

Atlantic States Marine Fisheries Commission

Summer Flounder, Scup, and Black Sea Bass Management Board Conference Call

Draft Agenda

May 22, 2017

12:30 – 2 p.m.

Webinar Link: <https://attendee.gotowebinar.com/register/499991200830679809>

Conference Call: 1-888-394-8197 Passcode: 815277

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary. The Board Chair may allow limited opportunity for comment and has the discretion to limit the number of speakers and/or the length of each comment.

1. Welcome/Call to Order (*M. Luisi*) 12:30 p.m.
2. Board Consent 12:30 p.m.
 - Approval of Agenda
3. Public Comment (**For items not on the agenda**) 12:35 p.m.
4. Consider New Jersey Proposal on 2017 Summer Flounder Recreational Measures **Final Action** (*T. Kerns*) 12:45 p.m.
 - Overview of Proposal (*T. Baum*)
 - Technical Committee Report
5. Other Business/Adjourn 2:00 p.m.



NEW JERSEY DIVISION OF
Fish and Wildlife
P.O. Box 400
Trenton, NJ 08625-0400
Larry Herrighty, Acting Director

Memorandum

To: ASMFC Summer Flounder, Scup, and Black Sea Bass Technical Committee

From: Peter Clarke, Senior Biologist
New Jersey Bureau of Marine Fisheries

Date: May 12, 2017

Re: New Jersey 2017 Conservation Equivalency Proposal – Recreational Summer Flounder

This memorandum provides the ASMFC Summer Flounder, Scup, and Black Sea Bass Management Board (Board) with New Jersey's proposed management measures for recreational summer flounder for 2017 under conservation equivalency. Outlined is the approach New Jersey utilized to compare total mortality reductions under Addendum XXVIII (Addendum) to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP) and this proposal.

Background

Since 2015, the New Jersey recreational summer flounder regulations have been following a regional approach where the regulations (size, season, and bag) have been consistent within all three states in the region (Connecticut, New York, and New Jersey). These regional measures included an 18 inch size limit, 128 day season, and 5 fish possession limit each year.

The Addendum was available in December 2016, allowing public review and a public comment period ending January 16, 2017. Proposed measures required substantial reductions to recreational harvest that would lead to excessive biological, social, economic, and regulatory concerns for New Jersey's recreational fishery.

The New Jersey Marine Fishery Council met on January 5, 2017 and unanimously opposed all options in the Addendum and recommended remaining status quo. That same evening, New Jersey held a summer flounder public hearing regarding the Addendum with more than 150 people in attendance. Public participants unanimously opposed the Addendum and also recommended status quo regulations for the 2017 fishing season.

At the Board meeting on February 2, 2017, the Commissioner of the New Jersey Department of Environmental Protection testified before the Board to express New Jersey's concern about the strength of the science of the Addendum and the impact these decisions would have upon the recreational fishing industry in New Jersey. New Jersey's ASMFC Commissioners moved to postpone the vote on the Addendum until confirmation of a new Secretary of Commerce, but this motion failed. A subsequent motion by the Board to accept Addendum XXVIII Option 5 was passed, with New Jersey and two other states opposing. Approval of the Addendum and continued regional management measures for 2017 required a 33% reduction for the New Jersey, New York and Connecticut region for 2017. To implement this reduction, New Jersey was required to implement translates into a 19-inch minimum size, 128 day season, and a 3 fish possession limit.

New Jersey filed a formal appeal to the Board's decision through the ASMFC Charter Appeals Process. Within the appeal, New Jersey argued that the ASMFC 1) did not follow proper process in reaching its decision on Addendum, 2) inappropriately used technical information in their decision making process, and 3) passed management measures that result in unforeseen economic impacts. The appeal was submitted to ASMFC on March 24, 2017, and underwent preliminary review by the ASMFC leadership on April 14, 2017, which accepted only portions of the appeal for full review by the ASMFC Policy Board during its meeting on May 11, 2017.

One grievance expressed in New Jersey's appeal is particularly relevant to New Jersey's proposed option. The management measures approved by the Board require New Jersey to increase minimum size from 18 inches to 19 inches for the 2017 season. Based on data from the New Jersey Volunteer Angler Survey, fewer than 8% of the fish caught in New Jersey's 2016 recreational fishery were greater than 19" (Table 1). New Jersey MRIP data indicate only 6% of the catch is greater than the 19-inch size limit. This results in a discard ratio of approximately 12 to 1 (NJ VAS) or 16 to 1 (NJ MRIP) discards per harvested fish (Table 1). Assuming a 10% discard mortality rate used in summer flounder stock assessments since 1998, discard mortality in New Jersey's fishery would exceed harvest mortality by 27% (NJ VAS) to 67% (NJ MRIP) under a 19-inch minimum size (Table 1). This is not an acceptable way to manage a fishery for both biological and socio-economic reasons. Moreover, this is an increase in discard ratio of more than 70% (2016 ratio \approx 7.4 discards per harvested fish at 18 inches NJ VAS). Such a large increase in discarded fish substantially impacts the estimated savings from the proposed regulations. Specifically, the 2016 stock assessment update indicated that fishing mortality exceeded the approved fishing mortality threshold by 26%. The Addendum was developed to achieve a 30% reduction in harvest in the CT-NY-NJ region to account for this excessive fishing mortality (F). However, when the increased discard mortality is taken into account, the savings in total fishing mortality in New Jersey would only be 14 percent, less than half of the required reduction in fishing mortality needed to meet $F_{\text{threshold}}$. (Table 2).

New Jersey's proposal addresses the concerns surrounding discard mortality. New Jersey is proposing to maintain an 18-inch minimum size to prevent discard mortality from exceeding harvest mortality and to minimize the erosion in mortality savings through discards. To compensate for the lower size limit, we propose a reduction in season length from 128 days to 104 days. The bag limit of 3 fish is consistent with the Addendum. These measures will provide a 24 percent reduction in harvest mortality and 30 percent reduction in total mortality compared to 14 percent reduction in total mortality of the Addendum (Table 2).

Further, New Jersey is taking steps to implement an extensive outreach program designed to inform anglers of ways to reduce discard mortality. We are confident that we can reduce discard mortality by at least 2 percent (from 10% to 8%) through robust outreach and education. By reducing discard mortality, our proposed measures will provide an estimated 30 percent reduction in total mortality in New Jersey's recreational summer flounder fishery, compared to the 14% reduction we would achieve by implementing the measures in the Addendum. If all states initiate this endeavor it will result in significant reductions of dead summer flounder discards throughout the entire coast.

Proposed Method for 2017 Reduction

The Addendum requires consistent regulations of a 19" minimum size, 3 fish bag limit, and 128 day season for CT, NY, and NJ. These regulations result in a 32.7 percent harvest reduction for the region as a whole, and a 33.3 percent harvest reduction for NJ specifically. Assuming a 10% discard mortality rate, the overall savings to total mortality in NJ are estimated to be 14 percent under the Addendum.

New Jersey is proposing measures that include maintaining our 2016 18-inch size limit, reducing the bag limit from 5 fish to 3 fish, and decreasing the season length to 104 days. Delaware Bay will remain at 17 inches, 104 days, 3 fish possession limit, while the New Jersey shore enhancement site at Island Beach State park will be 16 inches, 104 days, 2 fish possession limit. We expect as in past years for a very limited number of landings from both Delaware Bay and Island Beach State Park adding fewer than 8,000 fish total for both locations. In addition to these regulations, we will implement an outreach program, drawing on the resources available from NOAA Fisheries' "FishSmart" program, that is expected to reduce our discard mortality from 10% to 8% or less. The proposed regulations will achieve an estimated 24% reduction in harvest for the state. This is lower than the harvest reduction expected for New Jersey under Addendum; however, through reductions to the discard mortality rate, **our proposal will increase the total mortality savings from 14% under the Addendum to 30% under the New Jersey proposed option.**

The estimated savings was calculated as follows; Season and possession limit reductions were applied to the New Jersey 2016 harvest to estimate 2017 harvest. Assuming a 7 to 1 discard ratio as reported by our anglers through the NJ VAS (Table 1), total catch was estimated by multiplying harvest by 8, total dead discards was calculated by subtracting harvest from total caught and multiplying the result by .08. The total number of dead fish was then estimated by adding total harvest to total dead discards. Harvest and total mortality reductions were calculated relative to the 2016 observed values and projected harvest and total mortality under the Addendum.

Discard Mortality Rate and Outreach

Currently, a discard mortality rate of 10% is used to determine the number of fish that die when discarded. New Jersey is confident that by incorporating angler outreach, a discard mortality rate of 8% can be reached. Historical studies have shown a range of discard mortality between 5% and 23% with a mean of 7% achieved through hook size and handling variation. By decreasing the hook size used and amount of time that anglers handle fish, we are confident that our discard mortality rate can be lowered to at least 8% from 10%.

Early stock assessments incorporated a recreational release mortality of 25%, but over time this value drew criticism for being too high (Terceiro 2002). SAW 25 (NEFSC 1997) included a research recommendation to investigate recreational release mortality for fluke. Three studies were completed in 1998 to investigate potential factors affecting release mortality, using both tank studies and field trials in North Carolina, Virginia, and New York. Average release mortality in each of the studies ranged from 6% to 14%. The average of these studies provides an estimate of 10% recreational release mortality, which was adopted for the 1998 stock assessment update (Terceiro 2002) and used in all subsequent assessments.

During the appeal process, New Jersey contracted with Montclair State University to conduct a study to collect information on anglers' summer flounder fishing practices and how they would change under the Addendum, as well as their willingness to take steps to reduce discard mortality. Several of the questions were aimed at evaluating their understanding of release mortality, their willingness to adopt changes to fishing practices to reduce mortality, and the best way to implement an outreach program. Preliminary results are encouraging, provide direction to staff on what aspects to focus on and how to distribute information.

Approximately 26,000 anglers responded to the survey, preliminary results indicate that more than 70% responding that they would very likely or absolutely change their angling or handling procedure voluntarily if it could reduce discard mortality. The number of anglers that responded that "they would not be likely to or definitely would not change their habits" was very small. The full findings of this study will be shared with the ASMFC Technical Committee once it is finalized and peer-reviewed.

Given that the recent study has not been finalized, New Jersey will rely on the reports from 1998. Of the three reports used in the 1998 stock assessment, Lucy and Holton (1998) provide the most detail on how different factors affect summer flounder hooking and mortality that can guide our evaluation of the most effective methods to reduce release mortality. For example, by not removing hooks from fish hooked in the gills, tongue, or esophagus, discard mortality was reduced by 33-50% compared to when hooks were removed from similarly hooked fish (Table 8 of Lucy and Holton 1998). Further, their study found that delaying setting the hook from 10 seconds to 30 seconds increased the proportion of deep hooked fish from 18% to 45%. Although further evaluation of all three reports is warranted before determining the best methods to relay to our anglers, these examples suggest certain methods would achieve our proposed reduction in harvest mortality.

Finally, respondents indicated that emails from the agency and posters/brochures at tackle shops and angling locations would be the most efficient way to disseminate information. New Jersey already has an email distribution list of over 138,000 marine recreational anglers that will be used to distribute hooking and handling protocols plus an additional 14,000 followers on the Division's social media page. Further, we have a strong relationship with many tackle shops, marinas, and for-hire vessels that regularly distribute information for the Division. Garnering their support in this important endeavor should not be difficult and will be energetically pursued.

Although reducing release mortality is not a typical management strategy, we are confident, based on the results of our angler survey and information contained in the release mortality studies, that we will be able to reduce discard mortality in the recreational summer flounder fishery to achieve our proposed goals.

Conclusion:

Based on our analysis of the data provided in this memo, the State of New Jersey is confident that a 2017 size, season, and bag limit of 18-inches, 104 days, and 3 fish will achieve conservation equivalency for the 2017 summer flounder recreational fishing season in New Jersey and urge the Technical Committee's concurrence with our proposal.

Table 1. Length frequency of New Jersey’s 2016 recreational summer flounder from the New Jersey VAS and MRIP surveys.

Inch	NJ VAS	Inch	MRIP B2	MRIP A+B1	MRIP Percent
1	0.0000	1	6,286,567		0.9075
2	0.0005	2			
4	0.0000	4			
5	0.0010	5			
6	0.0020	6			
7	0.0000	7			
8	0.0050	8			
9	0.0010	9			
10	0.0131	10			
11	0.0050	11			
12	0.0828	12		1012.78	
13	0.0666	13			
14	0.1434	14		360.88	
15	0.1696	15		1332.29	
16	0.1817	16		6883.76	
17	0.1928	17		92629.01	
18	0.0564	18		229995.98	
19	0.0276	19	155272.36	0.0221	
20	0.0177	20	103459.86	0.0147	
21	0.0114	21	79452.27	0.0113	
22	0.0088	22	37110.36	0.0053	
23	0.0052	23	14724.73	0.0021	
24	0.0042	24	4965.74	0.0007	
25	0.0031	25	18910.97	0.0027	
26	0.0005	26	3563.25	0.0005	
27	0.0000	27	982.94	0.0001	
28	0.0005	28	593.3	0.0001	
29	0.0000	29	2341.66	0.0003	
% GE 19"	0.0790				0.0599
Disc:Harv	12.66				16.71

Table 2. Comparison of New Jersey 2017 summer flounder option and the ASMFC Option 5 in terms of total Mortality versus harvest reduction.

Option	Number of days Open	Size	Bag	NJ Harvest Reduction (%)	Open Period	Total Mortality Compared to 2016 Regs	Total Mortality Compared to ASMFC Opt 5
Addendum XXVIII	128	19	3	33	May 17 - Sept 21	-14%	0%
NJ 2017 Proposed	104	18	3	24	May 25 - Sept 5	-30%	-19%



Atlantic States Marine Fisheries Commission

1050 N. Highland Street • Suite 200A-N • Arlington, VA 22201
703.842.0740 • 703.842.0741 (fax) • www.asmfmc.org

MEMORANDUM

May 18, 2017

To: Summer Flounder, Scup, and Black Sea Bass Management Board
From: Summer Flounder, Scup, and Black Sea Bass Technical Committee
RE: Review of New Jersey Proposal for 2017 Summer Flounder Recreational Management

List of Participants

John Maniscalco (NY)	Tiffany Vidal (MA)	Peter Clarke (NJ)
T.D. VanMiddlesworth (NC)	Bob Glenn (MA)	Jeff Kipp (ASMFC)
Brandon Muffley (MAFMC)	Toni Kerns (ASMFC)	Justin Davis (CT)
Katie May Laumann (VA)	Emily Gilbert (NMFS)	Steve Doctor (MD)
Kirby Rootes-Murdy (ASMFC)	Kiley Dancy (MAFMC)	
Jason McNamee (RI)	Mark Terceiro (NEFSC)	
Rich Wong (DE)	Jeff Brust (NJ)	

The following memo contains the Summer Flounder, Scup, and Black Sea Bass Technical Committee (TC) Review of the New Jersey Proposal for 2017 Summer Flounder Recreational Management.

New Jersey Proposal

At the ASFMC Spring Meeting in May 2017, the Summer Flounder, Scup, and Black Sea Bass Board moved to approve proposed 2017 summer flounder recreational measures that were subject to review and approval of the TC and subsequent Board consideration and approval. Those measures were as follows:

- Shore mode for Island Beach State Park only: 16-inch minimum size limit; 2-fish possession limit and 104-day open season (May 25-Sept 5)
- Delaware Bay only (west of the COLREGS line): 17-inch minimum size limit; 3-fish possession limit and 104-day open season (May 25-Sept 5)
- All other marine waters: 18-inch minimum size limit; 3-fish possession limit and 104-day open season (May 25-Sept 5)

The proposed measures for New Jersey (NJ) differed from the Addendum XXVIII measures, which specified that all states within the management unit (with the exception of North Carolina) would increase their size limit by 1 inch and decrease their possession limit to no more than 4 fish from 2016 measures. In tasking the TC with reviewing the proposed measures, the Board requested that the TC evaluate the proposal under conservation equivalency and determine whether the harvest reduction from the proposed measures were equivalent to those required under

Addendum XXVIII. NJ staff sent the TC their proposal on Friday, May 12th. The proposal noted that proposed measures would reduce New Jersey's harvest in 2017 by 24% from 2016 levels and reduce total fish removals (harvest + dead discards) by 30% relative to the 2016 NJ state measures. The calculations in the proposal used preliminary 2016 MRIP harvest information through wave 5 (September/October) as well as the harvest to discard ratio derived from the NJ Volunteer Angler Survey (VAS).

The TC met via conference call on Tuesday, May 16th to review the proposal and provide comments for the Board's consideration. Below are summary points provided by the TC:

- TC members considered the NJ proposal specifically with regards to whether the proposed measures were conservationally equivalent to the harvest reductions prescribed in Addendum XXVIII. The TC found that when comparing the harvest reduction derived from the standard methodology using final 2016 MRIP harvest in numbers of fish, the reductions were not equivalent; there was a greater reduction in harvest under the Addendum XXVIII measures than the NJ proposed measures. NJ evaluated the proposed measures for the entire NJ coast, and did not break out reductions associated with proposed measures to Island Beach State Park nor for NJ waters in the Delaware Bay. The NJ proposal indicated the proposed measures, using preliminary MRIP data through wave 5, would result in a decrease of 24% in the NJ projected harvest in 2017; under the Addendum XXVIII measures NJ's projected harvest would decrease by 33%. The TC acknowledges that additional harvest from Delaware Bay and Island Beach State Park are likely to be minimal. During the call, the TC asked to evaluate the reductions from the two sets of measures using final 2016 MRIP harvest as it was the best available information. In using the final harvest estimates, the reduction from the NJ proposed measures decreased to 20.6% while the reduction associated with Addendum XXVIII measures remained 33% (see below, Table 1). Given that final 2016 MRIP harvest estimates are available and it does impact the reduction associated NJ proposed measures, the TC indicated that final MRIP harvest estimates should be used.

Table 1. New Jersey Projected 2017 Harvest (A+B1) under different scenarios

Approach	Area specific	Management Measures	Projected Harvest in numbers of fish (MRIP data A+B1)	Percentage Reduction
2016 Status quo measures	New Jersey*	18" 5 fish 128 days	754,706	0%
	NJ/DE Bay COLREGS**	17" 4 fish 128 days		
NJ 2017 Proposed measures	New Jersey	18" 3 fish 104 days	599,032	20.6%
	NJ/DE Bay COLREGS	17" 3 fish 104 days		
ASMFC Addendum XXVIII Measures	New Jersey*	19" 3 fish 128 days	505,201	33.1%
	NJ/DE Bay COLREGS**	18" 3 fish 128 days		

*New Jersey east of the COLREGS line at Cape May, NJ will have management measures consistent with the northern region of Connecticut – New York.

**New Jersey west of the COLREGS line at Cape May, NJ inside Delaware Bay will have a similar size limit to DE-VA, the same possession limit and the same season length as Connecticut – New York.

- The TC also reviewed whether the NJ proposal would reduce total fish removals (harvest + dead discards), a key argument of the proposal in conserving the summer flounder resource. The proposal outlined a methodology that incorporated NJ VAS data to calculate a harvest to discard ratio and through an outreach and education program, the number of fish killed through recreational harvest and discarding would be less than under the Addendum XXVIII measures. This was considered a new approach relative to previous analysis conducted by the TC, and the TC indicated some interest in further evaluating a harvest to discard ratio in developing measures. While the NJ VAS data was noted to have an adequate sample size, given concerns on how representative this data was of NJ anglers, the TC noted that the harvest to discard ratio should come from MRIP data to be consistent with data used to calculate harvest reductions, rather than the combination of NJ VAS and MRIP data in the proposal. After reviewing the NJ proposal using final MRIP estimates and a 10% discard mortality rate and prior to evaluating discards during the closed season, the NJ option achieved a 21% total fishing mortality savings compared to the 18% total fishing mortality observed in Addendum XXVIII (Table 2).
- The second step in evaluating reduction in total fish removals, was the application of a new discard mortality rate. The NJ proposal offered that through outreach and education, the recreational discard mortality rate of 10%- currently used in the peer reviewed 2013 stock assessment and subsequent updates, would be reduced by 2% to 8%. In considering the proposal’s methodology for achieving a reduced recreational fishing discard mortality, the TC took issue with this assertion, most notably in the lack of data or peer-reviewed literature to support

the assertion that the discard mortality rate would decrease by specifically 2%. Furthermore, NJ staff did not indicate how the 2% reduction in the recreational discard mortality rate could or would be quantifiable. When total fish removals under the measures specified in the NJ proposal were re-analyzed assuming only the 10% discard mortality rate, the difference between total recreational removal reductions under Addendum XXVIII and the NJ Option was decreased. Additional modifications were to incorporate the final 2016 MRIP estimates and use harvest: discard ratios developed from MRIP data as opposed to NJ VAS data in addition to reverting back to a 10% discard mortality; the results under these scenarios of different data and assumptions are included in Table 2 below.

Table 2. Reduction in Total Recreational Fishing Removals (based on MRIP harvest in number of fish)

	Recreational Discard mortality rate	Measures	Total Harvested	Total Dead (Harvested + Dead Discards)	Total Recreational Fishing Removals Compared to 2016 Regulations	Total Recreational Fishing Removals Compared to ASMFC Addendum XXVIII
Preliminary 2016 MRIP data through Wave 5 (Sept/Oct)*	10%*	Addendum XXVIII Measures	526,898	1,159,176	-14%	0%
	8%*	NJ 2017 Proposed	605,256	944,199	-30%	-19%
Final 2016 MRIP data**	10%	Addendum XXVIII Measures	505,201	1,115,438	-18%	0%
	10%**	NJ 2017 Proposed	599,032	1,083,843	-21%	-3%

*These data and assumptions were presented in the NJ proposal.

**These data and assumptions were inputted and adjusted during the TC conference call.

Note: Harvest to discard ratios were derived for final 2016 MRIP data analysis using MRIP data; the NJ proposal ratio were derived from NJ VAS data. Additionally, NJ proposed measures do not account for changes in discard mortality due to a shorter season in 2017.

- The point was made by members of the TC that the NJ proposal ignores the discards that would occur when the fishery was closed. This is problematic as it creates a logical inconsistency in the proposal, in that the crux of the proposal is that the new methodology accounts for all fishing removals, not just harvest. There was a discussion about the magnitude of these discards, and an alternate calculation was performed to try and account for these missing discards. There were different results presented from these additional analyses, resulting in the TC being unable to determine whether the NJ proposal would result in equivalent or reduced total recreational fishing removals relative to the Addendum XXVIII measures. As such, the TC did not agree with the NJ proposal that total recreational fishing removals would be reduced to a greater level under the NJ

proposed measures than under the Addendum XXVIII measures given the uncertainty associated with the assumptions of no discarding of summer flounder once the fishing season is closed and reduced discard mortality through outreach efforts. Additionally, given the new analyses conducted on the call showed a range from increasing discard mortality to reducing discard mortality in the NJ proposal, it was impossible to make a judgement on equivalency without additional work being done on the proposal.

- Members of the TC also noted concern about the timing of the proposal relative to the current fishing season. TC members made clear that all other states had implemented 2017 measures per Addendum XXVIII requirements and that considering a radically different conservation equivalency proposal after other states regulations had been promulgated was problematic as the other states would not have an opportunity to apply this new methodology to their data.
- The TC considered the new methodology from the proposal used to develop NJ's proposed measures as well as the stated objective (reducing total recreational fishing removals rather than harvest alone). This approach was unique and different from the standard methodology for developing measures as well as the FMP requirement of constraining harvest to the annual coastwide Recreational Harvest Limit (RHL). The TC noted this would effectively set different standards for evaluating New Jersey measures relative to the other states resulting in a logical discrepancy between the various approaches creating issues of inequity. The TC also noted that the increased harvest by NJ under their proposal threatens the ability of the states to constrain harvest to the RHL.
- In considering the proposed objective in the NJ proposal of reducing total recreational fishing removals, the TC was in agreement that this was a concept that was a potential improvement to the current approach of constraining coastwide harvest to the RHL, but believes the NJ method warrants further refinement before it can be incorporated into recreational management. It should be noted that currently as part of the Summer Flounder FMP, the annual catch limit (ACL) takes into account both harvest and discards in setting the RHL, and that further evaluation of reducing discards should consider the ACL. The TC did commend the NJ staff for providing a novel approach to incorporating discards and discard mortality into consideration for setting recreational measures. The TC has argued in favor of using a fishing mortality based approach for managing recreational fisheries, including taking into account the status of the resource. For summer flounder, with the stock assessment indicating that the resource is experiencing overfishing, reducing mortality associated with discarding may provide additional conservation benefits in helping the stock. The TC is interested in pursuing more of a fishing mortality based approach to recreational management relative to the current harvest limit-based management; it was noted that the Mid-Atlantic Fishery Management Council is current accepting proposals on this concept specifically for summer flounder.

- Lastly, the TC was in favor and supportive of NJ's proposal of conducting more angler education and outreach to help reduce recreational discard mortality, despite the inability to quantify the benefits specifically.

In summary, the TC noted that in the standard comparison of harvest, the NJ proposal was not conservationally equivalent to the Addendum XXVIII measures. It is important to understand that this standard is a component of the Summer Flounder FMP as the recreational fishery performance is evaluated against the RHL. When examining the new and separate comparison of total recreational fishing removals (harvest and discard mortality in total), there was too much uncertainty to determine equivalency between the NJ proposal and the Addendum XXVIII measures due to unquantifiable reductions in discard mortality in the proposal and the unaccounted for discards during the closed seasons. Therefore, this work on total recreational fishing removals needs additional refinement before a determination can be made.

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STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Office of Legal Affairs
Mail Code 401-04L, P.O. Box 402
Trenton, New Jersey 08625-0402
(609) 292-0716
FAX: (609) 984-3488

MEMORANDUM

TO: Bob Martin
Commissioner

THROUGH: Ray Cantor
Chief Advisor to the Commissioner

Janis Hoagland, Director
Office of Legal Affairs

FROM: Ryan Knapick
Office of Legal Affairs

SUBJECT: For signature as soon as possible
Notice of Administrative Change
Division of Fish and Wildlife Rules, N.J.A.C. 7:25-18.1
Modification of Recreational Summer Flounder Possession Limits and Seasons

DATE: May 18, 2017

Attached for your review and signature is a notice of administrative change amending the Division of Fish and Wildlife Rules. As discussed in more detail below, the notice modifies, with the approval of the New Jersey Marine Fisheries Council (Council) at its May 17, 2017, meeting, recreational possession limits and seasons for summer flounder. These actions have been taken to be consistent with the Atlantic States Marine Fisheries Commission (ASMFC) management plan for summer flounder.

The program seeks to file this notice as soon as possible to implement changes to requirements for the recreational summer flounder fishery before the 2017 season, which begins on May 25, 2017. If filed on or before noon, Thursday, May 25, 2017, the notice will be published in the June 19, 2017, New Jersey Register. The changes made by the notice will be effective on filing.

Pursuant to N.J.A.C. 7:25-18.1(p), the Commissioner of the Department of Environmental Protection, with the approval of the Council, may modify fishing seasons and trip limits, among other things, in order to maintain compliance with fishery management plans approved by the ASMFC and to achieve optimal utilization of available quotas.

At its February 2017 meeting, the ASMFC Summer Flounder, Scup, and Black Sea Bass Management Board approved Addendum XXVIII to the Summer Flounder, Scup, Black Sea Bass Fishery Management Plan, which continues the use of regional management for the 2017 summer flounder recreational fisheries. New Jersey has developed conservationally equivalent management measures that modify possession limits and the recreational fishing seasons. For the Delaware Bay and its tributaries, the possession limit is modified from four fish in 2016 to three fish in 2017. With the exception of shore mode fishing at Island Beach State Park, which remains subject to the limitations specified at N.J.A.C. 7:25-18.1(c)5iv, in all other marine water of the State, the possession limit is modified from five fish in 2016 to three fish in 2017. The summer recreational open season of all marine waters of the State is modified from May 21 to September 25 in 2016 to May 25 to September 5 in 2017.

ENVIRONMENTAL PROTECTION

DIVISION OF FISH AND WILDLIFE

Notice of Administrative Change

Marine Fisheries

Modification of Recreational Summer Flounder Season and Possession Limits

N.J.A.C. 7:25-18.1

Take notice that, pursuant to N.J.A.C. 7:25-18.1(p), the Commissioner of the Department of Environmental Protection, with the approval of the New Jersey Marine Fisheries Council (Council) at its May 17, 2017 meeting, has modified the possession limits and recreational seasons for summer flounder. The actions taken for summer flounder are consistent with the Atlantic States Marine Fisheries Commission (ASMFC) Management Plan (Plan) and provide for the optimal utilization of the available summer flounder resource while constraining landings to prevent harvest that exceeds the available recreational harvest limit (RHL).

At a joint meeting in August 2016, the Mid-Atlantic Fishery Management Council (MAFMC) and the ASMFC Summer Flounder, Scup, and Black Sea Bass Management Board (Board) approved an approximate 30 percent reduction in catch limits for both the commercial and recreational fisheries in response to the 2016 stock assessment update, which indicated the resource is experiencing overfishing but is not overfished. The recent stock assessment indicates that the resource is declining in abundance and that associated management changes are needed to address this issue.

At its February 2017 meeting, the Board approved Addendum XXVIII to the Summer Flounder, Scup, Black Sea Bass Fishery Management Plan (Plan), which continues the use of regional management for the 2017 summer flounder recreational fisheries. New Jersey has developed conservationally equivalent management measures that modify possession limits and modify the recreational seasons. For the Delaware Bay and its tributaries, the possession limit is modified from four fish in 2016 to three fish in 2017. With the exception of shore mode fishing at Island Beach State Park, which remains subject to the limitations specified in N.J.A.C. 7:25-18.1(c)5iv, in all other marine waters of the State, the possession limit is modified from five fish in 2016 to three fish in 2017. The summer flounder recreational open season for all marine waters of the State is modified from May 21 to September 25 in 2016 to May 25 to September 5 in 2017.

These changes will be reflected in the Division of Fish and Wildlife rules at N.J.A.C. 7:25-18.1(c). As required in N.J.A.C. 7:25-18.1(p), changes to N.J.A.C. 7:25-18.1(c) will be published in the New Jersey Register, the New Jersey Fish and Wildlife Digest and via a news release submitted to individuals on the Division's outdoor writers mailing list.

In addition, the Department, in conjunction with the Council, the ASMFC and the National Oceanic and Atmospheric Administration (NOAA), will develop an outreach and education program to inform New Jersey fishermen of fishing practices that are intended to reduce discard mortality of summer flounder. This program may include the promotion of NOAA's FishSmart outreach and education program and information available at www.takemefishing.org; creating a New Jersey-specific video illustrating catch and release techniques to be promoted within the for-hire fleet, on social media, and in public service announcements; creating illustrated brochures to distribute to bait and tackle shops and the for-

hire fleet, with brochures to be additionally posted on social media and other relevant websites; creating 30-second radio public service announcements for distribution to shore-based radio stations; creating signage for posting near popular surf fishing locations that illustrate best practices for returning undersized fish to the water; and promote the use of hooks that are less likely to cause fatal damage to an undersized fish. The Department estimates that the program will reduce discard mortality of summer flounder from 10 percent to approximately eight percent.

Full text of the changed rule follows (additions indicated in boldface **thus**, deletions indicated in brackets [thus]):

7:25-18.1 Size, season, and possession limits

(a) – (b) (No change.)

(c) A person angling with a hand line or with a rod and line or using a bait net or spearfishing shall not have in his or her possession any species listed below less than the minimum length, nor shall such person take in any one day or possess more than the possession limits as provided below, nor shall such person possess any species listed below during the closed season for that species. Exceptions to this section as may be provided elsewhere in this subchapter shall be subject to the specific provisions of any such section. Fish length shall measure from the tip of the snout to the tip of the tail (total length), except as noted below:

<u>Species</u>	<u>Minimum Size In Inches</u>	<u>Open Season</u>	<u>Possession Limit</u>
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Summer Flounder (Fluke)

Delaware Bay and tributaries	17	May 25[1] – Sept [2]5	3[4]
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Island Beach State Park	16	May 25 – Sept 5	2
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(shore mode fishing only

as provided at (c)5iv

below)

All other marine waters	18	May 25[1] – Sept [2]5	3[5]
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1. – 4. (No change.)

5. The following provisions are applicable to the recreational harvest of summer flounder.

i. In Delaware Bay, which includes all New Jersey waters within Delaware Bay and tributaries west of the COLREGS line from Cape May Point Light to Cape Henlopen, a person shall not take, or possess, more than **three**[four] summer flounder greater than or equal to 17 inches, total length, during the summer flounder recreational open season. The Cape May Canal is not considered a tributary of the Delaware Bay. Therefore, the authorization to take or possess summer flounder

meeting the 17-inch size limit and **three**[four] fish possession limit is inapplicable to the Cape May Canal beginning at its confluence with the Delaware Bay at the Cape May Ferry Terminal; the waters of Cape May Canal are instead subject to limits specified in (c)5ii below.


ii. In all other waters of the State, a person shall not take, or possess, more than **three**[five] summer flounder greater than or equal to 18 inches, total length, during the summer flounder recreational open season.

iii. – v. (No change.)

6. (No change.)

(d) – (r) (No Change.)

5/18/2017
Date



Bob Martin, Commissioner
Department of Environmental Protection

**State of New Jersey
Department of Environmental Protection**

Public Education for Reducing the Mortality of Summer Flounder Discards

Purpose: To reduce the mortality of summer flounder discards by making fluke anglers aware of the best practices for reducing the risk of mortality for discards.

Audience: Recreational fishing organizations, Party and Charter boat captains and crew; salt water anglers; surf fluke anglers; bait and tackle shops

Public Education and Outreach Efforts:

- Promote/leverage NOAA FishSmart and takemefishing.org materials
- Widely distribute link to FishSmart video that illustrates the best way to return an undersized fish to the water (<https://www.youtube.com/watch?v=ee8TYfKH18s>)
 - Urge Party and Charter boat captains to promote the video to their customers, both when confirming reservations made online and on board the boat
 - Email the link to the 138,000 anglers on New Jersey’s Salt Water registry
 - Promote the video through social media
 - Promote the video through PSAs on Jersey shore area radio, cable television, and newspapers
- Widely distribute, both print and electronically, the FishSmart brochure that shows the best way to return an undersized fish to the water
<http://www.fishsmart.org/sites/default/files/FSResources/FishSmart%20brochure2.pdf>
 - Distribute to all recreational fishing organizations
 - Distribute to bait and tackle shops
 - Distribute to party and charter boat captains
 - Post on social media
 - Publish in local shore papers
 - Post on all relevant websites (DEP, fishing groups, etc.)
 - Publish article on catch and release methods in our Marine Digest
- Widely distribute link to takemefishing.org website on “How to Release Fish,” which includes both written instructions as well as a video <https://www.takemefishing.org/how-to-fish/how-to-catch-fish/how-to-release-a-fish/>
 - Distribute to all recreational fishing organizations
 - Distribute to bait and tackle shops
 - Distribute to party and charter boat captains
 - Post on social media
 - Publish in local shore papers
 - Post on all relevant websites (DEP, fishing groups, etc.)

- Create 30-second radio PSAs for distribution to shore-based radio stations and cable television outlets
- Create and post signage for posting near popular surf fishing locations that illustrate best practices for returning undersized fish to the water; have brochures available at those sites
- Purchase hooks that are less likely to cause mortality to discards; distribute hooks to charter and party boat captains and through bait and tackle shops to individual customers