



Summer Flounder, Scup, and Black Sea Bass Advisory Panel

Comments on Summer Flounder Amendment Draft Commercial Alternatives, June 2017

The Mid-Atlantic Fishery Management Council's (Council) Summer Flounder, Scup, and Black Sea Bass Advisory Panel (AP) met jointly with the Atlantic States Marine Fisheries Commission's (Commission) Summer Flounder, Scup, and Black Sea Bass AP on June 28, 2017. Advisors reviewed draft commercial issues alternatives for the Comprehensive Summer Flounder Amendment. **Please note:** Advisor comments described below are not necessarily consensus or majority statements.

Council Advisory Panel members present: Meade Amory* (VA), Carl Benson (NJ), Bonnie Brady (NY), Denny Dobbins (VA), Skip Feller (VA), James Fletcher (NC), Ross Pearsall (RI), Michael Plaia* (CT/RI), Harvey Yenkinson (PA/NJ)

Commission Advisory Panel members present: Meade Amory* (VA), Greg DiDomencio (NJ), Marc Hoffman (NY), James Lovgren (NJ), Bob Meimbresse (NJ), Michael Plaia* (RI), Bill Shillingford (NJ), James Tietje (MA), Wes Townsend (DE, and Council member), David Bush (ASMFC Board proxy for NC/AP proxy for Michael Ireland)

Others present: Julia Beaty (MAFMC Staff), Kiley Dancy (MAFMC Staff), Brandon Muffley (MAFMC Staff), Kirby Rootes-Murdy (ASMFC Staff)

*Serves on both Council and Commission Advisory Panels.

Summer Flounder Amendment Draft Commercial Alternatives Comments

Current Draft Alternatives (Numbering may be revised as action progresses)

1. Permits/Latent Effort	
1A	No action/ <i>status quo</i> (existing moratorium permits)
1B	Requalification of federal single-tier moratorium permits (qualifying criteria TBD; may have various sub-options or be split into several separate alternatives)
1C	Create tiered federal permit system based on landings and/or effort criteria (TBD; could have multiple sub-options)
1D	Create tiered federal permit system based on gear type (exact gear breakdowns and restrictions TBD)
2. Commercial Allocation	
2A	No action/ <i>status quo</i> (existing state allocations based on 1980-1989 landings)
2B	Revised state-by-state allocations (see sub-options)
2B-1	Revised base year period for landings and/or effort (years TBD; could be expanded into multiple options)
2B-2	"Best years" of landings/effort over a given time period (years TBD; could be expanded into multiple options)

2B-3	Combination of current allocation and recent distribution of summer flounder (e.g., 50% current allocation, 50% recent distribution)
2C	Coastwide quota with seasonal periods (see sub-options)
2C-1	Trimester quota system
2C-2	Bimonthly quota system
2D	Scup quota model (coastwide quota in 2 winter periods; state by state quota in the summer; see sub-options)
2D-1	Allocation between quota periods based on recent landings by period (e.g., last 20 years)
2D-2	Summer period state allocations based on current state allocations
2D-3	Summer period state allocations based on revised set of base years (landings and/or effort qualifiers TBD)
2E	Regional quota system; similar to current state system but with multi-state regions
2F	Allocations by permit category (by gear type or other tiers; would require creation of new permit tiers under alternative set 1)
3. Landings Flexibility	
3A	No action/ <i>status quo</i> (no landings flexibility)
3B	Adopt coastwide landings flexibility (see sub-options)
3B-1	Allow landing in any port; allow sale of summer flounder in landing state
3B-2	Allow landing in any port; require transport by land to permit state (trucking)
3C	Allow multiple state possession limits on board with appropriate permits

Permits and Latent Effort Alternatives

- At least one advisor asked about the motivation and justification for looking at this issue.
- One advisor stated, and several others agreed, that **state permit issues should be addressed but are probably best addressed through the ASMFC**. At least two advisors suggested that the ASMFC institute some uniformity in state permit requirements, such as setting a minimum qualifier (minimum landings over extended time frame) that all states would use.
- It was noted that **federal permit holders cannot land fluke without the appropriate state permit**. Some states have worked to address latent effort, and those that have not done anything to limit effort should be encouraged to do so.
- An advisor from New York noted that the New York Department of Environmental Conservation will be meeting with fishermen to discuss the issue of state permits for all commercial species this fall. It is not clear whether it will lead to any changes.
- One advisor thought range of alternatives was good, and suggested the following **requalification timeframes to consider**:
 - 1994-2015 (22 years)
 - 2000-2015 (16 years)
 - 2005-2015 (11 years)
- **1994** was suggested as the starting point for the longest range because it would have been the first full year that state by state quotas were in effect.

- One advisor stated that **timeframes shorter than 10 years should not be used** as it is more likely to disenfranchise someone who was out of the fishery due to medical or other personal reasons.
- One advisor noted that for requalification Alternatives 1B, 1C, and 1D, **states with low quotas would be put at a disadvantage for landings thresholds due to low possession limits**. This advisor suggested using a proportion of trips catching fluke or other effort metric, but not pounds, unless it is just to confirm whether fluke was landed.
- Another advisor requested to see the exact number of vessels, by length and the number of federal permits held by these vessels (in NMFS database and by state), before developing specific recommendations on alternatives.
- It was noted that taking permits away **may increase bycatch/discards** of summer flounder.
- One advisor stated that vessels that had left the summer flounder fishery for other fisheries, such as the Gulf of Mexico for shrimping, should not be removed from the possible participants in the fluke fishery.
- Another advisor suggested that vessels should be given a value cap (in dollars) assigned to them, and land everything they catch until they reach the value level assigned.
- Multiple advisors indicated that the alternatives for **tiered permits by gear type do not make sense** for the summer flounder fishery and should be eliminated from consideration.
- Some advisors also felt that **tiered systems in general** added more complexity and work to the amendment, and should be eliminated in favor of focusing on requalification options under the single tier system.
- An advisor noted that for many vessels, summer flounder is one of the last viable fisheries left that they have access to, and that **eliminating permits reduces flexibility** and focuses effort on a shrinking number of remaining species available to target.

Commercial Allocation Alternatives

- An advisor asked whether analysis will be available that will evaluate the **impacts of each alternative in combination with other alternatives**, e.g., if a particular latent effort option is selected, what are the impacts under different allocation alternatives. Staff responded that this type of analysis is required in the federal process and each alternative must be analyzed in combination with all other alternatives, increasing the complexity of analysis for this type of action.
- One advisor noted that there appears to be **little or no support for Alternatives 2E (regional quota system) and 2F (quota allocations by permit category)**, and that these options should be eliminated from consideration.
- Some advisors **supported the state-by-state allocation options** (*status quo* or slight modifications), given that the industry (vessels and shore-side operations) has been built on this system over the last 25 years. They commented that changes to this system will present significant management and economic issues.

- The summer flounder commercial fishery is **very important to Virginia and North Carolina**; it is their bread and butter fishery since they do not have much else to target. Traditionally North Carolina and Virginia boats fished in New England and landed in those ports. Today there is a lot of infrastructure built up in these states and one advisor stated that the **scup quota model would take much of that away, putting hundreds of people out of business**. This advisor commented that the state system is working great and the price has been going up. A state permit is needed to land in each state, and participants knew what they were doing when they bought those. Now interest in landing summer flounder in New England is increasing because there is no groundfish. Virginia and North Carolina should not be punished because of that.
- Two advisors recommended considering allocation options that distribute equally any “additional” quota once it **gets above some baseline level** (20 million pounds mentioned).
- An advisor believes that **some states (especially New York) have been disenfranchised** and left out of the current system due to differences in historical record keeping and a cash market for fish, and that this system went against Magnuson National Standard 8. This advisor also noted the following recommendations for quota alternatives:
 - There should be no options to include sub-ACLs.
 - Does not support options 2A (status quo), 2B (revised state-by-state), 2E (regional system), or 2F (by permit category), but **would possibly support 2C (coastwide quota with seasonal periods) and does support 2D (scup model)**.
 - For scup quota model options, **the month of October should be included in the summer period** (as under the old scup quota system) instead of the Winter II period (as under the new scup quota system).
- In response to the comment about New York above, another advisor indicated that back when the management system was developed, **New York had a 1-pound landings qualifier**, while other states were more restrictive in issuing permits. This advisor felt New York shouldn’t be rewarded for this strategy by being given more quota.
- At least one advisor felt that allocation changes should not be made during the current low stock condition; any changes that would take place should be **phased in over time when the stock is not in decline**.
- One advisor supported all options to be included for consideration, but favors *status quo*. This advisor also suggested option **2B-3** (combination of current allocation and recent distribution) be changed to **75% current allocation and 25% equal distribution among states, with Maine, New Hampshire, and Delaware splitting one equal share**.
- One advisor requested information on the total imports of flatfish by month, and an evaluation of whether these imports are having any impact on market demand.

Landings Flexibility Alternatives

- A few advisors questioned why NMFS has indicated that it would be difficult to monitor and track landings based solely on a vessel permit and assign them to the appropriate state without a quota transfer.
- Two advisors indicated there is no need to complicate this issue, or make a system that is inflexible, through federal regulations when **states are beginning to work on and address this issue themselves**. These advisors indicated that landings flexibility would create many additional issues if allowed.
- At least one advisor believes there is no need to add this issue to the amendment as it was not popular during scoping. This advisor stated that **landings flexibility is not feasible in practice, and should be eliminated from consideration in favor of focusing on the more important issue of state-by-state quota options**. Without a state-by-state allocation, you don't need landings flexibility, and with a state-by-state allocation the system is greatly complicated by adding landings flexibility. Landings flexibility can already happen by mutual agreement among states, including situations where multiple possession limits can be kept on board and landed in multiple states. **Landings flexibility opens the door for enforcement and monitoring issues**.
- A Commission AP proxy/Board member stated that the system is already flexible and that under a state-by-state system, **states should have the ability to say no to a vessel landing in their state**. Under a landings flexibility system, allowing landings and the subsequent quota transfer would essentially become mandatory, which makes the system overall less flexible. Enforcement will be difficult, and currently states can come up with their own agreements.