



**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 23, 2015  
**To:** Chris Moore, Executive Director  
**From:** Kiley Dancy, Staff  
**Subject:** FMAT Recommendations for Next Steps on the Summer Flounder Amendment

The Fishery Management Action Team (FMAT) for the Comprehensive Summer Flounder Amendment met with Fisheries Leadership and Sustainability Forum via webinar on Monday, November 16, from 9 am-12 pm. The main objective of the webinar was to discuss feedback on Fishery Management Plan (FMP) goals and objectives received from Council and Board members, as compiled by Fisheries Forum.<sup>1</sup> Based on this feedback, the FMAT developed recommendations to the Council and Board regarding potential revisions to the existing FMP objectives. The FMAT's recommendations on this topic can be found within the synthesis document prepared by Fisheries Forum for the December briefing book.

In addition to FMP goals and objectives, the FMAT discussed several other issues that the Council and Board may wish to consider with regard to next steps for the amendment. Two major recommendations from the FMAT are described below. A revised amendment action plan is also included in the Summer Flounder Amendment Update tab in the December briefing book.

### **Recreational issues in the context of changing effort estimation methodology**

Major ongoing changes to the Marine Recreational Information Program (MRIP) effort estimation methodology are expected to eventually result in revised time series of estimated recreational catch, landings, and effort.<sup>2</sup> Results from the most recent pilot study comparing a mail survey design (known as the Fishing Effort Survey, or FES) to the current Coastal Household Telephone Survey (CHTS) indicate that the FES estimates are on average 2.6 times higher than CHTS estimates for private boat fishing and 6.1 times higher for shore fishing.<sup>3</sup> Revisions of this

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<sup>1</sup> For an overview of this project, see [http://www.mafmc.org/s/01\\_Summer-Flounder-Goals\\_Short-Overview.pdf](http://www.mafmc.org/s/01_Summer-Flounder-Goals_Short-Overview.pdf).

<sup>2</sup> See: <http://www.st.nmfs.noaa.gov/recreational-fisheries/MRIP/effort-survey-improvements>

<sup>3</sup> More information can be found in the MRIP transition plan for the effort survey:  
<http://www.st.nmfs.noaa.gov/Assets/recreational/pdf/MRIP%20FES%20Transition%20Plan%20FINAL.pdf>.

magnitude have major implications for addressing recreational issues and recreational vs. commercial allocation issues through this amendment process.

The Council and Board briefly discussed this issue at their joint meeting in December 2014. At the time, the Council and Board did not wish to remove or delay action on any issues, until more information became available regarding the plan for rolling out the new estimates. According to the final transition plan released in May 2015, “the FES will run side-by-side with the CHTS from 2015 to 2017, with full use of FES estimates and termination of the CHTS no earlier than 2018.” Re-estimation of historical time series is expected sometime in mid-2017. The new methodology is also expected to undergo a National Research Council review, which also may impact future recreational estimates.

Given the transition timeline and the implications for amendment analysis, the FMAT recommends that the Council and Board pursue the amendment without including recreational issues at this time. The FMAT recommends separating the commercial/recreational allocation issues and recreational management issues into a separate action to be pursued on a later timeline, closer to when revised MRIP estimates are expected to become available.

The FMAT discussed the possibility of moving forward with the idea of addressing overarching process issues for recreational management without the revised MRIP time series. However, this may be complicated by revisions to the MRIP estimates that are likely to be different in magnitude by state and fishing mode. The current conservation equivalency framework is based on a particular allocation approach, and it would be difficult to proceed with discussions about potentially changing this management framework without considering the effects of the new recreational estimates. Moving forward with any in-depth analysis of recreational issues at this time could result in significant effort and resources being put toward work that may not ultimately be relevant or useful.

### **Formation of issue-specific working groups**

The amendment action plan describes proposed “issue-specific working groups,” which were envisioned as a means to more efficiently address many important and complicated issues within a very large and complex amendment. The FMAT first discussed the potential role of these working groups on their April 2015 webinar, and revisited the discussion during their November webinar.

The FMAT noted that if the Council and Board chooses to delay taking action on recreational issues, this would simplify the process of identifying working groups. If recreational issues were separated into a later amendment, the remaining working groups could include one or more groups for commercial management strategies or other issues, depending on the desired level of specificity.

The major expected benefit of issue-specific working groups is spreading out the workload of amendment development and analysis so that the amendment can proceed on a reasonable timeline. The FMAT recommends that the working groups be populated with individuals with technical expertise relevant to the issue, who are available and willing to actively participate in document development and technical analysis. Specifically, the FMAT recommends that each working group consist of a subset of the FMAT, several Technical/Monitoring Committee

members, and potentially additional experts (agency, academic, or other) with relevant expertise (subject to the availability of funding, if necessary). In addition to FMAT member participation on the working groups, the full FMAT would provide guidance and tasks to the working groups.

The FMAT proposes Council and Board involvement with the working groups and the FMAT through the Demersal Committee and Board process, with regular interaction between the working groups/FMAT and the Committee and Board. The Committee and Board would provide guidance to the FMAT and working groups by identifying, refining, and clarifying issues to be addressed, as well as by identifying further questions and analysis needed.

The FMAT also proposes that involvement from the Council and Commission's Summer Flounder, Scup, and Black Sea Bass Advisory Panels (APs) would take the form of regular AP meetings throughout the amendment development process, potentially in combination with working group meetings when appropriate. Staff would facilitate information transfer between the APs and the Demersal Committee, Board, FMAT, and working groups.



**Summer Flounder Amendment Draft Action Plan (updated as of 11/23/15)**

Comprehensive Summer Flounder Amendment to the  
Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan

**Council:** Mid-Atlantic (with Atlantic States Marine Fisheries Commission)

**Title of Action:** Comprehensive Summer Flounder Amendment to the Summer Flounder, Scup, and Black Sea Bass FMP

**Applicable Fisheries:** Summer Flounder (commercial and recreational)

**Purpose and Need:** The purpose of this amendment is to complete a comprehensive review of all aspects of the Summer Flounder, Scup, and Black Sea Bass FMP related to summer flounder. This will include revisiting and updating the goals and objectives of the plan for summer flounder, as well as re-examining and modifying as necessary any and all fishery management strategies necessary to achieve those goals and objectives.

**Type of NEPA Analysis Expected:** EIS

**Additional Expertise Sought:** The Fisheries Management Action Team (FMAT) for this action will be composed of Council staff and management partners from the Greater Atlantic Regional Fisheries Office, the Atlantic States Marine Fisheries Commission, the Northeast Fisheries Science Center, with input from other organizations as appropriate. The FMAT will serve as the primary team for amendment development and analysis, but will work with several working groups to address specific issues.

Agency	Fishery Management Action Team (FMAT) Role	Person(s)
MAFMC	Fisheries Management (Plan Coordinator)	Kiley Dancy
ASMFC	Fisheries Management (Plan Coordinator; ISFMP Director)	Kirby Rootes-Murdy; Toni Kerns
NMFS GARFO	Sustainable Fisheries (Plan Coordinator)	Moira Kelly
NMFS GARFO	NEPA	Katherine Richardson
NMFS GARFO	Habitat	David Stevenson
NMFS NEFSC	Stock Assessment/Technical	Mark Terceiro
NMFS NEFSC	Socioeconomics	Scott Steinback
NMFS GARFO	General Counsel (consulted as needed)	Kevin Collins

**Working Groups:** The FMAT will work with one or more topic-specific working groups that will be formed to complete technical work and analyses related to specific aspects of summer flounder management. The exact composition of each working group has yet to be determined, but should include representatives with technical expertise on the issues to be addressed in the amendment. Specific issues to be addressed by each working group have yet to be determined, but will relate to issues described below under "types of measures expected to be considered."

**Types of Measures Expected to be Considered:** In December 2014, the Council and Board identified several general categories of issues to be addressed by this amendment. The FMAT will develop a wide range of management options for the Council to consider. These could include alternatives to address issues including, but not limited to:

- FMP goals and objectives for summer flounder
- Commercial summer flounder management measures and strategies:
  - 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
  - Commercial quota allocation strategies
  - Landings flexibility (regional, coastwide, other)
- Recreational summer flounder management measures and strategies:
  - 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)
- Quota allocation between the commercial and recreational fisheries

Under the umbrella of the above categories, the Council and Board have indicated that they may also explore alternatives related to the following:

- Summer flounder discards in the commercial and recreational fisheries
- Ecosystem, habitat, bycatch, and protected species issues
- Data collection requirements and protocols
- Other issues not listed above

**Applicable laws/issues:**

Magnuson-Stevens Act	Yes
Administrative Procedures Act	Yes
Regulatory Flexibility Act	Yes
Paperwork Reduction Act	Possibly; depends on data collection needs
Coastal Zone Management Act	Possibly; depends on effects of the action on the resources of the coastal states in the management unit
Endangered Species Act	Possibly; level of consultation, if necessary, depends on the actions taken
E.O. 12866 (Regulatory Planning and Review)	Yes
E.O. 12630 (Takings)	Possibly; legal review will confirm
E.O. 13123 (Federalism)	Possibly; legal review will confirm
Essential Fish Habitat	Possibly
Information Quality Act	Yes

**Current Amendment Timeline (as of 11/23/15; subject to change):**

**Note:** If the Council and Board separate some issues into a separate amendment, as recommended by the FMAT in November 2015, this timeline may be revised to reflect a potentially shorter amendment development time.

<i>December 2013</i>	<i>Council initiates amendment</i>
<i>April-June 2014</i>	<i>Draft action plan developed; Fishery Management Action Team (FMAT) formed</i>
<i>June 2014</i>	<i>Council's Demersal Committee meets to discuss scoping process</i>
<i>August 2014</i>	<i>Joint Council and Commission draft scoping document developed; Council and Commission review and approve draft document for public comment</i>
<i>September/ October 2014</i>	<i>Scoping hearings and public comment period</i>
<i>December 2014</i>	<i>Council and Commission identify priority issues for inclusion in the amendment</i>
<i>April 2015</i>	<i>FMAT meeting (webinar)</i>
<i>August 2015</i>	<i>Status update at August joint Council/Board meeting; intro to Fisheries Forum goals &amp; objectives project</i>
<i>Fall 2015</i>	<i>Fisheries Forum project to synthesize Council/Board input on FMP goals and objectives; FMAT meeting for goals and objectives recommendations</i>
<i>December 2015</i>	<i>Council and Commission workshop on FMP goals and objectives (with Fisheries Forum); amendment status update</i>
<i>Winter 2016</i>	<i>Issue-specific working groups established; FMAT and working group meetings</i>
<i>Winter/Spring 2016</i>	<i>FMAT begins development of range of alternatives, with input from working groups, Council/Commission, and Advisory Panel</i>
<i>Summer/Fall 2016</i>	<i>FMAT and working groups continue development of alternatives; Council and Commission review FMAT and working group recommendations; Draft Environmental Impact Statement (DEIS) development begins</i>
<i>Late 2016/Early 2017</i>	<i>Range of options refined and approved; analysis of alternatives; DEIS development continues</i>
<i>Winter/Spring 2017</i>	<i>Council and Commission select preferred options; public hearings</i>
<i>Summer/Fall 2017</i>	<i>Council and Commission consider public comments; final action; Final Environmental Impact Statement developed; rulemaking and comment periods (5-7 months)</i>
<i>Spring 2018</i>	<i>Final rule effective</i>

\**Italics* = complete