FRAMEWORK ADJUSTMENT 7

TO THE

SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS

FISHERY MANAGEMENT PLAN

Includes Regulatory Impact Review

June 2007

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*), scup (*Stenotomus chrysops*), and black sea bass (*Centropristas striata*) fisheries are 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). The purpose of this framework is to improve the timeliness and efficiency of incorporating the best available scientific information available, consistent with National Standards 1 and 2, into the annual management processes outlined in § 648.100, 648.120, and 648.140 for these three stocks, respectively.

This action would broaden the descriptions of stock status determination criteria contained within the Summer Flounder, Scup, and Black Sea Bass FMP to allow for greater flexibility in those definitions, while maintaining objective and measurable status determination criteria for identifying when stocks or stock complexes covered by the FMP are overfished. Second, this action would identify acceptable categories of peer-review for stock status determination criteria. When these specific peer-review metrics are met and provide new or updated information, the new or revised stock status determination criteria may be incorporated by the Council directly into the annual management measures for each species.

Relative to the no action alternative 1 presented in this document, alternative 2 is not expected to result in significant negative or positive biological impacts on the summer flounder, scup, or black sea bass stocks (section 6.1). While this action is purely administrative; however, there may be indirect positive effects from managing these stocks with more accurate or reliable information on stock status. This action does not have a direct influence fishing effort or fishery removals but instead facilitates use of the most current scientific information available to define the status determination criteria for these stocks, so that these stocks can be managed to prevent overfishing and managed such that summer flounder, scup, and black sea bass are not overfished.

Relative to the no action alternative 1 presented in this document, alternative 2 is not expected to result in significant negative or positive biological impacts on non-target species, habitat, endangered and protected resources, or human communities (sections 6.2-6.5). This action is not expected to result in changes to the manner in which the summer flounder, scup, and black sea bass fisheries are prosecuted and does not alter the coastwide harvest limits for these species or the allocation of the resources among user groups. Because this action deals exclusively with implementing a more efficient process for incorporating updates to status determination criteria into the management process, it does not directly impact fishing effort or effort distribution in the fisheries for the managed resource. It simply allows for better informed decisions with respect to management.

The Council recommendations under preferred Alternative 2 are presented to NMFS in this document for implementation via rulemaking under the authority of the Secretary of Commerce.

2.0 LIST OF ACRONYMS

CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CZMA	Coastal Zone Management Act
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
NERO	Northeast Regional Office (NMFS)
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
SDWG	Southern Demersal Working Group
SSB	Spawning Stock Biomass
SFA	Sustainable Fisheries Act
SSC	Science and Statistical Committee
VPA	Virtual Population Analysis
VTR	Vessel Trip Report

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4.0 INTRODUCTION

The purpose of this framework is to improve the timeliness and efficiency of incorporating the best available scientific information available, consistent with National Standards 1 and 2, into the annual management processes outlined in § 648.100, 648.120, and 648.140 for summer flounder (*Paralichthys dentatus*), scup (*Stenotomus chrysops*), and black sea bass (*Centropristas striata*), respectively.

Currently, to incorporate new stock status determination criteria that may result from updated, peer-reviewed science, the Council must enact a framework adjustment or amendment to the Summer Flounder, Scup, and Black Sea Bass FMP. The stock status determination criteria for these three species are defined under Section 3.2 of Amendment 12 to the FMP (MAFMC 1998). Though these criteria may be modified or replaced through a framework or amendment, the timing of updated survey information, subsequent analysis and peer-review, the framework or amendment process, and setting annual specifications means that the availability of the best available scientific information may be significantly delayed from entering the management process. This action would allow for the incorporation of new, peer-reviewed stock status determination criteria, when available, though the annual management measures (i.e., specification) process. This would improve the timeliness of incorporating the best available scientific information into the management of these three stocks.

These three stocks undergo periodic formal scientific peer-review as part of the Northeast Fisheries Science Center's (NEFSC) Stock Assessment Workshop (SAW) process which may result in revised or different stock status determination criteria. Periodic reviews may occur outside the SAW process that are subject to rigorous peer-review and may recommend changes to the existing stock status determination criteria. For example, the NOAA Fisheries Service Office of Science and Technology recently conducted a reassessment of the summer flounder biological reference points. The resulting peer-reviewed recommendation was to change the biological reference points and thereby the stock status determination criteria for the summer flounder stock. There may also be occasions where the results of a peer-review to a stock assessment fail to yield definitive conclusions or may reject outright the stock status determination criteria. This action would outline what steps the Council may take in such situations to have additional review by the Science and Statistical Committee (SSC) so that appropriate recommendations on the best available science is utilized in the management of these three stocks. If the peer-review process rejects, for management purposes, different stock status determination criteria or if no new information is available, the existing criteria will remain in place. This framework will also outline the steps that may be taken by the Council to request or have reviewed independent stock assessments performed for these three stocks to ensure that sufficient peer-review occurs.

This action would broaden the descriptions of stock status determination criteria contained within the Summer Flounder, Scup, and Black Sea Bass FMP to allow for greater flexibility in those definitions, while maintaining objective and measurable status determination criteria for identifying when stocks or stock complexes covered by the FMP are overfished. Second, this action would establish acceptable categories of peer-

review for stock status determination criteria. When these specific peer-review metrics are met and new or updated information is available, the new or revised stock status determination criteria may be incorporated by the Council directly into the annual management measures for each species.

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 the amendment and framework actions that have affected management of summer flounder, scup, and black sea bass are summarized below in Tables 1.

Table. 1. 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
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

Table. 1 Continued. History of the Summer Flounder, Scup, and Black Sea Bass FMP amendments and framework actions.

Year	Document	Plan Species	Management Action
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
2003	Amendment 13	summer flounder, scup, black sea bass	- Addressed disapproved sections of Amendment 12 and included new EIS
2003	Framework 3	scup	- Allowed the rollover of winter scup quota - Revised start date for summer quota period for scup fishery
2003	Framework 4	scup	- Established system to transfer scup at sea
2004	Framework 5	summer flounder, scup, black sea bass	- Established multi-year specification setting of quota for all three species
2006	Framework 6	summer flounder	- Established region-specific conservation equivalency measures for summer flounder

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 objective 1 by defining a timely process for the incorporation of peer-reviewed scientific information on status determination criteria into the management process through annual specification setting. By utilizing the best available scientific information to define the status determination criteria, management measures can be implemented in a timely manner to prevent overfishing and maintain or rebuild each stock to levels which produce maximum sustainable yield (MSY) on a continuing basis. In addition, by preventing overfishing and managing in a sustainable manner, the proposed action would also meet objectives 2 and 3.

4.3 Management Unit

The management units for summer flounder, scup, and black sea bass remain unchanged in this framework adjustment. Specifically, the management unit for summer flounder is U.S. waters in the western Atlantic Ocean from the southern border of North Carolina northward to the U.S.-Canadian border. The management unit is scup in US waters in the western Atlantic Ocean from Cape Hatteras, North Carolina northward to the US-Canadian border. The management unit is black sea bass in US waters in the western Atlantic Ocean from Cape Hatteras, North Carolina northward to the US-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.

4.5 Status of the Stocks

Annual assessment and reference point update reports, Stock Assessment Workshop (SAW) reports, and Stock Assessment Review Committee (SARC) panelist reports are available online at the NEFSC website: http://www.nefsc.noaa.gov

4.5.1 Summer Flounder

The status of the summer flounder stock is evaluated annually. The Northeast Fisheries Science Center's Southern Demersal Working Group (SDWG) met in June 2006 to update the stock assessment for summer flounder (Terceiro 2006). However, in October 2006 the "Summer Flounder Assessment and Biological Reference Point Update for 2006" was conducted, with those results that superseding the update conducted by the SDWG. The following is taken from the "Summer Flounder Biological Reference Point Update for 2006."

"The summer flounder stock is not overfished but overfishing is occurring relative to the 2006 S&T Peer Review Panel updated biological reference points. Fishing mortality calculated from the average of the currently fully recruited ages (3-5) was very high during 1982-1997, varying between 0.9 and 2.2. The fishing mortality rate has declined since 1997 and was estimated to be about 0.4 during 2003-2005. The estimate of F for 2005 (0.407) is 45% above the updated F_{MSY} proxy = F_{max} = 0.280; therefore overfishing is occurring."

"Stock biomass (Jan 1; age 1+) increased substantially during the 1990s and through 2005 but decreased slightly in 2006 to 51,317 mt. Spawning stock biomass (SSB; Age 0+) declined 69% from 1983 to 1989 (22,582 mt to 7,025 mt), but with improved recruitment and decreased fishing mortality had increased to 47,498 mt by 2005 (Figure 5). The estimate of SSB for 2005 (47,498) is 53% of the updated B_{MSY} proxy = SSB_{max} = 89,411 mt; therefore the stock is not overfished."

"The 1982 and 1983 year classes were the largest of the VPA series, at 74 and 80 million fish, respectively. The 1988 year class was the smallest of the series, at only 13 million fish. The arithmetic average recruitment from 1982 to 2005 is 37 million fish at age 0, with a median of 33 million fish. The 2005 year class is estimated to be the smallest since 1988, at about 15 million fish."

4.5.2 Scup

The most recent assessment on scup was completed in June 2002 (35^{th} SARC). That assessment indicated that scup are no longer overfished, "but stock status with respect to overfishing cannot currently be evaluated." The SARC also concluded that although "the relative exploitation rates have declined in recent years the absolute value of F cannot be determined." However, they did indicate that "survey data indicate strong recruitment and some rebuilding of age structure" in recent years.

State and federal surveys indicated an increase in stock abundance since the mid to late 90s; however, NEFSC spring survey results indicate that spawning stock decreased in 2004. Biomass estimates are based on a 3-year average (2003-2005), and the estimate for 2004 was 0.69 kg/tow. This is below the biomass threshold value of 2.77 kg/tow. Therefore, the stock is considered overfished. In 2005, the NEFSC Spring SSB 3-year average (2004-2006) index value increased to 1.32 kg/tow.

The spring survey index increased significantly in 2004 to 1.85 kg/tow relative to the low value of 0.15 kg/tow derived in 2003. In 2005, the spring index dropped to 0.10 kg/tow; however, in 2006 this value increased to 2.04 kg/tow. The 2006 index is the highest value in the spring survey since 1978, excluding the high value in 2002. In 2002 and 2003, the Council and Commission discussed the uncertainty associated with the spring survey estimate for 2002 and decided not to use it in setting the total allowable catch (TAC). In fact, the 35th SARC noted the "high degree of inter-annual variation in individual survey indices." They noted that the "abundance of all age groups in the survey increased substantially as compared with the 2001 results" suggesting that increased availability of scup to the survey gear was an important determinant in the 2002 survey results.

Year class strength is evident in the NEFSC autumn trawl survey results. The survey indicates that strong year classes were produced from 1999-2002. The SARC also noted the predominance of the 2000 year class in several of the state surveys. The most recent information indicates a below average year class was produced in 2004 and in 2005.

Estimates of fishing mortality rates for scup are uncertain. The 31st SARC conducted several analyses that indicated that F was at least 1.0 for ages 0-3 scup for the 1984 to 2000 time series. SARC 31 could not estimate F's on older fish because they were not well represented in the surveys. Although the magnitude of the current mortality rates is unknown, relative exploitation rates have changed over the period. Relative exploitation rates based on total landings and the spring survey suggest a general increase in exploitation from 1981 to 1995. Since then, relative exploitation rates have declined from the 1995 value of 135.5 to single digit values for 2001 to 2003 and 2005. This relative index increased to 19.9 in 2004 due to the drop in the 3-year average SSB value, but has since decreased to 9.0 in 2005.

4.5.3 Black Sea Bass

The most recent assessment on black sea bass was completed in June 2006 at SAW/SARC 43. The SARC panelists rejected this assessment of the black sea bass stock.

The most recent, peer-reviewed, accepted assessment on black sea bass was completed in June 2004. It indicated that black sea bass were no longer overfished and overfishing was not occurring. Amendment 12 to the Summer Flounder, Scup and Black Sea Bass FMP, which was partially approved by NMFS in 1999, established a biomass threshold based on the spring survey. Specifically, the biomass threshold is defined as the maximum value of a three-year moving average of the NEFSC spring survey catch-per-tow (1977-

1979 average of 0.98 kg/tow). The 2005 biomass index is 0.8 (the three-year average for 2004-2006). Based on this value, the stock is overfished.

Because of the potential influence of an extremely small or large number for a single tow, Gary Shepherd, NEFSC (pers. comm.) has suggested that the survey indices be log transformed to give a better indication of stock status. The transformed series indicates a general increase in the exploitable biomass since 1996, although these values have decreased in recent years. The index for 2002 of 0.799 is the highest value in the time series (1968-2006). The biomass index declined to 0.493 in 2003, 0.321 in 2004, 0.374 in 2005, and 0.288 in 2006. The 2003-2006 indices were above the time series average. The three point moving average based on these survey results for the recent time period has steadily increased from a low of 0.093 in 1997 to 0.538 in 2003. However, lower survey values resulted in a three year average value for 2005 of 0.328.

The spring survey can also be used as an index of recruitment. The survey, an indicator of age-1 fish, indicates good year classes were produced in 1987, 1989 through 1991, and 1994 and poor year classes in 1992, 1993, and 1995 through 1997. Results for 2000 indicate a strong year class was produced in 1999; the index is 0.661, the highest in the time series. The 2001 year class was good; the index was about four times the average for the period and the third largest value since 1968. Preliminary results indicate an above average year class was produced in 2004.

Relative exploitation based on the total commercial and recreational landings and the moving average of the transformed spring survey index indicates a significant reduction in mortality from 2001 to 2005 relative to indices prior to 1997. Based on tag recapture models, the F estimated for 2003 was less than 0.26; exploitation rates for 2003 ranged from 15-20%. However, preliminary F estimates for June 2003 to March 2004 ranged from 0.24 to 0.3 and the SARC working group indicated that "uncertainty remains in the tag reporting rates and may result in under estimated exploitation rates. Also, discard losses in the commercial fisheries were not estimated and remain an uncertain component of the fishery."

5.0 MANAGEMENT ALTERNATIVES

Under National Standard 1, the SFA requires that each Council FMP define overfishing as a rate or level of fishing mortality that jeopardizes a fishery's capacity to produce MSY on a continuing basis and defines an overfished stock as a stock size that is less than a minimum biomass threshold. The SFA also requires that each FMP specify objective and measurable status determination criteria for identifying when stocks or stock complexes covered by the FMP are overfished. To fulfill the requirements of the SFA, status determination criteria are comprised of two components: 1) a maximum fishing mortality threshold (section 600.310 (d)(2)(i)) and 2) a minimum stock size threshold (section 600.310 (d)(2)(ii)).

5.1 Alternative 1 (No Action)

Under this no action alternative, the status determination criteria, which include a maximum fishing mortality threshold (F_{MSY}; or reasonable proxy thereof) and the minimum stock size threshold and target (or reasonable proxy thereof) for each species managed under this FMP would remain unchanged and as defined under Amendment 12 to the FMP. Specifically, these are defined as follows under Section 3.2 of Amendment 12 to the FMP. These definitions of status determination criteria have remained unchanged for these three species since they were described in Amendment 12 and may only be modified by a framework to the FMP. Updates to the values associated with those definitions based on updated stock assessments have occurred regularly since the implementation of Amendment 12, when new information has become available. The Council is not required to undertake any specific action when this occurs, as using the updated values is consistent with National Standard 2.

Overfishing for all three species is currently defined to occur when the fishing mortality rate exceeds the threshold fishing mortality rate of F_{MSY}. Since F_{MSY} cannot be reliably estimated for summer flounder, scup, and black sea bass stocks, F_{MAX} is used as a proxy for F_{MSY}. When an estimate of F_{MSY} is available, it will replace the proxy. The values associated with F_{MAX} were given in Amendment 12, and the values associated with F_{MAX} were most recently updated at SAW 39 for black sea bass (NEFSC 2004), SAW 35 for scup (NEFSC 2002), and the "Summer Flounder Assessment and Biological Reference Point Update for 2006" from October 2006**.** The most recent values associated with these definitions are given in Table 2.

Table 2. Definitions, and associated values, for the maximum fishing mortality rate thresholds for the summer flounder, scup, and black sea bass stocks.

Maximum Fishing Mortality Rate Threshold			
Species	**Definition**	**Amendment 12 Value**	**2006 Updated Value**
Summer Flounder	F_{MAX}	0.24	0.28
Scup	F_{MAX}	0.26	0.26
Black Sea Bass	F_{MAX}	0.32	0.33

B_{MSY} cannot be reliably estimated for scup or black sea bass. As such, the definitions for the minimum biomass thresholds are based on survey index values. The values associated with these definitions are shown in the Table 3. The value for the black sea bass minimum stock size threshold increased slightly due to data auditing of the survey data which resulted in a slightly higher 3-year average (1977-1979) survey value than was initially specified in Amendment 12. For the summer flounder stock B_{MSY} cannot be

reliably estimated; therefore, the maximum biomass based on yield per recruit analysis and average recruitment is used as a proxy. The most recent update to that value for summer flounder occurred at the "Summer Flounder Assessment and Biological Reference Point Update for 2006".

Table 3. Definitions, and associated values, for the minimum stock size thresholds for the summer flounder, scup, and black sea bass stocks.

Minimum Stock Size Threshold			
Species	**Definition**	**Amendment 12 Value**	**2006 Updated Value**
Summer Flounder	½ the maximum biomass (total stock biomass) based on yield per recruit analysis and average recruitment	169 million lbs (76,650 mt)	107 million lbs (48,715 mt)
Scup	NEFSC 3-year Average Spring Survey Index (1977-1979)	2.77 kg/tow	2.77 kg/tow
Black Sea Bass	NEFSC 3-year Average Spring Survey Index (1977-1979)	0.90 kg/tow	0.98 kg/tow

Under this no action alternative, review of definitions of the status determination criteria and incorporation of changes to those definitions for each species managed under this FMP would remain unchanged and as defined under Amendment 12 to the FMP. Specifically, these definitions would continue to be updated through the framework adjustment or amendment process as necessary.

5.2 Alternative 2 (Preferred: Redefine the Status Determination Criteria)

Under this alternative, the status determination criteria for each of the species managed under the FMP would be defined as follows.

The maximum fishing mortality threshold for each of the species under the FMP is defined as F_{MSY} (or a reasonable proxy thereof) as a function of productive capacity, and based upon the best scientific information consistent with National Standards 1 and 2. Specifically, F_{MSY} is the fishing mortality rate associated with MSY. The maximum fishing mortality threshold (F_{MSY}) or a reasonable proxy may be defined as a function of (but not limited to): total stock biomass, spawning stock biomass, total egg production, and may include males, females, both, or combinations and ratios thereof which provide the best measure of productive capacity for each of the species managed under the FMP. Exceeding the established fishing mortality threshold constitutes overfishing as defined by the Magnuson-Stevens Act.

The minimum stock size threshold for each of the species under the FMP is defined as ½ B_{MSY} (or a reasonable proxy thereof) as a function of productive capacity, and based upon the best scientific information consistent with National Standards 1 and 2. The minimum stock size threshold (½ B_{MSY}) or a reasonable proxy may be defined as a function of (but not limited to): total stock biomass, spawning stock biomass, total egg production, and may include males, females, both, or combinations and ratios thereof which provide the best measure of productive capacity for each of the species managed under the FMP. The minimum stock size threshold is the level of productive capacity associated with the relevant ½ MSY level. Should the measure of productive capacity for the stock or stock complex fall below this minimum threshold, the stock or stock complex is considered overfished. The target for rebuilding is specified as B_{MSY} (or reasonable proxy thereof) at the level of productive capacity associated with the relevant MSY level, under the same definition of productive capacity as specified for the minimum stock size threshold.

The definitions for status determination criteria for these three species are broadened under this alternative to allow for greater flexibility in incorporating changes to the definitions of the maximum fishing mortality threshold and/or minimum stock size threshold as the best scientific information consistent with National Standards 1 and 2 becomes available. As such, the following describes the potential sources of peer-reviewed scientific advice on status determination criteria and the current process of how that scientific advice will move forward in the development of management advice through the Council's annual specification process.

Specific definitions or modifications to the status determinations criteria, and their associated values, would result from the most recent peer-reviewed stock assessments and their panelist recommendations. The Northeast Regional Stock Assessment workshop/ Stock Assessment Review Committee (SAW/SARC) process is the primary mechanism utilized in the Northeast Region at present to review scientific stock assessment advice, including status determination criteria, for federally-managed species. There are also periodic reviews which occur outside the SARC process that are subject to rigorous peer-review and may also result in scientific advice to modify or change the existing stock status determination criteria[1].

These periodic reviews outside the SARC process could be conducted by any of the following listed below, as deemed appropriate by the managing authorities.

- MAFMC Science and Statistical Committee (SSC) Review
- MAFMC Externally Contracted Reviews with Independent Experts (e.g., Center for Independent Experts - CIE)
- NMFS Internally Conducted Review (e.g., Comprised of NMFS Scientific and Technical Experts from NMFS Science Centers or Regions)

[1] For example, in 2006 scientific advice on summer flounder status determination criteria was provided through a NMFS internally conducted review at the "Summer Flounder Assessment and Biological Reference Point Update for 2006". The review panel was composed of experts from NMFS and academia.

- NMFS Externally Contracted Review with Independent Experts (e.g., Center for Independent Experts - CIE)
- ASMFC Externally Contracted Reviews with Independent Experts (e.g., Center for Independent Experts - CIE)

The scientific advice provided with respect to status determination criteria could follow three scenarios (Figure 1; first column). First, it is possible that the panelists participating in the peer-review reach consensus with respect to maintaining the current definitions of status determination criteria for summer flounder, scup, or black sea bass. There may be updates to the values associated with those same definitions based on the input of more recent information as well (i.e., additional year's data); however, the Council is not required to undertake any specific action when this occurs, as using the updated values is consistent with National Standard 2. In this case the scientific advice can then move forward such that management advice can be developed. Under the second potential scenario for scientific advice (Figure 1; second column), the peer-review recommends changes or different definitions of the status determination criteria, and the panelists reach consensus as to how these status determination criteria should be modified or changed. This scientific advice can move forward such that management advice can be developed. Under these first two potential scenarios, consensus has been reached and therefore the scientific advice moving forward to the Council's management advisory groups should be clear.

The third potential scenario (Figure 1; third column) is the peer review scientific advice with respect to the incorporation to status determination criteria is split (consensus is not reached) or uncertain recommendations are provided (weak consensus). The scientific advice provided by the reviewers may be particularly controversial. In addition, the scientific advice may not be specific enough to provide adequate guidance as to how the maximum fishing mortality threshold and/or minimum stock size threshold should be defined or what resulting management advice should be developed from these changes. Under these circumstances, the Council may engage their SSC or a subset of SSC members with appropriate expertise, to review the information and recommendations provided by the peer-review group. Based on the terms of reference provided to the SSC, they may prepare a consensus report clarifying the scientific advice for the Council as to what the status determination criteria should be (e.g., modify, change, or maintain the same definitions). At that point the scientific advice on how the status determination criteria should be defined will be clear, and can move forward such that management advice can be developed.

Currently, the first step in the development of management advice through the Council process occurs at the Monitoring Committee's for these species, as implemented under Amendments 2, 8, and 9 to the FMP. In addition, the Council's Industry Advisory groups are often engaged to provide additional management recommendations to the Council. The Council can then utilize the management advice from their advisory groups in developing their own recommendations put forward through the annual regulatory process of setting the annual specifications for the upcoming fishing year, which is the primary mechanism for adjusting management measures to meet the goals of the FMP.

The recommendations from the Council can move forward in the annual specification package (including an EA/RIR/IRFA) to NMFS for implementation under their regulatory process. The EA/RIR/FRFA in the annual specification document currently provides a thorough analysis of this information and the extent to which the information is applied.

The 2006 reauthorization of the Magnuson-Stevens Act contains language which states that "Each scientific and statistical committee shall provide its Council ongoing scientific advice for fishery management decisions" (section 600.302 (g)(1)(B)). The guidance that will result from the reauthorized Magnuson-Stevens Act on this issue is not yet clear, nor has any formal guidance been developed. The Council may consider changing the process under which these advisory groups are utilized in the future, depending on how the reauthorized act is interpreted[2]. Action taken, if any, to modify the present process of developing management advice from the peer-reviewed scientific advice received, and the manner in which Council advisory groups are utilized would be intended to improve the manner in which management advice is developed by the Council. Modification to the current management process to more fully incorporate the SSC may require an amendment, modification to the Council's standard operating procedures (SOPs), or both.

[2] For example, the Council may consider utilizing the SSC or a subset of SSC members with appropriate expertise, independently or in conjunction with the species Monitoring Committee in the development of management advice based on the scientific recommendations provided by a peer-review group.

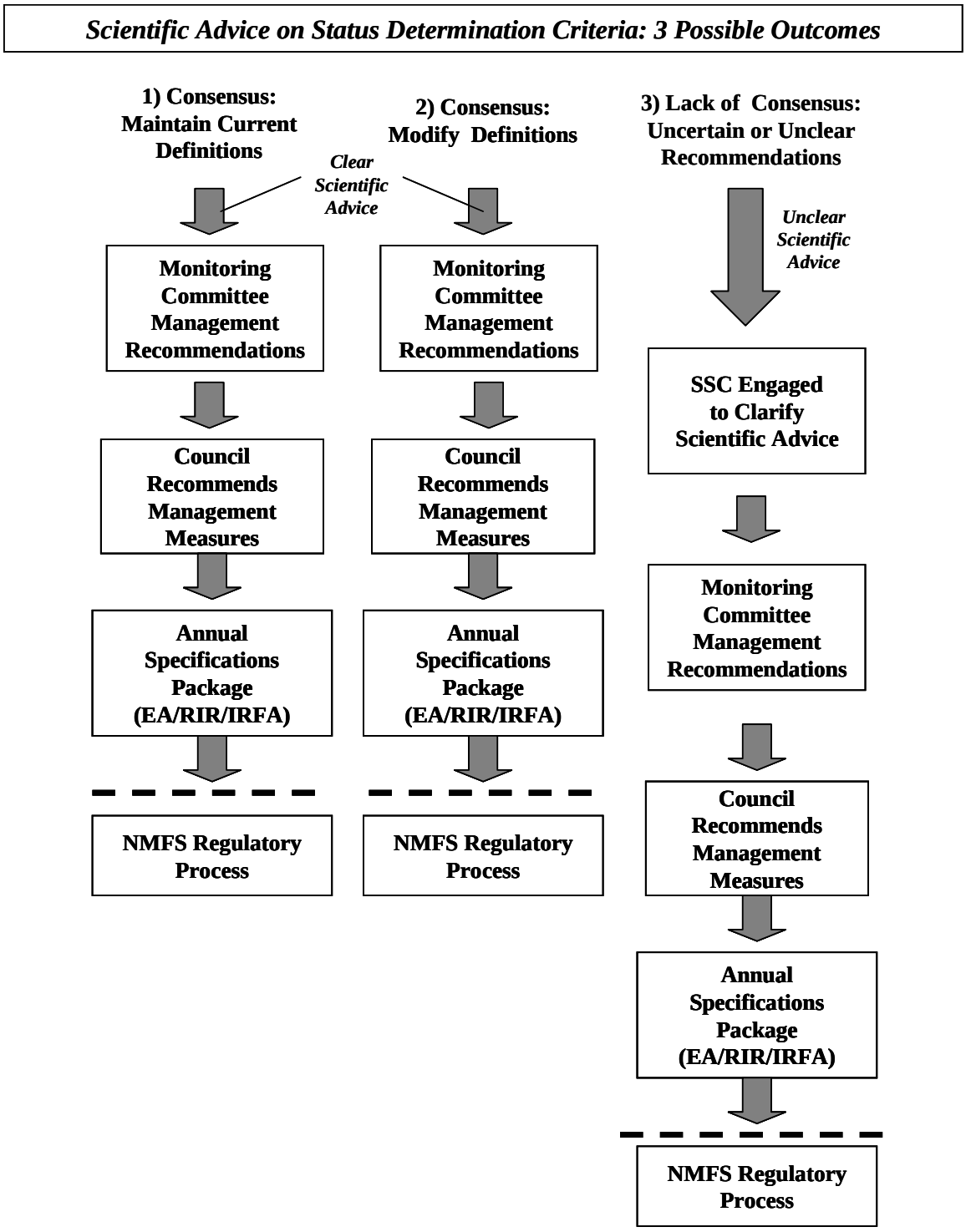

Figure 1. Process for incorporation of peer-reviewed scientific advice on stock status determination criteria into the annual management process for summer flounder, scup, and black sea bass.

6.0 IMPACTS OF THE ALTERNATIVES

6.1 Targeted Fishery Resource

Alternative 1 (No action) is not expected to result in significant negative or positive biological impacts on the summer flounder, scup, or black sea bass stock. Relative to the no action alternative 1 presented in this document, alternative 2 is not expected to result in significant negative or positive biological impacts on the summer flounder, scup, or black sea bass stocks. This action merely revises the current definitions of the stock status determination criteria for each species and defines the process by which updates to status determination criteria are integrated into the management process.

This action is purely administrative; however, there may be indirect positive effects from managing these stocks with more accurate or reliable information on stock status. This action does not directly influence fishing effort, or fishery removals but instead facilitates use of the most current scientific information available to define the status determination criteria for these stocks, so these stocks can be managed to prevent overfishing and manage such that summer flounder, scup, and black sea bass are not overfished. By allowing peer-reviewed scientific updates on status determination criteria to be incorporated into the management process more efficiently (not requiring a timely framework adjustment process), managers can more effectively respond to changes in stock status and make timely adjustments to the management programs for the summer flounder, scup, and black sea bass stocks. This improvement in efficiency will aid in managing these stock for sustainability.

6.2 Non-Target Species or Bycatch

Alternative 1 (No action) is not expected to result in significant negative or positive impacts on non-target species. Relative to the no action alternative 1 presented in this document, alternative 2 is not expected to result in significant negative or positive impacts on non-target species. This action merely revises the current definitions of the stock status determination criteria for each species and defines the process by which updates to status determination criteria are integrated into the management process.

This action is purely administrative; therefore, it is not expected to result in changes in discarding rates of summer flounder, scup, or black sea bass when targeted, discarding rates when fishing for non-target species, or increased discarding of non-target species.

6.3 Habitat (Including Essential Fish Habitat)

Alternative 1 (No action) is not expected to result in significant negative or positive impacts on habitat. Relative to the no action alternative 1 presented in this document, alternative 2 is not expected to result in significant negative or positive impacts on habitat. This action merely revises the current definitions of the stock status determination criteria for each species and defines the process by which updates to status determination criteria are integrated into the management process

The proposed action is purely administrative; therefore, it is not expected to result in changes to the manner in which the summer flounder, scup, and black sea bass fisheries are prosecuted.

6.4 Endangered and Other Protected Resources

Alternative 1 (No action) is not expected to result in significant negative or positive impacts on endangered or protected resources. Relative to the no action alternative 1 presented in this document, alternative 2 is not expected to result in significant negative or positive impacts on endangered or protected resources. This action merely revises the current definitions of the stock status determination criteria for each species and defines the process by which updates to status determination criteria are integrated into the management process.

The proposed action is purely administrative; therefore, it is not expected to result in changes to the manner in which the summer flounder, scup, and black sea bass fisheries are prosecuted.

6.5 Socioeconomic Environment

Alternative 1 (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 1 presented in this document, alternative 2 is not expected to result in significant negative or positive impacts on the social and economic environment. This action merely revises the current definitions of the stock status determination criteria for each species and defines the process by which updates to status determination criteria are integrated into the management process.

The proposed action is purely administrative; therefore, it does not alter the coastwide harvest limits for these species or the allocation of the resources among user groups, with no direct impact on fishing effort or effort distribution in the summer flounder, scup, and black sea bass fisheries.

7.0 CONSISTENCY WITH APPLICABLE LAWS

7.1 Magnuson-Stevens Fishery Conservation and Management Act

7.1.1 Compliance with the National Standards

This action is purely administrative and does not have a direct influence fishing effort, or fishery removals but instead facilitates use of the most current scientific information available to define the status determination criteria for these stocks, so these stocks can be managed to prevent overfishing and managed such that summer flounder, scup, and black sea bass are not overfished. As such, the proposed action is expected to comply with both National Standards 1 and 2. The proposed action has no effect on the management units of any stocks of fish included in this FMP, or any FMP for the

Northeast Region; therefore, it is consistent with National Standard 3. This proposed action does not alter the coastwide harvest limits for these species, the allocation of the resources among user groups, or the efficiency by which fishery resources are utilized. In addition, economic allocation was not a factor in the development of this action. Therefore, this action is also consistent with National Standards 4 and 5. National Standard 6 has no bearing or relevance on this action as it is purely administrative and has no impact on any fishery, fishery resource, or catch; therefore, this action is consistent with that standard. By improving the timeliness and efficiency of incorporating the best available scientific information available, consistent with National Standards 1 and 2, into the annual management processes, this action will reduce the burden on Council and NOAA Fisheries which should contribute to a reduction in management costs and regulatory duplication; therefore, this action is consistent with National Standard 7. Because no social or economic impacts are expected from this proposed action, it is consistent with National Standard 8. National Standard 9 has no bearing or relevance on this action as it is purely administrative and does not impact bycatch; therefore, this action is consistent with that standard. Concerns relating to safety of human life at sea (under National Standard 10) are not affected by the proposed action as it is purely administrative; therefore, this action is consistent with that standard.

7.1.2 Compliance with Other Requirements of the Magnuson-Stevens Act

Section 303 of the Magnuson-Stevens Act contains 14 additional required provisions for FMPs, which are discussed below. Any FMP prepared by any Council, or by the Secretary, with respect to any fishery, must comply with these provisions. The following described how those provisions have been met.

A description of the proposed management alternatives intended to improve the management for summer flounder, scup, and black sea bass are provided in section 5.0 of this framework, a discussion of consistency with the National Standards is provided in section 7.1.1 of this framework, and a discussion of the consistency with other applicable law are provided in sections 7.2-7.11 (Provision 1). The proposed action does not directly affect fishing vessels or the type or quantity of fishing gear used; therefore, a description of these aspects of the fisheries is not applicable (Provision 2). A thorough description of the species of fish involved is included in the FMP, specifically in section 3.0 of Amendment 13 (MAFMC 2002). Recreational interests, foreign fishing, and Indian treaty fishing rights are not affected by this action (Provision 3). Maximum sustainable yield and optimum yield of summer flounder, scup, and black sea bass are not affected by the proposed action, as it is limited to a modification of the administrative periodicity by which annual total allowable landings (TALs) are specified; therefore, it is not necessary to assess the probably future condition of the fishery (Provision 3). The proposed action does not affect the capacity or extent to which fishing vessels of the U.S. would harvest the optimum yield of any fishery, the portion of such optimum yield which would not be harvested by U.S. fishing vessels and could be made available for foreign fishing, or the capacity and extent to which U.S. processors would process that portion of such optimum yield harvested by U.S. fishing vessels; therefore, a description of these aspects of the fisheries is not applicable to this action (Provision 4).

The proposed action does nothing to change the types or amounts of pertinent data that will be reported to the Secretary (Provision 5), nor does it affect the access of any fishing vessel to any fishery because of weather, ocean conditions, or any other potential concern (Provision 6). The proposed action makes no changes to EFH for any species (Provision 7). Due to the administrative nature of the measures in the proposed action, there would be no direct impacts on any habitat or EFH; therefore, an EFH consultation is not required. In addition, the proposed action contains no measures that will modify the nature and extent of data needed for effective monitoring and implementation of FMP objectives (Provision 8). The proposed action contains no measures that will affect participants in the summer flounder, scup, or black sea bass fisheries and fishing communities, and participants in fisheries conducted in adjacent areas will not be affected (Provision 9). This action will continue to result in the specification of objective and measurable criteria for identifying when the fishery to which the plan applies is overfished and only proposes an administrative action (Provision 10). This action is purely administrative and therefore has no effect on bycatch or bycatch mortality (Provision 11) or upon any recreational fishing activity (Provision 12). No harvesting sector of the summer flounder, scup, or black sea bass fisheries will be directly affected by the proposed action (Provision 13), nor does it include management measures that could reduce the overall harvest in a fishery or the allocation of harvest restrictions or recovery benefits among the commercial, recreational, and charter fishing sectors (Provision 14).

7.2 National Environmental Policy Act

This action is categorically excluded from the requirement to prepare an environmental assessment, in accordance NOAA Administrative Order (NAO) 216-6, Sections 5.05 and 6.03a.3, because it is entirely administrative in nature.

7.3 Endangered Species Act

Section 6.4 should be referenced for an assessment of the impacts of the proposed action on endangered species and protected resources. The proposed action is purely administrative; therefore, it is not expected to result in changes to the manner in which the summer flounder, scup, and black sea bass fisheries are prosecuted. Therefore, this action is not expected to affect endangered or threatened species or critical habitat in any manner.

7.4 Marine Mammal Protection Act

Section 6.4 should be referenced for an assessment of the impacts of the proposed action on marine mammals. The proposed action is purely administrative; therefore, it is not expected to result in changes to the manner in which the summer flounder, scup, and black sea bass fisheries are prosecuted. Therefore, this action is not expected to affect endangered or threatened species or critical habitat in any manner.

7.5 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 measures contained in Framework Adjustment 7 have no effects on any coastal use or resource of any state, pursuant to 15 CFR 930.33(a)(2). A negative determination under § 930.35 is not required.

7.6 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 February 14, 2007 and April 18, 2007. 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).

7.7 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 (NEPA).

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.

7.8 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 PRA.

7.9 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.

7.10 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, scup, or black sea bass fisheries, no negative economic or social effects are anticipated as a result (section 6.5). 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.

7.11 Regulatory Impact Review

7.11.1 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. If an action would have a significant impact on a substantial number of small entities, an Initial Regulatory Flexibility Analysis must be prepared to identify the need for action, alternatives, potential costs and benefits of the action, the distribution of these impacts, and a determination of net benefits.

As discussed below, an Initial Regulatory Flexibility Analysis (IRFA) to evaluate the economic impacts of the alternatives on small business entities is not necessary because the proposed action is purely administrative and results in no direct or indirect impacts on the social and economic aspects of human communities.

7.11.2 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.

7.11.2.1 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 this document. This action is taken under the authority of the Magnuson-Stevens Act and regulations under 50 CFR part 648.

7.11.2.2 Description of the Fishery

A general description of the summer flounder, scup, and black sea bass fisheries is available in Amendment 13 to the Summer Flounder, Scup, and Black Sea Bass FMP (MAFMC 2002).

7.11.2.3 A Statement of the Problem

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

7.11.2.4 A Description of Each Alternative

A full description of the alternatives is presented in section 5.0 of this document.

7.11.2.5 RIR Impacts

There are no social and economic impacts associated with the proposed action, as discussed in section 6.5.

Therefore, 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 6.5. 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.

8.0 LITERATURE CITED

MAFMC. 1998. Amendment 12 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan. Dover, DE. 398 p. + append.

MAFMC. 2002. Amendment 13 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan. Dover, DE. 552 p. + append.

Northeast Fisheries Science Center. 2002. Report of the 35th Northeast Regional Stock Assessment Workshop (35th SAW): Public Review Workshop. Northeast Fish. Sci. Cent. Ref. Doc. 02-13; 35 p. Available from: National Marine Fisheries Service, 166 Water Street, Woods Hole, MA 02543-1026.

Northeast Fisheries Science Center. 2004. 39th Northeast Regional Stock Assessment Workshop (39th SAW) assessment report. U.S. Dep. Commer., Northeast Fish. Sci. Cent. Ref. Doc. 04-10b; 211 p. Available from: National Marine Fisheries Service, 166 Water Street, Woods Hole, MA 02543-1026.
Terceiro M. 2006. Stock assessment of summer flounder for 2006. U.S. Dep. Commer., *Northeast Fish. Sci. Cent. Ref. Doc*. 06-17; 119 p.

9.0 LIST OF PREPARERS OF THIS FRAMEWORK

Framework 7 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: Jessica Coakley and Dr. José Montañez.

10.0 LIST OF AGENCIES AND PERSONS CONSULTED

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

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.