

Atlantic States Marine Fisheries Commission

**ADDENDUM IX TO THE SUMMER FLOUNDER, SCUP AND
BLACK SEA BASS FISHERY MANAGEMENT PLAN**

2003 Recreational Fishery Specifications for Scup



March 2003

Background

The scup fishery is managed cooperatively by the states through the Atlantic States Marine Fisheries Commission, and the federal government through the Mid-Atlantic Fishery Management Council and the National Marine Fisheries Service. In 1996, the Commission and the Council adopted the Fishery Management Plan and Addendum 1 for Scup. (In the federal version, this is Amendment 8 and the Regulatory Amendment to the Fishery Management Plan for Summer Flounder, Scup and Black Sea Bass.) Under this program the States, operating through the Commission's Summer Flounder, Scup and Black Sea Bass Management Board (Board), and the Mid-Atlantic Fisheries Management Council (Council) meet jointly to consider management options for the upcoming year. The Council makes a recommendation to the Regional Administrator of NMFS with respect to a total allowable landing (TAL) for scup and a regime of commercial and recreational fisheries regulations that are consistent with achieving the TAL. The Board, however, follows the provisions outlined in Addendum IV to the Summer Flounder, Scup and Black Sea Bass Fishery Management Plan. Approved on January 29, 2001, this Addendum provides that, upon the recommendation of the relevant monitoring committee and joint consideration with the Council, the Board will make a decision concerning what state regulations will be rather than forward a recommendation to NMFS. The states are then responsible for implementing the Board's decision. During the fishing year, the Commission staff monitors the progress of the fishery and notifies the states when closures or other regulatory actions are required. States are responsible for taking the necessary implementing action. Regulations will continue to be in effect the following year if they have not been changed by the Board.

The Scup FMP allocates 22% of the annual total allowable catch to the recreational fishery. It is impractical, because of the limitations of producing timely landings estimates, to try to manage these recreational fisheries on the basis of a real-time quota. In practice, the recreational fisheries for scup are managed on a "target quota" basis using harvest limits. A set portion of the total allowable landings is established as a harvest limit, and measures are established by the states that can reasonably be expected to constrain the recreational fisheries to that limit each year. Recreational harvest limits were established to achieve the target exploitation rates beginning in 1997. The harvest limit in 1997 was 1.947 million pounds, but estimated landings were only 1.2 million pounds, or 0.74 million pounds below the limit. Landings in 1998 were similarly low at 0.68 million pounds below a limit of 1.553 million pounds. In 1999, however, landings exceeded the harvest limit of 1.238 million pounds by 52% or about 0.65 million pounds. The 2000 fishery, as a result of a conflict between the Mid-Atlantic Council, the Board and NMFS, had only minimal regulations in place. The harvest limit of 1.238 million pounds was exceeded by 3.945 million pounds. Another overage occurred in 2001, with the 1.76 million pound harvest limit exceeded by 2.502 million pounds.

Recognizing the need to address these overages while providing maximum flexibility to the states, the Board approved Addendum VII to the Summer Flounder, Scup and Black Sea Bass FMP in early 2002. Under Addendum VII, states from Massachusetts through New York were required to modify their fishing effort based on the performance of their regulations in previous years. Calculations of the state specific effort necessary to achieve the 2002 harvest limit were based on the average number of fish landed from 1998-2000. The addendum also permitted

individual states to separate the management of the Party and Charter Boat sector from the remainder of the recreational fishery, provided that the estimated landings for each mode had a percent standard error not greater than 30%. Due to the absence of data, the Board could not use similar calculations for states from New Jersey south. These states were assigned specific bag, size and season regulations.

The Scup Technical Monitoring Committee, comprised of representatives from the Council, the Commission, the states and NMFS, met in July 2002 to make recommendations to the Council and Board for the total allowable landings and commercial fishing regulations for the 2003 scup fishery. The Board met with the Mid-Atlantic Fishery Management Council on August 8, 2002, to consider the recommendations of the monitoring committees and recommended to NMFS that the total allowable landings for 2003 be limited to 16.5 million pounds.

The most prominent data set that has been used in monitoring and assessing scup recreational fisheries is the Marine Recreational Fisheries Statistics Survey (MRFSS). Throughout the year, data are collected in two-month "waves" using a method of trip intercepts (fisherman interviews), which are then expanded by a factor determined through a random telephone survey. For 2003, as in previous years, the monitoring committees considered preliminary information from the first four waves (January-August). The preliminary 2002 MRFSS data predicted significant overages in the landings above the target landings for the recreational fishery.

The Board met again with the Council on December 11, 2002, to consider monitoring committee recommendations for the 2003 recreational fishery. The Board decided at that time not to recommend any specifications for the scup recreational fishery, but rather to initiate this addendum process in order to set the specifications. As required by the Scup FMP, the Council made a recommendation to NMFS that the recreational fishery specifications include a 50-fish possession limit, a minimum size of 10 inches, and a open season from January 1 - February 28 and July 1 - November 30 in the EEZ.

Statement of the Problem

The current management plan for scup does not provide an opportunity to craft recreational measures that will adequately meet the needs of the fishery. The FMP allows for a single, coastwide measure for recreational fisheries. Due to the life history and wide geographic range of this species, coastwide minimum size, possession limit and season restrictions do not affect every area involved in the fishery the same way. For example, a certain minimum size may be appropriate at the northern end of the species range, but would eliminate the fishery in the Mid-Atlantic states. This inequity can only be addressed through the development of state-specific management measures for the recreational fishery.

In 1998, the Commission and the Council adopted an amendment to the fishery management plan, under the title Amendment 12 to the Fishery Management Plan for Summer Flounder, Scup and Black Sea Bass. In addition to measures for the Council to comply with the Sustainable Fisheries Act, Amendment 12 contained a framework procedure for modifying FMP elements without having to go through the complete FMP amendment process. The frameworking possibilities authorized by Amendment 12 include minimum fish size, recreational possession

limit, and recreational season. In 2001 and 2002, under the provisions of Addenda III and VII respectively, certain states were allowed to craft individual regulations in an attempt to achieve the targeted landings. These addenda expired at the end of their respective year.

The purpose of this Addendum, which is proposed by the states under Amendment 12, is to establish recreational fishing specifications for scup in 2003. Its provisions have no application beyond 2003.

Management Program

The 2003 recreational scup fishery will be managed using a regional approach. Landings data for each state from Massachusetts through New York have been combined to form a single dataset. Using the average landings that occurred in 1998-2000 as the basis, a regional quota of 4,813,959 fish has been calculated for 2003. This represents a 38.8% increase from 2002 landings (Table 1). Under this addendum, each state from Rhode Island through New York (inclusive) will be permitted to develop regulations that increase landings in 2003 by 38.8% as compared to 2002 landings.

Table 1: Regional Harvest Limit Alteration Permitted for 2003 Based on Effectiveness of 2002 Regulations (in number of fish).

State	1998-2000 Average Landings	% Share	2003 Allocation	2002 Landings ^a	Percent Alteration
MA	895,000	24%	1,184,628	972,332	22%
RI	701,000	19%	927,849	606,447	53%
CT	605,000	16%	800,782	881,706	-9%
NY	1,436,000	38%	1,900,700	1,007,107	89%
<i>Regional</i>			4,813,959	3,467,592	38.8

^a-Based on data from waves 1-5

Due to the specific needs of the scup fishery in Massachusetts, the Commonwealth will retain its 2002 regulations for 2003 (Table 2). Based on the average landings from 1998 – 2000, Massachusetts would be permitted a 22% liberalization of its 2002 landings. This state-specific harvest limit (see Table 1) may be used as a basis against which 2003 landings will be measured in the creation of 2004 management measures.

Table 2: 2003 Massachusetts recreational management measures

Minimum Size (inches)	Possession Limit	Open Season
9	100 fish for anglers on charter/party boats 50 fish for all other anglers	January 1 – October 6

As a result of the extremely limited data available, the Board developed specific management measures for the states of New Jersey, Delaware, Maryland, Virginia and North Carolina (Table 3). The State of New Jersey is required to implement a 10-inch minimum size, a season of July 1 – December 31, and a 50 fish possession limit. The states of Delaware, Maryland, Virginia and North Carolina are required to implement an 8” minimum size, a 50 fish possession limit and no seasonal closure.

Table 3. Recreational scup regulations for 2002 in the states of Delaware, Maryland, Virginia and North Carolina

State	Minimum Size	Possession Limit	Open Season
NJ	10”	50 Fish	July 1-December 31
DE	8”	50 Fish	All Year
MD	8”	50 Fish	All Year
VA	8”	50 Fish	All Year
NC	8”	50 Fish	All Year

Table 4. The effect of various size and possession limits on 2001 scup recreational landings. The tables contain the proportional reduction in number of scup landed after the landings data set has been adjusted to account for the effectiveness of 2001 management measures.

Bag Limit	No Size Limit	7” Minimum Size	8” Minimum Size	9” Minimum Size	10” Minimum Size
No Limit	0	0	0	0.018	0.097
1	0	0	0	0.845	0.859
2	0	0	0	0.722	0.746
3	0	0	0	0.629	0.665
4	0	0	0	0.549	0.596
5	0	0	0	0.484	0.538
6	0	0	0	0.425	0.486
7	0	0	0	0.374	0.441
8	0	0	0	0.327	0.4
9	0	0	0	0.295	0.37
10	0	0	0	0.266	0.342
15	0	0	0	0.182	0.262
20	0	0	0	0.123	0.208
25	0	0	0	0.081	0.169
30	0	0	0	0.059	0.146
35	0	0	0	0.038	0.125
40	0	0	0	0.024	0.111
45	0	0	0	0.017	0.104
50	0	0	0	0.013	0.1

Table 5. Projected percent reduction in landings (in number) associated with closing one day per wave, based on 1996-2000 MRFSS landings data.

State	Wave 1	Wave 2	Wave 3	Wave 4	Wave 5	Wave 6
MA	-	-	0.61	0.51	0.51	-
RI	-	-	0.08	0.78	0.75	0.02
CT	-	-	0.13	0.80	0.69	0.00
NY	-	-	0.36	0.45	0.80	0.02
NJ	-	0.01	-	0.05	1.29	0.30
DE	-	-	-	0.15	1.47	0.02
MD	-	-	-	0.74	-	0.88
VA	-	-	-	-	1.44	0.20
NC	-	0.05	0.67	0.50	0.40	-
Coast	-	0.01	0.21	0.44	0.82	0.16

Those states who wish to liberalize their regulations for 2003 will be required to account for the effects of minimum size, possession limit and season closures. The effect of a decrease in minimum size or increase in possession limit should be calculated using the tables from the most recent year in which data is available for the minimum size and possession limit combination that a state intends to propose. The appendix section of this document includes the tables from 1998 through 2001. The effect of season modifications should be based on the information in Table 5.

Discard data collected by states may also be useful when calculating the effects of a decreased minimum size. Any proposals that utilize this information must include details of the methods used in its collection and analysis for Technical Committee review.

Mode-Specific Management

This addendum permits individual states to separate the management of the Party and Charter Boat mode from the remainder of the recreational fishery, a measure justified by the financial dependence of captains and crew. Some states contend that the main incentive for many participants in the party and charter boat scup fishery is the “promise” of large catches. In the event that the possession limit for this sector is set too low, the incentive will be removed and many party and charter boat captains and crew will experience severe economic consequences due to a lack of participation in the fishery.

The states of Rhode Island through New York (inclusive) will be permitted to separate the Party/Charter mode from the remainder of the recreational fishery. Details of the desired program, including an estimate of the impact that this separation will have on 2003 landings, will be required for inclusion in the proposal submitted to the Summer Flounder, Scup and Black Sea Bass Technical Committee for review. The maximum percent standard error (PSE) permitted for mode-specific, annual MRFSS data used in management proposals will be 20%.

Additional Plan Development Team/Technical Committee Recommendations

The Summer Flounder, Scup and Black Sea Bass Technical Committee, as well as the Summer Flounder, Scup and Black Sea Bass Technical Monitoring Committee, caution states to be extremely conservative when liberalizing regulations. The most recent peer review of the scup stock assessment, which occurred in July 2002, indicated that the 2001 estimate of spawning stock biomass (2000-2002 average = 3.20 SSB kg/tow) exceeds the established biomass index threshold (2.77 SSB kg/tow). The primary reason for this change in stock status, however, is the result of the extremely high spring survey observation in 2002. This spring index is suspect, as the abundance of all age groups in the survey increased substantially as compared to 2001. A possible explanation for this observation is that the increased index is more a function of availability than abundance. While survey observations indicate strong recruitment and some rebuilding of the age structure, an increase in every year class takes years to occur. If the spring survey trawl happened upon particularly concentrated populations of scup, it would likely catch many fish from every age group. Although no definitive answer is available, greater availability may provide the most plausible explanation for such a dramatic increase of all scup age classes from one year to the next. Should the survey index decrease in 2003, the TAL in 2004 may be reduced.

When designing seasons for 2003, states should also bear in mind that the effect of harvest recoupment for short seasonal closures has been an important issue during the review process in recent years. To minimize these effects, the Technical Committee recommends that intraseason closures be of no less than two weeks. A closure of shorter duration should be implemented only if the total closure required is less than two weeks.

As stated above, the Mid-Atlantic Council recommended to NMFS that the recreational fishery specifications include a 50-fish possession limit, a minimum size of 10 inches, and an open season from January 1 - February 28 and July 1 - November 30 in the EEZ. If NMFS approves this recommendation, federal permit holders (including many charter and party boats) will be required to comply. Should different regulations be implemented at the state level, the inconsistency will result in state permit holders being treated differently from their federal counterparts and the accompanying public perception and enforcement issues. States may wish to take this into consideration when designing regulations for the 2003 scup recreational fishery.

Approval of State Management Programs

At their meeting in February, the Board agreed that each state must submit proposed regulations to limit its 2003 landings to the harvest limit to the Commission staff for Technical Committee evaluation by March 28. The state proposals will be distributed to the Technical Committee for a review via a conference call or meeting in early April. The results of this review will be forwarded to the Board, at which time the Chairman will determine the process for final approval.

APPENDIX I:

2001 Scup Minimum Size and Possession Limit Tables

The effect of various size and possession limits on 2000 Scup recreational landings. The tables contain the proportional reduction in number of scup landed assuming regulations are 100% effective (Table A) and 85% effective (Table B).

Table A – 100% Effective

Bag	No.	Size (TL")			
		7	8	9	10
	0.000	0.063	0.098	0.203	0.421
1	0.841	0.855	0.859	0.860	0.877
2	0.710	0.736	0.743	0.752	0.792
3	0.618	0.657	0.668	0.683	0.725
4	0.552	0.602	0.615	0.636	0.678
5	0.497	0.553	0.567	0.593	0.638
6	0.449	0.508	0.523	0.558	0.605
7	0.408	0.469	0.484	0.524	0.577
8	0.368	0.431	0.446	0.491	0.552
9	0.332	0.394	0.409	0.459	0.529
10	0.297	0.359	0.374	0.429	0.508
15	0.173	0.235	0.270	0.330	0.439
20	0.110	0.173	0.208	0.268	0.421
25	0.063	0.125	0.160	0.220	0.421
30	0.038	0.100	0.135	0.203	0.421
35	0.025	0.088	0.123	0.203	0.421
40	0.013	0.075	0.110	0.203	0.421
45	0.000	0.063	0.098	0.203	0.421

Table B – 85% Effective

Bag	No	Size (TL")			
		7	8	9	10
	0.000	0.053	0.083	0.172	0.357
1	0.715	0.727	0.730	0.731	0.746
2	0.603	0.626	0.632	0.639	0.673
3	0.526	0.559	0.568	0.581	0.616
4	0.469	0.512	0.522	0.540	0.577
5	0.422	0.470	0.482	0.504	0.543
6	0.382	0.432	0.445	0.474	0.514
7	0.347	0.399	0.412	0.446	0.490
8	0.313	0.366	0.379	0.417	0.469
9	0.282	0.335	0.348	0.390	0.450
10	0.252	0.305	0.318	0.365	0.432
15	0.147	0.200	0.230	0.281	0.373
20	0.094	0.147	0.177	0.228	0.357
25	0.053	0.106	0.136	0.187	0.357
30	0.032	0.085	0.115	0.172	0.357
35	0.021	0.074	0.104	0.172	0.357
40	0.011	0.064	0.094	0.172	0.357
45	0.000	0.053	0.083	0.172	0.357

APPENDIX II:

2000 Scup Minimum Size and Possession Limit Tables

The effect of various size and possession limits on 1999 Scup recreational landings. The tables contain the proportional reduction in number of scup landed assuming regulations are 100% effective (Table A) and 75% effective (Table B).

Table A – 100% Effective

Bag	No.	Size (TL")			
		7	8	9	10
		0.010	0.041	0.252	0.610
1	0.890	0.890	0.899	0.903	0.936
2	0.795	0.795	0.812	0.828	0.880
3	0.734	0.734	0.752	0.767	0.841
4	0.674	0.674	0.696	0.715	0.806
5	0.622	0.622	0.643	0.663	0.779
6	0.578	0.578	0.599	0.662	0.762
7	0.537	0.537	0.558	0.585	0.750
8	0.496	0.496	0.521	0.552	0.744
9	0.455	0.455	0.484	0.519	0.738
10	0.419	0.419	0.448	0.486	0.733
15	0.254	0.254	0.283	0.368	0.703
20	0.134	0.134	0.174	0.316	0.674
25	0.068	0.068	0.109	0.287	0.645
30	0.039	0.039	0.079	0.258	0.616
35	0.029	0.029	0.070	0.252	0.610
40	0.019	0.019	0.060	0.252	0.610
45	0.010	0.010	0.050	0.252	0.610
50	0.000	0.010	0.041	0.252	0.610

Table B – 75% Effective

Bag	No	Size (TL")			
		7	8	9	10
		0.007	0.031	0.189	0.458
1	0.667	0.667	0.674	0.677	0.702
2	0.596	0.596	0.609	0.621	0.660
3	0.551	0.551	0.564	0.576	0.631
4	0.506	0.506	0.522	0.536	0.605
5	0.467	0.467	0.483	0.497	0.584
6	0.433	0.433	0.449	0.467	0.571
7	0.403	0.403	0.419	0.439	0.563
8	0.372	0.372	0.391	0.414	0.558
9	0.342	0.342	0.363	0.390	0.554
10	0.314	0.314	0.336	0.365	0.549
15	0.190	0.190	0.212	0.276	0.528
20	0.100	0.100	0.131	0.237	0.506
25	0.051	0.051	0.081	0.215	0.484
30	0.029	0.029	0.060	0.193	0.462
35	0.022	0.022	0.052	0.189	0.458
40	0.015	0.015	0.045	0.189	0.458
45	0.007	0.007	0.038	0.189	0.458
50	0.000	0.007	0.031	0.189	0.458

APPENDIX III:

1999 Scup Minimum Size and Possession Limit Tables

The effect of various size and possession limits on 1998 Scup recreational landings. The tables contain the proportional reduction in number of scup landed assuming regulations are 100% effective (Table A) and 75% effective (Table B).

Table A – 100% Effective

Bag	No.	Size (TL")			
		7	8	9	10
		0.019	0.077	0.340	0.553
1	0.822	0.831	0.834	0.850	0.883
2	0.710	0.719	0.721	0.754	0.820
3	0.625	0.635	0.642	0.696	0.778
4	0.567	0.581	0.590	0.658	0.745
5	0.520	0.534	0.546	0.625	0.717
6	0.475	0.489	0.504	0.597	0.693
7	0.431	0.445	0.451	0.569	0.670
8	0.386	0.400	0.424	0.546	0.646
9	0.351	0.365	0.396	0.527	0.628
10	0.316	0.333	0.368	0.508	0.614
15	0.178	0.197	0.237	0.424	0.590
20	0.061	0.080	0.119	0.354	0.567
25	0.000	0.019	0.077	0.340	0.553
30	0.000	0.019	0.077	0.340	0.553
35	0.000	0.019	0.077	0.340	0.553
40	0.000	0.019	0.077	0.340	0.553
45	0.000	0.019	0.077	0.340	0.553
50	0.000	0.019	0.077	0.340	0.553

Table B – 75% Effective

Bag	No	Size (TL")			
		7	8	9	10
		0.016	0.066	0.289	0.470
1	0.699	0.707	0.709	0.723	0.750
2	0.603	0.611	0.613	0.641	0.697
3	0.531	0.539	0.545	0.591	0.661
4	0.482	0.494	0.502	0.559	0.633
5	0.442	0.454	0.464	0.531	0.609
6	0.404	0.416	0.428	0.508	0.589
7	0.366	0.378	0.392	0.484	0.569
8	0.328	0.340	0.360	0.464	0.549
9	0.299	0.311	0.336	0.448	0.533
10	0.269	0.283	0.313	0.432	0.522
15	0.151	0.167	0.201	0.360	0.502
20	0.052	0.068	0.102	0.301	0.482
25	0.000	0.016	0.066	0.289	0.470
30	0.000	0.016	0.066	0.289	0.470
35	0.000	0.016	0.066	0.289	0.470
40	0.000	0.016	0.066	0.289	0.470
45	0.000	0.016	0.066	0.289	0.470
50	0.000	0.016	0.066	0.289	0.470

APPENDIX IV:

1998 Scup Minimum Size and Possession Limit Tables

The effect of various size and possession limits on 1997 Scup recreational landings. The tables contain the proportional reduction in number of scup landed assuming regulations are 100% effective (Table A) and 75% effective (Table B).

Table A – 100% Compliance

Bag	No.	Size (TL")			
		7	8	9	10
		0.009	0.009	0.135	0.423
1	0.915	0.915	0.915	0.918	0.929
2	0.838	0.838	0.838	0.846	0.872
3	0.774	0.776	0.776	0.789	0.819
4	0.727	0.728	0.728	0.744	0.780
5	0.682	0.683	0.683	0.699	0.750
6	0.638	0.639	0.639	0.655	0.721
7	0.604	0.605	0.605	0.621	0.700
8	0.570	0.571	0.571	0.587	0.681
9	0.538	0.539	0.539	0.561	0.662
10	0.506	0.507	0.507	0.534	0.645
15	0.376	0.377	0.377	0.447	0.585
20	0.279	0.283	0.288	0.387	0.532
25	0.231	0.235	0.240	0.339	0.484
30	0.189	0.194	0.199	0.298	0.447
35	0.157	0.162	0.167	0.266	0.439
40	0.136	0.140	0.146	0.245	0.434
45	0.115	0.119	0.124	0.223	0.429
50	0.094	0.098	0.103	0.202	0.423

Table B – 75% Compliance

Bag	No	Size (TL")			
		7	8	9	10
		0.007	0.007	0.101	0.317
1	0.686	0.686	0.686	0.689	0.697
2	0.629	0.629	0.629	0.634	0.654
3	0.581	0.582	0.582	0.592	0.614
4	0.545	0.546	0.546	0.558	0.585
5	0.511	0.512	0.512	0.524	0.562
6	0.479	0.480	0.480	0.491	0.541
7	0.453	0.454	0.454	0.466	0.525
8	0.428	0.428	0.428	0.440	0.511
9	0.404	0.405	0.405	0.420	0.496
10	0.380	0.381	0.381	0.401	0.484
15	0.282	0.282	0.282	0.335	0.439
20	0.209	0.212	0.216	0.290	0.399
25	0.173	0.176	0.180	0.255	0.363
30	0.142	0.145	0.149	0.223	0.335
35	0.118	0.121	0.125	0.199	0.330
40	0.102	0.105	0.109	0.184	0.326
45	0.086	0.089	0.093	0.168	0.322
50	0.070	0.073	0.077	0.152	0.318