

regulations require the Committees to review scientific and other relevant information annually and to recommend management measures necessary to achieve the recreational harvest limits established for the summer flounder, scup, and black sea bass fisheries for the upcoming fishing year. The Council's FMP limits these measures to minimum fish size, possession limit, and fishing season.

The Council's Demersal Species Committee and the Commission's Summer Flounder, Scup, and Black Sea Bass Management Board (Board) then consider the Committees' recommendations and any public comment in making their recommendations to the Council and the Commission, respectively. The Council then reviews the recommendations of the Demersal Species Committee, makes its own recommendations, and forwards them to NMFS for review. The Commission similarly adopts recommendations for the states. NMFS is required to review the Council's recommendations to ensure that they are consistent with the targets specified for each species in the FMP.

Final quota specifications for the 2003 summer flounder, scup, and black sea bass fisheries were published on January 2, 2003 (68 FR 60). These specifications were determined to be consistent with the 2003 target fishing mortality rate (F) (for summer flounder) and target exploitation rates (for scup and black sea bass). The 2003 coastwide recreational harvest limits are 9.28 million lb (4,209 mt) for summer flounder, 4.01 million lb (1,819 mt) for scup, and 3.43 million lb (1,557 mt) for black sea bass. The specifications do not establish recreational measures, since final recreational catch data were not available when the Council made its recreational harvest limit recommendation to NMFS.

All minimum fish sizes discussed below are total length (TL) measurements of the fish, i.e., the straight-line distance from the tip of the snout to the end of the tail while the fish is lying on its side.

### Summer Flounder

The 2003 summer flounder recreational harvest limit is 9.28 million lb (4,209 mt), 4.5 percent less than the 2002 recreational harvest limit. However, 2002 recreational summer flounder landings are projected to be 8.13 million lb (3,688 mt), 12 percent less than the 2002 recreational harvest limit. Assuming the same level of fishing effort in 2003, no coastwide reductions in landings would be

required for summer flounder. However, as described below, under the Council-recommended conservation equivalency measures, Virginia (VA) would be required to reduce summer flounder landings in 2003 (by 11 percent).

NMFS implemented Framework Adjustment 2 to the FMP in July 2001 (66 FR 36208). This framework implemented a process that makes conservation equivalency a management option for the summer flounder recreational fishery. Conservation equivalency allows each state to establish its own recreational management measures (possession limits, fish size limits, and fishing seasons), as long as the combined effect of all of the states' management measures achieve the same level of conservation as would Federal coastwide measures developed to achieve the recreational harvest limit, if implemented by all of the states (i.e., both would have equivalent Fs). Conservation equivalency was implemented for the 2002 summer flounder recreational fishery.

The Council and Board recommend annually either conservation equivalency (whereby states develop state-specific measures) or coastwide management measures (whereby all states adopt the same measures as the Federal measures) for the summer flounder recreational fishery to ensure that the recreational harvest limit will not be exceeded. If the Council and the Board recommend conservation equivalency, they must also recommend coastwide management measures that would be implemented if, following NMFS review and public comment, conservation equivalency is not implemented in the final rule. In addition, the Council and the Board must recommend precautionary default measures that would apply in states that do not implement conservation equivalent measures, or for which management proposals are not approved by the Board. The precautionary default measures are defined as the set of measures that would achieve the greatest reduction in landings required for any state.

In December 2002, the Council and Board voted to recommend conservation equivalency to achieve the 2003 recreational harvest limit. Additionally, the Board agreed to allow states that landed less than their 2002 target to liberalize regulations for 2003. The precautionary default measures specified by the Council and Board are the same as specified for 2002 and consist of an 18-inch (45.72-cm) minimum fish size, a possession limit of one fish per person, and no closed

season. The precautionary default alternative would reduce landings by 67 percent, assuming the measures are implemented by all states. Because the precautionary default measures must be restrictive enough to achieve the necessary reductions in the state requiring the greatest reductions, application of the precautionary default would achieve higher than necessary reductions in most states. State-specific reductions would range from 41 percent in Delaware (DE) to 88 percent in NC.

Finally, the coastwide alternative recommended by the Council and Board to be implemented in the EEZ if conservation equivalency is not implemented, consists of a 17-inch (43.18-cm) minimum fish size, a possession limit of four fish per person, and no closed season. The coastwide alternative would reduce recreational landings by 32 percent, based on 2001 data, assuming the coastwide regulations are implemented by all states. State-specific reductions would range from 0 percent in DE to 63 percent in NC.

The Commission has established conservation equivalency guidelines that require each state, using state-specific equivalency tables, to determine and implement an appropriate possession limit, size limit, and closed season to achieve the landings reduction necessary for each state. The state-specific tables are adjusted to account for the past effectiveness of the regulations in each state. State-specific reductions associated with the 2003 coastwide recreational harvest limit of 9.28 million lb (4,209 mt) are based on the number of fish landed in 1998 (because 1998 is the last year that recreational summer flounder regulations were consistent along the coast), and the number of fish projected to have been landed in 2002. Recreational landings in 1998 were 6.978 million fish, coastwide. Based on the mean weight of landed fish for 2000, 2001, and 2002, the harvest limit for 2003 was converted to numbers of fish, i.e., 4.122 million fish. Landings projections for 2002 indicate that VA is the only state required to reduce summer flounder landings (by 11 percent) in 2003. States other than VA (from Maine (ME) to NC) do not require any reductions in recreational summer flounder landings if their current regulations are maintained.

The Board required each state to submit its conservation equivalency proposal to the Commission by January 15, 2003. The Commission's Summer Flounder Technical Committee has since evaluated the proposals and advised the Board of each proposal's