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**HOUSE JOINT RESOLUTION NO. 96**

House Amendments in [ ] — February 13, 2012

*Requesting the Atlantic States Marine Fisheries Commission to use its adaptive management authority to include options for the recreational harvest of summer flounder that would encourage the retention of [ at least ] one [ ~~or a few~~ ] 14-inch summer flounder.*

Patron Prior to Engrossment—Delegate Watson

Referred to Committee on Agriculture, Chesapeake and Natural Resources

WHEREAS, Virginia and eight other coastal states have employed rigorous conservation measures in their recreational summer flounder fisheries since 1999 in efforts to rebuild the summer flounder population, as specified by the joint Mid-Atlantic Fishery Management Plan and Atlantic States Fishery Management Plan, for this species; and

WHEREAS, Virginia and eight other coastal states have implemented high minimum size limits, up to 19 inches in Virginia compared with a 15-inch minimum size limit in 1998, over the course of the last 13 years, thereby effectively negating the abilities of shore or small boat recreational anglers from harvesting summer flounder and curtailing a once-thriving charter boat fishery for summer flounder; and

WHEREAS, these higher minimum size limits have increased the percentage of discarded summer flounder, from 71 percent (in 1998) to 94 percent (in 2010) of caught summer flounder, thereby greatly increasing the number of discard removals, as 10 percent of discarded summer flounder are estimated as products of discard mortality; and

WHEREAS, these higher minimum size limits also have led to a 76 percent increase, from 1.78 pounds in 1998 to 3.14 pounds in 2011, in the average weight of summer flounder harvested by the Atlantic coast recreational fishery, and this means a greater number of large, biologically productive fish are being removed from the population by the recreational fishery; and

WHEREAS, the more abundant, less biologically productive sizes of summer flounder are contributing additional discard removals, as nearly 2 million dead discards were part of the 2011 coast-wide recreational catch, while 1.5 million summer flounder were caught and landed, on a coast-wide basis that year; and

WHEREAS, the coast-wide commercial summer flounder fishery has been managed by a 14-inch minimum size limit for more than a decade, and growth of the population has not been impeded, while discard losses have been substantially lower than in the recreational fishery; and

WHEREAS, Virginia and other Atlantic coastal states have been under the recreational harvest limit (total allowable summer flounder) for three consecutive years, with a 42 percent underage of the 2010 recreational harvest limit, and the 2011 coast-wide recreational landings are projected as 48 percent below the coast-wide recreational harvest limit; and

WHEREAS, the summer flounder population was considered by the National Oceanic and Atmospheric Administration National Marine Fisheries Service as rebuilt in 2010, at a spawning stock biomass of 132.809 million pounds, exceeding the rebuilt target of 132.440 million pounds, and it has been projected the November 1, 2011, spawning stock biomass also exceeded the rebuilt target; and

WHEREAS, the Atlantic States Marine Fisheries Commission, under its provisions of adaptive management, can consider modifying the current high minimum size limit regime of the past several years in favor of modified slot limits that would include allowing harvest of one or a few small-size summer flounder (14 inches to 16 inches in length) in combination with one or a few larger-size summer flounder; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Atlantic States Marine Fisheries Commission be requested to use its adaptive management authority to include options for the recreational harvest of summer flounder that would encourage the retention of [ at least ] one [ ~~or a few~~ ] 14-inch summer flounder. Such a policy would be part of a modified slot limit management, and thereby decrease discard mortality, without jeopardizing the rebuilt biological status of the summer flounder population; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit copies of this resolution to the members of the Atlantic States Marine Fisheries Commission so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

ENGROSSED

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