

# SCOPING AND PUBLIC INFORMATION DOCUMENT

## COMPREHENSIVE SUMMER FLOUNDER AMENDMENT TO THE SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS MANAGEMENT PLAN

September 2014



Prepared by the  
Mid-Atlantic Fishery Management Council (MAFMC or Council)  
and the  
Atlantic States Marine Fisheries Commission (ASMFC or Commission)



## Public Comment Opportunities and Instructions

In December 2013, the Mid-Atlantic Fishery Management Council (Council) initiated the development of an amendment to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP). In August 2014, the Council and the Atlantic States Marine Fisheries Commission (Commission)'s Summer Flounder, Scup, and Black Sea Bass Management Board jointly approved this public scoping document to solicit information during the public scoping process. The amendment process will involve a comprehensive review and update of the FMP's goals, objectives, and management strategies for summer flounder. This scoping document presents background on summer flounder management, the amendment process and timeline, and issues that may be addressed in the amendment.

The public is encouraged to submit comments regarding the range of potential issues to be addressed in the amendment. In addition to providing comments at any of the fourteen scheduled scoping hearings listed below, you may submit written comments by **11:59 p.m., Eastern Standard Time, on Friday, October 31, 2014** per the notice of intent and notice of public scoping, as published in the Federal Register at: <http://www.gpo.gov/fdsys/pkg/FR-2014-09-16/pdf/2014-22040.pdf>.

Written comments may be sent by any of the following methods:

1. **Online** at [www.mafmc.org/comments/summer-flounder-amendment](http://www.mafmc.org/comments/summer-flounder-amendment)
2. **Email** to the following address: [nmfs.gar.FlukeAmendment@noaa.gov](mailto:nmfs.gar.FlukeAmendment@noaa.gov).
3. **Mail or Fax** to either:

Chris Moore, Ph.D., Executive Director  
Mid-Atlantic Fishery Management Council  
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FAX: 302.674.5399

Bob Beal, Executive Director  
Atlantic States Marine Fisheries Commission  
1050 North Highland Street, Suite 200A-N  
Arlington, VA 22201  
FAX: 703.842.0741

Please include "Summer Flounder Amendment Scoping Comments" in the subject line if using email or fax or on the outside of the envelope if submitting written comments.

**All comments, regardless of submission method, will be compiled in one document for review and consideration by both the Council and Commission. Please do not send separate comments to the Council and Commission.**

The public will be notified via the Federal Register of additional opportunities to comment later in the process, however, **this is the first and best opportunity for members of the public to raise concerns related to the scope of issues that will be considered in the amendment.**

For information and updates, please visit: <http://www.mafmc.org/actions/summer-flounder-amendment>. If you have any questions, please contact either:

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**Public scoping hearings will be held on the following dates:**

<b>Date and Time</b>	<b>Location</b>
<b>Monday, September 29, 2014</b> 6:30 p.m.	Kingsborough Community College Building T3, Room 303 2001 Oriental Blvd Brooklyn, NY 11235
<b>Monday, September 29, 2014</b> 6 p.m.	Somers Point City Hall 1 West New Jersey Avenue Somers Point, NJ 08244
<b>Tuesday, September 30, 2014</b> 5:30 p.m.	Montauk Library 871 Montauk Highway Montauk, NY 11954
<b>Tuesday, September 30, 2014</b> 6 p.m.	Belmar Municipal Court 601 Main Street Belmar, NJ 07719
<b>Wednesday, October 1, 2014</b> 7 p.m.	CT DEEP Marine Headquarters Boating Education Center (Bldg 3) 333 Ferry Rd Old Lyme, CT 06371
<b>Wednesday, October 1, 2014</b> 6:30 p.m.	NYDEC Bureau of Marine Resources 205 North Belle Mead Road, Suite 1 East Setauket, NY 11733
<b>Thursday, October 2, 2014</b> 6 p.m.	Ocean Pines Library 11107 Cathell Rd Berlin, MD 21811
<b>Thursday, October 2, 2014</b> 5 p.m.	Bourne Fire Station, #3 Meeting Room 53 Meetinghouse Lane Sagamore Beach, MA 02561
<b>Monday, October 6, 2014</b> 6 p.m.	DNREC Auditorium 89 Kings Hwy Dover, DE 19901
<b>Wednesday, October 8, 2014</b> 6 p.m.	University of Rhode Island Bay Campus, Corless Auditorium South Ferry Rd Narragansett, RI 02882
<b>Tuesday, October 14, 2014</b> 6 p.m.	Virginia Marine Resources Commission 4th Floor Meeting Room 2600 Washington Avenue Newport News, VA 23607
<b>Wednesday, October 15, 2014</b> 6 p.m.	NCDMF Pamlico District Office 943 Washington Square Mall Highway 17 Washington, NC 27889
<b>Tuesday, October 21, 2014</b> 6 p.m.	Washington Marriott at Metro Center 775 12 <sup>th</sup> St NW Washington, DC 20005
<b>Wednesday, October 22, 2014</b> 6 p.m.	Internet webinar - to connect, visit: <a href="http://mafmc.adobeconnect.com/summerflounder_scoping/">http://mafmc.adobeconnect.com/summerflounder_scoping/</a> .

**Draft Timeline for Completion of Proposed Comprehensive Summer Flounder Amendment:**

	December 2013	Council initiates amendment
	April-June 2014	Draft action plan developed; Fishery Management Action Team (FMAT) formed; Council's Demersal Committee meets to discuss scoping process
	August 2014	Joint Council and Commission draft scoping document developed; Council and Commission review and approve draft document for public comment
<b>Current Step →</b>	<b>Fall 2014</b>	<b>Scoping hearings and public comment period</b>
	Winter 2014/2015	Council and Commission identify priority issues for inclusion in the amendment; Issue-specific working groups established; FMAT and working group meetings; FMAT begins development of options
	Spring/Summer 2015	FMAT continues development of options (with working group input); meetings of the FMAT, working groups, Council and Commission, and Advisory Panel
	Fall 2015/ Winter 2016	Council and Commission review FMAT and working group recommendations for options; Draft Environmental Impact Statement (DEIS) development begins
	Spring/Summer 2016	Range of options refined and approved; DEIS development continues
	Fall 2016	DEIS finalized; Council and Commission select preferred options; public hearings
	Winter 2016 /Spring 2017	Council and Commission consider public comments; final action; rulemaking and comment periods (5-7 months)

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## ***Introduction***

Summer flounder, scup, and black sea bass fisheries are managed cooperatively by the Atlantic States Marine Fisheries Commission (Commission) in state waters (0-3 miles), and by the Mid-Atlantic Fishery Management Council (Council) and NOAA Fisheries in Federal waters (3-200 miles). The management unit for summer flounder, scup, and black sea bass in US waters is the western Atlantic Ocean from the southern border of North Carolina northward to the US-Canadian border.

The Council and Commission are proposing to develop an amendment to the Fishery Management Plan (FMP) for Summer Flounder, Scup, and Black Sea Bass under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and the Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA). The amendment will consider updating the goals and objectives of the FMP as related to summer flounder, as well as consider modifications to any and all current management strategies used in the summer flounder commercial and recreational fisheries. The Council and Commission would like your input on the range of issues and information that should be considered during development of this amendment, including the specific issues identified in this document, as well as any other issues that might be of concern to you regarding summer flounder management.

## ***Why is this action being proposed?***

The Commission and Council have proposed this action in order to:

- 1) Perform a comprehensive review of all aspects of the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP) related to summer flounder
- 2) Update the FMP goals and objectives for summer flounder management, and
- 3) Modify management strategies and measures as necessary to achieve those goals and objectives.

A number of issues and concerns relative to summer flounder management have been raised by Council and Commission members, advisors, and other interested stakeholders. The Council received significant input on summer flounder management during the Council's Visioning and Strategic Planning process, conducted from 2011-2013. During this process, input gathered from surveys, port meetings, and other comment opportunities indicated there is significant stakeholder interest in re-examining and updating many of the management strategies and measures currently in place.

In addition, the Council and Commission have proposed this action to evaluate the need for 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 can be assessed in light of these changing fishery conditions, and can be better aligned with stakeholder priorities.

## ***Amendment Process and Timeline***

The Council and Commission will first gather information during the scoping period. The scoping process is the first and best opportunity for members of the public to raise concerns related to the scope of issues that will be considered in the comprehensive summer flounder amendment. The Council and Commission need your input both to identify management issues and to develop effective alternatives. Your comments early in the amendment development process will help us address issues of public concern in a thorough and appropriate manner.

Following the initial phase of information gathering and public comment, the Council and Commission will evaluate potential management alternatives and the impacts of those alternatives. The Council and Commission will then develop a draft amendment, incorporating the identified management alternatives, for public review.

As required by the National Environmental Policy Act (NEPA), the Council will also prepare an Environmental Impact Statement (EIS) to analyze the impacts of the management alternatives being considered. A draft EIS (DEIS) will be distributed for public review. The comment period will be a minimum of 45 days including public hearings, during which the public may comment on any aspect of the draft EIS. Following a review of public comments, the Council and Commission will then choose preferred management measures for submission with the Final EIS to the Secretary of Commerce for publishing a proposed and then final rule, both of which have additional comment periods.

This is the public's opportunity to inform the Council and Commission about changes observed in the fishery, actions the public feels should or should not be taken in terms of management, regulation, enforcement, research, development, enhancement, and any other concerns the public has about the resource or the fishery. The measures outlined in this document are not a list of "preferred alternatives" or measures that the Council and Commission will necessarily include in the amendment. No management measures have yet been analyzed for their effectiveness or impacts. **Please comment on any summer flounder management measures or strategies you think may or may not be useful or practical and explain your rationale. Please also comment on any other issues that should be addressed in the amendment.** The list of relevant issues may be expanded as suggestions are offered during the scoping process.

A tentative schedule for the completion of the amendment is included at the beginning of this document. Please note that this timeline is subject to change.

## ***Background on Summer Flounder Management***

The Commission implemented the first Summer Flounder FMP in 1982. The Council's FMP was implemented in 1988 and was based on the Commission's plan. Since then, twelve of the fourteen amendments that have been developed and approved for the Summer Flounder, Scup, and Black Sea Bass FMP have made changes to summer flounder management. A complete list of the amendments, addenda, and framework changes to the Summer Flounder FMP are in Table 1.

Amendment 2 (1992), introduced the allocation of the total allowable landings (TAL) to the commercial sector (60% of the TAL) and recreational sector (40% of the TAL) in the form of annual quotas. The initial quota-based management system set state-by-state percent shares of the commercial summer flounder allocation for each year's coastwide quota based on the 1980-1989 commercial landings by state from Maine to North Carolina. This was stipulated in Amendment 2

and revised slightly in Amendment 4 (both in 1993). States manage their quotas using trip limits, gear restrictions, seasons, and Individual Fishing Quotas (IFQs) to best utilize their state quota and meet their fisheries' needs. In Federal waters, commercial fishermen holding a moratorium permit may fish for summer flounder.

To further allow for the successful utilization of state quotas, Amendment 5 (1993) allows for quota to be transferred between two or more states under mutual agreement and with the approval of the NMFS Regional Administrator. The ability to transfer or combine quota allows states the flexibility to respond to variations in the resource, short term emergency situations, often called "safe harbor" requests (e.g., when it is unsafe for a vessel to return to its intended port because of weather, mechanical breakdown of vessel, injured crew member, etc.), or other factors affecting the distribution of catch. The transferring of quota does not affect the share of quota each state receives annually.

The Regional Administrator receives a request from two or more states, considers the requirements of the quota transfer regulations, and makes a determination to transfer the quota. Approved quota transfers are published in the Federal Register. To allow for these in-season adjustments, commercial state landings for summer flounder are monitored by the states and NOAA via the Dealer Electronic Reporting to the Standard Atlantic Fisheries Information System (SAFIS), as well as state agencies.

For the recreational sector, Amendment 2 required each state to adopt the same minimum size and possession limit as established in Federal waters, allowing only for different open seasons. The consistent measures were intended to achieve conservation equivalency in all state and Federal waters throughout the range of the resource. However, states soon found that one set of measures applied coastwide did not achieve equivalent conservation due to the significant geographic differences in summer flounder abundance and size composition. To address this disparity, the FMP was amended via Addendum IV and Framework 2 (2001) and Addendum VIII (2003) to allow for the use of state conservation equivalency to manage recreational harvests. Since 2001, the FMP has allowed for, and the Council and Commission have utilized, a state-by-state harvest target, based on the proportion of estimated state recreational landings in 1998 as reported in the Marine Recreational Fisheries Statistical Survey (MRFSS). The individual state targets, as a percentage of the total coastwide recreational harvest limit, are given in Table 3.

Under conservation equivalency, states have the flexibility to tailor their regulations – using minimum size, possession, and season limits – to meet the needs and interests of their fishermen, provided that the targets are not exceeded. Additionally under conservation equivalency, Federal regulations are waived, with anglers subject to the regulations of the state in which they land. The Council and Commission still have the option of deciding annually between coastwide measures and conservation equivalent measures. For 2014, the Commission voted to implement regional-based conservation equivalency measures, given in Table 4. In implementing the adaptive regional management, the Commission sought to address concerns over equitable access to the summer flounder fisheries. Factors contributing to the perceived inequity included: reliance upon recreational harvest estimates for a single year (1998) as the basis for individual state allocations; a change in the abundance and distribution of the resource; and changes in the socio-economic characteristics of the fishery.



## ***Description of the Summer Flounder Resource***

### **Status of the Stock**

The summer flounder stock was declared rebuilt in November of 2011 (NEFSC 2011). The 2013 Benchmark Stock Assessment includes commercial and recreational fishery catch data, research survey indices of abundance, and estimates of stock size and fishing mortality through 2012. The summer flounder stock was not overfished and overfishing was not occurring in 2012 relative to the updated biological reference points established in the 2013 SAW 57 assessment. Since 2013, there have been no updates to the assessment; however, data through 2013 has been compiled for commercial and recreational catch and harvest, as well as research survey indices. State and Federal survey indices have shown variability in recent years, with most exhibiting a decrease from 2012 to 2013. Indices of recruitment have been generally lower over the last 3 years than during the previous decade (NEFSC 2014). With the recent decline in recruitment, it is possible that the coastwide commercial quota and recreational harvest limit (RHL) may be reduced from current levels in the coming years.

### **Stock Definition**

The Council and Commission FMP for summer flounder defines the management unit as all summer flounder from the southern border of North Carolina northeast to the US-Canada border. For assessment purposes, the definition of a unit stock (Wilk et al. 1980) extending from Cape Hatteras north to New England was accepted in the 2013 Benchmark Assessment as well as in previous assessments. The current management unit is consistent with a summer flounder genetics study, which revealed no population subdivision at Cape Hatteras (Jones and Quattro 1999). A study by Kraus and Musick (2001) using tagging data supported a summer flounder stock structure theory of stocks north and south of Cape Hatteras, with the stock north of Cape Hatteras possibly composed of two distinct spawning aggregations, off of New Jersey and Virginia-North Carolina. A recent study investigating the possible effects of climate change on summer flounder along the western Atlantic Ocean found that there has been a significant poleward shift in the center of biomass (Bell et al. 2013). The results of the study indicated that the poleward shift for the center of biomass was due to an expansion of the length/age structure caused by a reduction in fishing mortality. This was evident in the study by the findings of larger fish further north than in recent history (1980s-early 1990s), when the population was depleted and the length structure truncated.

### **Spawning Stock Biomass (SSB)**

Estimated summer flounder SSB has changed significantly over the last 30 years, having increased from 12.1 million pounds in 1989 to a peak of 117.2 million pounds in 2010. In 2012, SSB was estimated to be 112.96 million pounds, 82% of the new biomass target reference point ( $SSB_{MSY}$ ) = 137.6 million pounds. The average recruitment from 1982 to 2012 was 43 million fish at age 0, with the 2009 year class being the largest in recent years at 54.9 million fish. The 2012 year class is estimated to be about 37 million fish, about 14% below average, but higher than the 2010 (34.6 million fish) and 2011 (19.6 million fish) year classes (Figure 1).

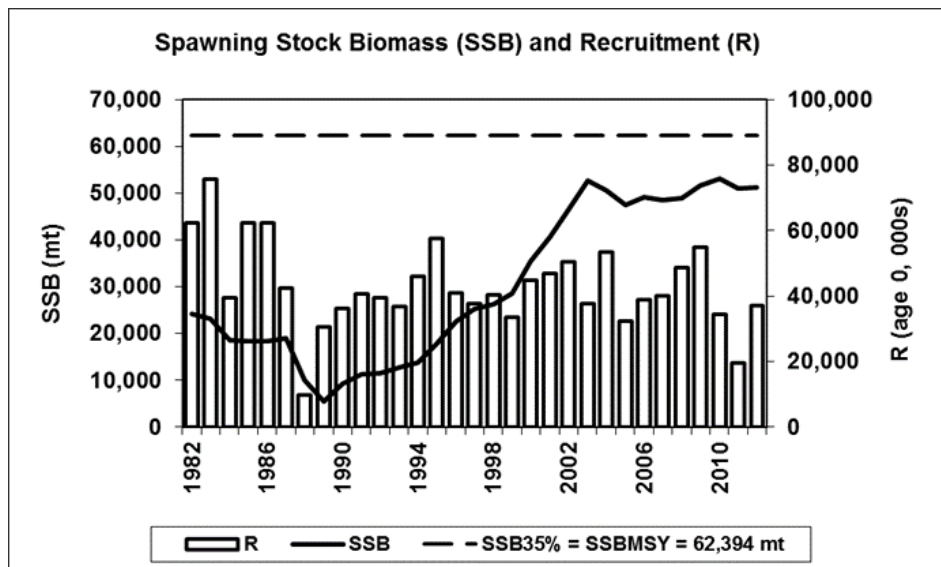


Figure 1. Summer flounder spawning stock biomass (SSB; solid line) and recruitment at age 0 (R; vertical bars) by calendar year. The horizontal dashed line is the 2013 SAW/SARC 57 biomass reference point proxy.

### Fishing Mortality

From 1982-1996, the fishing mortality rate (F) on summer flounder ranged between 0.790 and 1.745. Since then, the fishing mortality rate has decreased from 0.849 in 1997 to 0.285 in 2012, below the new fishing mortality threshold reference point = FMSY =  $F_{35\%}$  = 0.309 (Figure 2).

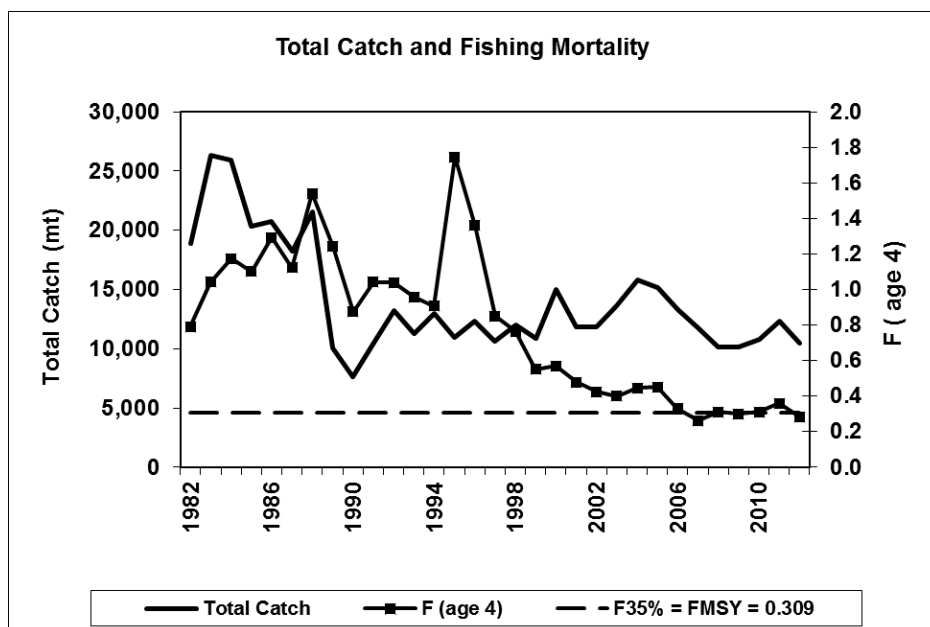
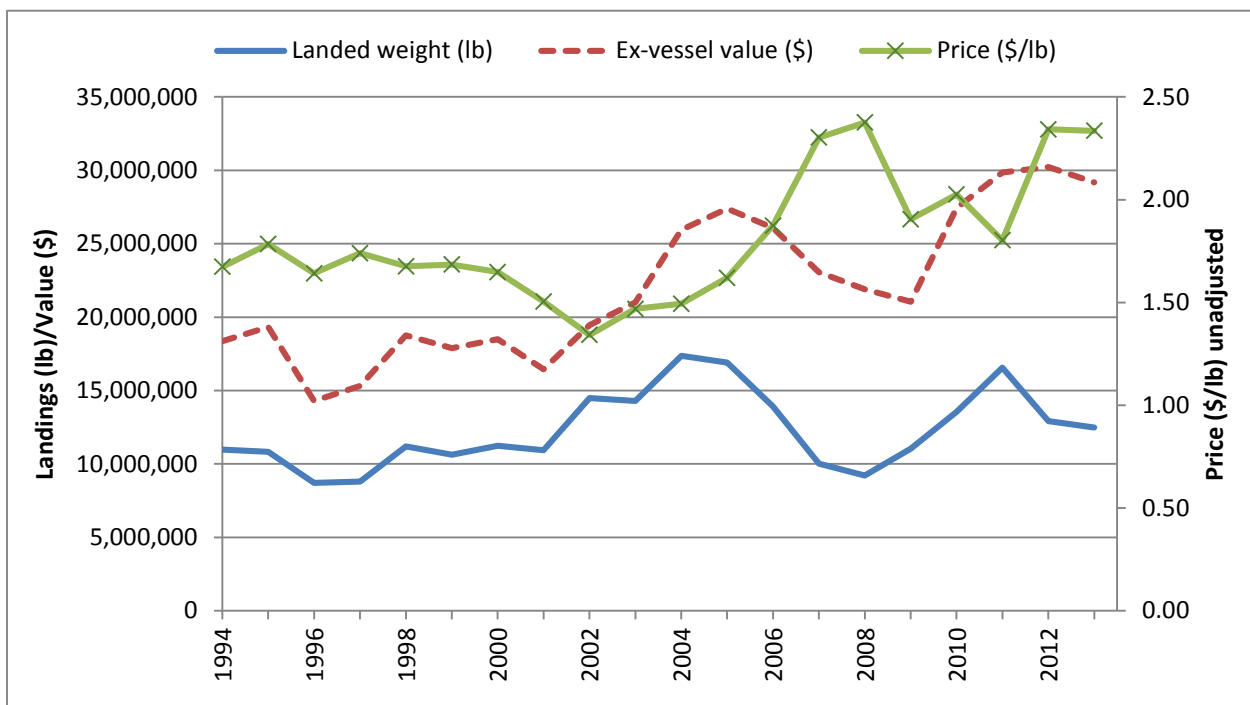


Figure 2. Total fishery catch and fully-recruited fishing mortality (F, peak at age 4) of summer flounder. The horizontal dashed line is the 2013 SAW/SARC57 fishing mortality reference point proxy.

## Description of the Fishery

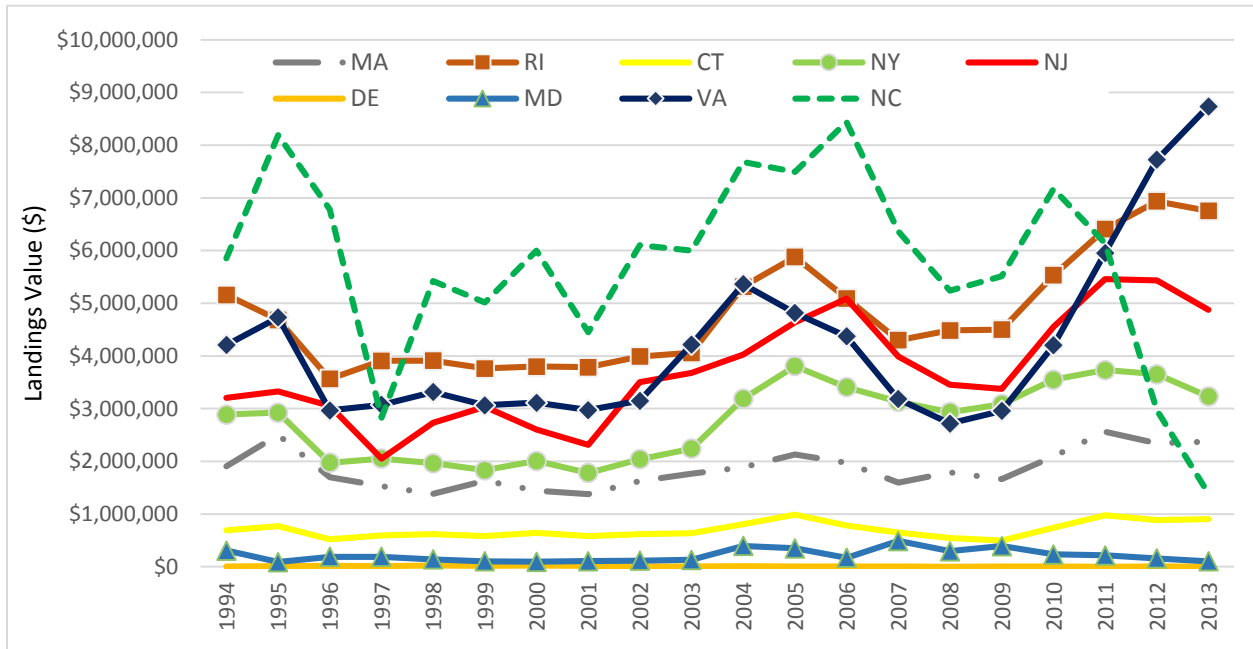
### Commercial Fishery

Based on Vessel Trip Report (VTR) data for 2013, the bulk of the summer flounder commercial landings were taken by bottom otter trawl gear (97 percent), followed by bottom scallop trawls (1 percent), with other gear types (e.g. hand lines, scallop dredges, sink gill nets) each accounting for 1 percent or less of landings. Current commercial regulations require a 14 inch total length minimum fish size and a 5.5 inch diamond or 6 inch square minimum mesh in the entire net for vessels possessing more than the threshold amount of summer flounder, i.e., 200 lbs. in the winter and 100 lbs. in the summer. Summer flounder ex-vessel revenues based on dealer data have ranged from \$14.3 to \$30.2 million for the 1994 through 2013 period. The mean price for summer flounder (unadjusted) has ranged from a low of \$1.34/lb. in 2002 to a high of \$2.38/lb. in 2008 (Figure 3). In 2013, 12.49 million pounds of summer flounder were landed generating \$29.2 million in revenues (\$2.34/lb).



**Figure 3. Landings, ex-vessel value, and price (unadjusted) for summer flounder, Maine through North Carolina, 1994-2013.**

State by state commercial landings and ex-vessel value have varied across the coast over the last 20 years (Figure 4). While some states have fluctuated in landings, such as Maryland and Connecticut, other states have seen significant trends in their landings and value. The states of Virginia, New Jersey, New York, Rhode Island, and Massachusetts have seen at least a 70% percentage increase in ex-vessel value, with Virginia having an increase of 163% in ex-vessel value since 1998. The states of Delaware, Maryland, and North Carolina have exhibited decreases in both landings and ex-vessel value, with all showing at least a 25% decrease in ex-vessel value since 1998.



**Figure 4. Commercial landings value (unadjusted) by state for summer flounder, 1997-2013. Source: Atlantic Coastal Cooperative Statistics Program. Note: These data are non-confidential and may not reflect true totals as confidential data has been removed.**

#### *Recreational Fishery*

There is a significant recreational fishery for summer flounder in state waters, which occurs seasonally when the fish migrate inshore during the warm summer months. The majority of recreational harvest over the last 30 years has been by the states of New York and New Jersey (Table 5). When anglers are intercepted through the surveys conducted for the recreational statistics programs, they are asked about where the majority of their fish were caught (i.e., inland, state waters ( $\leq 3$  miles), or exclusive economic zone (EEZ;  $> 3$  miles)). While these data are somewhat imprecise, they do provide a general indication of where the majority of summer flounder are landed recreationally. These data indicate that on average, about 90 percent of the landings (in numbers of fish) have occurred in state waters over the past ten years, and about 77 percent of landings came from state waters in 2013 (Figure 5). Additionally fish are primarily landed by private and rental boats (Table 6).

## ***Issues for Public Comment***

Public comment is sought on a range of issues that may be considered in the amendment. The issues listed below are not necessarily exhaustive, but are intended to focus the public comment and provide the Council and Commission input necessary to develop the amendment. **The public is encouraged to submit comments on the issues listed below as well as any other issues that should be addressed in the amendment.**

### ***ISSUE 1: FMP GOALS AND OBJECTIVES***

#### **Background**

Amendment 2 (1993) contains the first set of shared objectives of the FMP between the Council and Commission. The six goals of the FMP are 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.

#### **Description of the Issue**

As the management of summer flounder over the last 20 years has changed through amendments, framework adjustments, and addendums, the management objectives in the FMP have remained the same. During this period, the status of the stock has changed, as well as attributes of the fisheries that the resource supports. Given these changes, do the management objectives still capture the needs and goals of the FMP?

#### **Management Questions**

- **Are the existing objectives appropriate for managing the summer flounder fishery?**
- **If these are not appropriate, what should the goals and objectives be?**
- **What else should the Council and Commission consider with regard to goals and objectives in the summer flounder fishery management plan?**

***ISSUE 2: QUOTA  
ALLOCATION  
BETWEEN THE  
COMMERCIAL AND  
RECREATIONAL  
FISHERIES***

**Background**

Since Amendment 2 (1993), the annual quotas have been derived from the total allowable landings (TAL) with 60% for the commercial fishery and 40% for the recreational fishery.

**Description of the Issue**

While the designation of the 60/40 split in 1993 was determined based on the historical significance of the summer flounder fishery, the characteristics and participation in both the commercial and recreational fisheries has changed over the last 20 years.

**Management Questions**

- **Is the existing allocation between the commercial and recreational sectors based on the annual TAL appropriate for managing the summer flounder fishery?**
- **If not, how should the current allocations be revised?**
- **Should there be a separate quota allocation for the recreational for-hire sector?**
- **What else should the Council and Commission consider with regard to quota allocation between the commercial and recreational summer flounder fisheries?**

***ISSUE 3:  
COMMERCIAL  
SUMMER  
FLOUNDER  
MANAGEMENT  
MEASURES AND  
STRATEGIES***

**Background**

Amendment 2 (1993) set the commercial state-by-state quotas based on commercial landings between 1980 and 1989. Since then a series of amendments, frameworks, and addenda has further specified the season length, allowable gear types, permits, and monitoring & reporting requirements, and exemption programs.

**Description of the Issue**

To address and update the commercial management of summer flounder, the following items may be considered within this amendment for revision in the FMP:

- Commercial fishing gear requirements and restrictions, including, but not limited to: mesh requirements, net dimensions, bycatch reduction devices, head and footrope lengths
- Minimum fish size requirements
- Possession limit and trigger requirements
- Time/area closures and exemption programs
- Licensing/Permitting
- Fleet Capacity/number of permits relative to stock size
- Catch monitoring and validation
- Commercial quota allocation strategies
- Landings flexibility (regional, coastwide, other)

### **Management Questions**

- **Are the existing commercial sector management measures appropriate for managing the summer flounder fishery?**
- **If not, how should current measures and requirements be revised?**
- **What else should the Council and Commission consider with regard to commercial management measures and strategies for summer flounder?**

### ***ISSUE 4: RECREATIONAL SUMMER FLOUNDER MANAGEMENT MEASURES AND STRATEGIES***

#### **Background**

Amendment 2 (1993) introduced the annual specification of a coastwide Recreational Harvest Limit (RHL) for states with a declared interest in the fishery. Under conservation equivalency, State-by-state shares of the annual RHL and subsequent state-by-state measures were first implemented in 2001 and based on the 1998 coastwide recreational harvest.

#### **Description of the Issue**

The interim solution of state-by-state conservation equivalency based on estimated state harvests in 1998 succeeded, initially, in mitigating the disparity in conservation burden among states, but the approach is increasingly being viewed as an inadequate long-term solution, given recent changes in resource status and fishery performance. Further, the 1998-based allocation formula set forth by the FMP does not reflect changes in socio-economic patterns over the past fifteen years, particularly with regard to the number and distribution of anglers along the coast.

To address and update the recreational management of summer flounder, the following items may be considered within this amendment for revision in the FMP:

- Recreational bag limits, size limits, and seasonal limits
- Recreational fishing gear requirements and restrictions
- Inter-jurisdictional management processes and strategies (including use of state-by-state or regional Conservation Equivalency vs. Coastwide measures)
- Management strategies specific to the party/charter (for-hire) recreational fleet
- Management strategies specific to private recreational anglers
- Recreational quota allocation strategies (by state, fishing sector, other)

#### **Management Questions**

- **Are the existing recreational sector requirements appropriate for managing the summer flounder fishery?**
- **If not, what are appropriate requirements for managing the recreational summer flounder fishery?**

- **What else should the Council and Commission consider with regard to recreational management measures and strategies for summer flounder?**

***ISSUE 5: SUMMER FLOUNDER DISCARDS IN THE COMMERCIAL AND RECREATIONAL FISHERIES***

**Background**

Over the last 30 years, discards in the recreational and commercial summer flounder fisheries have persisted. In the recreational sector, released alive fish (MRIP B2) have increased from 30% of total recreational catch in 1981 to 84% (Figure 6). Of the released alive fish, dead discards have accounted for approximately 12 percent of the total recreational catch with an assumed discard mortality rate of 10%. For the commercial sector, commercial discards have constituted 8% of the total catch since 1982, with commercial discard losses in the otter trawl and scallop dredge fisheries having accounted for approximately 14% of the total commercial catch with an assumed dead discard mortality rate of 80% (NEFSC 2013).

**Description of the Issue**

To address concerns over the discard rates as raised by managers and stakeholders, this amendment will consider changes to the summer flounder FMP regarding the management of discards in the commercial and recreational fisheries

***OTHER ISSUES:***

- ***ECOSYSTEM, HABITAT, BYCATCH, AND PROTECTED SPECIES ISSUES***

**Description of the Issue**

To address the changes in the distribution and abundance of summer flounder, this amendment will consider changes to the summer flounder FMP regarding the ecosystem, habitat and protected species associated with the summer flounder fishery.

- ***DATA COLLECTION REQUIREMENTS AND PROTOCOLS***

**Description of the Issue**

To address the changes in the technological and communications systems over the last 30 years in both commercial and recreational fisheries, this amendment will consider changes to the summer flounder FMP regarding the data collection requirements and protocols.



## **References**

- Bell, R.J., Richardson, D, Hare, J.S., Lynch, P, Fratantoni, P. (in review). Disentangling the effects of climate, abundance and size on the distribution of marine fish: an example based on four stock from the Northeast U.S. Shelf. Northeast Fisheries Science Center. ICES Journal of Marine Science.
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## ***Additional Tables and Figures***

**Table 1. Summary of Management Actions taken in the FMP, including Amendments, Addenda, and Framework adjustments to the FMP.**

<b>Year</b>	<b>Document</b>	<b>Plan Species</b>	<b>Management Action(s)</b>
1982	ASMFC FMP	Summer flounder	Established management plan for summer flounder
1988	MAFMC FMP	Summer flounder	Established management plan for summer flounder
1991	Amendment 1	Summer flounder	Established an overfishing definition for summer flounder
1993	Amendment 2	Summer flounder	Established rebuilding schedule, commercial quotas, recreational harvest limits, size limits, gear restrictions, permits, and reporting requirements for summer flounder; created the Summer Flounder Monitoring Committee
1993	Amendment 3	Summer flounder	Revised the exempted fishery line for summer flounder; increased the large mesh net threshold for summer flounder; established otter trawl retention requirements for large mesh use in the summer flounder fishery
1993	Amendment 4	Summer flounder	Revised state-specific shares for summer flounder commercial quota allocation
1993	Amendment 5	Summer flounder	Allowed states to combine or transfer summer flounder commercial quota
1994	Amendment 6	Summer flounder	Set criteria for allowance of multiple nets on board commercial vessels for summer flounder; Established deadline for publishing catch limits, Established commercial management measures for summer flounder.
1995	Amendment 7	Summer flounder	Revised the fishing mortality rate reduction schedule for summer flounder.
1996	Amendment 8	Summer flounder and scup	Incorporated Scup FMP into Summer Flounder FMP Established scup management measures, including commercial quotas, recreational harvest limits, size limits, gear restrictions, permits, and reporting requirements.
1996	Amendment 9	Summer flounder and black sea bass	Incorporated Black Sea Bass into Summer Flounder FMP; Established black sea bass measures, including commercial quotas, recreational harvest limits, size limits, gear restrictions, permits, and reporting requirements.
1997	Amendment 10	Summer flounder, scup, and black sea bass	Modified commercial minimum mesh requirements; Continued commercial vessel moratorium; Prohibited transfer of summer flounder at sea; Established special permit for party/charter sector for summer flounder
1998	Amendment 11	Summer flounder, scup, and black sea bass	Modified certain provisions related to vessel replacement and upgrading, permit history transfer, splitting, and permit renewal regulations

<b>Table 1, Continued:</b>			
<b>Year</b>	<b>Document</b>	<b>Plan Species</b>	<b>Management Action(s)</b>
1999	Amendment 12	Summer flounder, scup, and black sea bass	Revised FMP to comply with the Sustainable Fisheries Act and established framework adjustment process
2001	Framework 1	Summer flounder, scup, and black sea bass	Established quota set-aside for research for summer flounder, scup, and black sea bass
2001	Addendum 4	Summer flounder	Recreational specification for the Summer Flounder and Scup fisheries in 2001
2001	Framework 2	Summer flounder	Established state-specific conservation equivalency measures
2003	Framework 3	Scup	Allowed the rollover of winter scup quota; Revised the start date for summer quota period for scup fishery
2003	Framework 4	Scup	Established system to transfer scup at sea
2003	Amendment 13	Summer flounder, scup, and black sea bass	Addressed disapproved sections of Amendment 12; revised black sea bass commercial quota system; addressed other black sea bass management measures; updated Essential Fish Habitat (EFH) requirements for all three species
2003	Addendum 8	Summer flounder	Established state-specific targets for recreational landings derived from the coastwide harvest limit based on each state's proportion of landings in 1998
2006	Framework 6	Summer flounder	Established region-specific conservation equivalency measures for summer flounder
2007	Framework 7	Summer flounder, scup, and black sea bass	Built flexibility into process to define and update status determination criteria for each plan species
2007	Amendment 16	Summer flounder, scup, and black sea bass	Standardized bycatch reporting methodology
2007	Amendment 14	Scup	Established a rebuilding schedule for scup; Scup GRAs made modifiable through a framework adjustment process
2011	Amendment 15	Summer flounder, scup, and black sea bass	Established Annual Catch Limits (ACLs) and Accountability Measures (AMs)
2013	Amendment 19	Summer flounder, scup, and black sea bass	Revised recreational Accountability Measures for each plan species
2014	Addendum 25	Summer flounder and black sea bass	Set regional management for summer flounder recreational management in 2014; ad hoc regional management for black sea bass in 2014, with the option of extending into 2015
	MAFMC ASMFC Joint ASMFC/MAFMC		

**Table 2. State-by-state allocation for annual summer flounder commercial quota.**

State	Allocation (%)
Maine	0.04756%
New Hampshire	0.00046%
Massachusetts	6.82046%
Rhode Island	15.68298%
Connecticut	2.25708%
New York	7.64699%
New Jersey	16.72499%
Delaware	0.01779%
Maryland	2.03910%
Virginia	21.31676%
North Carolina	27.44584%

**Table 3. Recreational summer flounder harvest by state in 1998 and the proportion of harvest that serves as the basis for conservation equivalency harvest targets, utilized for management from 2001-2013.**

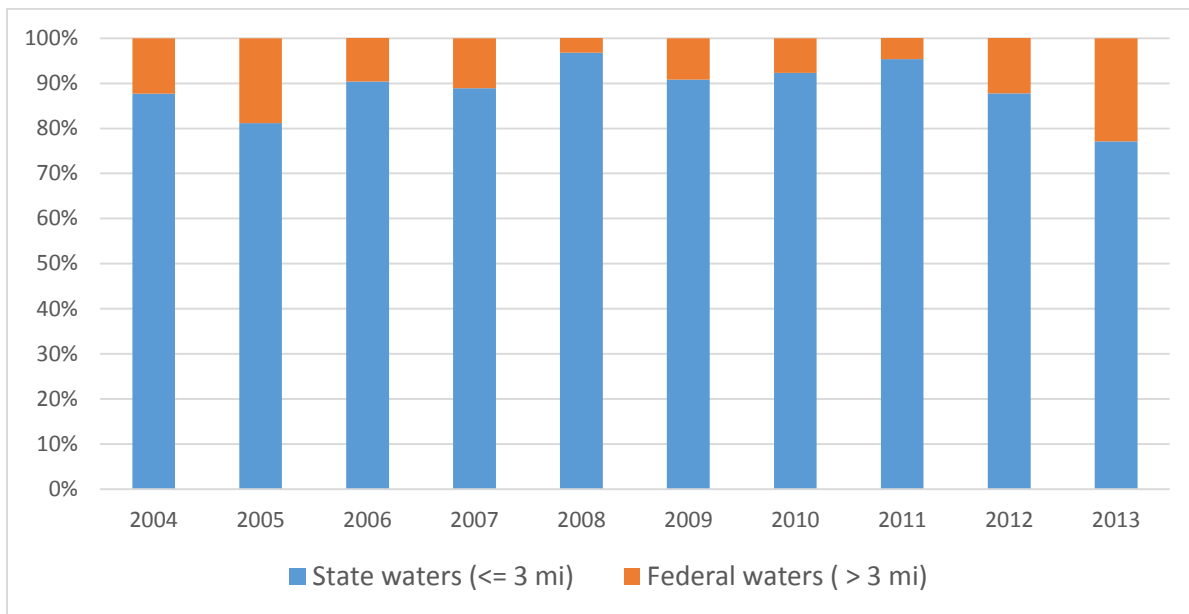
State	1998 estimated harvest (thousands of fish)	Percent of the 1998 harvest
Massachusetts	383	5.5%
Rhode Island	395	5.7%
Connecticut	261	3.7%
New York	1,230	17.6%
New Jersey	2,728	39.1%
Delaware	219	3.1%
Maryland	206	3.0%
Virginia	1,165	16.7%
North Carolina	391	5.6%

**Table 4. 2014 Atlantic States Marine Fisheries Commission Approved State Conservation Equivalent Recreational Measures for Summer Flounder.**

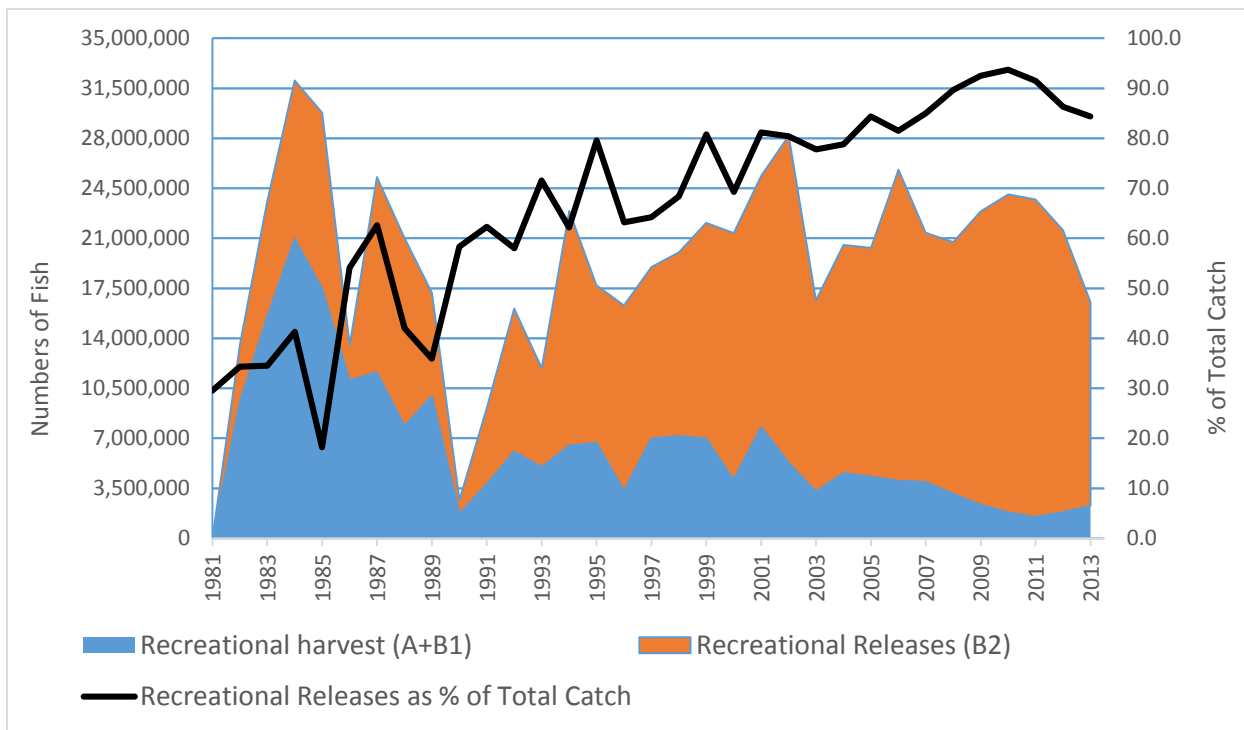
State	Minimum Size (inches)	Possession Limit	Open Season
Massachusetts	16	5 fish	May 22-September 30
Rhode Island	18	8 fish	May 1-December 31
Connecticut	18	5 fish	May 17- September 21
CT shore program 45 designed shore sites	16		
New York	18	5 fish	May 17- September 21
New Jersey	18	5 fish	May 23- September 27
NJ pilot shore program 1 site	16	2 fish	May 23-September 27
Delaware	16	4 fish	January 1- December 31
Maryland	16	4 fish	January 1- December 31
PRFC	16	4 fish	January 1- December 31
Virginia	16	4 fish	January 1- December 31
North Carolina	15	6 fish	January 1- December 31

**Table 5. Percentage of annual Summer Flounder Recreational Harvest (MRIP Type A+B1 in numbers of fish), by state, Maine-North Carolina, 1981-2013.**

<b>Year</b>	<b>ME</b>	<b>NH</b>	<b>MA</b>	<b>RI</b>	<b>CT</b>	<b>NY</b>	<b>NJ</b>	<b>DE</b>	<b>MD</b>	<b>VA</b>	<b>NC</b>
<b>1981</b>	0.0	0.0	0.8	1.2	0.8	18.7	44.8	1.6	1.9	23.0	7.2
<b>1982</b>	0.0	0.0	7.4	2.1	0.9	10.6	25.6	5.2	1.2	35.9	11.1
<b>1983</b>	0.0	0.0	2.0	0.4	2.7	16.9	35.1	3.0	4.0	31.3	4.5
<b>1984</b>	0.0	0.0	1.2	0.6	1.8	17.3	51.8	4.4	3.0	10.0	9.8
<b>1985</b>	0.0	0.0	0.3	1.6	1.7	10.8	70.0	1.3	0.9	5.5	7.9
<b>1986</b>	0.0	0.0	9.8	9.1	4.2	13.8	47.6	0.9	1.7	4.4	8.6
<b>1987</b>	0.0	0.0	3.8	2.2	2.8	19.5	44.0	2.0	7.8	14.4	3.5
<b>1988</b>	0.0	0.1	2.0	1.4	0.8	20.1	44.8	4.3	6.9	13.1	6.6
<b>1989</b>	0.0	0.4	1.1	5.1	1.6	18.4	23.2	5.9	11.6	20.5	12.2
<b>1990</b>	0.0	0.7	0.8	1.1	0.5	25.7	38.5	3.6	4.6	11.1	13.5
<b>1991</b>	0.0	0.0	0.8	1.3	1.1	16.6	50.0	2.9	4.7	19.2	3.5
<b>1992</b>	0.0	0.0	1.1	1.4	2.2	9.2	56.0	5.7	6.4	13.9	4.1
<b>1993</b>	0.0	0.0	2.1	2.1	1.2	18.6	49.8	5.7	3.7	11.0	5.9
<b>1994</b>	0.0	0.0	2.5	2.6	4.7	27.7	42.2	3.4	1.2	9.9	5.8
<b>1995</b>	0.0	0.0	3.2	3.6	5.7	17.4	39.2	3.0	4.2	19.2	4.5
<b>1996</b>	0.0	0.0	1.3	5.1	4.0	11.3	47.5	6.9	2.2	16.8	5.0
<b>1997</b>	0.0	0.0	3.1	3.5	3.4	16.8	52.2	2.8	0.9	13.2	4.0
<b>1998</b>	0.0	0.0	5.5	5.7	3.7	17.6	39.1	3.1	3.0	16.7	5.6
<b>1999</b>	0.0	0.0	4.3	10.5	5.2	18.5	36.6	4.4	5.5	9.2	5.8
<b>2000</b>	0.0	0.0	4.9	10.3	4.8	21.4	38.7	4.3	3.3	7.4	4.8
<b>2001</b>	0.0	0.0	2.9	5.1	2.9	13.2	39.1	2.8	2.6	25.3	6.2
<b>2002</b>	0.0	0.0	4.8	5.8	2.9	21.3	30.3	3.3	2.1	23.7	5.8
<b>2003</b>	0.0	0.0	3.9	4.5	3.6	33.8	39.1	2.3	0.9	9.9	1.9
<b>2004</b>	0.0	0.0	5.2	5.8	5.0	23.7	37.5	2.6	1.0	15.6	3.6
<b>2005</b>	0.0	0.0	6.6	4.1	3.9	28.9	32.3	1.8	2.9	17.0	2.5
<b>2006</b>	0.0	0.0	6.0	6.7	3.5	19.0	39.4	2.2	0.9	19.3	2.8
<b>2007</b>	0.0	0.0	4.4	5.7	3.6	27.9	34.3	3.5	3.3	12.8	4.5
<b>2008</b>	0.0	0.0	9.9	8.7	6.2	25.9	32.4	1.5	2.5	11.1	1.9
<b>2009</b>	0.0	0.0	2.8	4.0	2.5	16.5	45.7	4.8	3.6	16.0	4.1
<b>2010</b>	0.0	0.0	3.0	7.9	2.3	22.3	36.8	3.6	1.7	17.3	5.1
<b>2011</b>	0.0	0.0	3.2	8.8	2.6	20.4	40.0	3.6	0.8	17.3	3.3
<b>2012</b>	0.0	0.0	3.3	4.5	2.8	22.4	49.7	2.0	1.0	11.4	2.8
<b>2013</b>	0.0	0.0	1.2	4.9	11.1	18.3	50.5	2.2	2.1	7.8	1.9
<b>Total Avg.</b>	<b>0.0</b>	<b>0.0</b>	<b>3.5</b>	<b>4.5</b>	<b>3.2</b>	<b>19.4</b>	<b>41.9</b>	<b>3.4</b>	<b>3.2</b>	<b>15.5</b>	<b>5.5</b>



**Figure 5. Percentage summer flounder recreational landings (MRIP Type A+B1 in numbers of fish) by area (state vs. Federal waters), Maine through North Carolina, 2004-2013. Area information is self-reported based on where the majority of fishing activity occurred per angler trip.**



**Figure 6. Recreational summer flounder landings and releases (in numbers of fish), and recreational releases as a percentage of total catch, from NMFS recreational statistics databases, 1981-2013.**

**Table 6. The number of summer flounder landed from Maine through North Carolina by mode (shore, party/charter, or private/rental), 1981-2013.**

<b>Year</b>	<b>Shore</b>	<b>Party/Charter</b>	<b>Private/Rental</b>
1981	3,145,685	1,362,253	5,058,634
1982	1,120,527	5,936,005	8,416,175
1983	3,963,678	3,574,224	13,458,399
1984	1,355,597	2,495,734	13,623,844
1985	786,186	1,152,247	9,127,757
1986	1,237,032	1,608,908	8,774,920
1987	406,094	1,150,095	6,308,572
1988	945,862	1,134,356	7,879,445
1989	180,268	141,318	1,395,174
1990	261,899	413,241	3,118,444
1991	565,402	597,609	4,904,635
1992	275,472	375,244	4,351,389
1993	342,226	1,013,463	5,138,354
1994	447,183	836,361	5,419,147
1995	241,904	267,348	2,816,468
1996	206,929	659,878	6,130,181
1997	255,063	930,635	5,981,122
1998	316,312	360,777	6,302,003
1999	213,444	300,807	3,592,740
2000	569,613	648,754	6,582,710
2001	226,994	329,701	4,736,914
2002	154,960	261,552	2,845,644
2003	203,719	389,140	3,965,814
2004	200,367	463,777	3,652,355
2005	104,294	498,611	3,424,556
2006	154,416	315,934	3,479,936
2007	98,419	499,161	2,509,999
2008	79,338	171,950	2,098,582
2009	62,693	176,999	1,566,491
2010	59,810	160,108	1,281,546
2011	34,850	137,786	1,667,241
2012	106,342	169,476	1,996,407
2013	132,684	208,207	2,116,398
<b>% of Total, 1981-2013</b>	9%	14%	78%
<b>% of Total, 2009-2013</b>	4%	9%	87%