Amendment, which is being developed to perform a comprehensive review of all aspects of the Fishery Management Plan (FMP) relating to summer flounder. The issues described below vary in complexity, and several have been raised but not clearly defined. Much of this information comes from comments received during the scoping process in fall 2014; Board and Council discussions in December 2014 and 2015; and considerations discussed by the FMAT. The Fishery Management Action Team (FMAT) and issue-specific Working Groups are in the process of developing background information, draft options and initial analysis. These issues fall into five broad categories:

- 1) FMP goals and objectives
- 2) Recreational/commercial allocation
- 3) Recreational measures and strategies
- 4) Commercial measures and strategies
- 5) Other issues

Specific sub-issues within these broad categories have not yet been explicitly approved for inclusion in the amendment by the Council or Board. The Council and Board plan to review draft alternatives and recommendations from the Advisory Panel (AP) AP and the FMAT in August 2016, after which the range of alternatives will be refined and approved by the Council and Board for further analysis and public hearings (likely late 2016 or early 2017).

For AP Discussion: Any comments on the list of issues below are welcome, but the following would be particularly helpful:

- Indicate support or opposition to addressing the listed issues through this amendment;
- Additional detail or clarification of specific problems that need to be addressed, particularly for issues that are less clearly defined;
- Specific suggestions for amendment alternatives (or approaches to developing alternatives) that could address the issues below;
- Comments on possible directions or methods for analysis;
- Any other comments that may help the FMAT, Working Groups, and Council/Board develop specific alternatives and supporting analysis.

1.0 Goals and Objectives

Feedback from advisors on goals and objectives was requested via a comment form last, prior to a December 2015 joint Council/Board goals and objectives workshop (see documents at <http://www.mafmc.org/briefing/december-2015>). Based on the feedback received during this workshop, the FMAT is preparing draft potential revisions to the goals and objectives, which should be available later this summer or fall.

The current FMP objectives include the following:

1. Reduce fishing mortality in the summer flounder fishery to assure that overfishing does not occur.
2. Reduce fishing mortality on immature summer flounder to increase spawning stock biomass.
3. Improve the yield from the fishery.
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.

2.0 Commercial/Recreational Allocation

The amendment may include alternatives to revise the 60% commercial/40% recreational landings allocation. Options suggested in scoping included:

- *Status quo* 60/40 commercial/recreational;
- 50/50 commercial/recreational;
- 70/30 commercial/recreational;
- 80/20 commercial/recreational;
- 40/60 commercial/recreational.

These should be considered a starting point for discussion; no specific alternatives have yet been reviewed by the Council and Board or added to a draft range of alternatives.

Commercial/Recreational Allocation Considerations:

- Major ongoing changes to the Marine Recreational Information Program (MRIP) effort estimation methodology are expected to result in revised time series of estimated recreational catch, landings, and effort. This has major implications for analyzing potential shifts in the commercial/recreational allocation. The revised estimates have the potential to be several times higher for private boat and shore mode. The new methodology will be fully implemented no earlier than 2018. Re-estimation of historical time series is expected sometime in mid-2017. The Council and Board have discussed this issue and determined that they do not yet wish to remove or delay action on any issues.
- The Council has contracted a project to develop an allocation model for summer flounder to inform the discussion of this issue. The model aims to determine which changes in allocations would maximize benefits to the commercial and recreational sectors. This project is currently under development and a draft report is scheduled to be presented at the August joint Council/Board meeting. The model has been developed such that it can easily incorporate a new MRIP time series once the new time series becomes available.
- Given the timing issues presented by the two above issues, the FMAT plans to begin compiling background information on this issue at this time, but will wait to propose or analyze specific alternatives until initial results of the allocation model are available (expected fall 2016). Model results and alternative analysis will need to be updated when new MRIP time series become available.
- The FMAT noted that the more drastic the shift from the current 60/40 allocation, the more difficult the changes will be to analyze. Alternatives further from the *status quo* will have much more uncertainty associated with their predicted effects.

Commercial/Recreational Allocation Discussion:

- Given concerns about analyzing more “extreme” changes in commercial/recreational allocation, do you have comments on an appropriate range of potential shifts to consider?
- Should the commercial/recreational allocation remain a landings/harvest based allocation, or should a catch-based allocation (discards included) be considered?

3.0 Recreational Measures and Strategies

The amendment may include alternatives to modify recreational management measures and strategies, potentially addressing the following issues:

- **Conservation Equivalency and General Recreational Measures Process**
 - The amendment may include alternatives to modify the general recreational process (e.g., administrative and management process, timing, methods of evaluating measures for reductions or liberalizations, etc.). The amendment may also institutionalize/formalize an updated framework or guidelines for state-by-state and/or regional conservation equivalency. Conservation equivalency alternatives could address questions like: how should regional or state-by-state targets or allocations be established and how should performance be evaluated? What are the consequences of overages?
 - **Conservation Equivalency Considerations:**
 - The FMAT and Recreational Working Group will identify updated recreational allocation options under state-by-state and/or regional conservation equivalency (i.e., re-evaluate 1998 base year and current “fish sharing” approach). This could include exploration of adaptive mechanisms to accommodate future changes in range/spatial distribution/availability of stock.
 - The Commission’s Management and Science Committee is currently considering an updated conservation equivalency policy for multiple Commission species, to be developed over the next year. The intersection with summer flounder management is unclear at this point - while policies resulting from this process may inform the amendment, they may not be specific enough to address some summer flounder conservation equivalency issues (e.g., contain allocation guidelines or other prescriptive guidance that would improve the summer flounder process).
 - **Conservation Equivalency Discussion Topics:**
 - How can the current recreational measures process (evaluating and adjusting measures for the upcoming fishing year) be improved? For example, should discards be considered or evaluated differently?
 - What specific modifications to the conservation equivalency vs. state-by-state measures framework should be considered?
 - What, if any, alternative recreational allocation approaches should be considered through this amendment?
 - What, if any, mechanisms could be developed to accommodate future changes in the spatial distribution/availability of stock?

- **Sector Separation for the For-Hire Sector**
 - This would involve setting a separate quota for the for-hire (party and charter) sector of the recreational fishery, and/or managing this sector under a different set of measures than the private recreational sector.
 - The FMAT has noted that it should be clarified if or how individual states might pursue this, under either the current or a modified system.
 - **Sector Separation Discussion Topics:**
 - Do you support or oppose exploring recreational sector separation?
 - What are the pros and cons of sector separation?
 - Should separation options consider a separate quota allocation for each sector? If so, how should allocation be approached?
 - What additional reporting requirements would be needed for either or both sectors?

- **Management of Shore Mode**
 - The FMAT and Recreational Working Group may evaluate separate sets of measures for shore mode and/or explore separate quota allocation for shore mode.
 - **Shore Mode Considerations:**
 - An ongoing problem with managing the shore mode has been the higher PSEs (greater uncertainty) associated with breakdowns by state and mode.
 - The FMAT raised the issue of whether separation of shore mode quota or measures should be coupled with mandatory reporting requirements for shore mode, such as with the NJ shore program that requires mandatory sampling. In addition, enforcement issues may arise if a site has fishing access both by shore and by boat.
 - The FMAT suggested that guidelines could be developed for shore strategies, and that it would be helpful to have more clarity from the Council/Board and APs on specific concerns regarding management of shore mode.
 - Recreational catch estimates by mode will be affected by new MRIP estimates (although party/charter estimates will not change, shore and private boat estimates will, leading to changes in the proportions of catch and effort among modes).
 - **Shore Mode Discussion Topics:**
 - Do you support or oppose different measures and/or a separate quota for shore mode?
 - If in support, how specifically should shore mode alternatives be designed?
 - What additional reporting requirements should be in place for shore mode if a separate system is adopted, if any?
 - If guidance is developed for shore mode measures, what specific elements should it include?

- **Measures to Reduce High Recreational Discards and Increase Angler Satisfaction**
 - The FMAT and Recreational Working Group will evaluate options for adding alternative management strategies to the FMP, beyond current bag/size/season adjustments, designed with the intent of reducing regulatory discards and increasing angler satisfaction. These measures could include slot limits (i.e., a combination of a minimum and maximum fish size), cumulative length limits (i.e., a limit on the sum of the length for all retained summer flounder), and/or other strategies.
 - **Recreational Discard Considerations:**
 - Previous analyses of alternative strategies have been explored and information can be pulled together for further exploration. While the FMP would likely need to be amended to allow size strategies other than a minimum size (e.g., to allow a maximum size for a slot limit), specific annual measures would still be developed through the recreational specifications process each year.
 - **Recreational Discards Discussion Topics:**
 - Do you support or oppose use of a slot limit for the summer flounder recreational fishery?
 - Do you support or oppose use of a cumulative length limit for the recreational summer flounder fishery?
 - Are there other specific alternative management strategies (other than a slot limit or cumulative length limit) that should be considered to minimize discards and increase angler satisfaction?
 - Do you have comments regarding compliance and enforcement (e.g., concerns or ideas to improve compliance and enforcement under alternative management strategies)?

- **Recreational Gear Requirements/Restrictions**
 - The FMAT and Recreational Working Group will explore the possibility of recreational gear requirements (e.g., requirements for certain hook sizes and/or types).
 - **Recreational Gear Requirements Considerations:**
 - Recreational gear restrictions have been explored for other species, for example, with Gulf of Maine cod and haddock. In this case, NMFS decided to recommend certain gear types instead of implementing strict gear requirements, in part due to opposition from bait and tackle shops and concerns related to enforcement.
 - Further discussion is needed on the practical enforceability of these measures.
 - **Recreational Gear Requirement Discussion Topics:**
 - Do you support recreational gear requirements or restrictions? If so, what specifically might those restrictions be?
 - Do you have concerns about impacts of recreational gear requirements on recreational fishing businesses, enforcement issues, or other concerns?
 - Do you support the Council, Board, and/or NMFS issuing non-regulatory recreational gear recommendations? If so, what specifically might those recommendations be? How should those recommendations be communicated?

- **Recreational data collection requirements and protocols**
 - The FMAT and Recreational Working Group will consider developing options for recreational reporting requirements (new requirements and/or enhanced existing requirements).
 - **Data Collection Requirements and Protocols Considerations:**
 - MRIP incorporates logbooks for final recreational estimates. The FMAT believes there may be room for improvement with for-hire data collection, although the group noted that these issues cut across all recreational species and are not specific to summer flounder.
 - MRIP has done some investigation of recreational reporting requirements and the Recreational Working Group may be able to draw on some of that work.
 - **Data Collection Requirements and Protocols Discussion Topics:**
 - How specifically do you think current recreational reporting requirements can be improved (if at all)?
 - Should recreational reporting requirements be considered through this amendment or elsewhere to address multiple species?

4.0 Commercial Measures and Strategies

The amendment may include alternatives to modify commercial management measures and strategies, potentially including the following issues:

- **Commercial Allocation:**
 - The current allocation of the commercial quota among the states is based on state-by-state landings during 1980-1989. The amendment may include alternatives to modify this allocation scheme.
 - Options raised in discussions and scoping comments to date (in addition to *status quo*) include revised state-by-state quotas, regional quotas, coastwide year-round quota, scup quota model (coastwide quota in the winter, state-by-state quotas in the summer), or individual or cooperative quota systems.
 - **Commercial Allocation Discussion Topics:**
 - Are there other quota allocation schemes not listed above that should be considered?
 - How should the Working Group and FMAT develop specific alternatives for revised allocation schemes? E.g., how should historic landings and current stock distribution be considered? What would be an appropriate time frame to consider historic landings? If a seasonal or regional quota model, what should the seasons or regions be?
 - What kinds of adaptive mechanisms, if any, could be considered to provide for future changes in environmental conditions, stock distribution, etc.?
- **Permit Capacity and Latent Effort**
 - The FMAT and Commercial Working Group will look at options to address latent commercial effort and a perceived mismatch between permit capacity and stock size.

- **Permit Capacity and Latent Effort Considerations:**
 - Council/Board members have indicated that documentation of each state's management history with regard to permits would be helpful (i.e., landings qualifiers and other conditions for permits). The FMAT and Commercial Working Group will work to assemble this information.
- **Permit Capacity and Latent Effort Discussion Topics:**
 - Do you have comments on latent effort and permit capacity?
 - How should latent permits/effort be identified?
 - Would a tiered permit system be appropriate for summer flounder? If so, how should it be structured? What kinds of qualifiers would be appropriate to consider?
- **Commercial Landings Flexibility**
 - The FMAT and Commercial Working Group will explore options to allow vessels to land their catch at the closest or preferred port. In conjunction, they will review current safe harbor provisions and consider how this system could be modified, and whether consistent guidelines or regulations are needed.
 - The FMAT will also compile information from previous discussions on this issue (e.g., Commission's Law Enforcement Committee)
 - **Landings Flexibility Discussion Topics:**
 - How specifically should landings flexibility options be designed with regard to quota accounting and transfers? i.e., how should the quota landed in a different state be accounted for under a state-by-state, regional, or other allocation?
 - How should landings flexibility options be designed with regard to the sale of commercial landings and other shoreside operations? i.e., should there be requirements to sell in a certain state, etc.
- **Commercial discard/bycatch reduction or avoidance strategies**
 - The FMAT and Working Group may develop options to more actively manage certain types of discards or bycatch. This is likely an issue where a more clearly defined problem statement is needed.
 - **Commercial Discard/Bycatch Reduction or Avoidance Considerations:**
 - Discards are not currently estimated by state, but by water area. Discard reasons (i.e., regulatory discards vs. economic discards) can be separated for the raw observer data, but it is probably difficult or impossible to estimate for the overall fishery, since the discard reason changes tow by tow.
 - **Commercial Discard/Bycatch Reduction or Avoidance Discussion Topics:**
 - For what fisheries, areas, or gear types are there specific concerns related to discards or bycatch (of summer flounder, non-target species, or protected resources) that could be addressed through this amendment?
 - What management options should be considered for reducing discards or bycatch issues?

- **Data collection requirements and protocols**
 - The FMAT and Working Group may consider options to improve current catch monitoring, reporting, and validation system. It has been suggested that the effectiveness of commercial catch monitoring varies along the coast.
 - **Data Collection Discussion Topics:**
 - What specific problems do you see, if any, associated with the current reporting and monitoring system?
 - How specifically could the reporting and monitoring system be improved?
- **Accountability Measures related to sub-Annual Catch Limits established by the NEFMC**
 - Several Council members have expressed concern related to federal Accountability Measures for species managed by the New England Fishery Management Council (such as for windowpane flounder or other groundfish species) that if triggered, would negatively impact the commercial summer flounder fishery. These members have proposed incorporating AMs into the summer flounder plan, so that the Mid-Atlantic Council would be responsible for AMs from other species that could potentially impact the summer flounder fishery.
 - **AM Discussion Topics:**
 - Do you agree or disagree with adopting AMs within the summer flounder FMP for ACLs associated with other fisheries? Are there any suggestions for what specifically those AMs should be?

5.0 Other Issues

Other issues not described above may be addressed through alternatives in the amendment. Some topics raised in previous amendment discussions include:

- Improve the timing of the specifications process (i.e., more closely sync the timing of the assessment process and the specifications process, and/or improve the timeliness of implementing measures for the upcoming fishing years)
- Identify strategies for habitat protections/enhancements
- Incorporate EAFM principles into FMP
- Prohibit fileting of fish at sea
- Evaluate spawning time/area closures
- **Discussion Topics for Other Issues:**
 - Do you believe these issues should be addressed specifically within this amendment?
 - If so, what are some specific concerns or specific ideas for alternatives that could address these issues?
 - What other issues do you think should be considered as part of the amendment?