



Mid-Atlantic Fishery Management Council
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Richard B. Robins, Jr., Chairman | Lee G. Anderson, Vice Chairman
Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

DATE: November 27, 2013

TO: Council

FROM: Kiley Dancy, Staff

SUBJECT: Summer Flounder Recreational Measures for 2014

The following materials are enclosed for Council consideration of the above subject:

- 1) Advisory panel meeting summary
- 2) Monitoring Committee meeting summary and 2013 waves 1-4 data update
- 3) Summer Flounder staff memo dated November 12, 2013
- 4) Letter to Bob Beal and Chris Moore from Kathleen Moser, Assistant Commissioner, NYDEC
- 5) George Lapointe Consulting recreational summer flounder allocation paper, November 27, 2013



Summer Flounder, Scup, and Black Sea Bass Advisory Panel Meeting Summary November 25, 2013

The Mid-Atlantic Fishery Management Council's (Council's) Summer Flounder, Scup, and Black Sea Bass Advisory Panel met jointly with the Atlantic States Marine Fisheries Commission's (Commission's) Summer Flounder, Scup, and Black Sea Bass Advisory Panels on November 25, 2013 to discuss 2014 recreational management measures.

Council Advisory Panel members present: James Fletcher (NC), Skip Feller* (VA), Willy Hatch (MA), Denny Dobbins (VA), Steve Witthuhn (NY), Adam Nowalsky (NJ), Rick Bellavance* (RI)

Commission Summer Flounder Advisory Panel members present: Robert Busby (NY), Bill Shillingford (NJ), Joseph Huckemeyer (MA), Jack Conway (CT), Mike Plaia (CT), Paul Risi (NY), Mike Fedosh (NJ), Frank Blount (RI), James Lovgren (NJ), Skip Feller* (VA), Rick Bellavance* (RI)

Other Commission Advisory Panel members present: Paul Forsberg (NY), James Tietje (MA), Marc Hoffman (NY), Roman Jesien (MD), Victor Bunting (MD)

Others present: Kiley Dancy (Council staff), Kirby Rootes-Murdy (ASMFC staff), Kareem Alalkey, Ray Stinsman, Emerson Hasbrouck (NY), Cary O'Kane

*Serve on both Council and Commission Advisory Panels.

Summer Flounder 2014 Measures

Advisors were split on the issue of state-by-state vs. regional or coastwide management for summer flounder. Some agreed that regional or coastwide management would make estimates more precise and reduce complexity in the regulations, but others expressed that state-by-state management provides increased flexibility for each state to address different needs for different fisheries along the coast. One advisor suggested that a potential benefit to regional management is that it would partially smooth out some effects of the shift in biomass to the northeast.

The advisors discussed the possibility of states forming voluntary regions for summer flounder. One suggested a scheme with separate regions including North Carolina, Maryland to Virginia, Delaware to Connecticut, and Rhode Island and states north. Alternatively, Rhode Island could be included in a region with its southern neighbors, forming a Delaware to Rhode Island region.

Another suggestion was to make Long Island Sound its own region; however, opinions were split on this idea. Several advisors expressed that it is unrealistic to expect that New York could be split into two regions, given the difficulty in splitting allocations and enforcing different regulations in different areas. Others disagreed, saying that New York should be split, but opinions were divided as to exactly where and how.

Advisors agreed that any regions formed should not unfairly disadvantage one state over another. There was support for the idea of Maryland and Virginia being included in the same region, given that the states have been working well together, particularly on issues related to Chesapeake Bay. Massachusetts has almost zero overlap with fisheries in other states, and therefore it may be best to include this state in its own region.

An advisor expressed concern with the high numbers of discarded summer flounder, and the potential for wasted fish from dead discards. Additionally, this advisor was concerned with high size limits leading to

the fishery targeting large females, and suggested a 60-inch cumulative total length limit. This approach would reduce discards and reduce mortality on large females. Some advisors opposed this suggestion, stating concerns about compliance and high grading. Another advisor supported a slot limit instead, given that a 60-inch cumulative limit is likely to be reached quickly in many cases, making trips shorter and changing the way everyone fishes.

In terms of the Monitoring Committee non-preferred coastwide recommendation, most advisors would prefer the May 1-September 30 season over the May 15-October 15 season. However, for Virginia, it would be a tossup between these two seasonal options given that there is an important fall fishery in some areas, but also an early fishery in other parts of the state. Another advisor suggested exploring the option of a season from April 15-October 15, in combination with a 3 fish possession limit at an 18-inch TL minimum size.

General Comments

As noted in the September 2013 Fishery Performance Reports, advisors continue to be concerned that the effort estimation methodology used by MRIP has not accurately captured a reduction in effort in New York and New Jersey due to Superstorm Sandy.



**Summer Flounder, Scup, and Black Sea Bass Monitoring Committee
Meeting Summary and Data Update
November 22, 2013**

Summer Flounder 2014 Monitoring Committee Recommendations

Attendees: Paul Caruso (MA-DMF), Jason McNamee (RI-DFW), Peter Clarke (NJ-F&W), Greg Wojcik (CT-DEEP), Sally Roman (VMRC), Rich Wong (DNREC), Steve Doctor (MD-DNR), Moira Kelly (NMFS NERO), John Maniscalco (NY-DEC), Tom Wadsworth (NC-DMF), Kiley Dancy (Council Staff), Kirby Rootes-Murdy (ASMFC), Toni Kerns (ASMFC), Mike Luisi (MD-DNR; MAFMC Demersal Committee Chair)

The Monitoring Committee met on Friday, November 22, 2013 in Linthicum, MD to recommend recreational management measures for summer flounder, scup, and black sea bass in 2014. Prior to the meeting, preliminary Marine Recreational Information Program (MRIP) data for 2013 waves 3 and 4 (May through August) were undergoing revisions by NMFS and were unavailable for analysis. Revised data were posted shortly after the Monitoring Committee meeting began, and were reviewed by the Committee but were not able to be analyzed in-depth. Recommendations below are based on a review of available information, including projected landings through 2013.

Given the choice between conservation equivalency and coastwide measures for summer flounder, the Committee recommends conservation equivalency for the recreational fishery in 2014. The group discussed the difficulty in finding common ground for developing coastwide measures, but recognizes the utility of pooling data between states to increase precision in the estimates. The Committee encourages the exploration of voluntary regions under conservation equivalency.

The group discussed several options for a non-preferred coastwide measure for 2014. The Committee believes that the staff-recommended coastwide measure has a high risk of leading to the harvest limit being exceeded in 2014. With the combination of the season length proposed in the staff memo and a size limit of 17.5 inches, there would be considerable risk of exceeding the harvest limit given the expected increase in harvest in New York and New Jersey.

The Committee recommends the same non-preferred coastwide measure that was recommended last year, including an 18-inch TL minimum size, a 4 fish possession limit, and an open season of May 1-September 30. However, the Committee is also comfortable with the staff-recommended season of May 15-October 15.

The Committee agrees with the staff-recommended precautionary default measure, including a 20-inch TL minimum size, 2 fish possession limit, and open season May 1 - September 30. This set of measures is sufficiently strict to encourage states to comply with the required regulations.

The Committee concurs with the language in the staff memos regarding concern with high possession limits in recreational fisheries.

The Committee also wishes to emphasize that the assessment of risk for the different management configurations for each of the species is based on a preliminary review of 2013 data, which was not available until the day of the meeting, as well as a more thorough review of more historical datasets including 2011 and 2012. The Council and Board may wish to consider this significant data gap when developing their recommendations.

Summer Flounder 2013 Data Update

As mentioned previously, MRIP data for waves 1-4 (May through August) were undergoing revision prior to the Monitoring Committee meeting and were not included in the staff memo dated November 12, 2013. Tables 1-4 below summarize the revised data, which was posted during the Monitoring Committee meeting on November 22, 2013.

Summer flounder landings through the end of 2013 are projected at 6.87 million lb (Table 2), below the 2013 recreational harvest limit (RHL) of 7.63 million lb. Based on the 2014 recreational harvest limit of 7.01 million lb, a coastwide reduction would not be needed in 2014.

Table 1. Summer flounder recreational catch and landings, 2013 waves 1-4, Maine through North Carolina.

Year	Catch (‘000 fish)	Landings (‘000 fish)	Landings (‘000 lb)	% Released	Mean Weight (lb)
2013	14,189	2,451	6,039	83%	2.46

Table 2. Projected summer flounder recreational catch and landings, Maine through North Carolina, 2013.^a

Year	Catch (‘000 fish)	Landings (‘000 fish)	Landings (‘000 lb)	2013 RHL (‘000 lb)
2013	16,256	2,875	6,869	7,630

^a Projected using proportion from 2012 MRIP data and 2013 MRIP wave 1-4 data (Source: Pers. Comm. with the National Marine Fisheries Service, Fisheries Statistics Division, November 26, 2013).

Table 3. Summer flounder recreational landings (‘000 fish) by state, waves 1-4, 2004-2013.

State	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
ME	-	-	-	-	-	-	-	-	-	-
NH	-	-	<1	-	<1	-	-	-	<1	-
MA	200	258	211	138	232	50	45	33	74	25
RI	241	153	261	173	203	71	118	152	103	126
CT	204	130	128	111	146	45	35	47	62	215
NY	1,017	1,082	743	844	609	298	331	349	482	401
NJ	1,507	1,187	1,475	1,040	752	817	551	719	905	1,439
DE	106	60	82	101	33	78	50	56	44	33
MD	36	98	32	44	34	64	14	10	19	25
VA	514	602	674	342	243	275	235	301	249	161
NC	106	61	77	104	25	59	50	40	31	24
TOTAL	3,931	3,630	3,685	2,898	2,277	1,758	1,428	1,708	1,968	2,451

Source: Pers. Comm. with the National Marine Fisheries Service, Fisheries Statistics Division, November 26, 2013.

Table 4. Projected summer flounder recreational landings relative to targets, by state for 2013.

State	2013 Target (‘000 of fish)	2013 Landings ^{a,b} (‘000 of fish)	Overage (+%)/ Underage (-%) Relative to 2013 Target
MA	137	26	-81%
RI	142	127	-11%
CT	94	218	+132%
NY	592 ^c	424	-28%
NJ	1066 ^c	1,796	+68%
DE	79	35	-56%
MD	74	31	-58%
VA	418	168	-60%
NC	140	49	-65%

^a Projected using proportion from 2012 MRIP data and 2013 MRIP wave 1-4 data (Source: Pers. Comm. with the National Marine Fisheries Service, Fisheries Statistics Division, November 26, 2013).

^b Because prior year proportions are used, for states with more restrictive seasons in 2013, landings will be overestimated, and for those with less restrictive measures landings will be underestimated.

^c Target adjusted by Commission following Addendum XXIV.

Table 5. Summer flounder landings (number in thousands) by state for 1998, the 2013 projected landings (number in thousands), and the 2014 target (number in thousands) under the assumed recreational harvest limit of 7.01 million lb. The percent reduction necessary to achieve the 2014 recreational harvest limit relative to 2013 landings is also presented.

State	1998	2014 Target ^a	2013 ^{b,c}	% Reduction
MA	383	137	26	0
RI	395	141	127	0
CT	261	93	218	57
NY	1,230	440	424	0
NJ	2,728	977	1,796	46
DE	219	78	35	0
MD	206	74	31	0
VA	1,165	417	168	0
NC	391	140	50	0

^a Based on a 64.0% reduction in 1998 landings and 2013 waves 1-4 mean weight of 2.46 lb per fish.

^b Projected using proportion from 2012 MRIP data and 2013 MRIP wave 1-4 data (Source: Pers. Comm. with the National Marine Fisheries Service, Fisheries Statistics Division, November 26, 2013).

^c Because prior year proportions are used, for states with more restrictive seasons in 2013, landings will be overestimated, and for those with less restrictive measures landings will be underestimated. If state-by-state or regional conservation equivalency is adopted, ASMFC staff will update the projections using MRIP 2013 wave 1-5 data.



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MEMORANDUM

Date: November 12, 2013
To: Chris Moore
From: Kiley Dancy, Jessica Coakley, and José Montañez , Staff
Subject: Summer Flounder Recreational Management Measures in 2014

In October 2013, the Council and the Atlantic States Marine Fisheries Commission's (Commission's) Summer Flounder, Scup, and Black Sea Bass Board (Board) reviewed previously implemented multi-year commercial quotas and recreational harvest limits for summer flounder for the 2014 fishing year, and recommended specifications for the 2015 fishing year. The multi-year specifications for 2013 and 2014 were recommended by the Council and implemented by NMFS in 2012. In September 2013, the Scientific and Statistical Committee (SSC) and Monitoring Committee provided revised recommendations for 2014 specifications after reviewing the results of the July 2013 Stock Assessment Workshop/Stock Assessment Review Committee (SAW/SARC 57) for summer flounder. Based on the updated recommendations of the SSC and Monitoring Committee, the Council and Board voted to revise the 2014 summer flounder specifications, and additionally, implement specifications for 2015.

The proposed rule implementing the 2014 (revised) and 2015 commercial quotas and recreational harvest limits has not yet published. We do not expect the NMFS proposed rule will be different than the Council and Commission recommendations given that the harvest limits are consistent with the recommendations of the SSC and the Monitoring Committee. The Council and Board recommended a recreational harvest limit of 7.01 million lb in 2014, and 7.16 million lb in 2015.

The Monitoring Committee must recommend recreational management measures for 2014 that will constrain landings to the recreational harvest limit. The following is a review of recreational catch and landings data for the summer flounder fishery.

Recreational Catch and Landings

Recreational catch of summer flounder has fluctuated since 1981, from a peak in 1983 of 32.06 million fish to a time series low of 2.68 million fish in 1989 (Table 1). Landings were estimated to be 6.51 million lb in 2012. Summer flounder landings in number of fish, by state, indicate that New Jersey landed the greatest number of summer flounder, followed by New York and Virginia (Table 2).

The 2013 MRIP data are incomplete and preliminary. Typically, the first four waves of catch and landings data for the current year become available in mid-October. The Monitoring Committee does an early review of the MRIP data because the Council and Commission agreed that recommendations would have to be made late in the current year (i.e., 2013) to give the states enough time to enact changes in their regulations for the upcoming year (i.e., 2014). However, estimates for 2013 waves 3 and 4 (May-August) are undergoing significant revisions at the time of this writing, and are currently unavailable for analysis. Catch and landings estimates for 2013 waves 1-4 (January through August) will be provided when they become available.

In the past, preliminary wave 1-4 data for the current year has been used to project catch and landings for the entire year, by assuming the same proportion of catch and landings by wave in the previous year. Because 2013 preliminary estimates are expected to change, staff did not rely on this data to make projections when developing staff recommendations for 2014. Instead, recommendations were developed using data from the most recent complete year (2012), as the baseline.

Past Harvest Limits and Management Measures

Recreational harvest limits have varied since the FMP was first implemented, from a high of 11.98 million lb in 2005 to a low of 6.22 million lb in 2008 (Table 3). Over the time period from 1993-2001, coastwide possession limits ranged from 3-10 fish with size limits ranging from 14.0-15.5 inches. In 2002, conservation equivalency was implemented and has been used as the preferred management system since then. In 2012, the state-specific possession limits ranged from 3-8 fish with size limits ranging from 15.0-19.5 inches, with assorted seasons (Table 4). In 2013, state-specific possession limits ranged from 4-8 fish with size limits ranging from 15.0-19.0 inches, with various seasons (Table 5). The non-preferred and precautionary default measures that were adopted in 2013 (as required for implementation of conservation equivalency) included 4 fish with a minimum size of 18.0 inch TL and an open season from May 1 to September 30, and 2 fish with a 20.0 inch TL minimum fish size and an open season from May 1 to September 30, respectively.

Accountability Measures

The proposed rule for the Council's Omnibus Recreational Accountability Measures Amendment filed on September 18, 2013. Several changes to the Council's system of accountability measures are proposed. The following would apply if the Council-preferred alternatives are implemented:

1. The NMFS Regional Administrator (RA) would no longer have in-season closure authority for the summer flounder recreational fishery.
2. The determination of whether a recreational overage has occurred would be made by comparing the 3-year moving average of the lower bound of the confidence interval of the recreational catch estimate (rather than the point estimate, as is currently used) to the 3-year moving average of the recreational ACL. NMFS has identified some concerns with the use of the lower bound of the confidence interval and requested comments on this aspect of the proposed rule. The 3-year moving average will continue to be phased in over a 3-year period, beginning with 2012.
3. In the event of a recreational overage, accountability measures would no longer include a pound-for-pound payback of the overage amount in a subsequent fishing year. Instead, paybacks would

occur only if: a) the ACL is exceeded for stocks that are overfished, under a rebuilding plan, or with unknown stock status; or b) biomass is below the target, but above the threshold ($1/2 < B/B_{MSY} < 1$), and the acceptable biological catch (ABC) is exceeded.

4. If a payback is needed, the amount will be scaled relative to biomass (resulting in paybacks that are smaller for stocks where biomass is closer to the target).

Methodology

The Monitoring Committee must consider and recommend whether coastwide measures or conservation equivalency (state-by-state or voluntary regional) are appropriate for 2014 (Table 6). Specifically, this group must recommend measures that will ensure the recreational harvest limit of 7.01 million lb is not exceeded in 2014. As mentioned above, data for 2013 waves 1-4 are currently unavailable for use in projecting 2013 catch and landings. The performance of the recreational summer flounder fishery in 2012, relative to 2012 management measures, can be compared to the 2014 harvest limit to derive measures that are likely to constrain 2014 landings to the harvest limit. Landings in 2012 were 6.51 million lb, approximately 8% below the 2014 recreational harvest limit of 7.01 million lb (Table 7). The distribution of 2012 landings by length is given in Figure 1. Using 2012 as a baseline, landings in 2014 would not need to be reduced. Given the relatively small difference between 2012 landings and the 2014 harvest limit, 2012 management measures can be used as a guide for developing 2014 measures.

If state-by-state or regional conservation equivalency is adopted, the Commission's staff will project 2013 landings by state, when 2013 wave 4 or 5 data becomes available, prior to the development of management measure proposals. The Monitoring Committee must make recommendations for a non-preferred coastwide alternative and a precautionary default measure under conservation equivalency. The methodology detailed in Framework 2 (Addendum III) to the Summer Flounder, Scup and Black Sea Bass FMP and Framework 6 to the FMP (Addendum XVII) could be used to develop state-specific or regional regulations to meet the state-specific or region-specific targets (Table 7).

Because of the long-term implementation of state-specific regulations, the use of a coastwide reduction table (minimum size/possession limit table) to analyze coastwide regulations is no longer feasible. It is noted that the level of precision of annual harvest estimates from MRIP data depend on the survey sample sizes, the frequency of sampled angler trips that caught the species, and the variability of numbers caught among those trips. Harvest estimates are always progressively less precise at lower levels of stratification; annual estimates are more precise than bimonthly estimates, coastal estimates are more precise than regional estimates, and regional estimates are more precise than state estimates. Coastwide measures could provide greater precision in the harvest estimates and provide the opportunity to create a new base year(s) to characterize landings distributions at present [as opposed to relying on the 1998 base year].

In the last several years, the Monitoring Committee recommended using the observed mean fish weight from the most recent year to derive harvest targets for the upcoming fishing year. Consistent with this approach, and based on the information currently available, the 2012 mean weight (Table 1) was used to derive targets for 2014 (Table 7).

Fishing Trips and Year Class Effects

Table 8 provides an overview of coastwide recreational fishery performance and provides estimates of the number of summer flounder trips where summer flounder was reported as the primary target. An examination of summer flounder directed trips to total trips suggests that summer flounder continues to be a substantial component of the total number of angler trips, ranging from about 14-21 percent of total trips taken from 1993-2012 (Table 8). Predicting the number of summer flounder trips that might be taken in 2014 is complicated because many factors affect the demand for angler fishing trips. Changes in angler behavior are also difficult to predict and complex. Changes in angler behavior may result in a breakdown in the assumptions associated with specific sets of regulations and their anticipated results.

Year-class effects in terms of fish availability can influence the expected impacts of management measures and should be considered. Because several below average year classes are expected to become available to the fishery in 2014 and 2015 and the stock biomass is not projected to increase (NEFSC 2013), availability of summer flounder is not expected to increase during this time.

2014 Staff Recommendation

In 2014, staff recommend setting coastwide measures, to be implemented in both state and Federal waters, in order to reduce complexity in the regulations (particularly in shared waters/bays), increase compliance by making measures consistent across the management unit, and improve the ability to analyze the impacts of management measures. In addition, MRIP harvest estimates are always progressively less precise at lower levels of stratification; therefore, the data would be more precise when used at the coastwide level.

To derive a coastwide summer flounder minimum size limit, staff first calculated the mean minimum size regulation that was implemented in 2012, and weighted this size by the landings in numbers from each state. The average minimum size under which a fish was landed in 2012, was 17.8 inches. A 17.5 inch minimum size is consistent with 2012 and 2013 regulations implemented in New Jersey, which accounts for over 50% of recreational summer flounder landings. This suggests that 17.5 inches would be a reasonable minimum size for the coast, if implemented in conjunction with other measures (i.e., possession limit and season).

Staff recommend a coastwide season from May 15-October 15, consistent with the core season for most states and the time period when summer flounder are available in most areas given their seasonal migration. Staff also recommend a 4 fish possession limit, which is consistent with regulations in most states. A 4 fish possession limit would represent a decrease in the possession limit for some states. According to catch per angler trip data from 2011, a decreased possession limit would result in a reduction in landings that would provide a partial offset to the expected increase in landings in some states under a 17.5 inch coastwide size limit (Table 9).

If conservation equivalency is instead selected (although not staff recommended), then a non-preferred coastwide measure and a precautionary default measure must be identified. The non-preferred coastwide measures would be comprised of an identical minimum fish size, possession limit, and season for 2014, to be implemented by all states and in federal waters. The precautionary default measures are defined as

the set of measures that would achieve at least the highest percent reduction for any state on a coastwide basis. It is intended to be an unappealing measure for any state to implement. The Commission would require adoption of the precautionary default measures by any state that either does not submit a summer flounder management proposal to the Commission's Summer Flounder Technical Committee, or that submits measures that are determined not to achieve the required level of reduction for that state. Staff recommends a non-preferred coastwide measure of 17.5 inch TL minimum size, 4 fish possession limit, and coastwide season from May 15 to October 15, 2014. In addition, if conservation equivalency is chosen, staff recommends default measures that include a 20.0 inch TL minimum size, 2 fish possession limit, and coastwide season from May 1 to September 30, 2014. This default is likely to be more restrictive than any measure an individual state will implement in 2014.

Based on the above information, staff recommend coastwide measures for the 2014 fishing year that include a 17.5 inch TL minimum size, 4 fish possession limit, and coastwide season from May 15 to October 15, 2014. These coastwide measures would need to be implemented in both state and Federal waters.

Table 1. Summer flounder recreational catch and landings by year, Maine through North Carolina, 1981-2013. The number of fish released is presented as a proportion of the total catch (% Rel).

Year	Catch^a (‘000 fish)	Landings^a (‘000 fish)	Landings^a (‘000 lb)	% Released	Mean weight (lb)
1981	13,579	9,567	10,081	30%	1.05
1982	23,562	15,473	18,233	34%	1.18
1983	32,062	20,996	27,969	35%	1.33
1984	29,785	17,475	18,765	41%	1.07
1985	13,526	11,066	12,490	18%	1.13
1986	25,292	11,621	17,861	54%	1.54
1987	21,023	7,865	12,167	63%	1.55
1988	17,171	9,960	14,624	42%	1.47
1989	2,677	1,717	3,158	36%	1.84
1990	9,101	3,794	5,134	58%	1.35
1991	16,075	6,068	7,960	62%	1.31
1992	11,910	5,002	7,148	58%	1.43
1993	22,904	6,494	8,831	72%	1.36
1994	17,725	6,703	9,328	62%	1.39
1995	16,308	3,326	5,421	80%	1.63
1996	18,994	6,997	9,820	63%	1.40
1997	20,027	7,167	11,866	64%	1.66
1998	22,086	6,979	12,477	68%	1.79
1999	21,378	4,107	8,366	81%	2.04
2000	25,384	7,801	16,468	69%	2.11
2001	28,187	5,294	11,637	81%	2.20
2002	16,674	3,262	8,008	80%	2.45
2003	20,532	4,559	11,638	78%	2.55
2004	20,336	4,316	10,966	79%	2.54
2005	25,806	4,027	10,867	84%	2.70
2006	21,400	3,950	10,589	82%	2.68
2007	20,732	3,108	9,256	85%	2.98
2008	22,897	2,350	8,134	90%	3.46
2009	24,085	1,806	5,987	93%	3.32
2010	23,722	1,501	5,108	94%	3.40
2011	21,559	1,840	5,954	91%	3.24
2012	16,528	2,272	6,506	86%	2.86
2013^b	NA	NA	NA	NA	NA

^a For 1981-2003 data are MRFSS, 2004-2012 are MRIP. Source: Pers. Comm. with the National Marine Fisheries Service, Fisheries Statistics Division, November 1, 2013. ^b NA = Not available.

Table 2. Summer flounder recreational landings ('000 fish) by state, waves 1-6, 2003-2012.

State	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
ME	-	-	-	-	-	-	-	-	-	-
NH	<1	-	-	<1	-	<1	-	-	-	<1
MA	177	225	267	239	138	232	50	45	58	76
RI	205	249	165	264	176	204	72	118	161	103
CT	166	216	157	138	112	146	45	35	47	63
NY	1,539	1,025	1,163	752	866	609	299	334	376	482
NJ	1,784	1,617	1,300	1,556	1,067	762	825	552	737	1,130
DE	106	111	73	88	108	35	87	54	67	45
MD	41	42	117	37	104	58	65	25	15	23
VA	451	675	684	763	397	260	289	260	318	260
NC	88	157	101	112	139	44	75	77	60	63

Source: Pers. Comm. with the National Marine Fisheries Service, Fisheries Statistics Division, November 1, 2013. For 1981- 2003 data are based on MRFSS, 2004-2012 are MRIP.

Table 3. Summary of Federal management measures for the summer flounder recreational fishery, 1993-2013, and preferred 2014-2015 recreational harvest limits.

Measure	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Harvest Limit (m lb)	8.38	10.67	7.76	7.41	7.41	7.41	7.41	7.41	7.16	9.72	9.28	11.21
Landings (m lb)	8.83	9.33	5.42	9.82	11.87	12.48	8.37	16.47	11.64	8.01	11.64	10.97
Possession Limit	6	8	6/8	10	8	8	8	8	3	a	a	a
Size Limit (TL in)	14	14	14	14	14.5	15	15	15.5	15.5	a	a	a
Open Season	5/15 - 9/30	4/15 - 10/15	1/1 - 12/31	1/1 - 12/31	1/1 - 12/31	1/1 - 12/31	5/29 - 9/11	5/10 - 10/2	4/15 - 10/15	a	a	a
Measure	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	
Recreational ACL (land+disc)	-	-	-	-	-	-	-	11.58	10.23	9.07 ^b	9.44 ^b	
Harvest Limit (m lb) - landings only	11.98	9.29	6.68	6.22	7.16	8.59	11.58	8.49	7.63	7.01 ^b	7.16 ^b	
Landings (m lb)	10.87	10.59	9.26	8.13	5.99	5.11	5.95	6.51	-	-	-	
Possession Limit	a	a	a	a	a	a	a	a	a	-	-	
Size Limit (TL in)	a	a	a	a	a	a	a	a	a	-	-	
Open Season	a	a	a	a	a	a	a	a	a	-	-	

^aState-specific conservation equivalency measures. ^bCouncil preferred; pending NMFS implementation.

Table 4. Summer flounder recreational management measures, targets, and landings by state, 2012.

State	Minimum Size (inches)	Possession Limit	Open Season	2012 Target ('000 fish)	2012 Landings ('000 fish) ^a	Overage (+%)/ Underage (-%) Relative to 2012 Target
Massachusetts	16.5	5 fish	May 22-September 30	153	76	-50%
Rhode Island	18.5	8 fish	May 1-December 31	158	103	-35%
Connecticut*	18	5 fish	May 15-October 31	104	63	-39%
*At 44 designated Shore sites in CT	16					
New York	19.5	4 fish	May 1-September 30	492	509	+3%
New Jersey	17.5	5 fish	May 5-September 28	1,090	1,130	+4%
Delaware	18	4 fish	January 1-October 23	88	45	-49%
Maryland	17	3 fish	April 14-December 16	82	23	-72%
PRFC	16.5	4 fish	All year	--	--	--
Virginia	16.5	4 fish	All year	466	260	-44%
North Carolina	15	6 fish	All Year	156	63	-60%

^aSource: Pers. Comm. with the National Marine Fisheries Service, Fisheries Statistics Division, November 1, 2013.

Table 5. Summer flounder recreational management measures and targets by state, 2013.

State	Minimum Size (inches)	Possession Limit	Open Season	2013 Target ('000 fish)
Massachusetts	16	5 fish	May 22-September 30	137
Rhode Island	18	8 fish	May 1-December 31	142
Connecticut	17.5	5 fish	May 15-October 31	94
*At 46 designated Shore sites in CT	16			
New York	19	4 fish	May 1-September 29	441
New Jersey	17.5	5 fish	May 18-September 16	978
Delaware	17	4 fish	All year	79
Maryland	16	4 fish	March 28-December 31	74
PRFC	16	4 fish	All year	--
Virginia	16	4 fish	All year	418
North Carolina	15	6 fish	All Year	140

Table 6. Procedures for establishing summer flounder recreational management measures.

August	
Council/Commission's Board recommend recreational harvest limit.	
October	
MRIP data available for current year through wave 4.	
November	
Monitoring Committee meeting to develop recommendations to Council: Overall % reduction required.	
Use of coastwide measures or state conservation equivalency. *Precautionary default measures. **Coastwide measures.	
December	
Council/Board meeting to make recommendation to NMFS State Conservation Equivalency or Coastwide measures	
<i>State Conservation Equivalency Measures</i>	<i>Coastwide Measures</i>
Late December	Early January
Commission staff summarizes and distributes <u>state-specific and multi-state conservation equivalency</u> guidelines to states.	Council staff submits recreational measure package to NMFS. Package includes: -Overall % reduction required. -Coastwide measures.
Early January	February 15
Council staff submits recreational measure package to NMFS. Package includes: - Overall % reduction required. - Recommendation to implement conservation equivalency and precautionary default measures (Preferred Alternative). -Coastwide measures (Non-preferred Alternative).	NMFS publishes proposed rule for recreational measures announcing the overall % reduction required and Coastwide measures.
States submit conservation equivalency proposals to ASMFC.	April
January 15	NMFS publishes final rule announcing overall % reduction required and Coastwide measures.
ASMFC distributes <u>state-specific or multi-state conservation equivalency proposals</u> to Technical Committee.	*Precautionary default measures - measures to achieve at least the % required reduction in each state, e.g., one fish possession limit and 15.5 inch bag limit would have achieved at least a 41% reduction in landings for each state in 1999. **Coastwide measures - measure to achieve % reduction coastwide.
Late January	
ASMFC Technical Committee meeting: -Evaluation of proposals. -ASMFC staff summarizes Technical Committee recommendations and distributes to Board.	
February	
Board meeting to approve/disapprove proposals and submits to NMFS within two weeks, but no later than end of February.	
March 1 (on or around)	
NMFS publishes proposed rule for recreational measures announcing the overall % reduction required, <u>state-specific or multi-state conservation equivalency</u> measures and precautionary default measures (as the preferred alternative), and coastwide measures as the non-preferred alternative.	
March 15	
During comment period, Board submits comment to inform whether conservation equivalency proposals are approved.	
April	
NMFS publishes final rule announcing overall % reduction required and one of the following scenarios: - <u>State-specific or multi-state conservation equivalency</u> measures with precautionary default measures, or -Coastwide measures.	

Table 7. Summer flounder landings (number in thousands) by state for 1998, the 2012 landings (number in thousands), and the 2014 target (number in thousands) under the assumed recreational harvest limit of 7.01 million lb. The percent reduction necessary to achieve the 2014 recreational harvest limit relative to 2012 landings is also presented.

State	1998	2014 Target^a	2012	% Reduction
MA	383	135	76	0
RI	395	139	103	0
CT	261	92	63	0
NY	1,230	432	482	10
NJ	2,728	958	1,130	15
DE	219	77	45	0
MD	206	72	23	0
VA	1,165	409	260	0
NC	391	137	63	0

^aBased on a 65.0% reduction in 1998 landings and mean weight of 2.86 lb per fish.

Table 8. Number of summer flounder recreational fishing trips, harvest limit, landings, and fishery performance from Maine through North Carolina, 1993 to 2014.

Year	Number of Fishing Trips ^a	Percentage of Directed Trips Relative to Total Trips ^{a,b}	Recreational Harvest Limit (million lb)	Recreational Landings of Summer Flounder (million lb) ^d	Percentage Overage (+)/ Underage(-)
1993	4,671,638	17.8	8.38	8.83	5%
1994	5,769,037	20.8	10.67	9.33	-13%
1995	4,683,754	17.2	7.76	5.42	-30%
1996	4,885,179	17.9	7.41	9.82	33%
1997	5,595,636	18.8	7.41	11.87	60%
1998	5,268,926	20.5	7.41	12.48	68%
1999	4,219,909	16.8	7.41	8.37	13%
2000	5,802,215	16.7	7.41	16.47	122%
2001	6,130,383	16.6	7.16	11.64	63%
2002	4,564,011	14.8	9.72	8.01	-18%
2003	5,624,387	16.0	9.28 ^c	11.64	25%
2004	4,864,356	14.3	11.21 ^c	10.97	-2%
2005	5,845,890	16.0	11.98 ^c	10.87	-9%
2006	4,991,477	13.6	9.29 ^c	10.59	14%
2007	5,491,077	14.5	6.68 ^c	9.26	39%
2008	4,932,811	13.4	6.21 ^c	8.13	31%
2009	4,596,613	15.6	7.16 ^c	5.99	-16%
2010	4,452,955	15.1	8.59 ^c	5.11	-41%
2011	4,500,039	16.8	11.58 ^c	5.95	-49%
2012	4,239,440	16.4	8.59 ^c	6.51	-24%
2013	NA	NA	7.63 ^c	NA	NA
2014	NA	NA	7.01 ^{c,e}	NA	NA
2015	NA	NA	7.16 ^{c,e}	NA	NA

^a Estimated number of recreational fishing trips (expanded) where the primary target species was summer flounder, Maine through North Carolina. Source: Pers. Comm. with the National Marine Fisheries Service, Fisheries Statistics Division, November 4, 2013.

^b Source of total trips for all species combined; Pers. Comm. with the National Marine Fisheries Service, Fisheries Statistics Division, November 4, 2013.

^c Adjusted for research set-aside.

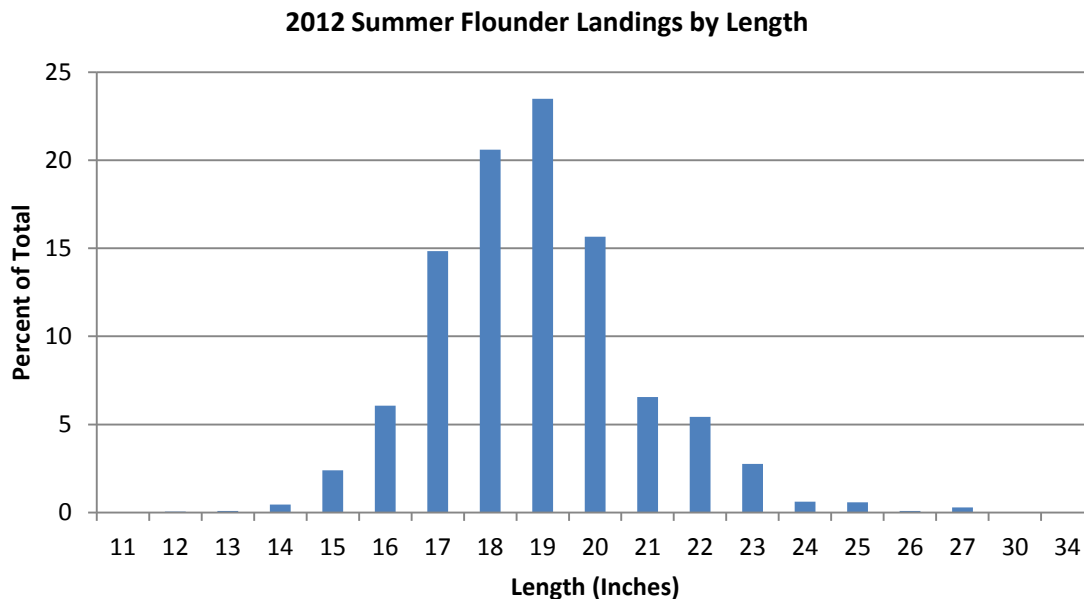
^d Source: Pers. Comm. with the National Marine Fisheries Service, Fisheries Statistics Division, November 1, 2013.

^e Recreational harvest limit - Council-preferred for 2014; pending implementation. NA = Data not available.

Table 9. Catch per angler trip for summer flounder, from 2011 MRFSS data, waves 1-4.

No. caught per trip	Frequency	Fish Landed	New catch per trip with 10 fish possession limit	New Fish Landed	
1	22	22	1	22	
2	300	600	2	600	
3	18	54	3	54	
4	76	304	4	304	
5	4	20	4	16	
6	23	138	4	92	
7	2	14	4	8	
8	9	72	4	36	
10	4	40	4	16	
12	4	48	4	16	% Reduction
	462	1312		1164	11%

Figure 1. Length frequency of Type A (landed) summer flounder, 2012 MRIP data.



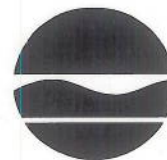
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Joe Martens
Commissioner

NOV 27 2013

Mr. Robert E. Beal
Executive Director, Atlantic States Marine Fisheries Commission
1050 N. Highland Street
Arlington, VA 22201

Dr. Christopher Moore
Executive Director, Mid-Atlantic Fishery Management Council
800 North State Street
Dover, DE 19901

Dear Mr. Beal and Dr. Moore:

In my letter to the members of the Atlantic States Marine Fisheries Commission (ASMFC) and the Mid-Atlantic Fishery Management Council (MAFMC), dated October 9, 2013, I indicated that New York would retain the services of an outside expert to assist the members of ASMFC and MAFMC in developing and implementing a management strategy for summer flounder that is scientifically sound, as well as fair and equitable for all the Atlantic Coast states. The expert retained by New York is George Lapointe. I am enclosing a paper prepared by Mr. Lapointe that identifies management options for your consideration.

I respectfully request that Mr. Lapointe be provided an opportunity during the joint meeting of the MAFMC Demersal Committee and the ASMFC Summer Flounder, Scup and Black Sea Bass Board to briefly address the members and answer any questions that the members might have for Mr. Lapointe regarding his paper.

Please distribute this letter and Mr. Lapointe's paper to all members of ASMFC, MAFMC and the summer flounder Working Group as soon as possible so that they have sufficient time to review same prior to the meeting on December 11, 2013.

Sincerely,

Kathleen Moser
Assistant Commissioner, Natural Resources

Enclosure

cc: Dr. Louis Daniel
Mr. Richard Robins
Dr. David Pierce
Mr. Mike Luisi

This paper is submitted in support of the proposal(s) for coastwide and regional management of summer flounder; issues being considered by the joint meeting of the Mid-Atlantic Fishery Management Council and Atlantic States Marine Fisheries Commission on 11 December 2013 to establish recreational summer flounder management measures for 2014.

Background

Summer flounder management under the joint planning process of the Mid-Atlantic Fishery Management Council and Atlantic States Marine Fisheries Commission has been a difficult, complicated process for management bodies and stakeholders alike. Conservation measures for stock rebuilding were put in place and measures to allocate available summer flounder between different sectors in the fishery and the states from Maine through North Carolina were implemented in an attempt to provide predictable, sustainable access to the summer flounder resource by anglers in a way that reflects past fishing practices in the summer flounder range.

The management measures implemented in the states and federal waters to address the issues listed above have resulted in both positive and negative outcomes. On the positive side, the summer flounder resource was declared rebuilt by the National Marine Fisheries Service in 2011 (MAFMC 2013) and the most recent stock assessment declared summer flounder not over fished and overfishing is not occurring (NEFSC 2013). The rebuilt stock means that there are more summer flounder available to recreational and commercial fishing interests along the Atlantic Coast, demonstrating that cooperative fisheries management can restore fish stocks and provide for fish for human use. We should all recognize that rebuilding the summer flounder stock is a significant success story in marine fisheries management.

This success has not come without significant costs. Some of the negative impacts of summer flounder management history include management measures that have changed too frequently, allocation decisions that do not accurately reflect past fishing activity in a number of jurisdictions, and disparities in management measures (size limits, possession limits, and fishing season) among the states in the Mid-Atlantic and Southern New England regions. These negative impacts are the result of many factors, including the need to constrain harvest to allow stock rebuilding, a marine recreational fishing survey process that yields variable and unpredictable harvest estimates, past fishery allocation decisions, and the application of conservation equivalency for summer flounder management among the member states of the Atlantic States Marine Fisheries Commission.

The Atlantic States Marine Fisheries Commission approved a state-by-state allocation system for use in management of the summer flounder recreational fishery began in 2003 based on

estimates of state recreational landings for one year, 1998. These estimates were derived from the Marine Recreational Fishing Statistics Survey (MRFSS). The State of New York supported the state-by-state allocation system for the recreational summer flounder fishery, and the use of 1998 as the base year for allocations, because New York officials believed at the time that this system would result in an equitable distribution of fishing opportunity among the states, i.e. a system that reflected past fishing practices in the various states adjusting for conservation measures needed to rebuild the summer flounder stock. Additionally, meeting records show that New York state officials believed that allocation decisions could be revisited in the future.

Soon after implementation of the state-by-state allocation system for summer flounder recreational fishing, New York and other states saw the result was that management measures fluctuated from year to year, and had fishermen from different states fishing common waters being able to retain fish of different size limits and possession limits. For example, the current summer flounder minimum size limit in New York is 19 inches while fishermen from Connecticut and New Jersey have a summer flounder minimum size limit of 17.5 inches. In the past, the discrepancy in minimum sizes among these jurisdictions has been as high as 2 inches.

When the implications of the recreational allocation system became known, the State of New York sought reconsideration of the allocation system for the reasons outlined above. Broadly, the system did not reflect historical fishing opportunities and patterns. The transcripts of ASMFC Summer Flounder, Scup, and Black Sea Bass Management Board meetings are replete with discussion of the summer flounder recreational allocation issue, and the attempts to correct the issue.

The management measures for 2013 which provided for voluntary sharing of “unused” summer flounder recreational quota from states with underages, i.e. having projected 2013 recreational harvest levels below their respective 2013 state recreational quotas, were contained in Addendum XXIV (ASMFC 2013a). These measures achieved a better balance of size limits and angler opportunity than previous management measures but were put in place for only one year.

Following the implementation of Addendum XXIV in 2013, ASMFC began discussion of 2014 management measures and the need for a longer term solution to the ongoing summer flounder recreational allocation issues. A longer term solution was deemed necessary because of the ongoing commitment of time needed by the Atlantic States Marine Fisheries Commission, Mid-Atlantic Fishery Management, and by recreational fishing interests in various states. The Atlantic States Marine Fisheries Commission formed a Summer Flounder Working Group to address the 2014 recreational management measures, consisting of Board members and technical staff from interested states, to provide the Board with 2014 management options that address the deficiencies and difficulties caused by the current management system, particularly for the State of New York (ASMFC 2013b).

Management options for 2014

Summer flounder recreational management options for 2014 include:

1) Coastwide management measures

Coastwide summer flounder management measures for the 2104 recreational fishery have been developed by the Monitoring Committee of the Mid-Atlantic Fishery Management Council following procedures established in the Summer Flounder, Scup and Black Sea Bass Fishery Management Plan. For 2014, the Monitoring Committee has recommended the following management measures:

- a) 18 inch minimum size limit
- b) 4 fish possession limit
- c) Two fishing season options
 - i. 1 May to 30 September
 - ii. 15 May to 15 October

Coastwide summer flounder recreational management measures would provide a new baseline of coastal fishing patterns and activity. A new baseline would allow contemporary ecological, fishery, and socioeconomic issues to determine the distribution of summer flounder recreational harvest patterns along the coast, a significant improvement from the reliance on one year of catch estimates from 15 years ago.

If coastwide measures are approved because of the opportunity to develop new baseline information on fishing activity and patterns along the coast, these measures should be put in place for a minimum of three years to provide sufficiently robust estimates from which to base future management decisions.

2) Regional management options

The Summer Flounder Working Group and the State of New York have developed a number of options for regional management of the summer flounder recreational fishery in 2014. The regional management options produced by the Summer Flounder Working Group for Board Consideration include the following regions and coastal catch distribution:

Regional Management Options using Percent Shares of Coastwide Allocation of Summer Flounder Recreational Fishery.

	1998						
MA	5.5%						5.5%
RI	5.7%					11.2%	
CT	3.7%						
NY	17.6%			32.5%			
NJ	39.1%		71.6%		71.6%		66.1%
DE	3.1%					63.5%	
MD	3.0%			45.2%			
VA	16.7%	94.4%			22.8%	19.7%	22.8%
NC	5.6%	5.60%	28.4%	22.3%	5.6%	5.6%	5.6%

Source: ASMFC staff memo, 12 November 2013

These options are a significant improvement compared to the state-by-state allocation management measures approved in past years. For example, Regional Options 1,2,4, and 5 would provide consistent size and bag limits for recreational anglers in New York and adjacent waters, an issue that has been the source of much contention among New York recreational fishing interests. These options do not provide a mechanism for the sharing of unused recreational allocation among the states to provide allocation needed by states with significant recreational harvest constraints, including New York.

The application of voluntary sharing of unused quota would provide some flexibility to the management system to make this type of regional management work in 2014 for the states that would be constrained by the application of the specific percentages shown in the table above.

Regional management options have been developed that balance regional differences in fish abundance and fishery management measures and practices with the desire to achieve consistent management measures in adjacent states, and to incorporate sharing of unused quota among the states. Technical staff from New York developed Regional Options 1-6 to foster discussion at the 11 December joint ASMFC Board and MAFMC Committee meeting which can arrive at the best 2014 recreational management measures for the majority of states. This suite of management scenarios may be narrowed after the 3 December meeting of the Summer Flounder Working Group which will provide a Technical Committee analysis of the Regional Options presented.

The regions are summarized in the following tables which allow comparison of minimum size limits, possession limits, and seasons for different groups of states.

For comparison with the tables of potential 2014 regions, 2013 allocations, size limits, possession limits, and seasons are included in the table below for comparison with the various regional options.

STATE	2013	SIZE	POSS	DAYS	2013 PROJECTED HARVEST
	REGS 1998 ALLOC				
MASSACHUSETTS	5.5%	16	5	132	27,410
RHODE ISLAND	5.7%	18	8	245	113,902
CONNECTICUT	3.7%	17.5	5	170	261,873
NEW YORK	17.6%	19	4	152	432,259
NEW JERSEY	39.1%	17.5	5	130	1,260,629
DELAWARE	3.1%	17	4	365	42,928
MARYLAND	3.0%	16	4	365	32,231
VIRGINIA	16.7%	16	4	365	197,306
NORTH CAROLINA	5.6%	15	6	365	48,861

Regional Option 1: Regions MA, RI-NJ, DE-VA, NC

STATE	REGIONS 1					PERC OF RHL	
	HARVEST	SIZE	POSS	DAYS			
MASSACHUSETTS	27,410	16	5	132	1.1%		
RHODE ISLAND	98,479	18	5	146			
CONNECTICUT	234,388	18	5	146			
NEW YORK	683,679	18	5	146			
NEW JERSEY	1,040,182	18	5	146	84.5%		
DELAWARE	72,291	16	4	365			
MARYLAND	32,231	16	4	365			
VIRGINIA	197,306	16	4	365	12.4%		
NORTH CAROLINA	48,861	15	6	365	2.0%		
TOTAL	2,434,826				100.0%		
RHL	2,442,509						
PERC OF RHL	99.7%						
	2014						
	DAYS	Wv					DAYS
		1	2	3	4	5	6
MASSACHUSETTS				40	62	30	132
RHODE ISLAND				54	62	30	146
CONNECTICUT				54	62	30	146
NEW YORK				54	62	30	146
NEW JERSEY				54	62	30	146
DELAWARE	59	61	61	62	61	61	365
MARYLAND	59	61	61	62	61	61	365
VIRGINIA	59	61	61	62	61	61	365
NORTH CAROLINA	59	61	61	62	61	61	365

Regional Option 2: Regions MA-RI, CT-DE, MD-VA, NC

STATE	REGIONS 2						
	HARVEST	SIZE	POSS	DAYS			
MASSACHUSETTS	15,404	17	5	132			
RHODE ISLAND	162,498	17	5	132	7.3%		
CONNECTICUT	240,563	17.5	4	117			
NEW YORK	644,003	17.5	4	117			
NEW JERSEY	1,064,604	17.5	4	117			
DELAWARE	33,935	17.5	4	117	81.3%		
MARYLAND	32,231	16	4	245			
VIRGINIA	197,306	16	4	245	9.4%		
NORTH CAROLINA	48,861	15	6	365	2.0%		
TOTAL	2,439,404				100.0%		
RHL	2,442,509						
PERC OF RHL	99.9%						
	2014						
	DAYS						
	Wv						
	1	2	3	4	5	6	DAYS
MASSACHUSETTS			40	62	30		132
RHODE ISLAND			40	62	30		132
CONNECTICUT			45	62	10		117
NEW YORK			45	62	10		117
NEW JERSEY			45	62	10		117
DELAWARE			45	62	10		117
MARYLAND		61	61	62	61		245
VIRGINIA		61	61	62	61		245
NORTH CAROLINA	59	61	61	62	61	61	365

Regional Option 3: Regions MA, RI-DE, MD-VA, NC

STATE	REGIONS 3						
	HARVEST	SIZE	POSS	DAYS			
MASSACHUSETTS	27,410	16	5	132	1.1%		
RHODE ISLAND	129,098	17.5	4	119			
CONNECTICUT	240,682	17.5	4	119			
NEW YORK	646,807	17.5	4	119			
NEW JERSEY	1,084,465	17.5	4	119			
DELAWARE	33,986	17.5	4	119	87.5%		
MARYLAND	32,231	16	4	245			
VIRGINIA	197,306	16	4	245	9.4%		
NORTH CAROLINA	48,861	15	6	365	2.0%		
TOTAL	2,440,845				100.0%		
RHL	2,442,509						
PERC OF RHL	99.9%						
	2014						
	DAYS	Wv					
	1	2	3	4	5	6	DAYS
MASSACHUSETTS			40	62	30		132
RHODE ISLAND			45	62	12		119
CONNECTICUT			45	62	12		119
NEW YORK			45	62	12		119
NEW JERSEY			45	62	12		119
DELAWARE			45	62	12		119
MARYLAND		61	61	62	61		245
VIRGINIA		61	61	62	61		245
NORTH CAROLINA	59	61	61	62	61	61	365

Regional Option 4: Regions MA, RI-DE, MD-VA, NC, DE with slightly different management measures

STATE	REGIONS 4 (Delaware Step)						
	HARVEST	SIZE	POSS	DAYS			
MASSACHUSETTS	27,410	16	5	132	1.1%		
RHODE ISLAND	129,098	17.5	4	122			
CONNECTICUT	240,682	17.5	4	122			
NEW YORK	646,807	17.5	4	122			
NEW JERSEY	1,084,465	17.5	4	122			
DELAWARE	42,928	17	4	184	87.5%		
MARYLAND	32,231	16	4	245			
VIRGINIA	197,306	16	4	245	9.4%		
NORTH CAROLINA	48,861	15	6	365	2.0%		
TOTAL	2,449,787				100.0%		
RHL	2,442,509						
PERC OF RHL	100.3%						
	2014						
	DAYS	Wv					DAYS
		1	2	3	4	5	6
MASSACHUSETTS				40	62	30	132
RHODE ISLAND				45	62	12	119
CONNECTICUT				45	62	12	119
NEW YORK				45	62	12	119
NEW JERSEY				45	62	12	119
DELAWARE				61	62	61	184
MARYLAND			61	61	62	61	245
VIRGINIA			61	61	62	61	245
NORTH CAROLINA		59	61	61	62	61	365

Regional Option 5: Regions MA, RI-DE, MD-VA, NC, DE with slightly different management measures

STATE	REGION 5 (Delaware Step II)						
	HARVEST	SIZE	POSS	DAYS			
MASSACHUSETTS	27,410	16	5	132	1.1%		
RHODE ISLAND	96,685	18	4	162			
CONNECTICUT	238,360	18	4	162			
NEW YORK	664,808	18	4	162			
NEW JERSEY	1,086,906	18	4	162			
DELAWARE	42,928	17	4	184	87.4%		
MARYLAND	32,231	16	4	245			
VIRGINIA	197,306	16	4	245	9.4%		
NORTH CAROLINA	48,861	15	6	365	2.0%		
TOTAL	2,435,494				100.0%		
RHL	2,442,509						
PERC OF RHL	99.7%						
	2014						
	DAYS	Wv					DAYS
		1	2	3	4	5	6
MASSACHUSETTS				40	62	30	132
RHODE ISLAND				61	62	39	162
CONNECTICUT				61	62	39	162
NEW YORK				61	62	39	162
NEW JERSEY				61	62	39	162
DELAWARE				61	62	61	184
MARYLAND			61	61	62	61	245
VIRGINIA			61	61	62	61	245
NORTH CAROLINA		59	61	61	62	61	365

Regional Option 6: Regions MA, RI –DE, MD-VA, NC, DE with slightly different management measures

STATE	REGION 5b (Delaware Step II)						
	HARVEST	SIZE	POSS	DAYS			
MASSACHUSETTS							
RHODE ISLAND	27,410	16	5	132	1.1%		
CONNECTICUT	94,706	18	5	149			
NEW YORK	218,870	18	5	149			
NEW JERSEY	661,352	18	5	149			
DELAWARE	1,085,215	18	5	149			
MARYLAND	47,221	17	5	184	87.3%		
VIRGINIA	32,231	16	4	245			
NORTH CAROLINA	197,306	16	4	245	9.5%		
TOTAL	48,861	15	6	365	2.0%		
RHL	2,413,171				100.0%		
PERC OF RHL	2,442,509				98.8%		
	2014						
	DAYS	Wv					DAYS
MASSACHUSETTS	1	2	3	4	5	6	DAYS
RHODE ISLAND			40	62	30		132
CONNECTICUT			47	62	40		149
NEW YORK			47	62	40		149
NEW JERSEY			47	62	40		149
DELAWARE			47	62	40		149
MARYLAND			61	62	61		184
VIRGINIA		61	61	62	61		245
NORTH CAROLINA		61	61	62	61		245
	59	61	61	62	61	61	365

3) State by state allocation

The state-by-state allocation system, established in 2003, is not seen as a viable option for 2014 because it retains the inequities in the current management system that have resulted in the serious, ongoing management difficulties acutely felt by New York and other states.

Recommended Options

After consideration of the complicated factors going into summer flounder recreational allocations and the impact of the varied regulatory systems on the Atlantic Coast, I urge adoption of uniform, coast-wide management measures as presented by the Monitoring Committee. This would provide (1) 18" minimum size limit, (2) 4 fish possession limit, and (3) one of two seasons, either 1 May to 30 September or 15 May to 15 October. Further, I urge consideration of adoption of this suite of management measures for at least 2 years. This is clearly the best option from a data and scientific management perspective.

A coast-wide management system for the 2014 recreational summer flounder fishery would have at least three major benefits. First, it would allow catch data from the entire coast to be combined which should result in data that are more statistically robust and reliable than the catch estimates used for the current state-by-state management system. Developing improved, reliable recreational catch estimates is critical to ongoing management of summer flounder, as well as other fisheries. Second, it could be used to establish an up-to-date, contemporary coastwide data set that could be used to establish a new baseline for angler participation. Third, it would provide equity among anglers within a region by eliminating the disparities that come with the current state-by-state approach.

However, coastwide management may disadvantage some states in the short term. With this in mind, an alternate management approach such regional management may be more acceptable until a longer term management approach is developed and implemented. The suite of regional management options listed above form the foundation from which equitable summer flounder management for 2014 could be developed.

Longer term solution warranted

I understand and appreciate the work being done by the Atlantic States Marine Fisheries Commission and Mid-Atlantic Fishery Management Council to discuss and understand the concerns of New York and other states with the current state by state management of the summer flounder recreational fishery, and the efforts to develop creative, effective short-term solutions such as the voluntary sharing of unused allocation as done in 2013 and contemplated in many of the proposed 2014 recreational management measures. These short-term solutions have provided more access to New York's summer flounder recreational interests.

However, the ongoing reasons for current inequities in summer flounder management remain in place, and will remain in place, until a thoughtful, timely process is developed and implemented to address long-standing inequities and long-term changes to the fishery and environment.

The fishery management system on the Atlantic Coast has matured under the Magnuson-Stevens Fishery Conservation and Management Act and Atlantic Coastal Cooperative Fisheries Management Act. The Magnuson-Stevens Act was crafted and passed into law to develop US fisheries and, later, to address long-standing overfishing issues. The focus on rebuilding

fisheries has been effective in many fisheries in the United States with the summer flounder fishery providing an excellent example of rebuilding fish stocks. The Atlantic Coastal Act expanded the framework of the Atlantic Striped Bass Conservation Act to other ASMFC managed species, such as summer flounder. The result of the cooperative management in federal and state waters under the auspices of these two federal laws is a rebuilt summer flounder stock.

The first summer flounder plan was approved in 1988. Many changes have occurred in fishery management plans and regulations, fish populations, the ecosystem, and human environment in the ensuing twenty-five years.

The long-term change in the summer flounder resource, and other conditions in the marine ecosystem, justifies a careful, structured examination of summer flounder allocation decisions. Richardson et al (2013) document a significant, long-term expansion of the summer flounder resource to deeper and more northerly waters. Similar patterns have also been observed in many species in the Northeast United States continental shelf (Nye, et al. 2009). For summer flounder, explanations for the range expansion include climate change and the rebuilt summer flounder stock. Fisheries managers and stakeholders could long discuss the exact reason for the range expansion to no real net benefit. It is likely that these factors, and others, all contribute to the range expansion of summer flounder.

The specific reasons for the range expansion, over time, are less relevant than the expansion itself in terms of implications to marine fisheries management. For the summer flounder fishery, this range expansion means that the availability of summer flounder to fishermen has changed substantially relative to the availability patterns during periods when previous allocation decisions were made. This means that summer flounder fishermen are living under allocations based on information that is 15 to 25 years old. Additionally, managing under allocations based on outdated fishing patterns and species distribution means that fishermen at the northern end of the summer flounder range are not reaping a portion of increased abundance that could be accessed with an equitable, contemporary allocation formula.

Another factor supporting a change in summer flounder recreational allocations to a coastwide management system is that catch data generated under a coastwide system could be used to develop new estimates that reflect current conditions in the fishery. The resultant estimates would be more robust than estimates generated with the state-by-state management system. New York and other states voted to use 1998 as the basis for the summer flounder allocation on the belief that the resultant allocations would benefit states roughly in proportion to the fishery activity that occurred prior to the allocations being set. New York and other states made this decision in good faith but this does not mean that New York, and other states, have to live with this earlier decision ad infinitum. There is sufficient information to warrant a re-examination of the recreational summer flounder fishery.

Allocations are management decisions that are implemented to equitably distribute access to fish resources. Allocations are clearly not intended to be permanent. Federal fishery

management policy calls for reviews of allocations in catch share fisheries at some regular interval (NOAA 2011). The NOAA catch share policy also states “*NOAA recommends Councils periodically revisit the underlying total allocation to each sector of a fishery (e.g., commercial and recreational) on a regular basis, regardless of whether catch shares are the management tool of choice for one or more sectors.*” The implication of this statement is that allocation decisions are meant to be reviewed, and revised as warranted.

The Magnuson-Stevens Act, under a section on limited access programs contains language that “limited access privilege, quota share, or other limited access system established, implemented, or managed under this Act ... may be revoked, limited, or modified at any time in accordance with this Act” (NMFS 2007). This language, while referring to limited access programs, clearly suggests that allocations are meant to be examined, and changed, as conditions in fisheries changes.

The Mid-Atlantic Fishery Management Council changed scup quota allocations based on changing conditions in the fishery and new information becoming available. This responsive action also shows that management bodies can, and should, take contemporary information about the fishery and fish resource into account when considering allocation decisions.

I believe that the conditions found in the summer flounder fishery in 2013 warrant such a review of past allocation decisions in this important, rebuilt fishery. Such a review should use current data and information on conditions in the recreational fishery in the States and federal waters, as well as fishery resource and ecological conditions affecting summer flounder abundance, distribution, and availability to anglers in various states.

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