FRAMEWORK ADJUSTMENT 6

TO THE

SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS

FISHERY MANAGEMENT PLAN

(Includes Environmental Assessment, Regulatory Impact Review, and Initial Regulatory Flexibility Analysis)

March 2006

Mid-Atlantic Fishery Management Council

in cooperation with

the National Marine Fisheries Service

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1.0 EXECUTIVE SUMMARY

Under section 302(h) of the Magnuson-Stevens Act, as amended by the SFA, Regional Fishery Management Councils (Councils) prepare and submit Fishery Management Plans (FMPs) for fisheries under their authority that require conservation and management. The summer flounder (*Paralichthys dentatus*) fishery is managed under the Summer Flounder, Scup and Black Sea Bass FMP that was prepared cooperatively by the Council and the Atlantic States Marine Fisheries Commission (Commission). Amendment 12 to the FMP added a framework adjustment procedure that allows the Council to add or modify management measures through a streamlined public review process. The action proposed in this document would modify the existing Summer Flounder, Scup and Black Sea Bass FMP via this framework adjustment process.

Establishment of Multi-state Conservation Equivalency Measures

The Council and the Commission are considering modification to the present system of conservation equivalency that is used to develop state-specific regulations in the summer flounder recreational fishery. Under alternative 1B, the formation of voluntary multi-state conservation equivalency regions among adjacent states would be permitted. Conservation equivalency measures for the region (i.e., minimum fish size, possession limits, and seasons) would be developed using guidelines approved by both the Council and the Commission. These measures would be identical for all states in the region. Relative to the no action alternative 1A, this alternative is not expected to result in significant negative biological impacts to summer flounder, habitat (EFH), or endangered and protected species. While significant socioeconomic impacts on a coastwide basis are not anticipated, there may be some state-specific socioeconomic impacts due to reallocation of fishing effort for individual states within the newly formed regions because each state would be required to have the same management measures. However, multi-state regions will have the flexibility as a group to select regional measures that minimize socioeconomic impacts for the individual states within that region. There may also be reallocation of some effort due to a pooled harvest limit and possible changes in duration and timing of the fishing season for all included states.

2.0 LIST OF ACRONYMS

CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CZMA	Coastal Zone Management Act
EA	Environmental Assessment
EEZ	Exclusive Economic Zone
EFH	Essential Fish Habitat
EIS	Environmental Impact Statement
EO	Executive Order
ESA	Endangered Species Act of 1973
F	Fishing Mortality Rate
FR	Federal Register
FMP	Fishery Management Plan
IRFA	Initial Regulatory Flexibility Analysis
M	Natural Mortality Rate
MAFMC	Mid-Atlantic Fishery Management Council
MMPA	Marine Mammal Protection Act
MRFSS	Marine Recreational Fisheries Statistics Survey
MSFCMA	Magnuson-Stevens Fishery Conservation and Management Act
MSY	Maximum Sustainable Yield
mt	metric tons
NAO	NOAA Administrative Order
NE	New England
NEFSC	Northeast Fisheries Science Center
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
OY	Optimal Yield
PRA	Paperwork Reduction Act
RHL	Recreational Harvest Limit
RIR	Regulatory Impact Review
RFA	Regulatory Flexibility Analysis
SARC	Stock Assessment Review Committee
SAW	Stock Assessment Workshop
SSB	Spawning Stock Biomass
SFA	Sustainable Fisheries Act
VPA	Virtual Population Analysis
VTR	Vessel Trip Report

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ENVIRONMENTAL ASSESSMENT

4.0 PURPOSE AND NEED FOR ACTION

The purpose of this framework is to address issues related to the administration of the summer flounder recreational fishery, while continuing to achieve the management objectives of the Summer Flounder, Scup, and Black Sea Bass FMP as outlined in section 4.2 below. The need for this framework relates to a desire by the Council and Commission to expand the suite of management tools available for management of the summer flounder recreational fishery when conservation equivalency is implemented.

Establishment of Multi-state Conservation Equivalency Measures

This action is being considered to modify the present system of conservation equivalency used to develop state-specific regulations in the recreational fishery established through Framework 2 to the Summer Flounder, Scup, and Black Sea Bass FMP. This modification would allow the formation of multi-state conservation equivalency regions among adjacent states. The recreational harvest limit for these regions would be the sum of the harvest limits for all of the states included in the region. All inclusive states would be required to implement identical recreational fishery regulations. Multi-state conservation equivalency regions will develop fishing measures that maximize the harvest of the region-specific limit, without resulting in overages. The establishment of multi-state conservation equivalency measures is closely associated with achieving FMP management objective 6 (minimize regulations). Because regulations would be uniform among states within a multi-state region, recreational fishery participants would benefit from uniform regulations when fishing among states (particularly states that share common waters).

4.1 History of FMP Development

The management of the summer flounder fishery began through the implementation of the Council's Summer Flounder FMP, which was approved by the National Marine Fisheries Service (NMFS) in 1988. The Scup FMP and Black Sea Bass FMP were incorporated into the summer flounder plan as Amendments 8 and 9 to the Summer Flounder FMP, respectively. An overview of some of the amendment and framework actions that have affected management of summer flounder are summarized below in Tables 4.1A through 4.1C.

Table. 4.1A. History of the Summer Flounder, Scup, and Black Sea Bass FMP amendments and framework actions.

Year	Document	Plan Species	Management Action
1988	Original FMP	summer flounder	- Established management plan for summer flounder
1991	Amendment 1	summer flounder	- Established an overfishing definition for summer flounder

Table. 4.1B. History of the Summer Flounder, Scup, and Black Sea Bass FMP amendments and framework actions.

Year	Document	Plan Species	Management Action
1993	Amendment 2	summer flounder	- Established rebuilding schedule, commercial quotas, recreational harvest limits, size limits, gear restrictions, permit and reporting requirements for summer flounder - Created the Summer Flounder Monitoring Committee
1993	Amendment 3	summer flounder	- Revised exempted fishery line - Increased large mesh net threshold - Otter trawl retentions requirements for large mesh use
1993	Amendment 4	summer flounder	- Revised state-specific shares for summer flounder quota allocation
1993	Amendment 5	summer flounder	- Allowed states to combine or transfer summer flounder quota
1994	Amendment 6	summer flounder	- Set criteria for allowance of multiple nets on board commercial vessels for summer flounder - Established deadline for publishing catch limits, commercial mgmt. measures for summer flounder
1995	Amendment 7	summer flounder	- Revised the F reduction schedule for summer flounder
1996	Amendment 8	summer flounder and scup	- Incorporated Scup FMP into Summer Flounder FMP and established scup measures including commercial quotas, recreational harvest limits, size limits, gear restrictions, permit and reporting requirements
1996	Amendment 9	summer flounder, scup, black sea bass	- Incorporated Black Sea Bass FMP into Summer Flounder FMP and established black sea bass measures including commercial quotas, recreational harvest limits, size limits, gear restrictions, permit and reporting requirements
1997	Amendment 10	summer flounder, scup, black sea bass	- Modified commercial minimum mesh requirements, continued commercial vessel moratorium, prohibited transfer of fish at sea, established special permit for party/charter sector for summer flounder
1998	Amendment 11	summer flounder, scup, black sea bass	- Modified certain provisions related to vessel replacement and upgrading, permit history transfer, splitting, and permit renewal regulations
1999	Amendment 12	summer flounder, scup, black sea bass	- Revised FMP to comply with the SFA and established framework adjustment process
2001	Framework 1	summer flounder, scup, black sea bass	-Established quota set-aside for research for all three species
2001	Framework 2	summer flounder, scup, black sea bass	- Established state-specific conservation equivalency measures for summer flounder

Table 4.1.C. History of the Summer Flounder, Scup, and Black Sea Bass FMP amendments and framework actions.

Year	Document	Plan Species	Management Action
2003	Framework 3	summer flounder, scup, black sea bass	- Allowed the rollover of winter scup quota - Revised start date for summer quota period for scup fishery
2003	Framework 4	summer flounder, scup, black sea bass	- Established system to transfer scup at sea
2003	Amendment 13	summer flounder, scup, black sea bass	- Addressed disapproved sections of Amendment 12 and included new EIS
2004	Framework 5	summer flounder, scup, black sea bass	- Established multi-year specification setting of quota for all three species

4.2 Management Objectives of the FMP

The management objectives of the FMP are as follows:

1) reduce fishing mortality in the summer flounder, scup, and black sea bass fisheries to ensure that overfishing does not occur;
2) reduce fishing mortality on immature summer flounder, scup, and black sea bass to increase spawning stock biomass;
3) improve the yield from the fishery;
4) promote compatible management regulations between state and Federal jurisdictions;
5) promote uniform and effective enforcement of regulations;
6) minimize regulations to achieve the management objectives stated above.

The proposed action is intended to meet objectives 1 and 3 through increased flexibility in the development of summer flounder conservation equivalency recreational regulations. The proposed action is also intended to meet objectives 2 and 6 through uniformity of summer flounder regulations within a multi-state region.

4.3 Management Unit

The management unit for summer flounder remains unchanged in this framework adjustment. Specifically, the management unit is summer flounder in U.S. waters in the western Atlantic Ocean from the southern border of North Carolina northward to the U.S.-Canadian border.

4.4 Management Strategy

This document describes and evaluates the potential impacts of a proposed management action to be implemented through the framework adjustment process. The proposed

action is consistent with the management objectives described in section 4.2. The Council intends to continue the management programs detailed in the Summer Flounder, Scup and Black Sea Bass FMP to achieve the management objectives established by the FMP.

5.0 MANAGEMENT ALTERNATIVES

RECREATIONAL FISHERY PROGRAM ADMINISTRATION

Management of the recreational fishery for summer flounder relies on data collected by the Marine Recreational Fishery Statistics Survey (MRFSS), a systematic survey that has operated on a continuing basis since 1979. Recreational landings estimates used by management are developed from this survey, and ancillary information (i.e., length-frequencies, landings-per-angler, seasonal distribution of landings) is used in the development of management measures, such as minimum fish size, possession limits, and seasons.

5.1 Establishment of Multi-state Conservation Equivalency Measures

The Council and the Commission are considering modification to the present system of conservation equivalency that is used to develop state-specific regulations in the recreational fishery. In addition to the current state-specific system, this modification would allow the formation of voluntary multi-state conservation equivalency regions among adjacent states. All inclusive states would be required to implement identical recreational fishery regulations. As established through Framework 2 to the Summer Flounder, Scup, and Black Sea Bass FMP, multi-state conservation equivalency measures (i.e., minimum fish size, seasons, possession limits) for each region would be developed in the same manner as state-specific conservation equivalency measures. In addition, the procedures and timeline associated with development of summer flounder recreational management measures as determined in Framework 2 (section 3.1.1.1) would also apply to multi-state conservation equivalency (Table 1). This would include the distribution of multi-state conservation equivalency guidelines by the Commission to each state in late December. In mid-January, multi-state conservation equivalency proposals would be distributed to the Commission's Technical Committee, to be evaluated later that month. In February, the Commission would meet to approve or disapprove proposals and then submit the proposed measures to NMFS by the end of February.

5.1.A Alternative 1A (No Action: State-specific conservation equivalency measures)

Under this no action alternative, state-specific conservation equivalency measures as established in Framework 2 to the Summer Flounder, Scup, and Black Sea Bass FMP would continue to apply.

5.1.B Alternative 1B (Preferred: Voluntary participation in formation of regions)

Under this alternative, adjacent states could voluntarily enter into an agreement to form multi-state conservation equivalency regions. Each multi-state region would implement

identical fishery management measures, which would include minimum fish size, possession limit, and season start and end dates. The recreational harvest limit for these regions would be the sum of the harvest limits for all of the states included in each region. To determine the multi-state conservation equivalency measures for the upcoming year, the prior years' recreational landings would be pooled among the inclusive states and then compared to the subsequent year's region-specific recreational harvest limit to determine if any necessary reductions in landings would be required of that region. Each multi-state region would then craft their regulations under the same guidelines used to develop state-specific conservation equivalency measures and under the same timeline identified in Framework 2 to the Summer Flounder, Scup, and Black Sea Bass FMP (Table 1). If a region exceeds the region-specific harvest limit in a given year, the overage would need to be addressed by adjusting regulations in the subsequent year so the recreational harvest limit in the subsequent year is achieved. There are two possible scenarios for how states can proceed based on whether a region decides to maintain their voluntary regional agreement, or decides to dissolve the voluntary multi-state region and resume state-specific conservation equivalency (Figure 1). In the event the region maintained their voluntary multi-state conservation equivalency agreement that following year, the region would again compare their regional recreational landings to the subsequent year's region-specific recreational harvest limit to determine if any necessary reductions in landings would be required of that region. The region would then adjust their regulations such that the region-specific harvest limit would be achieved. In the event the region dissolved their multi-state agreement and opted for state-specific conservation equivalency, state-specific harvest limits would apply and individual states would compare their state-specific landings to the state-specific harvest limits in the upcoming year. Each state would then adjust their regulations such that the state-specific harvest limits would be achieved.

6.0 DESCRIPTION OF THE AFFECTED ENVIRONMENT AND FISHERIES

6.1 Description of the Targeted Fishery Resource

6.1.1 Description of the Fisheries

The recreational and commercial fisheries for summer flounder, scup, and black sea bass are fully described in section 3.3.2 of Amendment 13 to the Summer Flounder, Scup, and Black Sea Bass FMP. As this framework document deals with the summer flounder recreational fishery only, a more detailed description of the recreational fishery for summer flounder is as follows.

Recreational catch and landings have fluctuated since Amendment 2 regulations were implemented in 1993. Landings increased to 8.84 million lb in 1993 from the 1992 level of 7.16 million lb. From 1994 to 1999, recreational landings ranged from 5.42 million lb (1995) to 12.52 million lb (1998). Recreational landings in 2000 were estimated to be 16.52 million lb, the highest in the time series since 1986. Recreational landings dropped to 8.03 million lb in 2002 and then increased to 11.66 million lb in 2003. In 2004,

summer flounder recreational landings were 10.76 million lb (4.88 million kg), and recreational catches were 20.49 million fish.

6.1.2 Status of the Stock

The status of the summer flounder stock is evaluated annually. The Northeast Fisheries Science Center's (NEFSC) Southern Demersal Working Group met in May 2005 to address the terms of reference for the 41st Stock Assessment Workshop (SAW) conducted in June 2005. The 41st Stock Assessment Review Committee (SARC) panelist reports indicated acceptance of the stock assessment update as the basis for management advice and accepted the recommendations of the working group regarding reference points.

The assessment update indicates that the stock is not overfished, but overfishing is occurring relative to the biological reference points detailed in Amendment 12, and relative to the revised estimates of the biological reference points produced at the 41st SAW. The fishing mortality rate estimated for 2004 is 0.40, which is a significant decline from the 1.32 estimated for 1994, but above both the threshold F estimate of 0.26 identified in Amendment 12 and the newly revised estimate of threshold F of 0.276. In addition, total stock biomass has increased substantially since 1989 to 121 million lb (55 million kg) in 2004, which is slightly above both the biomass threshold of 117 million lb (53 million kg) identified in Amendment 12 and the revised biomass threshold estimate of 102 million lb (46 million kg). Spawning stock biomass has increased each year since 1993 to 85 million lb (39 million kg) in 2004, the highest value in the time series.

Year-class estimates indicate that the 1995 to 1999 year classes ranged from 30 to 38 million fish; the average for 1982 to 2004 is about 38 million. The 2002 year class is now estimated to be about average at 38 million fish. The 2003 and 2004 year classes of 27 and 33 million fish, respectively, were below average.

6.1.3 Stock Characteristics and Ecological Relationships

A full description of stock characteristics and ecological relationships of summer flounder is presented in section 3.1.1 of Amendment 13 to the Summer Flounder, Scup, and Black Sea Bass FMP. Additional information can be found in the 41st Stock Assessment Workshop (SAW 41) documents. The following is taken from the "41st SAW Assessment Summary Report: Summer Flounder."

"An analytical assessment (VPA) of commercial and recreational total catch at age (landings plus discards) was conducted. The natural mortality rate (M) was assumed to be 0.2. Indices of recruitment and stock abundance from NEFSC winter, spring, and autumn; Massachusetts spring and autumn; Rhode Island; Connecticut spring and autumn; Delaware; and New Jersey trawl surveys were used in VPA tuning in an ADAPT framework. Recruitment indices from surveys conducted by the states of North Carolina, Virginia, and Maryland were also used in the VPA tuning. The current VPA tuning configuration is the same as that in the 2002 SAW 35 (NEFSC 2002) and in the 2003 and

2004 SAW Southern Demersal Working Group assessments (Terceiro 2003, SDWG 2004)."

"Fishing mortality calculated from the average of the currently fully recruited ages (3-5) was high during 1982-1997, varying between 0.9 and 2.2 (55%-83% exploitation), far in excess of the Amendment 12 overfishing definition, $F_{threshold} = F_{max} = 0.26$ (21% exploitation). The fishing mortality rate has declined substantially since 1997 and was estimated to be 0.40 (30% exploitation) in 2004. The 80% confidence interval for F in 2004 ranged from 0.34 to 0.49. Retrospective analysis shows that the current assessment method tends to underestimate recent fishing mortality rates."

"Total stock biomass has increased substantially since 1989 and in 2005 total stock biomass was estimated to be 54,900 mt, slightly above the Amendment 12 biomass threshold. The 80% confidence interval for total stock biomass in 2005 ranged from 49,300 to 62,100 mt."

"For present assessment, updated input data (1992-2004 average mean weights, maturities, and partial recruitment) were used to revise the yield and biomass per recruit analysis. The updated 1982-2004 VPA provided an estimate of median recruitment for summer flounder of 33.1 million age 0 fish. The revised estimates of the biological reference points are $F_{MSY} = F_{max} = 0.276$, MSY = 19,072 mt (42.0 million lbs), and TSB_{MSY} = 92,645 mt (204.2 million lbs). The revised estimate of the biomass threshold, $½TSB_{MSY}$, is 46,323 mt (102.1 million lbs)."

"The arithmetic average recruitment from 1982 to 2004 is 38 million fish at age 0, with a median of 33 million fish. The 1982 and 1983 year classes are the largest in the VPA time series, at 74 and 80 million fish. Recruitment declined from 1983 to 1988, with the 1988 year class the weakest at only 13 million fish. Recruitment since 1988 has generally improved. The 2003 year class is currently estimated to be below average at 27 million fish. The 2004 year class is currently estimated to be at the median of 33 million fish. Retrospective analysis shows that the current assessment method tends to overestimate the abundance of age 0 fish in the most recent years."

"Spawning stock biomass (SSB; Age 0+) declined 72% from 1983 to 1989 (18,800 mt to 5,200 mt), but with improved recruitment and decreased fishing mortality has increased to 38,600 mt in 2004. Retrospective analysis shows a tendency to overestimate the SSB in the most recent years. The age structure of the spawning stock has expanded, with 75% at ages 2 and older, and 16% at ages 5 and older. Under equilibrium conditions and at $F_{max} = 0.263$ from Amendment 12, about 85% of the spawning stock biomass would be expected to be ages 2 and older, with 50% at ages 5 and older. Similar results for the long-term population structure are derived using the updated $F_{max} = 0.276$."

More detailed information on the stock characteristics and ecological relationships of summer flounder is available in a source document entitled "Essential Fish Habitat Source Document: Summer flounder, *Paralichthys dentatus*, Life History and Habitat

Characteristics" (Packer et al. 1999). An electronic version of this document is available at the following website: http://www.nefsc.noaa.gov/nefsc/habitat/efh/

6.2 Non-Target Species or Bycatch

National Standard 9 requires Councils to consider the bycatch effects of existing and planned conservation and management measures. Bycatch can impede efforts to protect marine ecosystems and achieve sustainable fisheries, with all the benefits they provide. Bycatch can substantially increase the uncertainty associated with total fishing-related mortality, making it difficult to assess the status of stocks, set appropriate optimal yields (OY), define overfishing levels, and ensure that OYs are attained and overfishing levels are not exceeded. Bycatch may also preclude more productive uses of fishery resources. Bycatch is defined as fish that are harvested in a fishery, but that are not sold or kept for personal use. This includes the discard of whole fish at sea or elsewhere, including economic and regulatory discards, and fishing mortality due to an encounter with fishing gear that does not result in capture of fish (i.e., unobserved fishing mortality). Bycatch does not include any fish that are legally retained in a fishery and kept for personal, tribal, or cultural use, or that enter commerce through sale, barter, or trade. Bycatch does not include fish released alive under a recreational catch-and-release fishery management program. A catch-and-release fishery management program is one in which the retention of a particular species is prohibited. In such a program, those fish released alive would not be considered bycatch.

There is a significant recreational fishery for summer flounder. A large portion of summer flounder that are caught are released after capture. In 2005, about 85% of those fish caught were released. It is estimated that 10% of the summer flounder that are caught and released by anglers die after release, i.e., the majority of the fish are released alive and are expected to survive after release. In addition, other species (i.e., bluefish, scup, black sea bass, weakfish, striped bass, tautog) are caught and released by recreational anglers targeting summer flounder. The proportions of these non-target species that die after release are expected to be small due to use of rod and reel and handlines in the summer flounder recreational fishery. The Council and Commission believe that information and education programs relative to proper catch and release techniques for summer flounder and other species caught by recreational fishermen should help to maximize the number of these species released alive.

Changes in recreational management measures could affect the discards of summer flounder. These measures include a possession limit, size limit, and season. The effects of the possession limit would be greatest at small limits and be progressively less at higher limits. The size limit would have similar effects, but the level of discarding will be dependent upon the levels of incoming recruitment and subsequent abundance of small fish. Seasonal effects would differ depending on the length of the season and the amount of summer flounder caught while targeting other species.

6.3 Habitat (Including Essential Fish Habitat)

A description of the habitat associated with the summer flounder fishery is presented in section 3.2 of Amendment 13 to the Summer Flounder, Scup, and Black Sea Bass FMP, and a brief summary of that information is provided below. The impact of fishing on summer flounder Essential Fish Habitat (EFH) and the impact of the summer flounder fishery on other species' EFH can also be found in Amendment 13 (section 3.2). EFH designation definitions by life history stage for summer flounder are available at the following website: http://www.nero.noaa.gov/hcd/list.htm

Summer flounder spawn during the fall and winter over the open ocean areas of the Continental shelf. Planktonic larvae are often found in the northern part of the Middle Atlantic Bight from September to February, and in the southern part from November to May. From October to May, larvae and post larvae migrate inshore and enter coastal and estuarine nursery areas. Juveniles are distributed inshore and in many estuaries throughout the range of the species during spring, summer, and fall. Summer flounder exhibit strong seasonal inshore-offshore migrations. Adult flounder normally inhabit shallow coastal and estuarine waters during the warmer months of the year and remain offshore during colder months.

EFH for summer flounder includes pelagic waters, demersal waters, salt marsh creeks, seagrass beds, mudflats, and open bay areas, from the Gulf of Maine to North Carolina. Any actions implemented in the FMP that affect species with overlapping EFH were considered in the EFH assessment for Amendment 13. The principal gears used in the recreational fishery for summer flounder are rod and reel and handlines. Rod and reel and handlines are generally not associated with adverse EFH impacts because the gears do not alter the bottom structure and habitat. Non-fishing activities, including anthropogenic (i.e., beach replenishment, at-sea disposal areas, oil and mineral resource exploration) or natural disturbances (i.e., significant storm events), could result in habitat alteration and can have localized impacts on the structure of the bottom. Anthropogenic activities that may impact summer flounder EFH, or EFH for other Federally-managed species are required to prepare an Environmental Impact Assessment that is reviewed by NMFS.

6.4 Endangered and Other Protected Resources

There are numerous species which inhabit the environment within the management unit of summer flounder that are afforded protection under the Endangered Species Act of 1973 (ESA; i.e., for those designated as threatened or endangered) and/or the Marine Mammal Protection Act of 1972 (MMPA). Sixteen are classified as endangered or threatened under the ESA, while the remaining species are protected by the provisions of the MMPA. The Council has determined that the following list of species protected either by the ESA, the MMPA, or the Migratory Bird Act of 1918 may be found in the environment utilized by summer flounder:

Cetaceans

Species	*Status*
Northern right whale (*Eubalaena glacialis*)	Endangered
Humpback whale (*Megaptera novaeangliae*)	Endangered
Fin whale (*Balaenoptera physalus*)	Endangered
Blue whale (*Balaenoptera musculus*)	Endangered
Sei whale (*Balaenoptera borealis*)	Endangered
Sperm whale (*Physeter macrocephalus*)	Endangered
Minke whale (*Balaenoptera acutorostrata*)	Protected
Beaked whale (*Ziphius and Mesoplodon spp.*)	Protected
Risso's dolphin (*Grampus griseus*)	Protected
Pilot whale (*Globicephala spp.*)	Protected
White-sided dolphin (*Lagenorhynchus acutus*)	Protected
Common dolphin (*Delphinus delphis*)	Protected
Spotted and Striped dolphins (*Stenella spp.*)	Protected
Bottlenose dolphin (*Tursiops truncatus*)	Protected

Sea Turtles

Species	*Status*
Leatherback sea turtle (*Dermochelys coriacea*)	Endangered
Kemp's ridley sea turtle (*Lepidochelys kempii*)	Endangered
Green sea turtle (*Chelonia mydas*)	Endangered
Hawksbill sea turtle (*Eretmochelys imbricata*)	Endangered
Loggerhead sea turtle (*Caretta caretta*)	Threatened

Fish

Species	*Status*
Shortnose sturgeon (*Acipenser brevirostrum*)	Endangered
Atlantic salmon (*Salmo salar*)	Endangered
Smalltooth sawfish (*Pristis pectinata*)	Endangered

Birds

Species	*Status*
Roseate tern (*Sterna dougallii dougallii*)	Endangered
Piping plover (*Charadrius melodus*)	Endangered

Critical Habitat Designations

Species	*Area*
Northern right whale (*Eubalaena glacialis*)	Cape Cod Bay

The status of these and other marine mammal populations inhabiting the Northwest Atlantic has been discussed in detail in the U.S. Atlantic and Gulf of Mexico Marine Mammal Stock Assessments. Initial assessments were presented in Blaylock et al. (1995) and are updated in Waring et al. (2002). The most recent information on the stock assessment of various marine mammals through 2004 can be found at:
http://www.nmfs.noaa.gov/pr/PR2/Stock_Assessment_Program/individual_sars.html

Three other useful websites on marine mammals are:
http://www.nmfs.noaa.gov/pr/recovery,
http://spo.nwr.noaa.gov/mfr611/mfr611.htm, and
http://www.nmfs.noaa.gov/pr/species/mammals

The principle gears used in the recreational fisheries for summer flounder are rod and reel and handlines. These gears are not categorized in the 2005 List of Fisheries under the MMPA for the taking of marine mammals. Recreational fisheries, in general, have very limited interaction with marine mammals and endangered or threatened species. However, recreational fishermen do contribute to difficulties for endangered and threatened marine species in that it is estimated that recreational fishermen discard over 227 million lb (103 million kg) of litter each year (O'Hara et al. 1988). More than nine million recreational vessels are registered in the United States. The greatest concentrations of recreational vessels in the United States are found in the waters off New York, New Jersey, the Chesapeake Bay, and Florida (O'Hara et al. 1988). Recreational fishermen are also a major source of debris in the form of monofilament fishing line. The amount of fishing line lost or discarded by the 17 million U.S. fishermen during an estimated 72 million fishing trips in 1986 is not known, but if the average angler snares or cuts loose only one yard of line per trip, the potential amount of deadly monofilament line is enough to stretch around the world (O'Hara et al. 1988).

6.5 Socioeconomic Environment

Summer flounder continues to be an important component of the recreational fishery. Estimation of primary species sought as reported by anglers in recent intercept surveys from Maine through North Carolina indicate that summer flounder has increased in importance from 1991 to 2001, from a low of 3.8 million trips in 1992 to a high of 6.1 million trips in 2001. For 2002 through 2004, the number of recreational fishing trips reported by anglers as targeting summer flounder ranges from 4.6 to 5.6 million trips. A detailed description of the economic aspects of the recreational fishery for summer flounder was presented in section 3.3.1 of Amendment 13.

6.5.1 Port and Community Description

The recreational summer flounder fishery is important to many communities along the East Coast. Recent summer flounder landing patterns among ports are presented in section 6.5.1 of the 2006, 2007, and 2008 Summer Flounder and 2006 Scup and Black Sea Bass Specifications. The ports and communities that are dependent on summer flounder are fully described in Amendment 13 (section 3.4).

Although the MRFSS program does not identify data by port or community, it is evident that many coastal communities are dependent upon the summer flounder recreational fishery. The intercept survey data described in section 6.5 above indicate summer flounder has become increasingly important to the recreational fishing community, including associated coastal communities and businesses. MRFSS estimates the top five states from Maine through North Carolina in 2003 that landed summer flounder were New Jersey, New York, Virginia, Rhode Island and Massachusetts. Connecticut, Delaware, Maryland and North Carolina accounted for less than 9% of the total summer flounder landings.

Vessel Trip Report (VTR or "logbook") data can be examined at the state and port-level for party/charter boat landings. As stated in section 6.5.2 of the 2006, 2007, and 2008 Summer Flounder and 2006 Scup and Black Sea Bass Specifications, there are 717 party/charter vessels that hold federal permits for summer flounder only, or in combination with scup and black sea bass. MRFSS data indicate that these party/charter landings represented 14% of the total number (A+B1) of summer flounder recreational landings, from Maine through North Carolina, on average from 1981 to 2003. VTR data indicate that summer flounder accounted for 22%, 16%, 11%, and 5% of the total catch by party/charter vessels in the states of Rhode Island, New York, New Jersey, and Connecticut, respectively, in 2003.

6.5.2 Analysis of Permit Data

A full description and analysis of the vessels permitted to participate in the recreational fishery for summer flounder is presented in section 6.5.2 of the 2006, 2007, and 2008 Summer Flounder and 2006 Scup and Black Sea Bass Specifications. As described in the above document, there are 739 party/charter vessels that hold federal permits to participate in the recreational fishery for summer flounder only, or in combination with scup and black sea bass.

7.0 IMPACTS OF THE ALTERNATIVES

7.1 Targeted Fishery Resource

Alternative 1A (No action) is not expected to result in significant negative or positive biological impacts on the summer flounder stock. Relative to the no action alternative (1A) presented in this document, alternative 1B is not expected to result in significant negative or positive biological impacts to the summer flounder stock. Because the regional harvest limits would be equal to the sum of all the state-specific harvest limits within a region, large increases in fishing effort or increased fishing pressure on the recreational summer flounder stock are not anticipated. Therefore, the sustainability of the summer flounder stock is not expected to be impacted.

7.2 Non-Target Species or Bycatch

Alternative 1A (No action) is not expected to result in significant negative or positive impacts on the non-target species. Relative to the no action alternative (1A) presented in this document, alternative 1B is not expected to result in increases in the discarding of summer flounder when targeted, or increased discarding when fishing for non-target species. Section 6.2 previously defined summer flounder discards in the recreational fishery.

7.3 Habitat (Including Essential Fish Habitat)

Alternative 1A (No action) is not expected to result in significant negative or positive impacts on habitat. Relative to the no action alternative (1A) presented in this document, alternative 1B is not expected to result in positive or negative impacts to habitat. This framework only addresses the recreational fishery for summer flounder, and as described previously in section 6.3, the principal gears used in that fishery are rod and reel and handlines. Rod and reel and handlines are generally not associated with adverse EFH impacts because the gear does not alter bottom structure.

7.4 Endangered and Other Protected Resources

Alternative 1A (No action) is not expected to result in significant negative or positive impacts on endangered and protected resources. Relative to the no action alternative (1A) presented in this document, alternative 1B is not expected to result in positive or negative impacts to endangered or protected resources. This framework only addresses the recreational fishery for summer flounder, and as described previously in section 6.3, the principal gears used in that fishery are rod and reel and handlines. Recreational gears are not categorized in the final List of Fisheries for 2005 for the taking of marine mammals by commercial fishing operations under section 114 of the Marine Mammal Protection Act of 1972. Therefore, minimal interaction is expected between rod and reel and handlines used in the summer flounder recreational fishery and endangered and protected species.

7.5 Socioeconomic Environment

Alternative 1A (No action) is not expected to result in significant negative or positive impacts on the social and economic environment. Relative to the no action alternative (1A) presented in this document, alternative 1B is not expected to result in large positive or negative coastwide social or economic impacts. The coastwide recreational harvest limit for summer flounder would not be altered. Multi-state conservation equivalency regions will develop fishing measures that maximize the harvest of the region-specific limit, without resulting in overages. This is similar to what is currently done on a state-specific basis when conservation equivalency is implemented. Therefore, on a coastwide basis, the recreational fishing community and associated businesses that rely on the summer flounder fishery would likely experience similar socioeconomic impacts under the same harvest limit. However, there may be state-specific social or economic impacts. To meet the requirement to implement identical summer flounder recreational fishery management measures within a multi-state region, some states may need to adjust their

present management measures (minimum size, possession limits, and seasons) by making them slightly more restrictive or more liberal. This creates the possibility of short-term socioeconomic impacts for that state. It is possible that proposed management measures could restrict the recreational fishery and cause a decrease in recreational satisfaction (i.e., lower possession limit, larger fish size, shorter season) for some states within a multi-state region. However, due to lack of data, these effects cannot be quantified. Although potential changes in fishery regulations may change the numbers and size of the fish that can be landed, they do not prohibit anglers from engaging in catch and release fishing. In addition, recreational anglers may choose not to stop recreational fishing altogether and may choose to fish for alternative species. Therefore, even if future management measures affect the demand for trips for summer flounder in some states, it is not expected that the overall number of recreational fishing trips will be negatively affected. Therefore, the demand for fishing trips should remain relatively unaffected. It should be noted, however, that states within the multi-state regions will have the flexibility as a group to select regional measures that minimize negative socioeconomic impacts for the individual states within that region. It is unlikely that individual states would voluntarily implement recreational measures within a region that would inflict significant negative socioeconomic impacts on their state. In addition, some reallocation of recreational fishing effort among states within a region would be expected as a result of the combination of a pooled harvest limit and possible changes in duration and timing of the fishing season for all included states.

7.6 Cumulative Impacts of Proposed Alternatives

Cumulative effects are defined under NEPA as "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other action (40 CFR section 1508.7)." A formal cumulative impact assessment is not necessarily required as part of an Environmental Assessment under NEPA as long as the significance of cumulative impacts has been considered (U.S. EPA 1999). The following remarks address the significance of the expected cumulative impacts as they relate to the federally managed summer flounder recreational fishery.

The temporal scope of this analysis of biological, habitat, endangered and protected resources, and socioeconomic impacts is primarily focused on actions that have taken place since the late 1980s. In terms of future actions, the analysis examines the period between implementation of this framework in the fall of 2006 through January 2010. The geographic scope of the analysis of impacts is the range of the fishery in the Western Atlantic Ocean, as described in the Affected Environment section of the document (section 6.0). For endangered and protected species the geographic range is the total range of each species. The geographic range for socioeconomic impacts is defined as those fishing communities bordering the range of the recreational summer flounder fishery (section 6.5.1).

The discussion of the cumulative effects on five areas chosen by the Council staff for this analysis (target species, non-target species, endangered and protected species, habitat,

and socioeconomic impacts) will be based on the analysis of direct and indirect impacts in the Environmental Consequences section of this EA (sections 7.1 through 7.5) as well as on the discussion in this section of events outside of this action affecting the five areas.

The cumulative impacts of the past, present, and future Federal fishery management actions should generally be positive. Although past fishery management actions to conserve and protect fisheries resources and habitats may have been timelier, the mandates of the MSFCMA, as currently amended by the SFA, require the management actions be taken only after consideration of impacts to the biological, physical, economic, and social dimensions of the human environment. It is, therefore, expected that under the current management regime, the totality of Federal fisheries management impacts to the environment will, in general, contribute toward improving the human environment.

Past Actions

The historical management practices of the Council (described in section 4.1) have resulted in positive impacts on the health of the summer flounder stock. It is no longer considered overfished as determined by the most recent stock assessment, although overfishing is occurring relative to the biological reference points (section 6.1.2).

Present Actions

To preserve the conservation intent of the management regime, the FMP under which summer flounder is managed includes provisions that require that any commercial landings that exceed the specifications in one year, or the quota period, be deducted from the commercial quota that would otherwise have been allowed in the following year. Thus, the FMP and the annual specifications anticipate the possibility that landings may exceed targets in any given year and provide a remedy that at least partially compensates for such occurrences in terms of maintaining the conservation goals of the FMP and the rebuilding programs, thus mitigating the impacts of those overages. In addition, overages in the recreational fishery are addressed by way of changes in management measures to reduce the harvest in the following year to the specified level. The annual nature of the management measures is intended to provide the opportunity for the Council and NMFS to regularly assess the status of the fishery and to make necessary adjustments to ensure that there is a reasonable expectation of meeting the objectives of the FMP and the targets associated with any rebuilding programs under the FMP.

Cumulative effects to the physical and biological dimensions of the environment may also come from non-fishing activities. Non-fishing activities, in this sense, relate to habitat loss and alteration from human interaction or natural disturbances. These activities are widespread and can have localized impacts on habitat such as accretion of sediments from at-sea disposal areas, oil and mineral resource exploration, and significant storm events. In addition to guidelines mandated by the MSFMCA, NMFS reviews these types of effects during the review process required by Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act for certain activities that are regulated by Federal, state, and local authority. The jurisdiction of these activities is

in "waters of the U.S." and includes both riverine and marine habitats. A database which could facilitate documentation regarding cumulative impacts of non-fishing activities on the physical and biological habitat covered by the summer flounder management unit is not available at this time.

The Council continues to manage the summer flounder recreational fishery in accordance with the National Standards required under the Magnuson-Stevens Act. Amendment 13 to the Summer Flounder, Scup, and Black Sea Bass FMP fully addresses how the management actions implemented to successfully manage summer flounder comply with the National Standards. First and foremost, the Council continues to meet the obligations of National Standard 1 by adopting and implementing conservation and management measures that will continue to prevent overfishing, while achieving, on a continuing basis, the optimum yield for summer flounder and the United States fishing industry. The Council uses the best scientific information available (National Standard 2) and manages summer flounder throughout its range (National Standard 3). These management measures do not discriminate among residents of different states (National Standard 4), they do not have economic allocation as their sole purpose (National Standard 5), the measures account for variations in fisheries (National Standard 6), avoid unnecessary duplication (National Standard 7), they take into account the fishing communities (National Standard 8) and promote safety at sea (National Standard 10). Finally, actions taken are consistent with National Standard 9, which addresses bycatch in fisheries. The Council has implemented many regulations that have indirectly acted to reduce fishing gear impacts on EFH. By continuing to meet the National Standards requirements of the Magnuson-Stevens Act through future FMP Amendments and framework actions, the Council will insure that cumulative impacts of these actions will remain overwhelmingly positive for the ports and communities that depend on these fisheries, the Nation as a whole, and certainly for the resources.

Reasonably Foreseeable Future Actions

In terms of Reasonably Foreseeable Future (RFF) Actions that relate to the federally managed summer flounder fishery, the development of Amendment 14 and 15 to the Summer Flounder, Scup, and Black Sea Bass FMP and the proposed wind farm in Nantucket Sound warrant discussion. As described above, any FMP development would continue to manage these resources in accordance with the National Standards required under the Magnuson-Stevens Act. Amendment 14 will be developed to address rebuilding of the scup stock. This would be expected to result in positive biological impacts on scup, however the direction and magnitude of impacts on habitat, protected resources, and socioeconomics cannot be predicted until further along in the development of the amendment. While the issues to be addressed in Amendment 15 are speculative, issues addressing allocation among states and user groups are likely to be included. As such, allocation issues are not expected to effect changes in coastwide effort or quota and would likely not result in biological, habitat, or protected resources impacts. There may, however, be socioeconomic impacts based on reallocation of quota and harvest limits to different states and/or user groups. In order for the proposed wind farm in Nantucket Sound to be permitted under the U.S. Army Corps of Engineers, the Corps would conduct

examinations of potential biological, socioeconomic, and habitat impacts. It is possible that implementation of wind farms would limit fishery access to these areas, resulting in negative socioeconomic impacts. As such, it could also potentially result in positive biological, EFH, and protected resource impacts through creation of a fishery closed area.

7.6.1 Targeted Fishery Resource

The Council has met the obligations of National Standard 1 for summer flounder by adopting and implementing conservation and management measures that have prevented overfishing, while achieving, on a continuing basis, the optimum yield for summer flounder and the United States fishing industry. Summer flounder was overfished prior to implementation of management measures, and at present the stock is at record levels, and the resource is no longer overfished, but overfishing is occurring. The Council manages summer flounder only in the EEZ. Any anthropogenic activities in the EEZ that do not consider summer flounder could impact their local populations. However, such activities are not quantifiable at present. The Council has commented on anthropogenic projects such as beach replenishment and ocean dumping in the past while raising concerns for the local health of summer flounder. Since summer flounder occur over wide areas of the Mid- and North Atlantic, it is unlikely that any anthropogenic activity could significantly impact their population on more than simply a local level.

The proposed action is not expected to have cumulative effects on the health and sustainability of the summer flounder stock by itself (section 7.1) or cumulatively when considering other past, present, and reasonably foreseeable future actions.

7.6.2 Non-Target Species or Bycatch

Non-target species and bycatch related to the summer flounder recreational fishery are described in section 6.2 of this EA. The proposed action is not expected to have cumulative effects on the rates of discarding of summer flounder while targeting that species or on the rates of discarding of non-target species by itself (section 7.2) or cumulatively when considering other past, present, and reasonably foreseeable future actions.

7.6.3 Habitat (Including Essential Fish Habitat)

The environment in which the summer flounder fishery is prosecuted was described in Amendment 13, section 3.2.4. The fishery management unit for summer flounder is described in section 4.3 of this document. A description of the physical and biological environment is presented in section 6.3 of this EA.

The principal gears used in the recreational fishery for summer flounder are rod and reel and handlines. Rod and reel and handlines are generally not associated with adverse impacts to EFH because the gears do not alter bottom structure. Therefore, the proposed action would not have significant cumulative effects on habitat by itself (section 7.3) or

cumulatively when considering other past, present, and reasonably foreseeable future actions.

7.6.4 Endangered and Other Protected Resources

The impacts of the summer flounder fishery upon endangered and other protected resources are described in detail in Amendment 13 to the Summer Flounder, Scup, and Black Sea Bass FMP (section 5.4.3.1). As described in section 6.4 of this EA, in general, recreational fisheries have very limited interactions with marine mammals and endangered or threatened species.

The proposed action is not expected to alter fishing methods or activities in the summer flounder recreational fishery; thus, it is not expected to change the level of interaction between recreational fishermen and these species. Therefore, the action will not affect endangered and threatened species in any manner not considered in prior consultations. The proposed action is not expected to have significant cumulative effects on protected resources by itself (section 7.4) or cumulatively when considering other past, present, and reasonably foreseeable future actions.

7.6.5 Socioeconomic Environment

National Standard 8 requires that management measures take into account the fishing communities. The ports and communities that are dependent on summer flounder are fully described in Amendment 13 to the Summer Flounder, Scup, and Black Sea Bass FMP (section 3.4.2) and are briefly discussed in section 6.5.1.

The ports and communities involved in the summer flounder recreational fishery will positively benefit from continued increases in recreational harvest limits as the stock continues to expand. These impacts will be felt most strongly in the social and economic dimension of the environment. Reasonably foreseeable future Federal actions include additional or revised fishing regulations for summer flounder and other species that marine recreational fishermen target. Additional Federal actions could also have indirect impacts on recreational fishing communities reliant on these species. The proposed action is not expected to have cumulative effects on the social and economic aspects of the summer flounder recreational fishery by itself (section 7.5) or cumulatively when considering other past, present, and reasonably foreseeable future actions.

7.6.6 Conclusions

The proposed action, together with past, present, and future actions is not expected to result in cumulative impacts on the biological, physical, and human components of the environment, including target species, non-target species, endangered and protected resources, or habitat, individually, or in conjunction with other anthropogenic activities.

8.0 ESSENTIAL FISH HABITAT ASSESSMENT

As discussed in sections 7.3 and 7.6.3 of the EA, the gears used in the summer flounder recreational fishery do not alter bottom habitat; therefore, they are not expected to have impacts on EFH.

9.0 OTHER APPLICABLE LAWS

9.1 NEPA

National Oceanic and Atmospheric Administration Administrative Order 216-6 (May 20, 1999) contains criteria for determining the significance of the impacts of a proposed action. In addition, the Council on Environmental Quality regulations at 40 C.F.R. 1508.27 state that the significance of an action should be analyzed both in terms of "context" and "intensity." Each criterion listed below is relevant to making a finding of no significant impact and has been considered individually, as well as in combination with the others. The significance of this action is analyzed based on the NAO 216-6 criteria and CEQ's context and intensity criteria. These include:

1) Can the proposed action reasonably be expected to jeopardize the sustainability of any target species that may be affected by the action?

The proposed action is not expected to jeopardize the sustainability of the summer flounder stock, as described in section 7.0 of this EA. The proposed action does not directly alter the rebuilding schedule for summer flounder or the procedure for setting the annual recreational harvest limit.

2) Can the proposed action reasonably be expected to jeopardize the sustainability of any non-target species?

The proposed action is not expected to jeopardize the sustainability of any non-target species. Management measures within multi-state regions described under section 5.1 would be developed to achieve the recreational harvest limit for summer flounder as specified through the FMP for the upcoming fishing year. The bycatch of non-target species in the recreational fishery using rod and reel or handline is not expected to be substantial.

3) Can the proposed action reasonably be expected to cause substantial damage to the ocean and coastal habitats and/or essential fish habitat as defined under the Magnuson-Stevens Act and identified in FMPs?

The proposed action as described in section 7.0 of this EA is not expected to cause damage to the ocean and coastal habitats, and/or EFH as defined under the Magnuson-Stevens Act and identified in the FMP. The area affected by the proposed action in the summer flounder fishery has been identified as EFH for many federally managed species. The primary gears utilized in the recreational harvest of summer flounder are rod and reel

or handlines. These gears are generally not associated with adverse impacts because they do not alter bottom structure. Finally, because the proposed action is not expected to cause major changes in coastwide fishing effort, it is concluded that the alternative will not result in significant impacts to the environment as discussed in section 7.6.3 of this EA.

4) Can the proposed action be reasonably expected to have a substantial adverse impact on public health or safety?

The proposed measure does not alter the manner in which the industry conducts fishing activities for the target species. Therefore, no changes in fishing behavior that would affect safety are anticipated. The overall effect of the proposed action on the summer flounder recreational fishery, including the communities in which it operates, will not impact adversely public health or safety. NMFS will consider comments received concerning safety and public health issues.

5) Can the proposed action reasonably be expected to adversely affect endangered or threatened species, marine mammals, or critical habitat of these species?

The proposed action is not expected to have an adverse impact on endangered or threatened species, marine mammals, or critical habitat for these species. The interaction between protected species and the gear used in the recreational summer flounder fishery is minimal, as stated in sections 6.4 and 7.4 of this EA.

6) Can the proposed action be expected to have a substantial impact on biodiversity and/or ecosystem function within the affected area (e.g., benthic productivity, predator-prey relationships, etc.)?

The proposed action is not expected to have a substantial impact on biodiversity and ecosystem function within the affected area. Rod and reel and handlines used in the recreational fishery are generally not associated with adverse benthic impacts. The proposed action will likely contribute to biodiversity and ecosystem stability over the long term as the summer flounder stock continues to rebuild.

7) Are significant social or economic impacts interrelated with natural or physical environmental effects?

As discussed in section 7.0 of this EA, the proposed action is not expected to result in significant social or economic impacts, or significant natural or physical environmental effects.

8) Are the effects on the quality of the human environment likely to be highly controversial?

Measures contained in this EA are not expected to be controversial. This action merely addresses issues related to the administration of the summer flounder recreational fishery. Furthermore, the proposed action is merely an administrative tool and not mandatory.

9) Can the proposed action reasonably be expected to result in substantial impacts to unique areas, such as historic or cultural resources, park land, prime farmlands, wetlands, wild and scenic rivers or ecologically critical areas?

This action merely addresses issues related to the administration of the summer flounder recreational fishery. The summer flounder recreational fishery is not known to be prosecuted in any unique areas such as historic or cultural resources, park land, prime farmlands, wetlands, wild and scenic rivers or ecologically critical areas. Therefore, the proposed action is not expected to have a substantial impact on any of these areas.

10) Are the effects on the human environment likely to be highly uncertain or involve unique or unknown risks?

The impacts of the proposed measure on the human environment are described in section 7.0 of this EA. This action merely addresses issues related to the administration of the summer flounder recreational fishery. This action is not expected to alter fishing methods or activities in the summer flounder recreational fishery. Therefore, measures contained in this action are not expected to have highly uncertain, unique, or unknown risks on the human environment.

11) Is the proposed action related to other actions with individually insignificant, but cumulatively significant impacts?

As discussed in section 7.6, the proposed action is not expected to have individually insignificant, but cumulatively significant impacts. The synergistic interaction of improvements in the efficiency of the summer flounder fishery is expected to generate positive impacts overall. The proposed action, together with past, present, and future actions is not expected to result in significant cumulative impacts on the human environment.

12) Is the proposed action likely to adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural or historical resources?

The impacts of the proposed measure on the human environment are described in section 7.5 of this EA. This action merely addresses issues related to the administration of the summer flounder recreational fishery. The summer flounder recreational fishery is not known to be prosecuted in any areas that might affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or cause the loss or destruction of significant scientific, cultural or historical resources. Therefore, the proposed action is not expected to affect any of these areas.

13) Can the proposed action reasonably be expected to result in the introduction or spread of a nonindigenous species?

The proposed action merely addresses issues related to the administration of the summer flounder recreational fishery. There is no evidence or indication that the prosecution of the summer flounder fishery has ever resulted in the introduction or spread of nonindigenous species. This action is not expected to alter fishing methods or activities in the summer flounder recreational fishery, or the spatial and/or temporal distribution of this fishery. Therefore, it is highly unlikely that the action described in this framework would be expected to result in the introduction or spread of a non-indigenous species.

14) Is the proposed action likely to establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration?

The proposed action merely addresses issues related to the administration of the summer flounder recreational fishery. This action is not expected to alter fishing methods or activities in the summer flounder recreational fishery, or the spatial and/or temporal distribution of this fishery. In addition, this action does not alter the methodology used to determine the recreational harvest limit. This action does not result in significant effects, nor does it represent a decision in principle about a future consideration.

15) Can the proposed action reasonably be expected to threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment?

The proposed action merely addresses issues related to the administration of the summer flounder recreational fishery. This action is not expected to alter fishing methods or activities in the summer flounder recreational fishery such that they threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment. In fact, the proposed measures have been found to be consistent with other applicable laws (see sections 9.2 - 9.9 below).

16) Can the proposed action reasonably be expected to result in cumulative adverse effects that could have a substantial effect on the target species or non-target species?

The impacts of the preferred alternative on the biological, physical, and human environment are described in section 7.0. The cumulative effects of the proposed action on target and non-target species are detailed in section 7.6 of this EA. The proposed action merely addresses issues related to the administration of the summer flounder recreational fishery. This action is not expected to alter fishing methods or activities in the summer flounder recreational fishery, or the spatial and/or temporal distribution of this fishery. The synergistic interaction of improvements in the efficiency of the recreational summer flounder fishery by increasing the flexibility in the administration of that fishery is expected to generate slightly positive impacts overall.

DETERMINATION

In view of the information presented in this document and the analysis contained in the supporting Environmental Assessment prepared for Framework 6 to the Summer Flounder, Scup, and Black Sea Bass FMP, it is hereby determined that the proposed action will not significantly impact the quality of the human environment as described above and in the Environmental Assessment. In addition, all beneficial and adverse impacts of the proposed action have been addressed to reach the conclusion of no significant impacts. Accordingly, preparation of an EIS for this action is not necessary.

_____ _____

Assistant Administrator for Fisheries, NOAA *Date*

9.2 Endangered Species Act

Sections 6.4 and 7.4 of the EA should be referenced for an assessment of the impacts of the proposed action on endangered species and protected resources. The action proposed in this document is not expected to alter fishing methods or activities. Therefore, this action is not expected to affect endangered or threatened species or critical habitat in any manner not considered in previous consultations on the fisheries.

9.3 Marine Mammal Protection Act

Sections 6.4 and 7.4 of the EA should be referenced for an assessment of the impacts of the proposed action on marine mammals. The action proposed in this document is not expected to alter fishing methods or activities. Therefore, this action is not expected to affect marine mammals or critical habitat in any manner not considered in previous consultations on the fisheries.

9.4 Coastal Zone Management Act

The Coastal Zone Management Act (CZMA) of 1972, as amended, provides measures for ensuring stability of productive fishery habitat while striving to balance development pressures with social, economic, cultural, and other impacts on the coastal zone. It is recognized that responsible management of both coastal zones and fish stocks must involve mutually supportive goals.

The Council must determine whether the FMP will affect a state's coastal zone. If it will, the FMP must be evaluated relative to the state's approved CZM program to determine whether it is consistent to the maximum extent practicable. The states have 60 days in which to agree or disagree with the Council's evaluation. If a state fails to respond within 60 days, the state's agreement may be presumed. If a state disagrees, the issue may be resolved through negotiation or, if that fails, by the Secretary.

The Council determined that the action in this framework document is consistent to the maximum extent practicable with the enforceable provisions of the approved coastal management programs as understood by the Council. This determination was submitted for review by the responsible state agencies on March 17, 2006, under section 307 of the Coastal Zone Management Act. Letters were sent to each of the following states within the management unit reviewing the consistency of the proposed action relative to each state's Coastal Zone Management Program: Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and North Carolina. To request a copy of the letter or a list of the CZM contacts within for each state, contact Daniel T. Furlong at the Mid-Atlantic Fishery Management Council, Room 2115 Federal Building, 300 South New Street, Dover, Delaware 19904-6790, Telephone: (302) 674-2331, Fax: (302) 674-5399.

9.5 Administrative Procedure Act

Sections 551-553 of the Federal Administrative Procedure Act establish procedural requirements applicable to informal rulemaking by Federal agencies. The purpose is to ensure public access to the Federal rulemaking process and to give the public notice and an opportunity to comment before the agency promulgates new regulations.

The Administrative Procedure Act requires solicitation and review of public comments on actions taken in the development of a fishery management plan and subsequent amendments and framework adjustments. Development of this framework document provided many opportunities for public review, input, and access to the rulemaking process. This proposed framework document was developed as a result of a multi-stage process that involved review by affected members of the public. The public had the opportunity to review and comment on these actions during the MAFMC Meetings held on January 18, 2006 and March 15, 2006. In addition, the public will have further opportunity to comment on this framework document once NMFS publishes a request for comments notice in the Federal Register (FR).

9.6 Section 515 (Information Quality Act)

Pursuant to NMFS guidelines implementing Section 515 of Public Law 106-554 (the Information Quality Act), all information products released to the public must first undergo a Pre-Dissemination Review to ensure and maximize the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by Federal agencies. To facilitate the Pre-Dissemination Review, this document addresses the utility, integrity, and objectivity of the information included in the document and used as the basis for making decisions regarding the proposed action.

Utility

Utility means that disseminated information is useful to its intended users. "Useful" means that the content of the information is helpful, beneficial, or serviceable to its

intended users, or that the information supports the usefulness of other disseminated information by making it more accessible or easier to read, see, understand, obtain or use.

The information presented in this document is helpful to the intended users (the affected public) by presenting a clear description of the purpose and need of the proposed action, the alternatives to the proposed action considered by the Council, and the analyses of the potential impacts of the proposed action to fishery resources, habitat, protected resources, and affected entities and communities so that intended users may have a full understanding of the proposed action and its implications.

This document is the first and only information product that provides the information described above. It includes the most current available relevant data and provides these data in a form that is intended to be useful and accessible to the public.

This document will be made available to the public via several media: Online, through the NMFS Northeast Regional Office web page at http://www.nero.noaa.gov; in hardcopy, available at the request of the public; and at Council meetings. Online, the document will be available in a standard format for such documents, that of "Portable Document Format," or PDF.

Integrity

Integrity refers to security--the protection of information from unauthorized access or revision, to ensure that the information is not compromised through corruption or falsification. Prior to dissemination, NMFS information, independent of the specific intended distribution mechanism, is safeguarded from improper access, modification, or destruction, to a degree commensurate with the risk and magnitude of harm that could result from the loss, misuse, or unauthorized access to or modification of such information.

All electronic information disseminated by NMFS adheres to the standards set out in Appendix III, "Security of Automated Information Resources," of OMB Circular A-130; the Computer Security Act; and the Government Information Security Act. All confidential information (e.g., dealer purchase reports) is safeguarded pursuant to the Privacy Act; Titles 13, 15, and 22 of the U.S. Code (confidentiality of census, business, and financial information); the Confidentiality of Statistics provisions of the Magnuson-Stevens Act; and NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics.

Objectivity

Objective information is presented in an accurate, clear, complete, and unbiased manner, and in proper context. The substance of the information is accurate, reliable, and unbiased; in the scientific, financial, or statistical context, original and supporting data are generated and the analytical results are developed using sound, commonly accepted scientific and research methods. "Accurate" means that information is within an

acceptable degree of imprecision or error appropriate to the particular kind of information at issue and otherwise meets commonly accepted scientific, financial, and statistical standards.

This document is considered, for purposes of the Pre-Dissemination Review, to be a "Natural Resource Plan." Accordingly, the document adheres to the published standards of the Magnuson-Stevens Act; the Operational Guidelines, Fishery Management Plan Process; and NOAA Administrative Order 216-6, Environmental Review Procedures for Implementing the National Environmental Policy Act.

The review process for this framework adjustment involves the Council, the NEFSC, the Northeast Regional Office, and NMFS headquarters. The NEFSC's technical review is conducted by senior level scientists with specialties in population dynamics, stock assessment methods, demersal resources, population biology, and the social sciences. These reviewers will comment on the technical merits of any analyses included in this document. The Council review process involves public meetings at which affected stakeholders have opportunity to provide comments on the framework document. Review by staff at the Regional Office is conducted by those with expertise in fisheries management and policy, habitat conservation, protected species, and compliance with the applicable law. Final approval of the document and clearance of the rule is conducted by staff at NMFS Headquarters, the Department of Commerce, and the U.S. Office of Management and Budget.

9.7 Paperwork Reduction Act

The Paperwork Reduction Act (PRA) concerns the collection of information. The intent of the PRA is to minimize the Federal paperwork burden for individuals, small businesses, state and local governments, and other persons as well as to maximize the usefulness of information collected by the Federal government. There are no changes to the existing reporting requirements previously approved under this FMP for vessel permits, dealer reporting, or vessel logbooks. This action does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

9.8 Impacts of the Plan Relative to Federalism/EO 13132

This framework document does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order (EO) 13132.

9.9 Environmental Justice/EO 12898

This EO provides that "each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations." EO 12898 directs each Federal agency to analyze the environmental effects, including human health, economic,

and social effects of Federal actions on minority populations, low-income populations, and Indian tribes, when such analysis is required by NEPA. Agencies are further directed to "identify potential effects and mitigation measures in consultation with affected communities, and improve the accessibility of meetings, crucial documents, and notices."

Since the proposed action is not expected to affect participation in the summer flounder recreational fishery, no negative economic or social effects are anticipated as a result (section 7.0). Therefore, the proposed action under the preferred alternative is not expected to cause disproportionately high and adverse human health, environmental or economic effects on minority populations, low-income populations, or Indian tribes.

10.0 LITERATURE CITED

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Waring, G.T., J.M. Quintal, C.P. Fairfield (eds). 2002 . U.S. Atlantic and Gulf of Mexico marine mammal stock assessments - 2002. NOAA Technical Memorandum NMFS-NE-169.

11.0 LIST OF PREPARERS OF THE ENVIRONMENTAL ASSESSMENT

Framework 6 to the Summer Flounder, Scup and Black Sea Bass FMP was submitted to NMFS by the MAFMC. This framework was prepared by the following members of the MAFMC staff: Dr. Christopher M. Moore, Jessica Coakley, Dr. José Montañez, and James Armstrong.

12.0 LIST OF AGENCIES AND PERSONS CONSULTED

In preparing this document, the Council consulted with the NMFS, New England and South Atlantic Fishery Management Councils, Fish and Wildlife Service, and the states of Maine through North Carolina through their membership on the Mid-Atlantic and New England Fishery Management Councils. In addition, states that are members within the management unit were consulted through the Coastal Zone Management Program

consistency process. Letters were sent to each of the following states within the management unit reviewing the consistency of the proposed action relative to each state's Coastal Zone Management Program: Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and North Carolina. To request a copy of the letter or a list of the CZM contacts within for each state, contact Daniel T. Furlong at the Mid-Atlantic Fishery Management Council, Room 2115 Federal Building, 300 South New Street, Dover, Delaware 19904-6790, Telephone: (302) 674-2331, Fax: (302) 674-5399.

In order to ensure compliance with NMFS formatting requirements, the advice of NMFS Northeast Region personnel was sought, including Sarah McLaughlin, Michael Pentony, and Sarah Thompson.

REGULATORY IMPACT REVIEW/INITIAL REGULATORY FLEXIBILITY ANALYSIS

1.0 INTRODUCTION

The National Marine Fisheries Service requires the preparation of a Regulatory Impact Review (RIR) for all regulatory actions that either implement a new FMP or significantly amend an existing plan. This RIR is part of the process of preparing and reviewing FMPs and provides a comprehensive review of the changes in net economic benefits to society associated with proposed regulatory actions. This analysis also provides a review of the problems and policy objectives prompting the regulatory proposals and an evaluation of the major alternatives that could be used to solve the problems. The purpose of this analysis is to ensure that the regulatory agency systematically and comprehensively considers all available alternatives so that the public welfare can be enhanced in the most efficient and cost-effective way. This RIR addresses many items in the regulatory philosophy and principles of Executive Order (EO) 12866.

Also included is an Initial Regulatory Flexibility Analysis (IRFA) to evaluate the economic impacts of the alternatives on small business entities. This analysis is undertaken in support of a complete analysis for this framework document.

2.0 EVALUATION OF EO 12866 SIGNIFICANCE

EO 12866 requires that the Office of Management and Budget (OMB) review proposed regulatory programs that are considered to be significant. A "significant regulatory action" is one that is likely to: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, safety, or state, local, or tribal Governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

A regulatory program is "economically significant" if it is likely to result in the effects described above. The RIR is designed to provide information to determine whether the proposed regulation is likely to be "economically significant." Because none of the factors defining "significant regulatory action" are triggered by this proposed action, the action has been determined to be not significant for the purposes of EO 12866.

2.1 Description of the Management Objectives

A complete description of the purpose and need and objectives of this framework action are found under section 4.0 of the EA. This action is taken under the authority of the Magnuson-Stevens Act and regulations at 50 CFR part 648.

2.2 Description of the Fishery

A general description of the summer flounder recreational fishery is presented section 6.0 of the EA. A more detailed description is available in Amendment 13 to the Summer Flounder, Scup, and Black Sea Bass FMP

2.3 A Statement of the Problem

A statement of the problem for resolution is presented under section 4.0 of the EA.

2.4 A Description of Each Alternative

A full description of the three sets of alternatives analyzed in this section is presented in section 5.0 of the EA.

2.5 RIR Impacts

The proposed action does not constitute a significant regulatory action under EO 12866 for the following reasons. This action is not expected to have an annual effect on the economy of more than $100 million as described in section 7.5. Second, this action should not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. Third, this action will not materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of their participants. And, fourth, the proposed action does not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in EO 12866. Based on the results of the RIR, this action is not significant under EO 12866.

3.0 PAPERWORK REDUCTION ACT OF 1995

The Paperwork Reduction Act (PRA) concerns the collection of information. The intent of the PRA is to minimize the Federal paperwork burden for individuals, small business, state and local governments, and other persons as well as to maximize the usefulness of information collected by the Federal government. The Council is not proposing measures

under this framework action that require review under PRA. There are no changes to existing reporting requirements previously approved under OMB Control Nos. 0648-0202 (Vessel permits), 0648-0229 (Dealer reporting) and 0648-0212 (Vessel logbooks).

4.0 INITIAL REGULATORY FLEXIBILITY ANALYSIS

4.1 Impacts on Small Entities

The Regulatory Flexibility Act (RFA) requires the Federal rule maker to examine the impacts of proposed and existing rules on small businesses, small organizations, and small governmental jurisdictions. In reviewing the potential impacts of proposed regulations, the agency must either certify that the rule: (A) will not, if promulgated, have a significant economic impact on a substantial number of small entities; or (B) prepare an IRFA. The Small Business Administration (SBA) defines a small business in the commercial fishing and recreational fishing activity, as a firm with receipts (gross revenues) of up to $4.0 and $6.5 million, respectively.

Description of the Reasons Why Action by the Agency is being Considered

A complete description of the purpose and need and objectives of this proposed rule is found under section 4.0 of the EA. A statement of the problem for resolution is presented under section 4.0 of the EA.

The Objectives and Legal Basis of the Proposed Action

A complete description of the objectives of this proposed action is found under section 4.0 of the EA. This action is taken under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and regulations at 50 CFR part 648.

Estimate of the Number of Small Entities

This rule would apply to the following small entities: summer flounder party/charter permit holders, as well as those actively participating in the recreational fisheries in state waters. While permit holders represent the universe of entities whose normal activities might be directly affected by these regulations, not all permit holders choose to fish in a given year. Those who actively participate, i.e., land fish, would be the group of permit holders that are directly impacted by the regulations. Latent fishing power (in the form of unfished permits) represents a real and considerable force to alter the impacts on a fishery, but vessels actively participating in the fishery are dependent upon a particular species. It is impossible to predict how many - or who - will or will not participate in these fisheries in future years.

Data from the Northeast permit application database indicates that in 2004 there were 803 party/charter vessels permitted to take part in the summer flounder, scup, and/or black sea bass recreational fisheries in the EEZ. Of those 803 party/charter vessels, 56 held a

summer flounder permit alone, and 683 vessels held a summer flounder permit in combination with a scup permit, black sea bass permit, or both.

Recordkeeping and Reporting

As stated in section 3.0 of the RIR/IRFA, this proposed action does not propose new reporting or recordkeeping measures. There are no changes to existing reporting requirements. The owner of any party or charter boat issued a summer flounder permit other than a moratorium permit, and carrying passengers for hire must submit an accurate daily fishing log report for each charter or party fishing trip that lands summer flounder, unless such a vessel is also issued another permit that requires regular reporting, in which case a fishing log report is required for each trip regardless of species retained.

Conflict with Other Federal Rules

This proposed action will not duplicate, overlap, or conflict with any other Federal rules.

4.2 Significant Alternatives to the Proposed Rule

The proposed action is not expected to result in severe economic impacts on small entities in the summer flounder recreational fishery. Therefore, there is no need to further mitigate economic impacts on small entities. The Council selected the alternatives determined to result in the least severe impacts without compromising the biological health of the stocks. It is expected that the conservation equivalent recreational management measures would allow each state or multi-state region to develop specific summer flounder recreational measures that allow the fishery to operate during critical fishing periods, while still achieving conservation goals and mitigating potential adverse economic effects in specific states.

4.3 General Fishing Trends

A detailed description of the fishery for summer flounder, scup, and black sea bass is presented in section 6.0 of the EA.

5.0 ANALYSIS OF IMPACTS OF PROPOSED MEASURES

The proposed action is not expected to result in negative impacts to a significant number of small entities participating in the recreational summer flounder fishery, relative to the status quo.

TABLE

Table 1. Procedures for establishing summer flounder recreational management measures, modified to include voluntary multi-state conservation equivalency (changes underlined).

August

Council/Commissions's Board recommend recreational harvest limit.

October

MRFSS data available for current year through wave 4.

November

Monitoring Committee meeting to develop recommendations to Council:
Overall % reduction required.
Use of coastwide measures or state conservation equivalency.
**Precautionary default measures.
**Coastwide measures.

December

Council/Board meeting to make recommendation to NMFS
State Conservation Equivalency
or
Coastwide measures.

State Conservation Equivalency Measures

Late December

Commission staff summarizes and distributes state-specific and multi-state conservation equivalency guidelines to states.

Early January

Council staff submits recreational measure package to NMFS. Package includes:
- Overall % reduction required.
- Recommendation to implement conservation equivalency and precautionary default measures (Preferred Alternative).
-Coastwide measures (Non-preferred Alternative).

States submit conservation equivalency proposals to ASMFC.

January 15

ASMFC distributes state-specific or multi-state conservation equivalency proposals to Technical Committee.

Late January

ASMFC Technical Committee meeting:
-Evaluation of proposals.
-ASMFC staff summarizes Technical Committee recommendations and distributes to Board.

February

Board meeting to approve/disapprove proposals and submits to NMFS within two weeks, but no later than end of February.

March 1 (on or around)

NMFS publishes proposed rule for recreational measures announcing the overall % reduction required, state-specific or multi-state conservation equivalency measures and precautionary default measures (as the preferred alternative), and coastwide measures as the non-preferred alternative.

March 15

During comment period, Board submits comment to inform whether conservation equivalency proposals are approved.

April

NMFS publishes final rule announcing overall % reduction required and one of the following scenarios:
-State-specific or multi-state conservation equivalency measures with precautionary default measures, or -Coastwide measures.

Coastwide Measures

Early January

Council staff submits recreational measure package to NMFS. Package includes:
-Overall % reduction required.
-Coastwide measures.

February 15

NMFS publishes proposed rule for recreational measures announcing the overall % reduction required and Coastwide measures.

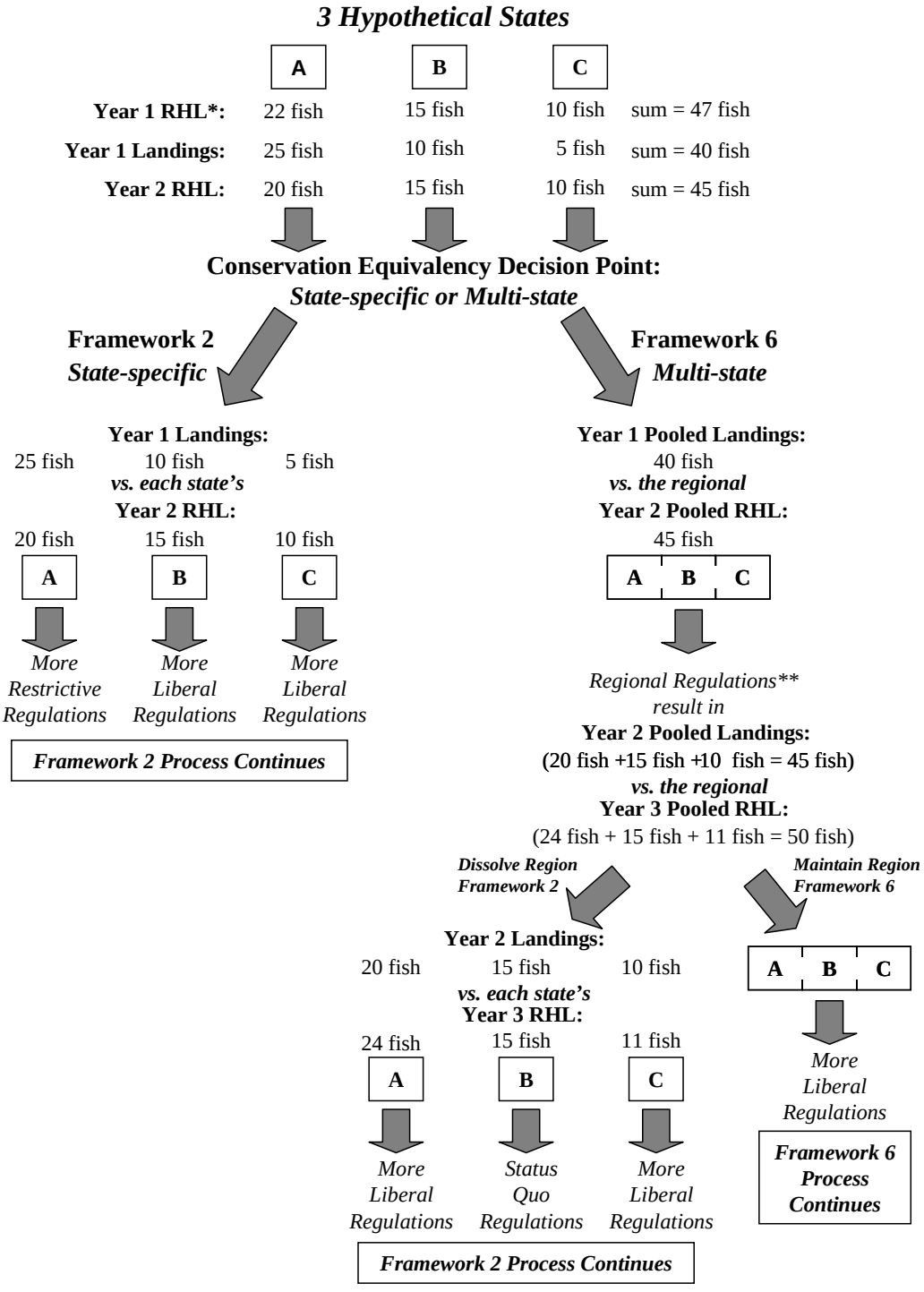
April

NMFS publishes final rule announcing overall % reduction required and Coastwide measures.

**Precautionary default measures - measures to achieve at least the % required reduction in each state, e.g., one fish possession limit and 15.5 inch bag limit would have achieved at least a 41% reduction in landings for each state in 1999.
**Coastwide measures - measure to achieve % reduction coastwide.

FIGURE

Figure 1. Hypothetical example of voluntary multi-state conservation equivalency under this framework action (alternative 1B) compared to state-specific conservation equivalency under Framework 2 to the FMP.



* Recreational Harvest Limit (RHL)

** In order for the multi-state region to develop identical regulations, some states may need to implement more liberal, more restrictive, or status quo measures.

GLOSSARY

Amendment. A formal change to a fishery management plan (FMP). The Council prepares amendments and submits them to the Secretary of Commerce for review and approval. The Council may also change FMPs through a "framework adjustment framework adjustment" (see below).

B. Biomass, measured in terms of total weight, spawning capacity, or other appropriate units of production.

B_{MSY}. Long term average exploitable biomass that would be achieved if fishing at a constant rate equal to F_{MSY}. For most stocks, B_{MSY} is about ½ of the carrying capacity. Overfishing definition control rules usually call for action when biomass is below ¼ or ½ B_{MSY}, depending on the species.

B_{target}. A desirable biomass to maintain fishery stocks. This is usually synonymous with B_{MSY} or its proxy.

$B_{threshold}$. 1) A limit reference point for biomass that defines an unacceptably low biomass i.e., puts a stock at high risk (recruitment failure, depensation, collapse, reduced long term yields, etc). 2) A biomass threshold that the SFA requires for defining when a stock is overfished. A stock is overfished if its biomass is below $B_{threshold}$. A determination of overfished triggers the SFA requirement for a rebuilding plan to achieve B_{target} as soon as possible, usually not to exceed 10 years except certain requirements are met. $B_{threshold}$ is also known as $B_{minimum}$, or B_{min}.

Bycatch. Fish that are harvested in a fishery, but which are not sold or kept for personal use. This includes economic discards and regulatory discards. The fish that are being targeted may be bycatch if they are not retained.

Commission. Atlantic States Marine Fisheries Commission.

Committee. The Monitoring Committee, made up of staff representatives of the Mid-Atlantic, New England, and South Atlantic Fishery Management Councils, the Commission, the Northeast Regional Office of NMFS, the Northeast Fisheries Center, and the Southeast Fisheries Center. The MAFMC Executive Director or his designee chairs the Committee.

Conservation equivalency. The approach under which states are required to develop, and submit to the Commission for approval, state-specific management measures (i.e., possession limits, size limits, and seasons) designed to achieve state-specific harvest limits.

Control rule. A pre-determined method for determining rates based on the relationship of current stock biomass to a biomass target. The biomass threshold ($B_{threshold}$ or B_{min}) defines a minimum biomass below which a stock is considered.

Council. The Mid-Atlantic Fishery Management Council.

Environmental Impact Statement. An analysis of the expected impacts of a fishery management plan (or some other proposed Federal action) on the environment and on people, initially prepared as a "Draft" (DEIS) for public comment. After an initial EIS is prepared for a plan, subsequent analyses are called "Supplemental." The Final EIS is referred to as the Final Supplemental Environmental Impact Statement (FSEIS).

Exclusive Economic Zone. For the purposes of the Magnuson-Stevens Fishery Conservation and Management Act, the area from the seaward boundary of each of the coastal states to 200 nautical miles from the baseline.

Fishing for summer flounder, scup, or black sea bass. Any activity, other than scientific research vessel activity, which involves: (a) the catching, taking, or harvesting of summer flounder, scup, or black sea bass; (b) any other activity which can reasonably be expected to result in the catching, taking, or harvesting of summer flounder, scup, or black sea bass; or (C) any operations at sea in support of, or in preparation for, any activity described in paragraphs (a) or (b) of this definition.

Fishing effort. The amount of time and fishing power used to harvest fish. Fishing power is a function of gear size, boat size, and horsepower.

Fishing mortality rate. The part of the total mortality rate (which also includes natural mortality) applying to a fish population that is caused by man's harvesting. Fishing mortality is usually expressed as an instantaneous rate (F), and can range from 0 for no fishing to very high values such as 1.5 or 2.0. The corresponding annual fishing mortality rate (A) is easily computed but not frequently used. Values of A that would correspond to the F values of 1.5 and 2.0 would be 78% and 86%, meaning that there would be only 22% and 14% of the fish alive (without any natural mortality) at the end of the year that were alive at the beginning of the year. Fishing mortality rates are estimated using a variety of techniques, depending on the available data for a species or stock.

F_{max}. A calculated instantaneous fishing mortality rate that is defined as "the rate of fishing mortality for a given method of fishing that maximizes the harvest in weight taken from a single year class of fish over its entire life span".

F_{MSY}. A fishing mortality rate that would produce MSY when the stock biomass is sufficient for producing MSY on a continuing basis.

Framework adjustments. Adjustments within a range of measures previously specified in a fishery management plan (FMP). A change usually can be made more quickly and easily by a framework adjustment than through an amendment. For plans developed by the Mid-Atlantic Council, the procedure requires at least two Council meetings including at least one public hearing and an evaluation of environmental impacts not already analyzed as part of the FMP.

F_{target}. The target fishing mortality rate, equal to the annual F determined from the selected rebuilding schedule for overfished resources (i.e., summer flounder) and Council selected fishing mortality level for non-overfished resources (i.e., surfclams). Overfishing occurs when the overfishing target is exceeded.

$F_{threshold}$. 1) The maximum fishing mortality rate allowed on a stock and used to define overfishing for status determination. 2) The maximum fishing mortality rate allowed for a given biomass as defined by a control rule.

Landings. The portion of the catch that is harvested for personal use or sold.

Metric ton. A unit of weight equal to 1,000 kilograms (1 kg = 2.2 lb.). A metric ton is equivalent to 2,205 lb. A thousand metric tons is equivalent to 2.2 million lb.

MSY. Maximum sustainable yield. The largest long-term average yield (catch) that can be taken from a stock under prevailing ecological and environmental conditions.

Natural Mortality Rate. The part of the total mortality rate applying to a fish population that is caused by factors other than fishing. This may include disease, senility, predation, pollution, etc., with all sources of natural mortality being considered together. Natural mortality is usually expressed as an instantaneous rate, and is abbreviated as "M". An instantaneous mortality rate reflects the percentage of fish dying at any one time, as compared to an annual rate which reflects the percentage of fish dying in one year. Natural mortality is differentiated from the instantaneous fishing mortality rate, "F". Together, these comprise the instantaneous total mortality rate, "Z" (i.e., Z = F + M). Natural mortality rates can be estimated using a variety of techniques depending on data availability. As compared to fishing mortality, natural mortality is often difficult to investigate because direct evidence about the timing or magnitude of natural deaths is rarely available.

Overfished. An overfished stock is one “whose size is sufficiently small that a change in management practices is required to achieve an appropriate level and rate of rebuilding.” A stock or stock complex is considered overfished when its population size falls below the minimum stock size threshold (MSST). A rebuilding plan is required for stocks that are deemed overfished. A stock is considered “overfished” when exploited beyond an explicit limit beyond which its abundance is considered ‘too low’ to ensure safe reproduction.

Overfishing. According to the National Standard Guidelines, “overfishing occurs whenever a stock or stock complex is subjected to a rate or level of fishing mortality that jeopardizes the capacity of a stock or stock complex to produce maximum sustainable yield (MSY) on a continuing basis.” Overfishing is occurring if the maximum fishing mortality threshold (MFMT) is exceeded for 1 year or more. In general, it is the action of exerting fishing pressure (fishing intensity) beyond the agreed optimum level. A reduction of fishing pressure would, in the medium term, lead to an increase in the total catch.

Party/Charter boat. Any vessel which carries passengers for hire to engage in fishing.

Recruitment. The addition of fish to the fishable population due to migration or to growth. Recruits are usually fish from one year class that have just grown large enough to be retained by the fishing gear.

Spawning Stock Biomass. The total weight of all sexually mature fish in the population. This quantity depends on year class abundance, the exploitation pattern, the rate of growth, fishing and natural mortality rates, the onset of sexual maturity and environmental conditions.

Status Determination. A determination of stock status relative to $B_{threshold}$ (defines overfished) and $F_{threshold}$ (defines overfishing). A determination of either overfished or overfishing triggers a SFA requirement for rebuilding plan (overfished), ending overfishing (overfishing) or both.

Stock. A grouping of a species usually based on genetic relationship, geographic distribution and movement patterns. A region may have more than one stock of a species (for example, Gulf of Maine cod and Georges Bank cod).

TAL. Total allowable landings; the total regulated landings from a stock in a given time period, usually one year.

Year-class. The fish spawned or hatched in a given year.