

SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS
COMMERCIAL/RECREATIONAL ALLOCATION
AMENDMENT

FINAL SCOPING COMMENT SUMMARY
APRIL 2020



Prepared by the
Mid-Atlantic Fishery Management Council (MAFMC or Council) and the
Atlantic States Marine Fisheries Commission (ASMFC or Commission)



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1 INTRODUCTION AND COMMENT SUMMARY

1.1 OVERVIEW

This document summarizes public scoping comments on the Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment. Through this action, the Mid-Atlantic Fishery Management Council (MAFMC or Council) and the Atlantic States Marine Fisheries Commission (ASMFC or Commission) are considering several modifications to the allocation of catch or landings between the commercial and recreational fishing sectors for all three species. Additional information and amendment documents are available at:

<http://www.mafmc.org/actions/sfsbsb-allocation-amendment>.

Eleven scoping hearings were held from Massachusetts through North Carolina between February 13 and March 3, 2020 (Table 1). Hearings were attended by approximately 280 people in total. Not all attendees provided comments.

Written comments were accepted from January 7, 2020 through March 17, 2020. Ninety-nine individuals and 14 organizations provided written comments. Some of these individuals and organization also provided comments during hearings. In total, 207 individuals and organizations provided comments during scoping hearings and/or in writing. Individuals who provided multiple comments (e.g., in person and written, or multiple written comments) were only counted once towards the totals included in this document. In some instances, individuals provided in-person comments on behalf of an

organization and those organizations also submitted written comments. In those instances, the individual and the organization comments were counted as one comment.

Seventy-four percent of the 206 individuals and organizations who provided in-person and/or written comments were primarily affiliated with the recreational fishery, 22% with the commercial fishery, and 4% had an unknown or other affiliation (Table 2).

Table 1: Summer flounder commercial issues amendment public hearing schedule.

Date and Time	Location
Thursday, February 13	Buzzards Bay, Massachusetts
Wednesday, February 19	Dover, Delaware
Monday, February 24	Belmar, NJ
Tuesday, February 25	Berlin, MD
Tuesday, February 25	Galloway, NJ
Tuesday, February 25	Washington, NC
Wednesday, February 26	Narragansett, RI
Wednesday, February 26	Old Lyme, CT
Thursday, February 27	Stony Brook, NY
Monday, March 2	Fort Monroe, VA
Tuesday, March 3	Internet Webinar

Table 2: Number of individuals and organizations who provided in-person or written comments by primary affiliation.

Primary sector	Number of individuals/organizations	Percent of total
Recreational		
Private angler	94	
For-hire	45	
Multiple modes, other, or unknown	14	
	153	74%
Commercial	45	22%
Other	7	3%
Unknown	2	1%
Total	207	100%

1.2 COMMENT SUMMARY

Scoping comments are summarized in the text and tables below, grouped first by comments pertaining directly or indirectly to commercial/recreational allocation issues (Table 3), followed by comments on other issues (Table 4). Only those topics addressed by more than two individuals or organizations, or those

directly related to commercial/allocation issues are included in the summaries below; however, all comments are included in sections 2 and 3 of this document.

Comments Related to Commercial/Recreational Allocation Approaches or Issues

Almost half of the individuals or organizations who provided comments (98) supported consideration of changing the current allocation system in some way. Opinions were mixed regarding how, specifically, the allocations should change. For example, there was mixed support for updating the current base years with revised data, and several commenters supported exploration of non-traditional approaches or revised base years (Table 3).

Approximately 23% of commenters (48) supported status quo allocations. Data concerns were a common rationale for supporting status quo, at least until recreational catch accounting can be improved.

Recreational data concerns were a prominent theme across many commenters. For example, many commenters expressed criticism of the data collected through the Marine Recreational Information Program (MRIP). As summarized in Table 3, specific comments related to recreational data included concerns that the revised effort estimation methodology is flawed, effort estimates are unrealistic, and requests that the estimates not be used for management purposes including the development of revised allocations.

Table 3: Summary totals for comments directly related to commercial/recreational allocation approaches or issues.

Comment Topic/Theme	Number of individuals/ organizations	% of total
Support Allocation Changes vs. Support No Changes/Status Quo		
Support modifying the allocations in some manner (specific approaches described in comments below)	98	47%
Do not change the allocations (support status quo; common rationales included do not revise until data issues are resolved; it is unfair to reallocate due to MRIP changes/recreational overages/a problem created by management; do not decrease commercial allocation)	48	23%
Considerations for Reallocation Approaches		
Don't update the allocation base years with new data (e.g., 1980s data are still uncertain, conditions are different, were years of poor stock conditions, size vs # by sector was very different then - penalizes rec sector, # participants by sector was very different then)	16	8%
Management should more thoroughly consider socioeconomics	13	6%
Support or want to learn more about non-traditional allocation approaches such as a needs-based approach or harvest control rule	12	6%
Do not support current/status quo allocations (reasons or preferred reallocation approach unspecified)	11	5%
Should update the allocations using the same base years and new data	10	5%

Comment Topic/Theme	Number of individuals/ organizations	% of total
Should decrease the commercial allocations (e.g., current allocations are biased toward the commercial sector, scup commercial allocations should be lower, general support for commercial allocation reduction)	9	4%
Support revised allocation base years (e.g., using years of good stock health/post-rebuilding years; use long time period; use most recent 5 years; use a recent time period; using moving 10-year or 15-year average)	8	4%
Should increase commercial allocations	4	2%
Need to do something for 2021 to prevent drastic restrictions on recreational fisheries	4	2%
Allocations should be catch-based (i.e., include discards)	4	2%
Improved Recreational Accounting and Accountability		
Strong concerns with MRIP data: unbelievable/unreliable estimates, estimates too high (esp. effort estimates), new MRIP data should not be used for management (measures or allocations), need better recreational data, concerns with specific aspects of rec. data collection (e.g., mail survey or intercept survey)	81	39%
The recreational sector should have increased accountability to their limits (e.g., support overage paybacks and in-season closures, allowing overages is essentially reallocation, rec overages should not be allowed, overages put stock at risk)	33	16%
Additional or improved recreational data should be used in management, e.g., mandatory private angler reporting, tagging systems, mandatory tournament reporting, improved accounting for private dock catch, improve timeliness of rec. data	20	10%
VTR data is more reliable; increase the use of VTRs in MRIP or use VTRs instead of MRIP for the for-hire fleet	15	7%
The for-hire sector should have additional requirements (e.g., requirement for VTRs for non-federal vessels, VMS, reinstate "did not fish" reporting)	7	3%
Recreational effort has increased (though some said it has not increased as much as MRIP suggests)	4	2%
Recreational Sector Separation		
Sector separation should be used, either as separate allocations for for-hire vs. private anglers or separate management measures (most common rationale was that the for-hire sector has better catch accounting and accountability due to use of VTRs)	39	18%
Do not use sector separation	9	4%

Comment Topic/Theme	Number of individuals/ organizations	% of total
Dynamic Allocations or More Frequent Review of Allocations		
Support making future allocation changes through frameworks/addenda	7	3%
Should recalculate or reconsider allocations on a regular basis and/or have dynamic allocations	4	2%
Should not make future allocation changes through frameworks/addenda	2	1%
Allocation Transfers or Set-Asides		
Support allocation transfers (e.g., to address overages and prevent paybacks) under certain conditions	9	4%
Support allocation set asides (e.g., to account for private recreational variability, help prevent need for paybacks)	5	2%
Consider allowing one sector to buy from the other (e.g. p/c from com), at least at state level	2	1%
Don't allow sectors to buy allocation	1	<0.5%
Do not allow transfers of allocation between sectors	1	<0.5%
Other Allocation Related Comments		
The commercial fishery is well controlled and monitored	12	6%
Should have option of basing allocations in pounds or numbers of fish	8	4%
Different sectors (com/rec, for-hire/private) need to work together	7	3%
Concerns about commercial data (e.g., discards in general, landings in 1980s)	4	2%
More people eat fish than fish recreationally - allocation/management should account for that	4	2%
Should not have allowed the recent commercial quota increases for summer flounder and/or black sea bass which were partially driven by MRIP changes	3	1%

Comments on Other Issues Not Directly Related to Commercial/Recreational Allocation

Comments on other issues not pertaining to commercial/recreational allocation issues included many comments on recreational management measures and general concerns with recreational management. Many of these comments were specific to summer flounder measures, and/or recreational discards and discard mortality rates. Several comments were also received on concerns with commercial fishery management, as well as other issues, as summarized in Table 4.

Table 4: Summary comment totals for prominent comment themes NOT directly related to commercial/recreational allocation approaches or issues.

Comment Topic/Theme	Number of individuals/ organizations	% of total
Recreational Management Measures and General Recreational Fishery Concerns		
Discards are too high or are a concern (usually, but not always, in reference to the recreational fishery); concerns with recreational discard mortality rate estimates (e.g, rates are underestimated or overestimated; there is regional and mode variation in discard mortality rates; concern with black sea bass barotrauma)	31	15%
Dissatisfaction with recreational measures specific to summer flounder (e.g., the minimum size limit for summer flounder should be lower to reduce discard mortality, remove fewer large females, and allow anglers to retain more fish; support for lower minimum sizes or alternative management measures such as slot limits)	27	13%
Dissatisfaction with recreational management measures and approaches in general (e.g., measures should be liberalized, neighboring states should have more similar measures, pounds to numbers conversion is a problem, enforceability is an issue, gear or release behavior should be regulated, too many species restricted at once, should be able to make up days lost due to weather)	20	10%
Management has caused a loss of recreational fishing businesses (e.g., bait and tackle shops, for-hire vessels) and a loss of access/opportunities for private anglers	13	6%
General Commercial Fishery Concerns		
Commercial vessels are creating the most harm (e.g., by catching too many fish, damaging habitat, or creating too many discards)	15	7%
Management has caused a loss of commercial businesses (e.g., boats, docks, packing houses)	4	2%
Other Issues		
Summer flounder availability has decreased (in general or keepers)	11	5%
Differences in commercial vs. rec regulations are a concern (e.g., different size limits or open seasons)	11	5%
Habitat/pollution/ecosystem/climate change concerns regarding stock health	11	5%
Management hasn't improved the fisheries	10	5%
Availability of black sea bass is high	4	2%
Need more stability management measures/measures are too complex or confusing	3	1%

2 SCOPING HEARING SUMMARIES

A summary of each public hearing is provided below. Comments are summarized and paraphrased from hearing participants.

2.1 BUZZARDS BAY, MA

Thursday, February 13, 2020, 6:00 p.m.

Summary: The hearing in Buzzards Bay, MA was attended by approximately 68 people. Many attendees shared their frustration with MRIP, in particular their lack of faith in the estimates of recreational catch produced for all three species. Nine participants from the for-hire sector voiced support for separate private angler and for-hire allocations within the recreational sector. However, others cautioned that sector separation would not resolve the overarching problem of unreliable MRIP estimates and called for an improved method of recreational catch accounting. Several participants supported the idea of using a socioeconomic analysis to help determine the allocations between the for-hire, private recreational, and commercial sectors. A few participants voiced support for sector allocation transfers when either the commercial or recreational sector is projected to underachieve its quota. Several commenters criticized the current minimum size and bag limits for black sea bass and summer flounder which have led to high rates of recreational discards.

Name	Affiliation (Optional)
Sharon Colby	
Russell Hubert	
John Poirer Jr	
Joseph Ferrin	
BOB DeCorte	DEMBRE CHARTERS
Willy Hatch	MACHACA CHARTERS
TIM KOUTALAKIS	ON TIME CHARTERS
Michael Butcher	MSB CHARTERS
KEN WAITING	CAPE COD GARTIES
JAY PAVICH	CAPE COD SALRIES
MICHAEL MASCARI	
Jonathan Joyal	
ASHER WHITE JOYAL	
Mike Coitrey	
Ross Kessl	MDMR
Charles Monteiro	
JOSEPH HUCKEMEYER	Helen H OFFshore

Name	Affiliation (Optional)
KEN BAUGHMAN	
Gary Shepherd	
Kyle Visco	
CHRIS STOWELL	F/V JIM DANDY
BRIAN CURRY	FFA WASHA SHORE
DON CIANCIOLO	F/V LAURA JAY / CAPE COD CHARTERS
ED BIRCH	PLYMOUTH COUNTY LEAGUE
Mike Honey	EVANSTON CHARTERS
Shane O'Connell	AUORA ZAG CHARTERS
ERIC MORROW	BUNNY HUNTER CHARTERS
XXXXXXXXXX	
P. Wilson	CHARGER / SUSAN C III
TOM SMITH	SEA WOLF
Amanda Hart	UMASS Dartmouth
Ash Novak	UMASS Dartmouth
Keith Roberts	FFA FALMOUTH MA
Patrick Cassidy	Cape Cod the Fly
KEN DEBROWSKI	
Jim Ilkovich	Blue Bandit Charters
JEFF VIANANI	Bad Influence Sportfishing

Willy Hatch – Machaca Charters

- Supports separating the for-hire allocation from the other recreational modes.
 - eVTRs ensure that their mode is held accountable
 - Historically the for-hire fleet represented a larger proportion of the fishery and this needs to be considered if the for-hire sector is allocated its own quota.

Joe Weinberg – charter tours

- Supports separating the for-hire sector from the private and shore guys. However, he has reservations on how MRIP data are collected and doesn't have faith that the separate sector allocation would improve the situation.

Bob DeCosta – Nantucket charter

- Supports recreational separate allocation because for-hire has many attributes similar to commercial fishery - we are businesses, we fill out logs, we are professionals

- Want for-hire captain VTRs used instead of angler intercept data in MRIP
- Supports commercial quota being shifted to charter fishermen, particularly in instances where it won't be used by commercial sector
- Recreational sector separation in the scup fishery (MA specific) has worked well
- Socio-economic benefits to charter fleet needs to be considered (including tourism to area)
- For-hire fleet needs more tools to “control its own destiny”

Eric Morrow – Bounty Hunter Charters

- Supports for-hire allocations
- Supports the application of mode-specific discard mortality rates; for-hire discard mortality rates are less than private anglers
- Value of fish to each sector needs to be considered in rec/com allocations; value of charter fish to local economy is high
- Frustration with more restrictive regulations on numerous species all at once (striped bass, bluefish, bsb being status quo); need to be able to fish for something
- Allowing transfers between com & rec sectors would be beneficial when there is going to be an underage in one sector
- Need to use state or region discard mortality rates in management; e.g., BSB is 5% in MA, not the coastwide 15% rate that is used.

Joe – Commercial & Recreational

- Suggests a pilot program in MA whereby all rec permit holders have to report their catch. This would be valuable to compare to MRIP estimates for MA.

Joseph Huckemeyer – Helen H Offshore Party Boat

- The fishermen from both sectors need to be given a larger allocation, especially considering the high spawning stock biomass level.
- He sees shifting allocation from the commercial guys to the rec guys as unfair, it just pits one fisherman against another
- No regulation changes should be required until this amendment is completed
- He is in support of breaking out the for-hire allocation
- Should be able to easily transfer unused quota from one sector to another at year's end to account for overages rather than have payback (essentially a buffer)

Brian Curry – Washashore charter, MV

- Separation of for-hire should be considered, but use of MRIP data to achieve this is problematic
- Distrust of MRIP data; don't see enough (any) intercepts to believe the numbers
- Consider an eVTR requirement for all for-hire vessels; i.e., state-only permitted in addition to federally permitted vessels

Jeff Viamari – Bad Influence Sportfishing Charter

- Supports consideration of rec private and for-hire separation that considers socio-economic contribution of each; we are business owners
- Wants for-hire catch reports to be used instead of MRIP

Mike Harney – Charter

- Support separate quota and rules for for-hire; we are distinct from private anglers as being businesses, have lower discard mortality rates, and provide accurate catch data that should be used.

Jonathan Joyal – commercial fisherman

- He doubts summer flounder discard estimates
- He thinks the minimum size limits are too high for summer flounder. Reducing the min size would reduce dead discards
- He would like to see greater transparency in how the MRIP estimates are generated.
- MRIP methods need to be explained to stakeholders better; need outreach workgroups, etc. to increase our confidence in it

Willy Hatch – Machaca Charters

- Supports increasing the allocation within the recreational sector. On a per fish basis, scup have decreased in value in the commercial fishery and add a lot more value economically to the recreational sector. The commercial quota for scup often goes unused.

Brian Morganson – Charter, Nantucket

- All fishery participants (com & rec) agree that the MRIP data are not accurate; need another method for recreational accountability; want catch reports from all recreational fishermen.
- Also upset about the small bag limits and the associated discard issue for black sea bass

Joseph Huckemeyer – Helen H Offshore Party Boat

- MA ought to get credit for its lower release mortality rate for BSB

Brian Curry – Wasashore charter, MV

- Increasing dead discards needs attention; discard mortality rates are overestimates for MA
- BSB redistribution needs to be considered in reallocation (state by state)

Bob DeCosta – Nantucket charter

- Supports eVTR requirement for state-registered for-hire fishermen

2.2 DOVER, DE

Wednesday, February 19, 2020, 6:00 p.m.

Summary: The Dover, DE hearing was attended by approximately 17 people. Most of the comments related to recreational data and accountability, with major themes including: 1) the MRIP data are deeply flawed, 2) recreational for-hire data should be relied on more, 3) the recreational fishery needs better accountability and should use modern technology to improve data collection methods. Staff attempted to clarify some confusion regarding how for-hire recreational estimates are generated and how recreational VTR data is used. There was some support for exploring a separate for-hire recreational allocation, and one commenter supported the use of more dynamic allocation methods as opposed to keeping allocations constant over many years.

Name	Affiliation (Optional)
Earl R. Mind (Sonny)	
Chester Townsend (Chet)	F/V Andrew G
ROBERT WOOLLEY HAN	FV CABRADO WOLLEY BULLY
Wes Townsend	stake holder commercial
Ken Logan	commercial
Wes Townsend	
Pat Francis	
ANDREW HAN	DARBY PARK
MARTIN KRIS	
ERIC BURNLEY	CAPE GAZETTE LEWES
Michael Cerchio	Head Boat
H.D. Parsons	Head Boat Fisherman's Wharf
CHARS CURLETT	FV TOP NOTCH
Linda Chubb	
ROY MILLER	ASMFC COMMISSIONER, SALTWATER FLY ANGLERS OF DE
RON SMITH	"
LOUIS PAPP	RECREATIONAL FISHERMAN

Eric Burnley (Cape Gazette, Lewes): I've been fishing and filling out reports since 1973. Anything based on this MRIP data is wrong. Everything in this report is wrong. The MRIP data shows 77,709 black sea bass were caught from shore in Delaware in 2015. You are going to take these numbers and try to use them to control us, and to restrict black sea bass recreational measures. Anybody that knows anything about fishing in Delaware or anywhere else knows that no one has ever caught a legal sized black sea bass from shore in Delaware. Not a single person has done what these numbers are saying. The numbers say that 1,455 flounder were caught by charter boats in 2017. One charter boat would have caught that. The data are complete garbage and useless, and you're basing your decisions on useless data. These data were never meant to count fish, they were meant to look at broad trends.

Wes Townsend (Council member; commercial fisherman): Has staff looked at the percent of harvest from for-hire fleets from the mid-1990s compared to now? There were a lot more for-hire boats in the 90s, so the percentage should be higher back then. These days more people have center consoles and fish on their own.

H.D. Parsons (head boat, Fisherman's Wharf): If you have a federal permit, you have to do electronic VTR reports, and that data should be used. I have several boats and when I'm called about recent trips, it seems like the effort from one boat that is fishing might be applied to all the other boats that may be out for mechanical issues or doing dolphin watching trips. So you're not getting an accurate picture of things through that survey and you should use boat-specific VTRs for fishing trips and it should be on the money.

Michael Cerchio (head boat): Yeah, you can't assume if a boat didn't turn in a VTR that it was out fishing and should be assigned the same amount of fish catch as the boats that were fishing. If we have a license

for four large boats, and two of them are out fishing, you're assuming that the other two are catching fish at the same rate.

[Staff clarifies that non-fishing trips should not be reflected in the for-hire effort data, because the for-hire effort survey and the for-hire VTRs are not designed to be capturing non-fishing trips.]

Michael Cerchio: If those vessels are not submitting VTRs, then those vessels are not actively using their fishing permit. What we believe is happening is that vessels are being counted as fishing all the time even when they are not just because they fish at certain times of the year. Your understanding of the catch and the stock health is flawed given that you're using this data that isn't accurate except for commercial and VTR data. There should be a conversation about why this is occurring. Why should there even be estimates of catching black sea bass from shore? If you know that the method is flawed, you can't continue to use it, right? Why is anyone unwilling to have a conversation about the results produced from the survey? These are our jobs and we're asking you to consider these obvious flaws in the data and to improve it one piece at a time. We should have a sound scientific base for this and not something that's whimsical. We need better data before we can even consider reallocating.

H.D. Parsons: We should use hard VTR data instead of the pie in the sky numbers. There's nowhere near as many headboats out there as there was. There should be a little bit of parity for the for-hire fleet. Commercial economic impact gets calculated with shoreside businesses and related businesses incorporated, but for-hire economic impact does not. We have fewer commercial boats now than there used to be too, so there is more commercial allocation per boat. Can we redistribute that or buy that allocation to be used by the for-hire fleet? There should be a separate allocation for the for-hire fleet so we have more flexibility in when we can fish.

Michael Cerchio: Could something be considered at the state level where for-hire vessels could buy allocation from the commercial industry?

Louis Papp (recreational angler): These sector allocations have been static for 30 years. Nothing should be static: the fishery has changed, and things need to be more dynamic. I'm against leaving it static and think the allocation process should be changed, although I'm not sure how.

Wes Townsend: I support status quo because the commercial side is held accountable with AMs. The recreational side is not held accountable and they should not be rewarded for going over their limits. We need to see the recreational folks be held accountable. I would also like to see an allocation for the for-hire fleets as a subcategory of the recreational fishery. The for-hire fleet has hard data because they're required to report.

Chris Curlett (recreational angler): In Virginia I recently had to register to fish for cobia. I was required to fill out a survey or I wouldn't be eligible for a permit in the next year, so I did, and gave a very accurate data log of what we've caught. We need to hold people accountable, and with technology and phones these days there are much better ways to gather data. What happened in the 80s is not relevant; it's 2020 and conditions are different. I support a change, and with technology there are better ways to capture this data and hold recreational anglers like myself more accountable.

Ken "Satch" Logan (commercial fisherman): I support status quo allocations. Recreational anglers need more accountability.

2.3 BELMAR, NJ

Monday, February 24, 2020, 6:00 p.m.

Summary: The hearing in Belmar, NJ was attended by approximately 36 people. Several attendees expressed support for exploration of alternative allocation ideas beyond a set percentage allocation between the commercial and recreational sectors in pounds or numbers of fish. Several expressed the need for commercial and recreational fishermen to come together and find a solution and were frustrated that this amendment process may pit them against each other. When polled by a commenter, approximately 7 participants expressed support for revising the allocations based on new recreational data. Several others supported status quo allocations. In general, attendees do not trust the revised MRIP data and several expressed the need for better recreational data and accountability. One participant expressed support for exploring separate for-hire recreational allocation, while another noted that it would not be ideal since it would create animosity amongst recreational participants.

Several commenters criticized the current recreational regulations, particularly minimum size limits for summer flounder which have led to high rates of recreational discards. Additional comments noted that managers need to better account for issues like habitat degradation (beach replenishment was noted), environmental fluctuations, high predation from species like dogfish, and extreme weather events such as Hurricane Sandy.

Name	Affiliation (Optional)
Frank Macalib	FUB Dwe club
RICHARD BOESCH	
Barbara BERTRAM	
Joe Sparadon	
Ben Green	
Gary Southward	Rec Fisherman
Tom Lopredo	
Richard Lapardo	
Cap Seage & Stella	FOR Hire Vessel.
Kenneth Klee	
Paul Haertel	JCAP
DEANER MELANSON	B.F.C.
VERNON BRYAN	BELMAR FISHING CLUB
CHRIS HOOM	Big MOHAWK
Greg Hueth	
Jim Lougren	FD Coop
Geo D. Dimewico	GSSA

ALAN KENTER	
LOUIS MARRELLA	
Bob McEllen	Fishermen Den
Tom Fata	NY GA ASMFC
STEVEN CANNIZZO	NY RFFFA
Joanne Pellegrino	NOAA Fisheries
Stokely Pellegrino	
George Rogers	
Robert Burgstett	
Doug Zwickis	Rogers Cooperative Fisheries
Gina Graham	Belford Seafood Co-Op
David Tauri	Belford Seafood
Richard Isaksen	Belford Co-op
Eric Houghtaling	LA ASMFC Commission
Peter Clarke	NJ DFW
Adam Nowalsky	Multiple Orgs
Tom Palmsano	Fisherman's Den
Tom Anderson	Commercial Fisherman
JAMES WEIR	

Adam Nowalsky (Council and Board member): I have been working with several recreational fishing groups and some commercial representatives to find alternatives to our current system. We believe the use of MRIP has not worked for the fish, and it hasn't worked for the recreational community. This has put the management process at risk. We are planning to propose an alternative idea that is not based on allocation of pounds or numbers. We would have recreational measures that are "least restrictive" that most of the community would think is a reasonable level of access, with the understanding that we may not be able to go back to the very high bag limits the past. There is recognition of coastal population growth that need to be considered to identify a reasonable level of access. On the other end, we believe that there are a set of measures that put for-hire vessels out of business, discourage participation in the fishery, and lead to loss of infrastructure. There is a level of recreational regulation, for size limits in particular, that provides no biological benefit for conservation. On the commercial side under this system we would have equivalent bounds in terms of a maximum and minimum level of access, including a maximum quota, accounting for things like new markets being developed. Capacity can be reached in the commercial fishery at a certain point, considering things like available shoreside processing. On the other end, there is a level of commercial restriction at which you lose infrastructure, processing, etc. There is no way the fishery can sustain itself at those levels and measures that drastic are not needed for the conservation of the resource. We propose an analysis of what we've learned in the last 15 years, and a set

of complementary recreational and commercial levels at both the strongest biomass levels and what levels would be when the resource is most in need of restriction. This would be a fair and equitable allocation. Each level of access would move in a similar manner. This approach needs additional technical analysis.

Gary Southward (recreational angler): First, I would question why the summer flounder commercial quota for 2019 was increased so much mid-year. Where did that additional quota come from? [*Staff response:* this was a result of the mid-year quota increase for summer flounder in 2019 resulting from the new assessment.] Second, I have some ideas. The biggest problem as a fisherman is releasing a fish under 18 inches that I know will die. I have read some mortality studies but in reality, 80-90% of them are going to die. If we're gut hooking fish, and maybe we should use a minimum hook size, if you're stopped by enforcement, we should be able to show them a picture of the gut hooked fish rather than throwing them back dead. There is nothing more discouraging and this is the biggest issue with the recreational fishery. The other thing is that the largest percentage of commercial quota seems to be taken right before the spawn in September and October. If we're trying to preserve a fish stock, maybe we should let them spawn. For recreational measures, 3 fish at 18" is tough to get. I would not like to see any further allocation go to feeding people abroad if we're going to take allocation from people who live here. Bait shops aren't going to make it if restrictions get tighter on the recreational fluke fishery. If you want catch and release data, I fish with a lot of people who can get you excellent data. Our only concern is that it's not used to further restrict fishery. It would be nice to be able to take something home.

Richard Lopardo (recreational angler): I fish some locations and get keeper summer flounder. In other locations keepers are really rare. I have had days catching 32 fish and not one keeper. When I fish the bay, I see the same 50-75 seniors every day. Island Beach State Park has 2 fish at 16", Cape May at 2 or 3 fish at 16". Why not create special measures for seniors 65 and over where he can keep 2 at 16"?

Paul Haertel (Jersey Coast Anglers Association): We will submit formal comments prior to the deadline but Adam's idea sounds reasonable and perhaps we would support it. Other than that, if we're going to continue to use MRIP, the allocation must be changed to reflect what we were really catching. What would the split be if we used the last 10 years of data instead? Some good points were raised about gut hooking, but some people would be sticking the hook down in the gut and claiming it's gut-hooked to be able to keep it. Also, if you closed the commercial season during the spawn, they would still have same quota, it would just be redistributed to other times of the year. This would drive down market prices at some points in the year and would also have an impact on the recreational fishery. I would rather see the commercial quota split up seasonally the way it is now.

Gary Southward: I wasn't referring to shutting the fishery down during those spawning times but lowering the quota during those times. The other thing I forgot to mention is that 80% of fluke taken in the recreational fishery are females. We are taking all the egg laying females.

Tom Fote (Board member): Looking at the base years, the numbers of fish are different than the poundage. The fish we were catching in the 80s were mostly 14" fish, which affected the poundage vs. today's numbers. Even if catch were the same as in the 80s, we would be catching a smaller percentage of fish compared to then. Success rates go down. We need to adjust figures on what we were catching then in terms of numbers vs. pounds. Looking at the scup numbers, the actual split at the time was 70/30 on scup, but they picked the years where the commercial catch was higher, given that they were going to address the bycatch and it would supposedly benefit the recreational fishery too. No one thought there would ever be a bag limit on scup. We didn't even get the 22% we were supposed to get. The commercial fishery has offered us quota, but because of the way the plan is written we can't do that. We need to have flexibility to be able to adjust quotas between the recreational and commercial sectors like we can for

bluefish. Another thing that makes me furious as a manager, someone on staff said "well you're only 15-24% under" but that's a lot of days for a lot of boats to go fishing. That could mean \$100 million dollars. The commercial summer flounder fishery was increased by 49% but we couldn't even get the 3.5% increase on the recreational side that we requested. Because we're mom and pop operations or private anglers, no one seems to care and we cannot get answers. Finally, we need to stop the attacks on New Jersey by states North of us. New Jersey hasn't lost fish. Existing state by state numbers should stay the same especially for New Jersey. There is a study from the 1950s that showed what party/charter and shore-based anglers were doing, including for-hire rowboats which were a big part of the fishery back then. The fisheries looked completely different; we were fishing on all kinds of different species. It pays to look back at history. New Jersey has those numbers from 50-55 and this type of non-MRIP data should be looked at.

Paul Haertel: Can we see a show of hands for people who believe the commercial/recreational sector allocations should be adjusted to reflect what was actually being caught? *[Approximately 7 participants raise hands; some also raise hands in opposition]*

George Steller (charter captain): The last few years one of biggest problems with releasing undersized fish is the dogfish population. We throw sea bass back and they don't make it to the bottom as there's 5 or 6 dogfish chasing them. They're killing them. Managers should allow more targeting of dogfish and that would save a lot of fish trying to get back to bottom.

Alan Kenter: When the recreational surveys are done and they get a number of fish that were caught, how do they get pounds? After Hurricane Sandy, I was out fishing and there were absolutely no fish to be caught after Sandy. Today, you have beach replenishment, and there are no clams anymore in the area. You have to consider environmental impact of what's going on. The fish may be there but we're not catching them due to factors beyond our control, and we shouldn't be penalized for them.

Richard Isaksen (Belford Seafood Coop): I would like to see quotas stay the way they are, status quo. On the sport side, I would rather see them catch 3 or 4 fish and go home, because they're killing more than they're bringing home. Your charts are way off. They're not landing fish. The Raritan Bay used to be full of boats, no one is there now. Let people keep fish and go home. You can probably triple your numbers because they're killing so many fish. I don't know where these regulations come from. Half of this stuff is bull.

Steve Cannizzo (NYRFHFA): I'm here for Jeff Gutman. He has said to me that the fishermen do all the work on providing comments, attending AP meetings, etc. MRIP is the root of all evil to measure private and shore effort and catch. We've said this so many times. We continually point out such missteps in MRIP data. Jeff said he's so frustrated he doesn't want to go anymore. Time and again we talk to everybody and say try to fix one thing at a time. An amendment takes a long time. This action with all of its elements will probably take 3 or 4 years. The fisheries are in flux, there are a lot of problems with many species. We need better accountability with what's going on with private vessels. It's time for the Council to go to the Regional Administrator and say we need to make a major course correction and separate for-hire vessels away from private vessels. Do we really need MRIP for shoreline people? They're not catching the fish, so what's there to measure? When people go fishing and most of the fish they caught they're tossing back, we have created a discard fishery. Why haven't we reduced minimum sizes? Once we catch them, we could switch to other fish or go home. We're going to have to make a change. Something is wrong. We get spammed about how well the stocks are doing, but some look like they're in trouble. We're wasting time. How many meetings and public comments is it going to take? You're going to have to listen to the people saying maybe there's a better way to manage fishermen and account for what they're catching.

We need to have ground truthing of estimates by looking at things like fuel, bait & tackle trends. We want to see a future in fishing.

Jim Lovgren (Fishermen's Dock Coop): I would like to ask a question of the audience. Who actually thinks that the MRIP data is accurate, or at least better than MRFSS? *[No one raises hand]* So nobody has confidence in the data, and they didn't in MRFSS data either. The recreational catch rates have been a problem for a long time. The numbers picked are "magic," it's what you want them to be. We do know commercial landings are basically within 5% accurate, with some illegal landings from certain states. I'm in favor of status quo, and if MRIP data has no confidence in it now, and you're saying basically that the recreational fishery is catching a lot more now even though they're at half of the participation rate they were? You can document this from boat registrations, and party/charter boasts and marinas going out of business. Shoreside support is difficult to find. If you shut down the commercial fishery for 2 months [as suggested by previous commenter], we will lose the market and it will be replaced by cheaper imports. We are making the recreational fishery target 18 and 19 inch summer flounder, which is criminal. The mortality rate from discards negates any gains you get from a size limit. This is a failure of management and not fishermen's fault. Jim Fletcher's idea of a total length limit in the recreational fishery with mandatory retention should be applied.

Greg DiDomenico (Garden State Seafood Association): I'm encouraged by some of the audience comments and to see a little unity among stakeholders. It's worth taking a look at Adam's approach especially if it is complementary and fair and equitable. The Council has to understand it's important that at the end of the amendment, there should be a solution that doesn't disadvantage either sector. We have waited for 10-12 years for MRIP to be "complete." No one thought it would take that long. It's about 10 years too late. What the Council is missing is that the loss of fishery potential and access over last 10 years has really damaged the recreational fishery. It's hard to imagine what the quota would have been over last 10 years if the current MRIP data had been used in the assessments. The loss of potential is serious, and the burden that's been put on recreational fishery measures has been detrimental. There has got to be an equitable way to resolve this without pitting stakeholders against each other.

Greg Hueth (recreational for-hire): Management is making us fight over scraps. We're fighting for basically nothing at this point. We're friends with commercial folks, they are willing to work with us. Adam's idea may be good. But as I sit here and think about this, we're going nowhere. We have guys that are on both sides that want to work together to come up with solutions. Put us in a room and see if we can't come to an agreement. At this point we have nothing. Recreational guys are being pitted against each other. A different allocation for the for-hire fleet will pit us against regular fishermen and we don't want that. But we're also getting to a point where we're going out of business, so where do we go? Until we can fight over something, and work together, it's pointless. I think we're going to get reduced further on fluke. Down to 1 or 2 fish possibly.

Greg DiDomenico: More restrictive recreational measures in 2021 are very possible. The Council should do whatever they can to avoid that.

Chris Hueth (recreational for-hire): There are more fish here than we've seen in years. There is nothing to fight with commercial or recreational guys about anymore. It's managers we want to fight with. The surveys are a joke. It's out of control how many sea bass there are. You don't even want to help us, you want to cut back fluke again. Where's the intelligence here? Beach replenishment wipes out everything for miles. I don't want to fight with anyone here. Managers need to get on boats and see what's going on. I've never seen more striped bass and sea bass. Fluke was great and then the season closed. If you want to

put us out of business, just say that. You can't keep on going this way. I'm tired of digging at these guys, I'm digging at you.

Vernon Bryan (Belmar Fishing Club): We have a pier on the Belmar beach. I try to teach children because they're our future. When you have 15 or 20 kids on pier and they want to catch fish, but the limit is 18", we're not going anywhere. How many times do you keep going fishing before saying this isn't fun anymore? Pretty soon our limit is going to be 36" and we're going to have nothing out of this. It's a no-win situation and it doesn't make sense. We're fighting against each other for nothing.

Richard Isakesen: I hope one of these days I get a letter from Council saying what can we do to help? Instead of putting us out of business. The writing's on the wall. The Council does nothing to help fishermen. You gotta help us, otherwise no one's getting a paycheck but you guys.

Alan Kenter: I have a list of 50 party boats in the area that have gone out of business [list provided during comment is included in **Appendix A**]. This list was put together in 2015 and there were 9 boats in Cape May, now there's only 3.

Tom Fote: Hurricane Sandy was the determination of me having no respect for the numbers. I thought there was no way in hell we were going over in 2013 with marinas closed and boats out of the water. But we went over. The assessment says biomass has nothing to do with recruitment after a certain point. We have allowed it to increase to this nice level but it kills recruitment. Pat Sullivan found this was happening with west coast halibut. The answer was fish down biomass a bit and see if recruitment improves. We keep protecting spawning stock biomass and recruitment keeps falling, maybe due to overpopulation or lack of food. Maybe the big ones are eating the little ones. What we're doing is not working, and it hasn't worked in last 10 years. We've lost thousands of recreational boats and millions of trips. Yet somehow the data says we're catching more fish. Or killing more fish because we can't take them home. Summer flounder is not supposed to be catch and release. We're supposed to build sustainable fisheries and support recreational and commercial fisheries and not destroy them.

Greg Hueth: A victory for us now is status quo. When is the last time someone said we're getting an increase? We can't continue down this path and what we're doing. We need to work together and find a solution.

Chris Hueth: There has been some talk about buying fish or quota, what does this refer to? [Discussion of previous Research Set Aside Program] I don't think someone should be able to buy fish and quota and profit from it. That benefits those with more money. This is another flaw in the system.

Jim Lovgren: Chris brought up an idea. He's not talking about RSA - the idea is that some states have ITQ fisheries, like Maryland, Virginia, etc. ITQ vessels in those areas bringing in a huge amount of sea bass and collapse the market for a week. Owners are collecting \$1.50 per pound for doing nothing but allowing someone to use their quota. Why not allow recreational guys to buy that quota from ITQ holders? Let the state buy the commercial quota that's ITQ and set up a system to pay it back through license sales or something. There's an opportunity for creativity here. ITQs don't help the commercial industry as long as they are unregulated trips with unlimited possession limits - they are hurting more than helping.

2.4 GALLOWAY, NJ

Tuesday, February 25, 2020, 6:00 p.m.

Summary: 30 people attended the hearing in Galloway, NJ. Seven attendees expressed concerns with the accuracy of the revised MRIP data. Two attendees said they didn't like the idea of taking allocation from the commercial sector and giving it to the recreational sector just because the MRIP methodology changed. Six individuals said the allocations should remain unchanged until better data are available. Three individuals asked about effort trends in the revised MRIP data. Three attendees said the recreational fishery needs to provide better data, for example through expanded reporting or greater use of the VTR data. One attendee raised concerns about the accuracy of the commercial discard estimates for scup.

One for-hire captain expressed support for a separate allocation, or at least separate management measures, for the for-hire sector compared to the private recreational sector. Another for-hire captain said he does not support this approach. Two individuals recommended consideration of a days at sea system for party/charter vessels.

Four individuals expressed support for the idea that, rather than allocating between the sectors, management instead adopt a set of recreational bag, size, and season limits that are acceptable to the recreational community, and a commercial quota that is acceptable to the commercial fishery when biomass is high, with both sectors becoming more restricted in an equal manner when biomass declines.

Five individuals expressed frustration with the recreational management measures in New Jersey, especially the 18 inch minimum fish size for summer flounder. Two individuals said under the current measures, bycatch and discard mortality is far too high. Three individuals said that summer flounder migration poses challenges for management. For example, they described larger fish migrating north and not returning to New Jersey waters. One recreational fisherman said the greatest issue is that commercial vessels from other states are allowed to catch summer flounder off New Jersey. Three individuals said habitat issues are impacting availability.

Name	Affiliation (Optional)
Bob Rust	UNITED BROTHERS OF NJS
Les MURRAY	Atlantic County Fed Sportsman Club
Greg DiDonnicco	GSSA
Rob Diehl	Belford Co-op
Jim Lougren	F.D. Coop
ENDIE YATZIS	UNITED BROTHERS OF NJS
Kevin Wark	GSSA Viking Village
Eleanor Bochench	Rutgers
Joshua O'Connor	NOAA Fisheries
John Pessenant	RFA
Bill Stillingford	SFEA
RUSS TURNURE	FISHER
JEFF KOEUN	LUJDS
Victor A Hartley III	Keyport Princess & Miss OC
Adam Nowalsky	Multiple Orgs
Ken McDERMOTT	CWCFSC
JOHN HOWELL	FN Catalyst II
ED TEISE	CAPE MAY REC FISHER

John Beatty	MAFMC Staff
Joe Cimino	NJ DEP
Peter Clarke	NJ DEP
Jeff Brust	NJ DEP
Chad Power	NJ DEP
Heather Corbett	NJ DEP
Jessica Daher	NJ DEP
Jason Snelbaker	NJ DEP
Cody Meyer	NJ DEP
Carl Benson	
Noel Feliciano	One Stop Bait & Tackle
Alan Dillon	

Kevin Wark (Viking Village): It seems like this whole thing is about effort. Do you have any effort estimates? With these changes in allocation, how did that shift occur? You know commercial fishing is

controlled - certain amount of permits, certain amount of effort. You don't see huge swings... Essentially, effort is the face of this whole thing, and how many people are participating. Because otherwise it seems mysterious... Do you feel that you're more accurate now in these assessments? That's the whole issue, is getting it right for everyone. Both sectors have suffered over the years - stuff being missed and not really done properly. I think that's the frustration you hear sometimes from people.

Victor Hartley (for-hire captain): The headboats have to be separated out. If you look at the VTR data vs. what's MRIP, we're getting crushed because our data is accurate and the MRIP data is not. The commercial guys don't come to these meetings fighting for what they want because they know what they've got. The party boats need to not have to come to these meetings because they know what they've got. But as long as the for-hire guys stay co-mingled with the recreational guys, we are going to be at the mercy of what they catch. Look at the difference between their data and our VTR reports. If we're going by our VTR reports, we're going to know where our allocation is going to be... They say party boats make up 1% of the catch. I'm not saying I want 1%, but I'd rather be in control of my destiny. I think the commercial and recreational quotas need to stay the same but the for-hire sector needs to be separated, like we did for bluefish.

Bob Rush (Starfish Boats, United Boatmen of New Jersey): If trips are staying constant, then effort is not increasing. Do we have the percentage of how many mail surveys are coming back as opposed to how many are sent? If effort is constant, but we're saying effort is increasing, if we're not getting the mailers back, do we truly have accurate data? I don't think the socioeconomics have been taken into account for a number of years for both sectors, commercial and recreational. We are too slow in responding to data. You put piles of crap in, you get piles of crap out. We also tend to smooth over data to make it fit the Council's needs at that point in time. For a fishery that's considered fully rebuilt, 230% rebuilt, the rec. side can't take advantage of anything. Instead of taking advantage of a rebuilt fishery, we now have to take another cut. I've been in the business for 40 years and I am totally against sector separation. Our club is totally against it. We represent a number of for-hire vessels in the state. Most of us are against sector separation because we carry rec. people. So we have to adhere to the rec. data. I think divide and conquer between commercial and recreational is not the answer either. I think both sectors have worked well hand in hand for a number of years. We don't always agree on everything. But we do agree that the data is flawed. What we go to is anyone's guess. Improving accountability for the recreational sector, yes the for-hire sector does have accountability with VTRs, but there needs to be something streamlined for the non for-hire sector. We do have the public surveys through each state. I think that needs to be in the federal plan instead of the states doing it because it is mandated from federal. Let the feds pay for it instead of the states paying for it.

Eleanor Bochenk (Rutgers): What percentage of fishermen in the state does MRIP actually canvass?

Bob Rush (Starfish Boats, United Boatmen of New Jersey): With all the technology available to us now, this can't be the best science available.

Eddie Yates (United Boatmen of New Jersey, F/V Susan Hudson): New Jersey sea bass fishermen cannot survive here anymore, the for-hire sector. I get a 39 day season for the second year in a row, from May 15 to June 22. Then it's closed until October 8th. There's a little 2 fish bycatch thrown in there from July 1st to September 1st. Taking 20-25% with the weather, we have nothing. You're lucky to get 30 of those 39 days. People who fish commercially and in the for-hire sector cannot make a living on 30 days of fishing. Why isn't it open on May 1 instead of May 15? Blackfish closes on April 30. You've got 15 days - I've got to put my people on unemployment or have them scrape and paint the boat that's been repainted 3 times because of all the down time we have in the for-hire sector. The for-hire sector fills out

VTRs. I should be able to pick those 39 days that I fish, the same as a day boat scalloper can. I could spread them out to overlap some of the time when we don't have anything to fish for. There's just too much downtime in the for-hire fishery in New Jersey and other northern states...Bob covered a lot of what I wanted to cover...That burns me up more than anything, that I have to put my people on unemployment. I'm one of two for-hire boats left in Barnegat Light. There was 27 when I started in 1978.

Carl Benson: My comments are basically for summer flounder. I believe the sole focus of fisheries management should be the rebuilding of fish stocks. Topics like this consume resources. They do not increase the biomass, which I believe is the goal of fisheries management.

Bill Shillingford (Stratham Fishing Club): I tag for the American Littoral Society. I've tagged over 10,000 summer flounder. I track every one of them. I know where they've been caught, from Maine to North Carolina. We're not addressing the 18 inch size limit. 97% of the fish 18 inches and over are females. We're taking out the female population. The smaller fisher in southern New Jersey and Delaware don't come back to the same area. When they come back in, they're going further north. Each year, 95% of the fish I tag have been caught further north than where I tagged them. All the way up to New Hampshire. And every year they've gotten bigger. When we had a 13 inch size limit, I think it was 1984, and 10 fish. Then they kept raising it. The population kept growing until it got to 17.5 inches. Then it leveled out. At 18 inches it's coming down. It's coming down because we're taking all the females out. We've got to address that. The whole population isn't moving to the north, but the bigger population is moving north. We're not seeing the size we used to see in the 1980s and 1990s because we're wiping out the breeding population. We need to address the 18 inch size limit before we do anything else.

Noel Feliciano (One Stop Bait and Tackle): What is the impact, economy-wise? What's going to happen to small businesses? What's going to happen to charter companies? Every year there's someone else gone. Something's got to be done. I don't know what. A lot of people are leaving New Jersey with these laws and regulations that we have.

Tom Fote (ASMFC Commissioner): We did have a recreational size limit and bag limit in the 1990s. If you look at the size of the fish we were catching in 1992, it was dramatically larger. We were probably catching 20% of the numbers back then, but the fish were bigger. When we rebuilt the stocks, we rebuilt them on 18, 19, 20 inch fish. They weren't there. Summer flounder get sexually mature at 12-13 inches. Those smaller fish would produce high recruitment. Now that we have more bigger fish, there's poor recruitment. No one is considering that when summer flounder, scup, and black sea bass are all at high levels, how they're competing with each other for forage species. And the loss of habitat. MRIP has always been unreliable. After Hurricane Sandy in 2012, no marinas open, no party boats open, no charter boats going out, private boats were all out of the water. They couldn't even get to the beach. We should have a real drop in effort. I had to eat my words. We caught more fish than 2013...I asked Dr. Boreman, when he was head of MRIP, in order to do this properly, we needed \$50 million. We had \$11 million. Now we're still at \$11 million. Garbage in, garbage out. That's what we're doing...We're forced to catch bigger fish. The bigger fish are available, especially in the north... The scup percentages are wrong. Should have been higher than 18%, even back then. There were back door deals to address discards...NMFS doesn't manage fishermen. They manage to avoid lawsuits.

Adam Nowalsky (MAFMC and ASMFC member, hearing officer): I'm going to take off my hearing officer hat and speak as a member of the public. I want to speak in favor of an alternative method for allocation. I've been working with a number of recreational groups, also in consultation with commercial fishing members. This concept of pounds vs. pounds simply doesn't work. If the goal is to provide fair and equitable access to both sectors. What defines access to the average angler is not the RHL. It's size,

season, and bag limit. The majority of them follow the regulations. At the end of the year, they are told they performed X manner. They have no control over what the recreational harvest is as a result of the MRIP program. The groups that are working on this alternative mechanism for allocation would offer that recreational allocation is defined as size, season, and bag limit. Over the last 15 years of management, we've learned that there are a set of recreational measures that are so restrictive when biomass is at a low level and needs the most extreme level of conservation, that those measures simply provide no more conservation benefit. The fishery just isn't going to respond. It's at a level of biomass due to predation, loss of habitat, it's no longer a function of fishing pressure. We also believe the same thing is true on the commercial side. There's a level of quota at which you're not affecting the population the way you would otherwise. In conjunction, when you have restrictive management, you're doing damage on so many levels. You're discouraging people from participating. You're losing infrastructure. You're losing commercial markets, bait and tackle shops, for-hire vessels, marinas. On the other end of the spectrum, you have a set of measures that the average angler can be very satisfied with and say, "This works for me. I don't need anything more than that." The majority of these species, with the exception of maybe black sea bass, aren't available year round. There would be no benefit of being open 365 days a year. I don't think anyone in the recreational fishery would realistically be looking to go to a 13 inch summer flounder anymore. There's some other number in the middle, maybe 16 inches, where there's a conservation benefit and an angler satisfaction level that's a better place to be. That would be the most liberal set of measures that the recreational sector would ever need to have angler satisfaction. On the commercial side, I think we've learned that above a certain level of quota you have a lower price and there's diminishing returns. There needs to be room for expanding markets, but I think the commercial fishery could say, this is all the quota we need given capacity and market demand. What we would propose as allocation is to synch those two up. Take the most liberal set of recreational measures and the highest commercial quotas when the biomass is at its highest level of availability, both of those should be in sync with each other. When biomass decreases and there's a true need for conservation, you would move both of those sliders the same way. That would provide fair and equitable access in the minds of anglers and do away with this estimate that the angling community has no control over. Who's to say that in the future there's not another MRIP change that says we're going to take another 15% from commercial allocations? This is a zero sum game we're playing right now. There are no winners with how we're playing the game right now.

John DePersenaire (Recreational Fishing Alliance): The stock was increasing while we had these massive recreational overages and those catches were more of a function of availability. I know there's a formula NOAA Fisheries uses for the number of participants. There's still a big departure. If you look at the agency's estimate, it's something like 890,000 anglers in New Jersey. We have a state registry here where at max we'll do 220,000 anglers. Can you explain that big departure?

Julia Beaty (MAFMC staff): The effort estimates are not number of people, they are number of trips.

Jeff Brust (NJ DEP): I wouldn't count the state registry as an estimate of anglers. It's not enforceable. It's not mandatory. If you go out on a for-hire boat, you don't need one.

Joe Cimino (NJ DEP, MAFMC and ASMFC member): Since it's counted as angler trip, avid anglers are counted many times.

Bob Rush (Starfish Boats, United Boatmen of New Jersey): Where's the estimate for the average angler coming from? This is what we keep asking and what we can't get an answer to.

John DePersenaire (Recreational Fishing Alliance): I think the mail survey has introduced some kind of bias. For someone to read it, fill it out, and mail it back, that's a different angler than someone who would pick up the phone. I think there's an avidity factor that's being captured in the mail survey. I think

it's more avid anglers. I want to support what Adam is talking about. The recreational sector has been disadvantaged by MRIP. It's so damaging from a management and monitoring standpoint. It has limited our growth, which we definitely need in our recreational sector now. So I would definitely support an approach that would tie our recreational opportunities to the stock status as opposed to relying solely on MRIP.

Eleanor Bochenek (Rutgers): I think there is something going on with the effort survey that we should look into. Who are they sending the surveys to and are they getting many zeros back? I get my license every year and I rarely go fishing except on a party or charter boat. I fish but I've never gotten the survey. I think most people never have, with the telephone or by mail. So are they really reaching the people who don't fish? Or are they just reaching avid anglers? It'd be nice to look into that to see if there is something going on there to account for the higher effort when less people are fishing now.

Noel Feliciano (One Stop Bait and Tackle): Through the registry, they have everyone's email. Can't they do it that way?

Ken McDermott (Cape May County Federation of Sportsmen's Clubs): Flounder fishing sucks. It's down. The fish are not there in Cape May county. You have commercial fishing boats from Virginia and North Carolina that have landings permits. They're fishing off New Jersey. The fish migrate. They come east to west. The North Carolina boats come up here and they keep coming north. There's no global warming in this. There's a peer reviewed study that the water temperature has only increased 0.1% in a decade. Not 4%. It's well within the flounder range. So they're wiping the fish out and they keep moving north. They should be restricted to their waters and not working on our flounder up here. By the time it's the recreational season and they're supposed to be coming into the back bay, they're not there. I have four decades of documentation of catch rates. Take a look at the Flounder Pounder off of Delaware. There was 1,500 people in that tournament. There was hardly any fish caught. They had already been caught and landed in Virginia and North Carolina. The best thing you could do for this fishery is to restrict them to staying off their waters and we'll stay off our waters. Until that happens, you're never going to see good flounder again.

Ed Teise: About 15 years ago I became a flounder fisherman. 5-6 years ago, once they increased the size to 18 inches, the amount of fish in the back bays started decreasing. For every 10 fish you discard, one is counted as a dead discard. I bowed out of flounder fishing this past July when my dead discard was greater than my legal harvest. The solution is that if commercials can keep 13 inches, recreational should be able to keep somewhere between 13 and 18 inches so you decrease your dead discards. The real numbers, if you could ever find them, would show that the dead discard rate is greater than the recreational harvest.

Jim Lovgren (Fishermen's Dock Coop, F/V Shadowfax): Party/charter boats have VTRs. They report their catch. It's the most accurate recreational data you have. As a commercial fishermen, I would love to be able to call up NMFS and say I caught 500 pounds of fluke when I actually caught 1,000. Because who's there to say? In reality, we have enforcement at our dock every day. I have to notify the state two hours before I come in to pack. Our landings are a constant. Recreational is total guess work. This figure on the screen here shows it. This shows that fully 2/3 of the estimates are so far out of whack, you've got to wonder what's going on. The government spent 12 years and \$50 million on this information that's more useless than the Muller report. It's not accurate data. The only truly accurate recreational data you're going to get is from VTRs. They know they have to report the truth because they may have a secret agent on board or they may get a dock interception. You get true information from dock intercepts. Nothing else is true. Raise your hand if you think the MRIP data is accurate. Not one hand. That's a telling statement. You've got all these landings for a recreational industry that probably has 40% less participation than they

had 10 years ago, that many less boats. This is what management is doing to the fisheries. It's destroying them. If no one believes MRIP is right, you can't turn around and use that data from the 1980s and 1990s and say we're going to use it for the allocations because it will give recreational guys more quota... We'll take quota from the commercial fishery to hopefully cover up recreational overages. That's what's happening...I support Adam's efforts. The best way to solve it is for people who are knowledgeable on these issues to get together and come up with something workable that everyone can have faith in. The main problem with summer flounder is the 18 inch size limit. It's 19 up east. A 19 inch fish probably weighs as much as three 14 inch fish... When I was on the Council, I said there was a balancing point of around 15.5-16 inches. When you go higher than that you create more discards, more mortality than keeping in low. You know the 10% discard mortality rate is wrong. You've got gut hooked fish, jaws ripped out. When you throw them over they get eaten by dogfish. Jim Fletcher has the idea of a cumulative length. When you reach a total of 60 inches, you're done. And that's no discards... National Standard 9 - reducing bycatch in our fisheries. And yet you've continually increased bycatch and discard mortality in the recreational fishery.

Greg DiDomenico (Garden State Seafood Association): We're committed to working with you, Adam, and the recreational guys. If it's a suitable and equitable proposal, we'll give it a lot of consideration. We think the existing sector allocations are appropriate at this time... The Council has to initiate a framework to deal with the potential overages that will cause more restrictive measures in 2021 on the recreational community. This isn't going to be done in time. The Council should also consider whether recreational fishing tournaments should have mandatory reporting.

Alan Dillon (recreational fisherman): I have a 24 foot boat. My wife and I fish once a week, weather permitting. I have to put a new motor on my boat and all new electronics. I'm here tonight to see if it's worth doing. I'm probably going to spend \$25,000. With the recreational catch limits and size limits, why bother going out and spending all that money if you're going to spend all day on the water and bring home a couple fish? Right now the bag limit is 3 fish, right? If you take it down from there, you might as well forget the recreational fisheries and all the economics that go along with it. I can't believe a guy like me is causing the problems in the fishery. They say 10% of the fishermen catch all the fish. 90% of the people go out there and don't catch squat. I think you're taking the easy way out with the recreational fishermen because it's the low hanging fruit.

Kevin Wark (Viking Village): I'd like to support Greg DiDomenico's comments. Viking Village has 34 vessels. I have the authority to speak for the dock and we support his comments.

Bob Rush (Starfish Boats, United Boatmen of New Jersey): I support what Adam said as well. It's a common sense approach, which we've never had in fisheries management. We've been told, take the hit and you'll reap the benefits. Well, the benefits haven't come and we've gone out of business. Effort has decreased over the years. Effort has not gone up... I think the allocations we have now are fine. If we can't get our numbers right with MRIP, how are we going to reallocate? ...We've been rolling the dice with management every year and we've lost every time...When does the trend start going the other way? People aren't getting into the business.

Jim Lovgren (Fishermen's Dock Coop, F/V Shadowfax): The Fishermen's Dock supports status quo for allocations. Ed, I like your idea for days at sea for party/charter boats. At a minimum, we should devise a pilot program for it. With the revised commercial scup discard estimates, we're at 20% discards. How is that happening when we have no more small mesh fisheries and we have the gear restricted areas? The discards of small scup are just not happening. Are we dealing with an MRIP-type issue with commercial discards now? ...Delaware Bay used to be loaded with summer flounder...In the 1970s we didn't have a

fluke fishery along the beach off Point Pleasant... In the 1990s, they changed their behavior and were caught closer off the beach during the summertime. Until the beach replenishment started and there hasn't been much fish there since. Now the bottom has changed. We have a problem with fish migration. In the last 5 years, we're not even catching flounder in Manasquan Ridge. Is it due to temperature? Something is going on. We're not catching them where we used to. They're migrating past areas where we used to catch them... Over 15 years ago I suggested an expert fishermen's panel to review the data from the spring and the fall surveys. They could fill in the holes that the Science Center is missing.

Bob Rush (Starfish Boats, United Boatmen of New Jersey): One other thing in regard to fish migration is what happens when the wall goes up 15 miles off the beach? And the wall is windmills. We still don't have enough science on that. We have a lot of concerns about that.

Tom Fote (ASMFC Commissioner): I built my house in Tom's River 1979. I live in a lagoon. When I first moved there, I had to hire pile drivers every year to put my dock back in after the ice left. I haven't had to do that in years. The water temperature is changing. Beach replenishment, dredging, and lots of environmental factors have hurt us. Fish don't come inshore anymore.

2.5 BERLIN, MD

Tuesday, February 25, 2020, 3:30 p.m.

Summary: Approximately 17 individuals attended the public hearing in Berlin, MD. Approximately two commercial participants and one recreational participant supported status quo sector allocations. Commercial participants commented on current commercial accountability and how they are held responsible for overages. Two attendees supported separate allocations for the for-hire and private/shore modes within the recreational sector. A total of 4 attendees commented in favor of improved recreational accounting, including increased reporting, and accountability. In addition to the comments on the scope of the allocation amendment, many comments expressed a lack of confidence in the MRIP estimates and the need to improve recreational information.

Name	Affiliation (Optional)
Frank Tortalla	OP ANGLERS - ACSA
JOHN McFALLS	OP ANGLERS - ACSA
Finn McCabe	ACSA / CBSFA
Merrill Campbell	Southern Connection CFD
Buddy Siegel	ACSA / ASMFC
Steve Doctor	DNR Staff
George Toppin	F/O RITA DIAW E
Wm [unclear]	
Scott Clary	Test in OC
David Trada	
Jeff Nottingham	
Steve Doctor	MD DNR
Kane Bonds	Charter
Edmund Smith	FN Pelican
Eric Durrell	MD DNR
Victor Bunting	DC MD PARTYBOAT
[Signature]	ACSA

Buddy Siegel (Atlantic Coast Sportfishing Association, ASMFC):

- On the table of allocations, we are looking at coastwide but for us to understand what the allocations mean locally, the table needs to be broken down for Maryland. That way we can understand what the effect of a change in overall allocation would be.
- It would be interesting to go back to local side which addresses both commercial and recreational. The local data is available, it's how we get it and use it. Look at what the state would receive by doing their own accounting of MRIP. Take the raw numbers and compare that to the MRIP estimates for the state, and there is a big difference. What is reported as it's reported is good but once it is extrapolated it goes bananas. What recreational fishermen say in actual surveys are real numbers, what comes out isn't.
- From 2016 through part of 2019, there were 800 fish reported on MRIP data from type A and B1 in Worcester County, MD. In all other counties we have a total of maybe 300 fish. The raw numbers are available and can be extracted at the intercept, the expanded data are not reasonable. They are peer reviewed and verified by scientists but are not verified by fishermen.

Frank Tortalla (OP Anglers, Atlantic Coast Sportfishing Association):

- Are these allocation percentages/projections driven by the data shown on slides with all the bars? There are a lot of ways to analyze this data.
- For example, look at the big drop off in summer flounder. Is the drop off in flounder because we are catching less flounder or because there are different numbers of people fishing? This data is

based on surveys, maybe in 1993 there were more fish than in 2017 but that doesn't mean flounder is being overfished. This might be driven by less effort rather than lower abundance.

Merrill Campbell (Southern Connections Seafood):

- This action is about modifications between the commercial/rec fishery and in 1980-1992, when those quotas were developed the methods were different. A good percentage of public in the last 10-15 years have increased recreational fishing and marinas are growing as a result of more disposable income. There are more recreational boats targeting fish. In contrast, the commercial fishery is declining, and commercial fishermen have gotten bigger boats and better technology. The methodology of updating the base years with the new data is unfair due to these changes and we cannot use numbers in retrospect when numbers of recreational fishermen were considerably less.
- Commercial fishermen are held accountable for catch and there is nothing hidden. As a result, commercial seasons are cut short. In the recreational fishery, they are not held accountable all the time. For example, the recreational effort shown in the black sea bass graph doesn't seem like they have been held accountable for their proportions.
- I represent a lot of commercial fishermen and I also represent consumers. I recommend status quo for the record.

Finn McCabe (Atlantic Coast Sportfishing Association, Chesapeake Bay Sportfishing Association):

- The biggest issue is the recreational data. After the 2018 change to MRIP methodology, a lot of ridiculous estimates have come out.
- If you look at MRIP data, 75,000 lbs of keeper sea bass from shore were caught in MD. Maybe once or twice per year you hear about keeper sea bass from shore.
- It would be best if we went to a survey conducted at point of sale of licenses and surveys every angler rather than the current MRIP system. While the new system is created, revert to pre-July 2018 methodology that fit better with current allocations and regulations.
- A separate for-hire allocation could be appropriate, but that does not need to be broken down to private boat vs. shore modes.
- More dynamic allocations that allow regulators to regulate based on realistic data seems more appropriate.

Edward Smith (Commercial Fisherman, F/V Pelican):

- Like Merrill said, fishermen that have black sea bass quota make sure they do the best to fill it so that commercial proportion is their 50%. On the recreational side it is unfortunate but at some point, if they reach their cap, they should have some repercussion. If there was a decline in the future it would not be because of the commercial side.
- It would be good to have recreational sector separation between the for-hire and private anglers because they have different motivations. The for-hire sector could harvest their own quota and should not be affected by what's going on with the unmonitorable portion of the recreational fishery.

Kane Bounds (Charter Boat):

- The data is flawed and blown out of proportion, but what it does show is the trend of more recreational activity. There is no doubt that there are more little rec boats fishing than 20 years ago.
- Non for-hire people might not realize that charter fishermen do have to record what we catch. Before we hit the dock we are submitting an eVTR and we have to be compliant.

Victor Bunting (Ocean City Party Boat):

- Agree with Merrill.
- I have a party boat in Ocean City and if I were getting more quota for sea bass recreationally, theoretically I should be happy about that, but I'm not and I don't know how anyone could be because we are using MRIP. I don't know how you can take any action based on information and data we know is worthless.
- MRIP/MRFSS is only useful for very general fishing trends. It is true that there is a lot more recreational effort than 20 years ago but it does not work for estimating what anglers are catching.
- I am an industry advisor for the charter fleet and can't give an honest recommendation besides status quo.

George Topping (Commercial Fisherman, F/V Rita Diane):

- The only way reallocation can even happen is to hold everyone accountable equally. That is how you will understand how much people are catching. There is room for everybody to catch fish but the only way to fix it is to require accountability and fines for those who don't comply. Make recreational anglers report their fish, for example using smartphones.
- The 3-mile line is too expensive to enforce, we need to get rid of that boundary.
- When the Bigelow switched to NEAMAP the commercial side was cut because of bad data and switching to NEAMAP through those commercial vessels, we are getting more fish. We were cheated on the commercial side too and now we are seeing more fish because of better surveying.

Scott Lenox (Fish in OC, Council Member):

- This is a difficult process to figure out allocations. The black sea bass shore estimate was 176,000 lb harvested which came from a 7-inch fish on Chesapeake Bay that was intercepted and 2 other fish that were legal size but caught in South Bay. Essentially 3 fish turned into 176,000 lbs, so this extrapolation doesn't work, the MRIP system is flawed. Maybe the angler lied about where they were caught when intercepted. It also looks like data was changed historically so that bases could be covered.

2.6 NARRAGANSETT, RI

Wednesday, February 26, 2020, 6:00 p.m.

Summary: Approximately 28 individuals attended the public hearing in Narragansett, RI. Eleven commercial participants supported no action to modify the overall sector allocations. Five recreational participants supported changes to the commercial and recreational allocations based on new data. Of those, three supported looking at more recent years rather than the base years used to set the original allocations. A total of 11 attendees supported separate allocations for the for-hire and private/shore modes within the recreational sector (8 supporters were for-hire participants and 3 were commercial participants). A total of 19 attendees (12 commercial and 7 recreational participants) commented in favor of improved recreational accounting and accountability. Commercial participants' comments mainly focused on inequities between how commercial and recreational catch is accounted for and how the sectors are held responsible for overages. Six recreational and for-hire participants commented that recreational accounting needs improvement, specifically highlighting that recreational catch estimates do not adequately incorporate or accurately reflect the for-hire VTR data. In addition to the comments on the scope of the allocation amendment, many comments expressed a lack of confidence in the MRIP estimates and the need to improve recreational information through expanded angler surveys, mandatory reporting, and monitoring.

Name	Affiliation (Optional)
Mike Tourville	
Roger Marchek	
Danold O'Neil	Town Dock
Eric Lundell	FH Racun & Kerstin
JASON Jarvis	FH Old Salt
Josiah Dore	FH Cicker
Andy Tangle	Charter boat Mandoc II
Gene McCamley	Charter Captain
Charlie Julian	FH Great Run
Robert Morris	FH Living Waters
Patricia Knapp	FH CONOR AND Michael

<u>Name</u>	<u>Organization/Sector</u>	<u>City, State</u>
Rich Hittinger	RISAA	Warwick, RI
Katie Almeida	Town Dock	RI
Dave Monti	RISAA	Cearville, RI
Paul Johnson	RIPCOA	Near/C of
Mike Diekmann	Students (URI MKF)	Hamden, NJ
Dave Mike Pherson	RISAA	Pawtucket, RI
Donald Cook	Town Dock	Kingston, RI
Greg DiDomenico	GSSA	NJ
Meghan Lapp	Seafreeze	RI
Walter Anochian	NOAA	PJ, RI
MATTHEW COX	CHARTER "LADY ANN"	SAND HARBOR
ERIC LUNDVALL	FV RAINA & KRISTIN	Narragansett RI
Jason Jarvis	Fly Old Jake	
Justin Dodge	Cricket	
Amy Damsig	Charterboat	W. Kingston RI
Carol McClatch	RISAA	Norfolk RI
Chelle Julia	Fly Boat Run	Norfolk, RI

Roger Mrachek:

- Overages of sector specific catch limits, and their impacts on the next year's total allowable catch should be kept separate, and should not negatively impact the other sector's total allowable catch (TAC).
- Recreational data should be released more quickly.

Dave Monti (Rhode Island Saltwater Anglers Association, RISAA):

- Supports reallocation.
 - MRIP shows there are more fish in the water, which raised all TACs. We should reallocate based on that.
- The recreational sector needs to be more accountable. Recreational catch could be reported electronically. More angler surveying could be done to get a more accurate picture of recreational catch. Should use all the innovation we can to get better recreational estimates.

Rich Hittinger, Statement read aloud on behalf of the Rhode Island Saltwater Anglers Association:

- The Rhode Island Saltwater Anglers Association is in favor of using new data to revise the sector allocations. Reallocation is the only way to address the commercial/recreational landings imbalance. There was a 70% increase to the commercial summer flounder ACL, which was at least partially due to increased recreational estimates. Increased commercial fishing pressure has led to reduced recreational landings, and lower prices at the market and higher operating expenses for the commercial sector. This is not economically or biologically beneficial. The current ACLs should be reversed until allocations based on existing landings estimates are addressed.

Greg DiDomenico (Garden State Seafood Association, NJ):

- Opposes any changes to the sector allocations for this amendment.

- The Council and Commission should initiate a framework/addendum immediately to deal with this issue in a way that doesn't impact the commercial industry, but avoids further restrictions on the recreational fishery.
- There should be mandatory reporting for all recreational tournaments.

Katie Almeida (Town Dock):

- Supports no action.
- Supports increased accountability for recreational sector, and mandatory reporting.

Rick Bellevance (Recreational For-Hire/Private Angler):

- Supports recreational sector separation.
 - There is mandatory electronic reporting for the federal for-hire boats, and this could be expanded to the state level. The Commission could consider state-only vessels also having to report with eVTRs, which would account much better for the recreational for-hire component.
 - Sector separation analysis should not just use MRIP because of low confidence in the data. Prefer the analysis be done using data from electronic vessel trip reports.

Donald Fox (Town Dock):

- Does not support any changes.
 - Would not support any kind of reallocation until there is some kind of recreational accountability.

Kelly Smith (Charter Boat Sea Devil):

- Need sector separation for the for-hire fleet.
 - Have VTR data for many years which should be used to show catch.
- Private recreational should be accountable for their catch as well. They should also have to report with VTRs or electronic reporting.

Andy Dangelo (Charter Boat Operator):

- Supports sector separation for the for-hire fleet.

Megan Lapp (Sea Freeze):

- Does not support changes to the current allocations.
 - You cannot manage a stock where only one sector is accountable; it is a shared stock and all sectors need to be accountable. The commercial sector is always held to quotas and has pound for pound paybacks, in season adjustments, reporting, observers, etc. The commercial is not only held responsible for their own harvest, but also becomes responsible for overharvest by recreational sector when the stock responds to the removals. The commercial sector is held accountable twice, and that is inequitable. More allocation to the recreational fishery would not be fair and equitable and would violate National Standard 4. The Court ruling from the judge in the Gulf Council case related to reallocation of Gulf of Mexico snapper fishery applies to this action. The Court ruled it would not be fair and equitable under National Standard 4, because the system never allows the commercial sector can never gain an increase in allocations because they can

never exceed their quotas. This places them at a permanent disadvantage compared to the recreational sector.

- Supports more recreational accountability, including mandatory reporting, in-season adjustments, and in-season monitoring.

Robert Morris (Commercial Fisherman, FV Living Waters):

- Supports no change on the allocations.
 - As a commercial fisherman, I am servant to the owner of resource, which is the public consumers. It is important that they get their fish.
- Rhode Island does not have a say at the Mid-Atlantic Council, so this process seems unfair.

Doug MacPherson (Private Angler, RISAA):

- The 2019 summer flounder stock assessment was first time the new MRIP numbers were used in a stock assessment, and it had a big impact. The effort by MRIP to try and improve the system is a good step forward. It is showing that historically the allocations were wrong (did not reflect the sector landings at the time). It seems logical to revise the allocations based on the new data for those same base years.

Paul Johnson (Charter Operator):

- For potential management approaches, in favor of separating the recreational sector into for-hire and private sectors.
- It is irritating that MRIP doesn't use the actual counts of fish from for-hire data to produce the for-hire catch estimates. Rather than estimates, the decisions should be based on actual numbers provided by the for-hire sector. The model used in RI has been expanded along coast, and now requires all for-hire license holders to do electronic reporting.

Frank Blount (Recreational For-Hire):

- Not in favor of status quo allocations.
 - There should be an update with new data, but not with the base years. Should not use data from 30-40 years ago. More current data could change it in different ways but not sure how.
- Need better recreational catch estimates. Party boat landings have been underestimated.
- In favor of considering sector separation.
- In favor of allocation transfers, similar to bluefish.
- Need to “blow up” everything, and looking at this differently and go back to ground zero, change base years, allow transfers, better reporting, etc.
- Need to look at how the fish are counted. Need to count recreational catch in number of fish, not pounds, for measures changes

Rich Hittinger (Private Angler):

- Agrees with previous comments. We need better accounting and accountability in the recreational sector. If we have better data from the for-hire sector we should be using it.
- Not adjusting allocations would be arbitrary and detrimental to one sector because you have changed the yardstick that you are using to measure the recreational fishery. You should use the

new yardstick to reset allocations. It is probably better to look at different, more recent, base years and update everything.

Jasper Coutu (Charter Boat Captain):

- Supports recreational sector separation.
- Agrees that we need better resources for monitoring recreational catch. Understand this would take lots of resources, but for-hire boats already have those resources in place. VTRs should be used for recreational catch estimates.

Patrick Knapp (FV Connor and Michael):

- Supports no change/status quo.
 - Everything is an estimate and there are not hard numbers to go off of for allocations. Until the numbers are more accurate, should not reallocate.

Josiah Dodge (Commercial Fisherman):

- Does not support any changes until there is recreational accountability.
 - The commercial quota went up last year for commercial, but the recreational fishery already had their increase. There is no way to keep them from going over. Recreational overages need to come off of their side of the total allowable catch.
- The commercial sector is treated with much more strict accountability than the recreational side. The commercial sector is under the spotlight for everything, and there is not equal treatment for the recreational side. There has to be recreational accountability.

Rick Bellevance (Recreational For-Hire/Private Angler):

- Not for status quo.
 - Commercial and recreational allocations need to be looked at. Our understanding has changed and should be incorporated into new allocations. It would be irresponsible to not consider the new data.
 - Recommend that future allocations be frameworkable to update with new data, looking at different base years would be more appropriate for an amendment.
- Supports sector separation.

Donald Fox (Town Dock):

- The new data show more fish were caught by the recreational sector, but it doesn't matter because there were no accountability measures. It is not necessarily fair to reward the recreational sector for exceeding their allocation.

Eric Lundvall (Commercial Fisherman):

- Supports no changes to allocations for any species.
- Strongly supports better accountability and accounting for recreational sector. They should be held to the same standard as the commercial sector with dockside monitoring.
- Agrees with recreational sector separation, but it should only be taken from the recreational allocation, not the commercial allocation.

Matthew Cox (Charter Boat Operator):

- Supports for-hire separation in the recreational sector.

- The for-hire boats provide hard data and it should be put to good use.

Jason Jarvis (Commercial Fisherman):

- I believe in sector separation, but also believe you can't change allocations when only two of the sectors have accountability and actual data. Recreational estimates are just a guess. It is pretty frightening to make any changes in data when the data is flawed. This archaic management system has been in place for way too long. We need to get actionable data on a daily basis from recreational fishermen, yet commercial fishermen are held accountable for everything. No one has any confidence in MRIP, everyone is fed up with them because they are a big lie and those numbers are pulled out of thin air. The charter boats give real data and it doesn't get used. All the accountability is put on commercial and not on recreational. There is no way you should reallocate quotas based on numbers that do not exist.

Mark Phillips:

- Does not support reallocation.
 - The recreational went over from the beginning and has never been held accountable. Commercial sector has been held accountable since the plan went into effect.

Mike Tourville (Commercial Rod and Reel Fisherman):

- Agrees with Jason Jarvis.

2.7 WASHINGTON, NC

Tuesday, February 25, 2020, 6:00 p.m.

Summary: The hearing in Washington, NC was attended by 2 people. Both attendees agreed that recreational accountability should be improved prior to a reallocation of quota from the commercial sector to the recreational sector. They agreed that reallocation should include socioeconomic analyses, but one individual also warned against using economic analyses as the sole basis for reallocation, citing fair and equitable access as equally important. Both participants acknowledged that discards are a serious issue in all three fisheries. One individual thought that a total retention pilot program should be initiated to remedy the discard issue. The two participants thought it incumbent upon the recreational fishermen to propose ideas on how to improve recreational accountability.

Name	Affiliation (Optional)
JERRY SCHILL	NC Fishermen Assoc
Dewey Hemilright	Com. Fisherman

No action/status quo

Jerry—the allocations should not be changed until the recreational sector is held accountable

Updating the current allocation percentages using the existing base years but with current recreational and commercial data

Dewey—A 5% reallocation is not a big increase for the recreational summer flounder fishery based on the number of anglers and fish they catch; they need more fish and it is unfortunate that the quota can only come from the commercial fishery

Using socioeconomic data, analysis, or other considerations to modify the allocations based on optimization of economic efficiency and socioeconomic benefits from each fishery

Dewey—the economic analysis needs to consider the multiplier effect. The value of fish is worth more to the consumer than its price tag

Jerry—it is important to consider socioeconomic data, but basing allocation decisions on this is problematic due to differences in the methods used to calculate recreational and commercial use of the fishery. We are dealing with a public trust resource where consumers must be considered. A good source of protein should not be up to the highest bidder

The option to make future allocation changes through a framework/addendum (a shorter and more efficient action than an amendment)

Dewey—accountability comes first (before reallocation)

Jerry—prefers public input and transparency; frameworks/addenda should be used on a limited basis and not for big issues like reallocation

Improving accountability in the recreational sector

Dewey—larger allocation to the recreational fishery should come with more accountability

Jerry—recreational accountability must be solved before reallocation can occur. It is problematic that there are different standards of accountability for the recreational and commercial fisheries when overages occur. Accountability between sectors must be fair (held to same standard)

Jerry—surprised by revised MRIP estimates so not sure what recreational accountability would look like

Dewey—accountability must be included in this amendment and should come before allocation changes

Jerry and Dewey—need to hear from anglers about their ideas on better accountability for their sector

Dewey—commercial fisheries are limited access and have to stop fishing when quota is reached

Other approaches to be determined

Addressing discards:

Dewey—allocation problem has existed for a long time; recreational fishery needs more fish and the way the management program is set up it can only come from the commercial fishery. Limited entry is not a feasible option for the recreational fishery, however unlimited access contributes to large discard estimates for this sector

Dewey—the commercial fishery should eliminate dead discards by keeping what you catch when an observer is onboard. A test pilot program could put into place to see how effective this is. Dead discards are unacceptably high for all three species (commercial and recreational)

Other considerations

Jerry—Solve accountability before reallocating

Jerry—Enforceability (or lack thereof) of certain options is frustrating (lack of enforceability makes some options unviable)

Dewey—compliance with regs sometimes improve over time

General Comments

Jerry—many people think people’s (voting members) minds are already made up, so they don’t have much confidence in the scoping process (or public hearing process, in general)—and have stopped attending public hearings; the public doesn’t believe MRIP estimates.

Jerry—fewer commercial fishermen now compared to the past also contributes to fewer attendees at hearings

Dewey—he wants to hear how anglers propose to prevent overages from occurring within the recreational fishery

Dewey—really liked the narrated scoping presentations on YouTube—good way of getting information to the public

2.8 OLD LYME, CT

Wednesday, February 26, 2020, 7:00 p.m.

Summary: Approximately 20 individuals attended the public hearing in Old Lyme, CT. One recreational participant supported status quo sector allocations until better data are collected. Two attendees supported the idea of separating for-hire from private/shore modes within the recreational sector. Two attendees discussed the need for increased reporting and accountability in the recreational sector. In addition to the comments on the scope of the allocation amendment, many comments expressed a lack of confidence in the MRIP estimates and the need to improve recreational information. Commercial participants commented on several state level permitting and fishery access issues.

Name	Affiliation (Optional)
Jim Clank	
TONY NOTARO	
ROBERT RUSSELL	
LOU PELLOUBET	
Dr John	
Dave Flynn	
Michael Pisci	
BUD HARRIS	
Dave Lysic	
Ed Emery	
Tered Maden	final piece sport fishing
Amanda Beers	
T.J. Karbowski	Rock & Roll Charters
Paul Whitehouse	
Jim VASANTHAK	
Daniel Andrien	
Mike Stejski	TARTAN II
Frank Shepard	Tartar Sauce
Walt Sporski	Tartar Sauce

Mike Pirri (CT Party and Charter Boat Association):

- Read written prepared comments (also submitted as written comments; provided in full in section 3) addressing volatility in recreational fishing regulations, unrealistic and deeply flawed MRIP data examples, and the need for better reporting and data collection.
 - Comments described the lack of stability in summer flounder, scup, black sea bass, tautog, striped bass, and bluefish fisheries which does not allow for growing business or enjoying catching/eating fish.
 - Emphasized the need for both sectors to unite against MRIP, lower discards by decreasing minimum lengths, and achieve better managed stocks through more required electronic reporting and other means.
 - Cited several examples of unrealistic wave-specific MRIP estimates in Connecticut for tautog, black sea bass, bluefish, summer flounder, and scup, including estimates deemed too high for wave 6 when minimal effort is occurring, and shore estimates deemed unrealistic due to seasonal regulations and availability of fish from shore. Management should not be making decisions based on flawed MRIP data.
 - The for-hire sector makes up a small portion of the recreational fishery and should be managed as its own sector.
- In addition to written comments, support status quo for the current regulations.

TJ Karbowski (Rock and Roll Charters):

- The MRIP data is made up and very bad. This is a management issue. One member of the executive MRIP steering committee is now the director of ASMFC and he is doing a poor job. Our regulations have been a mess ever since he started.
- The MRIP steering committee uses experts from the Colorado State University to develop MRIP methods that nobody believes that have resulted in a tripling of fishing effort. A google search shows that at Colorado State University, liberal professors outweigh conservatives 12 to 1. This university had protests when a republican speaker came to campus. This University is one of those liberal sanctuaries and they are all radical leftist tree huggers including the ASMFC. They do not want us to fish and that's it.

Frank Shepard (Recreational Fisherman):

- I am an active recreational fisherman, these MRIP numbers are ridiculous and something needs to change. We need to reduce discards. Let us bring it back instead of throwing it back dead. Last month I wanted to sell a gentleman a summer flounder from my own daily creel. If I could sell a couple sea bass and fluke it would help my dock and fuel fees. The fishing is tough now, but there is still good fishing out here. There's not enough enforcement on the shore. I want to help and be a part of it.
- Lastly, we can't buy endorsements from anybody because every one of those has issues, we need more of those available.

Dan Emery (Commercial Fisherman):

- I have fished for a variety of species since 1981. You have had to diversify to survive. I feel its time to prune out restrictions and open up permits like sea bass and scup. These species are abundant and detrimental to the lobsters. There has been way too much red tape.
- I should not be told what kind of gear to use to catch my 60 scup.
- It's time to start a lottery system for permit holders, at least for sea bass and scup.

- There's plenty of fish out there and I should be able to catch scup in traps.
- These MRIP numbers aren't feasible especially looking at the recreational fishing in winter.

Ed Emery (Commercial Fisherman):

- My family has been permitted since 1968. I deal with vessel monitoring, observers, logbooks, we offload in two states. What is the oversight in recreational? We have to report.
- Its \$50,000 dollars to enter a commercial permit with sea bass scup and fluke, but that is a huge barrier. I don't see the oversight in the recreational side.
- We are modifying our gear, using rope nets to better target species.
- Charter captains are just as reliant on the ocean so I trust them to report, maybe they should be separated out.
- I'd like to see more quota in the summer months when smaller operators can use it.

John Johnson (Retail, Tackle Industry):

- I deal with recreational fishermen and charter/headboat fishermen and the arguments said here today are all valid.
- I hope NMFS properly accounts for the socioeconomic conditions. When someone comes into the tackle shop, they bring in money. They buy an expensive license, eat at restaurants, stay in hotels and buy tackle. The regulations are too complex and it is confusing and frustrating for those people that stimulate our economy. I believe that socioeconomic issues should be at the top of this list.

2.9 STONY BROOK, NY

Thursday, February 27, 2020, 6:00 p.m.

Summary: The Stony Brook, NY hearing was attended by approximately 45 people. Many comments from commercial and recreational stakeholders addressed the need for improved reporting and accountability of private recreational anglers. Approximately 17 attendees supported exploring sector separation between the for-hire and private modes in the recreational fishery as an option, though some noted it that it would depend on what that would look like. Another major theme was that the belief that MRIP estimates are unrealistically high and the sentiment that managers need to get closer to the truth before using them for management. Several commenters from both sectors voiced a desire for more consideration of the socioeconomic repercussions of regulations in the state and noted that several people participate in both the for-hire and commercial industry to make ends meet. Two comments addressed that the commercial sector has accountability and should be allocated a higher percentage than status quo, one commenter supported status quo, while others commented that the sectors should work together to find a solution. Lastly, two stakeholders expressed the need for more flexible solutions such as framework actions to address the immediate recreational fishery issues.

NAME	AFFILIATION
NEIL DELANO	CAPTREE BOATMEN'S ASSC
VINNIE CATALANO	
Ken Higgins	Captree Pride Captree Pin.
Richard Jensen	North Fork CAPTS
Phil KESS	FISHY BUSINESS CHARTERS
ARTHUR KRETSCHMER	LISLA
Ed Miodynia	
John I. Miodynia	
Tom Vincent	
Brian Colhane	
Brian Blume	
AL Schaffer	
Greg DiDomenico	GSSA
Richard Campbell	Fish on fishing
Nancy Solomon	LI TRADITIONS
STEVEN CANNIZZO	NY RFHFA
Anthony Testa	NY RFHFA
Frank Morelli	NY RFHFA
Victor Vecchio	NOAA FISHERIES
JAMES SCHWARTZ	NY RFHFA
PETE LAUDA	NY RFHFA
Joe Locascio	NY RFHFA
STEVEN R. Withhuhn	Chamber / New York
John D. Iorio	NONE
Dan Sullivan	NON-REG-FISHING
MARK CUSUMANO	COMMS
JAMIE J. Quarles	Miss Montauk
Ray Cicalese	-
John Quarles	Snake IR
Anthony Quarles	MISS MONTAUK

JOSEPH DEFALCO	NOXIO
John Maniscalco	NYSDEC
CHARLUS WITOK	—
Bob Danielson	NYSF
Steve Heims	MAFMC NY
JAMES FOLEY	Hobuption LAD g
Aut Augustine	
Ken Hejducek	
Joe DeLito	Laura Lee Fleet
Robert Andersen	Captree Process + Captree Side
Mark Harrington	Nausday
Paul Risi	KINGSBOROUGH CONGRESS
Mark Woolley	Congressman Zeldin
Nick Marchetti	.
Bryan Sciree	Island Princess

Greg DiDomenico (Garden State Seafood Association):

- Could this amendment address allocation transfers and set asides? For example, thinking about the actual numbers instead of the allocation percentages. If at the end of the year we are under the ABC, maybe we can avoid more restrictive regulations.
- Is the Council capable of solving this allocation problem before more restrictive regulations are imposed on the recreational sector in 2021?
- Can you identify what the for-hire effort was as a percentage of landings prior to the revised MRIP data?
- We want an outcome that does not disadvantage anybody. We are here to protect our interests, so we are not going to support different allocations at this point. But I do not want to see the recreational side disadvantaged further. The Council will have to contemplate a framework action if the ABC or OFL are exceeded to avoid more restrictive regulations.
- The Council and Board should require mandatory reporting in tournaments.

Bob Danielson (New York Sportfishing Federation):

- Can you clarify the sentence in the scoping document discussing the summer flounder stock condition where it states that summer flounder is not overfished and overfishing is not occurring yet it is above the threshold that defines an overfished condition?
- Both sectors will never agree. We've seen the recreational fishery go from a bag limit of 2 fish and a size limit of 21 inches, we've seen the worst it can possibly be. This was based on the fact that we have 40% allocation based on old data that we knew was bad data.
- On top of a sector split we need to reconsider state by state allocations for the recreational sector.

Neil Delanoy (Captree Boatman's Association):

- There are some great ideas in the list of alternative topics, however the devil is in the details, have any of these ideas been developed? What does improve recreational accounting and accountability mean?
- If it were a fair allocation, sector separation would be a great thing. For-hire should have 25% of quota in all fisheries.
- Allocations for all three species should be based on the amount of fish that are killed because it makes both sectors more conservation oriented and reduces discards in each sector. If we can eliminate more of the waste we would all benefit.
- New York has treated charter boats differently in the past with bonus seasons, etc, and the states on either side of us do that.

Arthur Kretschmer (Long Island Sound Lobstermen's Association):

- This action should increase the commercial quota because we fish a hard TAC and carry observers so have more accountability.
- There should be rollover in scup commercial quotas from Winter I to the Summer period.

John German (Long Island Sound Lobstermen's Association):

- We need to give more allocation to the commercial sector because there is no accountability such as filling out VTRs in the recreational sector. The updated percentages column shown in the allocation table should be the opposite (switch commercial and recreational percentages).
- The problem is the New York state allocations. Recreational and commercial allocations were all given away to other states.

James Schneider (New York Recreational and For-Hire Fishing Alliance):

- We saved all our fluke racks for cooperative research and they were all females. We have been participating in a female only summer flounder fishery for the last 12 years. This is the same as only hunting does if you are hunting deer. We are accountable for everything on the for-hire side. We are looking at a lure fishery instead of a bait fishery, so discard mortality is a lot lower now. What your information shows is that the recreational fishery is down and the effort is down. The mission of the state is to get more people involved in the fishery and we are failing at our mission. Having a female fluke fishery is a failure.
- Porgies (scup) only live 5-7 years and then die, we catch them by the 1000s. People in different socioeconomic groups like to use them for food. There is no way to fully reach out to the communities that eat scup. Scup is the number one fish caught from the beach here, not striper, and it feeds people. From the recreational side, we have made our sacrifices and done what we were told.
- In terms of socioeconomics, I'm here today with four guys that work for me on a recreational boat. They are all also commercial fishermen, who were forced by rules and regulations to do everything, we do every type of fishing known to mankind. We need to feed our families and want to contribute to society. We are getting hit hard in every direction. I have 17 full time employees and they are all productive members of society; we need fair and equitable regulations to survive. I pay \$1,000 on my license every year. I participate in observer programs, cooperative research, and I've worked as hard as I could possibly work. None of us on the recreational side want to disadvantage anyone on the commercial side, we are all trying to make a living.

Steve Cannizzo (New York Recreational and For-Hire Fishing Alliance):

- Does the commercial sector reach their quota for scup? Can the Council and Board consider rollover provisions for scup?
- Did we exceed the ABC for scup and black sea bass?
- Shouldn't we be talking about different bag, size, and season and possession limits implemented through a framework instead of full sector separation. Would that be easier for the Council and Board? Could we have a "sub-ACL" instead of sector-based allocations?

Nancy Solomon (Long Island Traditions):

- I am a cultural ethnographer. There is a lot of negative reaction on both the commercial and recreational side here today. I suspect there is a lot of distrust because no one is doing a thorough socioeconomic survey in New York. It is an expensive place to live and fishermen are working very hard to make ends meet. Consider the serious effects of regulations on these groups. NOAA and the Council have not thoroughly looked at the socioeconomics since at least hurricane Sandy, if ever.

James Foley (F/V Hampton Lady):

- It would be beneficial to extend seasons by a few days to make up for days lost by storm events.

Mark Cusumano (For-Hire Fisherman):

- MRIP numbers are not realistic, especially the multipliers for effort. We need to get better data and the true picture from private recreational anglers.
- For-hire should have its own allocation.
- Are the for-hire VTRs used by MRIP and then multiplied?

Joe Difalco (Recreational Fisherman):

- Over the last 3-4 years, there's nobody out there fishing because there are no keeper summer flounder.

John Mlodynia (Recreational Fisherman):

- From New Jersey to North Carolina, why do the regulations allow for summer flounder scup and black sea bass to harvest double the amount allowed in New York?
- Can you explain why a commercial dragger from Montauk dragged up 1500 lbs of summer flounder, so much that it was sinking, and then they offloaded it to another boat that sold it in New Jersey.

Ken Higgins (Captree Pride, For-Hire Captain):

- MRIP numbers are out of whack with the private and shore-based anglers. There is great reporting for the for-hire fleet so can't we extrapolate from that sector? Shore based anglers keeping thousands of black sea bass. In November when no one could sail there were unrealistically high numbers. The for-hire boats are known, so there should be a way to extrapolate.
- Why do we need to fill out VTRs when they aren't used, and private recreational anglers are not held accountable? We have no good information on private boat performance.

Ken Hejducek (For-Hire Fisherman):

- We need to develop our own idea of what is right and can work for us, whether it is sector separation or some other solution. We have to band together and take care of our own.

Richard Jensen (North Fork Captains):

- It is beyond time that the party/charter has its own sector. We are regulated by MRIP surveys and they are not allocating our quota with VTRs. For-hire fishermen are far from recreational fishermen. All the data shows that party/charter boats make up a small part of the recreational catch. Nobody believes MRIP surveys, yet they are justifying people's livelihoods. Something has to change drastically with accountability. How can you approach new management when this data is so wrong and failing so badly?

Dan Sullivan (Recreational Fisherman):

- When duck hunting, by law, I had to report what we got through the phone. We should have that for private anglers. I agree with others in this room, we need to know what people are catching and no one has ever asked me what I have caught.

Jamie Quaresimo (Miss Montauk):

- The shore-based MRIP has changed while for-hire has not. That should tell us this is a major issue.

Al Schaffer (Commercial Fisherman):

- Usually these public hearings are divisive between the recreational and commercial sector but not today. When the commercial and for-hire fishermen go fishing, we are going out to make a living. When private anglers go fishing, it is for fun. We should not use the data from the people that go out for fun against those of us that report and fish for our paychecks.

No name stated for the record:

- Are we going to update the data for these allocations?
- Why are the recreational state allocations not being discussed in this amendment? We lose our customers to other states with the recreational sea bass allocations.

2.10 FORT MONROE, VA

Monday, March 2, 2020, 500 p.m.

Summary: Ten people attended the hearing in Fort Monroe, VA, the majority of whom represented the commercial fishery. Six individuals voiced support for status quo allocations. Several participants questioned why reallocation was being considered at all and that reallocation was tantamount to rewarding the recreational sector for exceeding its limits. Several participants thought that the Board and Council should devise a plan to hold the recreational sector accountable while not implementing overly restrictive bag and minimum size limits that would lead to higher rates of discards. In addition, the majority of people in attendance emphasized the importance of improved recreational catch accounting and accountability. Participants shared general mistrust in the MRIP estimates and called for improved methods that generate more believable estimates.

Name	Affiliation (Optional)
Greg DiDomenico	GSSA
Jeff DeBa	REBC
James Dawson (Kate)	Fisherman
Joe DeCampo	Watermen
Mark HONGES	11
Robert HULLAW	11
Harry Doerr	11
David Wright	Waterman + Charter
Tom POWERS	RECREATIONAL FISHERMAN

David Wright – charter and commercial fishermen, Rudee Inlet VA

- Supports a separate allocation for the for-hire sector.

James Dawson – commercial hook and line and drop pot fisherman, Chincoteague VA

- Thinks that MRIP should be using eVTR data as opposed to the FHS estimates. The reallocation decision should factor in the fact that the commercial fishery in VA does not have very many black sea bass dead discards.

Greg DiDomenico – Garden State Seafood Association, NJ

- The Garden State Seafood Association has no desire to disadvantage the recreational sector in any way. It is up to the council and commission to develop a fair and equitable outcome for this amendment, specifically regarding the allocation.
- Congress mandated that the MRIP program update its methodology in 2009 – why is this change coming ten years too late?
 - Very few people have any confidence in the MRIP estimates.
- The bag and size limits have been overly restrictive in the past ten years while discards have been quite high.
- To avoid overly restrictive measures in 2020 that may result from an ABC overage, the Board and Council should initiate a framework or an addendum to create an administrative process that allows for the recreational sector to continue harvesting at the same rate in the short term, to allow time for this amendment to be completed.
- The Council and Board need to develop an outcome that doesn't penalize either the recreational or commercial fishermen. He doesn't think there is any reasonable amount of quota that could be transferred from the commercial sector to the recreational sector that allow the recreational fishermen to keep fishing with the same regulations.
- The Garden State Seafood Association would like to see the sector allocations to remain the same.

- The Council and the Commission should have mandatory reporting for recreational fishing tournaments.

Harry Doernte – commercial hook and line fisherman, Poquoson VA

- Recreational fishermen are not held accountable to the recreational harvest limit in the same way the commercial fishermen are. There needs to be recreational accountability within the fishery management plan to keep things fair and equitable.

Joe DelCampo – commercial fisherman

- Doesn't think that there should be a reallocation from the commercial to recreational sector

Mark Hodges – commercial black sea bass fisherman, Virginia Beach VA

- Draws issue with the 1986 estimate of recreational catch, there is no way that recreational landings went from 3 million to 11 million back down to 2 million pounds in a span of three years
- In 1983 to 1992 there was a lot of black sea bass sold for cash, which wasn't accounted for in the trip reports. If this data was incorporated into the records, the commercial sector allocation would be much larger than what it currently is in the FMP.
- Concerned that the recreational industry has the people, the political sway, and the money to influence the outcome of the allocation amendment. He sees this as an allocation grab by the recreational sector.
- The recreational sector should be held accountable if it exceeds the recreational harvest limit. There should be closures if the recreational sector exceeds its RHL.
- There should be mandatory retention of fish to mitigate the discard issue. High grading should be banned.
- The recreational side should not be rewarded for going over there limit historically.
- Supports status quo

David Wright – charter and commercial fishermen

- There should not be commercial closures. Simply a quota that allows fishermen to fish until they reach the quota.
- The black sea bass and blueline tilefish fisheries overlap spatially but have seasonal closures at different times, which causes discarding issues and economic inefficiency. If there is a fishery closure it should be done at the same time for both fisheries.

James Dawson – commercial hook and line and drop pot fisherman, Chincoteague VA

- The Memorial Day to Labor Day season is important for the rec fishery and that timeframe should be left open.
- Virginia dead discards are low. When you look at his personal observer data, he doesn't have dead discards, because the fish are released alive.
- He thinks that the commercial fishermen should be allocated the same poundage year after year based on historical landings.
- You should not reward the recreational sector with additional quota because they are going over the RHL. Recreational accountability needs to be included in the amendment.

Mark Hodges – commercial black sea bass fisherman, Virginia Beach VA

- Recreational accountability is important. There are many recreational fishermen that don't go through a marina that are probably not being accounted for in the MRIP estimates. Fishing during closed seasons goes unreported. There has to be a better system for measuring recreational catch than MRIP. Not having a grasp on what is being caught is problematic.

Joe DelCampo – commercial Fisherman

- It doesn't make sense that there isn't any penalty for the recreational sector if the RHL is exceeded
- In favor of status quo

Tom Powers – Recreational fisherman

- Points out that recreational fisherman did not greatly exceed the RHL based on the old MRIP estimates.
- He finds the MRIP estimates to be unbelievable.

David Wright – charter and commercial fishermen

- In favor of status quo, no action for black sea bass

James Dawson – commercial hook and line and drop pot fisherman, Chincoteague VA

- He wants managers to look into recreational landings for 1986, this year seems to be an anomaly.
- Supports status quo for the allocation

Robert Haldwell - Commercial fisherman

- Supports status quo

Harry Doernte – commercial hook and line fisherman, Poquoson VA

- Supports status quo

2.11 INTERNET WEBINAR

Tuesday, March 3, 2020, 6:00 p.m.

Summary: Around 30 people attended the webinar hearing. Nine individuals commented on perceived inaccuracies in the MRIP data. Their main concern was that the harvest estimates are unbelievably high. Six individuals said no changes should be made to the allocations until the data are improved. Suggestions for improving the data included mandatory private angler reporting, electronic vessel trip reports for state-only permitted for-hire vessels, and cooperative research. Two attendees said keeping everything status quo until we get better data is not a viable option as it would have devastating impacts on the recreational fishery as the new MRIP numbers must be used in management, even if they are not used to revise the allocations. Two individuals said it is not fair to take allocation from the commercial sector and give it to the recreational sector in response to changes in the MRIP data. Two attendees noted that the number of commercial fishermen has remained unchanged due to limited access programs, but the number of recreational anglers has increased over time. One individual requested that the Council consider limited access in the recreational fishery. Four attendees expressed support for separate management for the for-hire sector, either through a separate allocation from the private recreational sector or through use of different management measures. One individual did not support sector separation. One attendee proposed

that allocations be considered in terms of bag, size, and season limits for the recreational fishery. He also recommended that allocation base years could be based on socioeconomic or biological considerations. One individual recommended that the recreational fishery be managed with a total cumulative length limit and mandatory retention. He also recommended that the recreational allocation be set at 16%, which he claimed represents the proportion of the U.S. population which fishes recreationally. The higher commercial allocation would allow for a reduced dependence on imported seafood.

Attendance: Chris Batsavage (NC DENR, MAFMC and ASMFC member), Julia Beaty (MAFMC staff), Rick Bellavance (Priority Fishing Charters), Marc Berger, Bonnie Brady (Long Island Commercial Fishing Association), Steven Cannizzo (NY RFHFA), Liz Cerny-Chipman (Ocean Conservancy), Sarah Close, Karson Coutré (MAFMC staff), Mark Cusumano, Kiley Dancy (MAFMC staff), Tony DiLernia (MAFMC member, hearing officer), Michelle Duval, Daniel Farnham, James Fletcher (United National Fishermen's Association), TJ Karbowski, Aaron Kelly, Louie, Luciano, Wendy M, MC, Michael Pirri, Rokal, Robert Rühle, Erik Tirpak, Mike Waine (American Sportfishing Association), Steven Witthuhn, 4 unidentified phone numbers

James Fletcher (United National Fishermen's Association): The commercial vessels have stayed the same. We need to know what percentage of people were fishing recreationally in the 1980s. Has the number of recreational fishermen increased since the 1980s and, if so, what is the percentage of increase? ...Do we have any way of restricting the number of recreational fishermen? Because we have restrictions on the number of commercial fishermen. Why hasn't the Council done it? The United National Fishermen's Association has asked for recreational permits in the EEZ for the last 20 years.

Mark Cusumano (For-Hire Fisherman): On Long Island we see a lot of intercepts in Montauk. It's very high volume, party/charter sportfishing. You hear little about intercepts on the west side of Long Island and smaller ports. There's concern about the amount of landings being reported since it seems like they are focused on New York's number one port and averaging them across the state.

Rick Bellavance (Priority Fishing Charters, Rhode Island): Any allocation discussion needs to consider use of electronic vessel trip reporting for the for-hire sector. I believe that MRIP under-estimates the for-hire catch. I think they over-estimate the private angler and shore-based catch. That's why I think it's very important to consider VTR data in allocation discussions. I think sector separation is essential for the viability of the for-hire fleet in the future. I think it needs to stay in the document and be analyzed and considered. I think it's also important to remember that while we have good landings data for the commercial sector, the discard data could be improved. When we consider improvements to the data, I think we need to consider the recreational community first, but there are improvements that could be made to the commercial data as well.

Michael Pirri (For-Hire): In my state, if you do not have a federal permit, electronic reporting is not mandated for for-hire. I think that's a failure for not mandating that. There are many examples of inaccuracies in the MRIP data. There are instances of shore anglers catching hundreds of thousands of fish when the fish are not available. There are other times when private boats are harvesting 270,000 blackfish when they are on land. There is zero confidence in the state of Connecticut in MRIP's data. I don't see how you can make fishing policy off such awful data. I cannot comment on allocations because the MRIP data that's behind them are not accurate. What I propose is that we slow down. We need for-hire sectors to keep us in business and keep us fishing with certainty. Customers call and want to know what the regulations are. It's difficult to plan your business when there's such volatility for every species. Let's take three years to get good data. Let's not change the regulations for three years. Let's mandate electronic reporting for the for-hire fleet.

Bonnie Brady (Long Island Commercial Fishing Association): We believe that status quo is the only option for now. The MRFSS data was not appropriate. The MRIP data seems to have gone too far in the other direction. I don't believe you should take from the commercial fleet to solve a problem that management created. Some sort of cooperative research between the for-hire sector and the science center could help give us some real numbers.

James Fletcher (United National Fishermen's Association): Until we know what percentage of the recreational fishermen are landing the fish, which can only be done with cell phone reporting, it should be status quo. The Council can put in mandatory reporting in the EEZ on cell phones. It must be done. It would do away with the MRIP uncertainty. It would also give us a number of fishermen so in the future we can constrain recreational landings by not allowing any more permits. MRIP does not get 80% of the fishermen that go back to private docks and they get much more than the allowed limits. Rather than doing all this, why don't we discuss ocean ranching and aquaculture as methods to increase the number of fish? Dead discards, mainly on the recreational, are too high. Your slides show only dead discards. That number should be higher. We need better information. We're doing nothing to get it. Stay with status quo. Take the time to discuss ocean ranching and how releasing large female fish would increase the populations. If only 16% of people in this nation recreational fish, then the Council must consider that the recreational proportion only be 16-18% until we get back to where the U.S. is producing 80-90% of the seafood consumed. Right now, the U.S. only produces 8% of the seafood consumed. Imports make up 92%... When summer flounder landings went through a drastic decline in the 1980s, most of the boats that had landed summer flounder were in Florida calico scallop fishing. That accounts for over half of the decline in landings. The whole system needs to be reviewed. Until the Council puts mandatory cell phone reporting on all recreational fishing, and they have to report before they go fishing so the Coast Guard can check them when they're in the ocean and then report when they go back to shore, we do not need to go down this road.

Steven Cannizzo (NY RFHFA): It's not sound data. It should be status quo...No one size fits all recreational boats. The for-hire sector has to be removed from private vessels and the shore mode. We have the best data of the recreational group. Recreational fishermen count fish. Conversions to pounds gets us into trouble. The ABC goes up 52%, what did we get? Status quo. It's a problem. This amendment should focus on allocation within the recreational sector. We don't know how many people are fishing in the private sector, there are compliance issues. We are working on the tightest size, season, and bag limits. It's putting boats out of business. Private angler estimates are driving up the overall estimates and it's impacting both the for-hire and commercial sectors. There has to be some point where you say separate them out. It may not be sector separation. You could do separate bag limits. Private vessels need mandatory reporting. MRFSS was wrong. MRIP is MRFSS on steroids... People say they catch nothing from the shore anymore, but it's amazing what MRIP says they are catching.

Mike Waine (American Sportfishing Association): We understand the frustration with the MRIP data. We've been trying to think of alternative approaches to management. One of our ideas is could we base allocations on management measures instead of a poundage quota for the recreational sector. The measures would move relative to stock status. They would be the least restrictive and provide the most amount of access when stock status is good and would become more restrictive as stock status becomes poor...We may want to consider allocation time frames based on changes in the fishery or stock status. For example, using the five years after each stock was declared rebuilt. The justification would be that availability to both sectors would be highest during that time frame. We also think socioeconomic data should be used to inform the allocation time frame. We prefer treating the recreational sector as a complete unit rather than doing sector separation. The time and energy needed to develop sector separation would

be better spent trying to come up with management measures that would benefit the entire recreational fishery.

Robert Ruhle (commercial fisherman): I think we should stay status quo. MRFSS was a questionable data set. MRIP seems to be worse. A few months ago, we were looking at a 116% payback for the recreational scup fishery. I don't know how you're going to make 16% of fish! Commercial and for-hire are mandated to report. The recreational angler, you have no monitoring in place. With no monitoring, you can't hold them accountable. You're creating collateral damage on the for-hire sector. Blueline tilefish has created a precedent for private reporting. We need mandatory reporting on all end users, commercial, party/charter, and regular recreational. I don't see how we can have the possibility of changing allocations unless you have a handle on how all three components interact in the fishery. If we make any changes, there's no way to monitor if the changes have any effect or if they even abide by it. The MRIP numbers are just absurd. I realize we have no choice because it's best available, but that doesn't mean it's good.

Rick Bellavance (Priority Fishing Charters, Rhode Island): I'm troubled by the notion that we can consider status quo. It's important to understand that we have a different understanding of what the recreational catch was. That number is higher than what it used to be, but the allocations are based on the old, lower numbers. Going forward, we're going to judge the performance of the recreational fishery on this new way of estimating recreational catch estimates. If we don't do something with the allocation, the recreational sector will be set up to fail because there won't be enough fish. We'll be measuring the performance of the fishery based on the new estimates and they won't match the old allocations. I'm sympathetic to the idea that we shouldn't change the allocations with this horrible data, but in the interim we're going to make it impossible to go recreational fishing at all, and that includes the for-hire side. That worries the crap out of me. I don't know what's in the Council's toolbox to be able to leave it at status quo, unless we leave all the measures alone and not touch anything until we get better data. I think it's also important to remember that these new numbers went into the stock assessments. If you're going to use the data for the assessment, then you've got to use it for management. If you're not going to use it for management, maybe you should use the old data in the assessment. In New England, we took a simple approach where we updated the allocations for cod and haddock with the new data. I guess that's an easy way out. I don't think people understand that status quo is going to mean very limited recreational fishing moving forward.

Daniel Farnham: I think calibrating these base years is dangerous. I don't know how you can accurately do that with the three year side by side when the base years are from before the advent of the cell phone. Since that time, we've limited commercial permits and had actual paybacks. To now reallocate quota to the recreational side at the expense of the commercial side is unjust. We have had an increase in population and recreational usage over those years. We've kept the number of commercial harvesters steady over that time. This will set a dangerous precedent for other commercial and recreational fisheries moving forward.

Mark Cusumano (For-Hire Fisherman): I want to reiterate a lot of the comments that have already been said. My opinion is status quo until we can get a better feel on the real private recreational landings. We don't believe these MRIP landings numbers are even close. We don't believe that the effort levels are this high. Up and down the ports in Long Island, we don't see private vessels fishing as much as they did in earlier decades when some of this data was looked at to allocate in these fisheries. I'm in support of sector separation of party/charter from the recreational fleet until this is worked out. I'd hate to see the fleet take more cuts and possibly more boats going out of business because these MRIP numbers are not accurate.

Steve Cannizzo (NY RFHFA): I think we need to prioritize what we can do immediately. These are having biological implications on the stocks. The data is not sound. What can the Council do for 2021 for the for-hire sector?

TJ Karbowski: We need to take the new MRIP data and throw it out the window. We need to go back to at least the old MRIP calculations. They were high, but they were at least closer to reality. The numbers that we have now literally defy the laws of physics. What they have us taking in December - everybody's boats are out of the water! They are fake, made up numbers. In 2012, Robert Beal became the director of the ASMFC. Our regulations have been a disaster since then. He is coincidentally on the executive steering committee for MRIP. He was one of the people who hired these liberal hippies from the University of Colorado who came up with these new MRIP equations.

Tony DiLernia (MAFMC member): Mr. Beal is very open and is a very considerate and accommodating individual. I do not believe he has any agenda to do anything other than what he's directed to do by his commissioners.

James Fletcher (United National Fishermen's Association): If the Council will put in a total recreational limit of 45 inches for summer flounder and the like for the other two species, there would be no discards. The recreational would have fish to take home. The Council could do that immediately, but it takes the will of the Council... The EEZ, the Council can require it.

3 WRITTEN COMMENTS

This section includes all written comments on the amendment received or postmarked from January 7, 2020 through 11:59 pm, Tuesday, March 17, 2020, including those received by email, web form, fax, mail, or hand delivery. Comments are organized first by individual comments followed by group or organization comments, in the order received except that multiple comments received by the same individual are grouped together.

Name: Harry Backus

Email: habackus@mchsi.com

Check all that apply: Private Recreational Angler

Comments: Scoping Hearings for Summer Flounder, Scup, and Black Sea Bass Recreational Allocation Amendment

I would like to see the following amendments made to recreational fishing.

Summer Flounder slot limit of 16" to 20" and no closed season for recreational fishing.

Sculp a size limit of 8" with a creel limit of 25 and no closed season for recreational fishing.

Black Sea Bass size limit of 12" with a creel limit of 12 and a season from May 15 till December 15 for recreational fishing.

Thank you

From: Vetcraft Sportfishing

To: Beaty, Julia

Subject: fluke/scup/sea bass allocation amendment

Date: Thursday, January 9, 2020 12:18:56 PM

Good morning Julia. I would like to submit the following comments regarding the fluke/sea bass/scup allocation amendment

I always like to suggest comments that will benefit the most individuals and businesses as possible and at the same time suggest the most fair alternatives.

While I am not in favor of the modifications made to the stock analysis based on new mail based MRIP data, I think it is only fair to use those analytics to adjust allocations since we have already used them to adjust harvest parameters for the recreational and commercial sectors. While many alternatives are possible and many highlighted in the scoping document, I think the most fair and least disruptive is to update current allocations using existing base years but with current allocation data.

These allocation changes will be very minor using the above methodology and will be the least disruptive to both sectors. For example, in the fluke fishery, the large commercial increase in quota (based on new stock size parameters extrapolated from new MRIP data) will see a very minor decrease in allocation poundage compared to the recent increase in commercial harvest limit. The minor increase in quota to the recreational sector will help, albeit in a minor way, to support the failing recreational sector components.

Even though I am a charter captain, I do not favor any sector allocation separations for the for hire vs private sector as fisheries allocations are problematic enough without creating additional regulatory separations. I also do not favor limited access in the for hire sector as I feel this will not benefit the recreational fishing industry as a whole.

Thank you

Dr Harvey Yenkinson
AP member fluke/sea bass/ scup

Capt Harv
Vetcraft Sportfishing
Cape May, New Jersey
Call or Text 610-742-3891
Email: vetcraft@aol.com
www.vetcraftsportfishing.com

Name: Gary King

Email: gking5090@gmail.com

Check all that apply: Private Recreational Angler

Comments: To whom why put the rules on Delaware fishing Pearson why Delaware what with ocean city Maryland catching everything and don't even eat there share. Taking away our Fishing Sport Is Wrong. Size 17-18 bigger are great meat size —3—4 a vessel is great for flounder. Size for Sea Bass great size

Why Hurt Delaware Sports Fishing People Stop And Think That Delaware is Not Taking Fish Under Size Or Over Fishing Maryland put Rules There Virginia limit Them New Jersey fishing crew come to Delaware go to Maryland Virginia Wiping Delaware Out

Stop Virginia Stop Maryland for Over Fishing then The Fish Will Spun in Delaware Waters No Always Hurt Delaware This is The Truth

Plus Your Great Vessel Dropping necks

I seem these vessels outside on the Shipping Channel

Two three of them close to shoreline

Why

Look at them Cleaning out Anything

That is Your Problem

Stop Them

Go Check out the Stores That Throw Away Fish Clams ECT

More Fish Wasted There's Where's to Stop It Limit Them not Fishing people who want to get out on the water

Fishing Vessels Go Check There Cacth Big Vessel Cleaning Up The Water

Limit Them

Check Them Out Fine Them look Inside Those Vessel's Wiping out All Cleanings Out the Water

Stop Them

I Vote Again hurtling my Fishing Right go After The Big Vessel's Droppings Huge Nest Start Limit There Catch

From: Beverly Lynch
To: Beaty, Julia
Subject: fluke scup seabass allocation amendment
Date: Friday, January 10, 2020 12:44:58 PM

Comments from Beverly R. Lynch and Edward T. Smith, Painter, VA 23420

Regrading Black sea bass allocation

No action required

If the cliché, If it ain't broke, don't fix it, ever applied to anything, it applies to this.
And another cliché, opening a can of worms.

I recall dreadful controversy in deciding the current allocations. You can only estimate recreational landings, whereas all commercial landings are recorded to the pound. Your data states there is a 7% discard rate in commercial versus a 15% discard rate with recreational. Mr. Smith has heard it is much more for recreational boats. With commercial catches, all of it is used. Leave it alone.

Name: Shane Groft

Email: sgroft13@gmail.com

Check all that apply: Private Recreational Angler

Comments: We all know it's not the recreational fisherman I get maybe 5 days a month to fish. Need to stop the drag netting. Why don't you increase fishing License while you at it. (Sent via *Mid-Atlantic Fishery Management Council*)

Name: Don Kiesel

Email: kieseldb@gmail.com

Check all that apply: Private Recreational Angler

Comments: I have fished from Cape May to Cape Charles for 55 years, including the Delaware and Chesapeake bays. There is no question that the quality of fishing has declined dramatically. The fisheries statistics I've seen over the last 20 years just cannot be reconciled with what my fishing community and I have experienced. I fish more than 50 days per year. It shouldn't be this hard. Four fish fluke limits are a joke and at this rate 4 fish days will soon be a thing of the past.

Fisheries management is facing a complete loss of confidence from the recreational fishing population. The process to date just hasn't produced observable improvements.

The recreational inshore fisherman has taken a beating. There are certainly multiple elements to the decline of summer flounder and black sea bass, but continuing to permit draggers to harvest the same quantity of fish going forward is just plain nonsensical. In my opinion reconciliation and modeling of old bad data with new unproven data isn't the answer either.

Bringing young anglers into the sport is exponentially more difficult if not impossible.

It is time to quit worrying about the political implications of preserving an economically modest commercial fishing industry. It's time to focus on conserving the resource. Cut their allocation 50% for 3 or 4 years and then look at what recreational fisherman have to say.

From: romanaround5246

To: Beaty, Julia

Subject: "Fluke/Scup/Sea Bass Allocation Amendment"

Date: Monday, January 13, 2020 5:02:28 PM

Hi Julia,

I am writing to you today to voice my opinion on "Fluke/Scup/Sea Bass Allocation Amendment". I think that there should be a change in the allocation of fish quotas. But before any decision is made, we need to look at data from both the commercial and recreational sectors. First, we need to include both catch and bycatch on all trips. We also need to include moratorium of species into these figures. We need to subtract these figures from the total allocation before we divide them between sectors. I think your figures don't represent the total picture.

Another issue is in the recreational sector. There should be no difference between recreational and charter/party boat regulations. Allowing the bonus season for porgies is ridiculous. How long will it take before that species becomes depleted? Oh, that's right, we will be decreasing the quota this year by 18% and next year by 21%. If you want to continue to do this then there quota should be come from the commercial sector.

If we had to make a decision right now without any more information, I think we need to change the limits a little in the favor of the recreational sector. The only reason I say that is because the commercial sector has a bigger range in the fish species size limit. Even though they have that option, the market pays a certain price per pound per species. So if a commercial fishing vessel is catching fish at the lower level of the size range, he is throwing it back in order to keep the bigger fish. After they pick thru their catch, they throw back the small ones but they are already dead. None of these commercial boats are counting that against their quotas. The recreational sector is not allowed to cull fish!! We need law enforcement and stronger penalties for violators in both sectors. For example, I see the commercial boats outside the break walls outside the Port of Galilee sitting there for at least twenty minutes attaching huge flocks of sea gulls. What do you think that they are doing?

Thank you for giving me the opportunity to voice my opinion in this matter. Fishing is a strong passion of mine. Over the years and continuing into the future, I will be putting plenty of time and money into this sport.

Sincerely,
Roman Dudus

From: romanaround5246
To: Beaty, Julia
Subject: Fluke/Scup/Sea Bass Allocation Amendment"
Date: Wednesday, February 12, 2020 7:47:42 AM

Hi Julia,

I would like to voice my opinion on the Fluke/Scup/Sea Bass scoping issue. I know it is a difficult decision but there are a number of key issue. First we need to know how accurate the numbers really are? Also, we need at add discard into the equation by both commercial and recreational sectors.

As for scup, I think that there is something wrong with the numbers. The break down is that the commercial sectors gets 78% of the quota and the recreational sector gets 22%. Being able to take 30 fish per person per day is a little outrageous wouldn't you say. Not to be outdone is the 50 fish per person per day on a party/charter boat between September 1st and October 31st. How many fish are we actually taking out of the stock?

As for Fluke, I think that this species needs to be looked at. We need to calculate how much discard is effecting the stock population? The undersized fish being thrown back by both the recreational and commercial sector must be sickening. Recreational sector is complaining that they are throwing back mostly shorts and the commercial sector is throwing back the keeper smalls in favor of the bigger fish because they are worth more.

On the Black Sea Bass species, there are alot of small throwbacks to go with the keepers. I think there needs to be a reevaluation on this species. I hear alot of complaints about this species doing damage to the lobster population. I haven't heard a lot of complaints about the numbers in a negative way. This maybe the only stock that I see as stable the way it is with concerns about scoping.

I think that before anything is decided, we need to see data on what is being caught(and by whom), what is the total(complete) included legal and discard and the overall health of the fisheries. By just setting these allocations because of feelings doesn't make sense. I understand it is a tradeoff between the recreational and commercial sector and making sure the commercial sector gets more of the desirable fish so they can make money, but we need to take everything into consideration. And how we monitor the species.

This is just my opinion and I Thank You for giving me the opportunity to voice my opinion and to you for taking the time to read this email.

Sincerely,

Roman Dudus

Name: Bill Rathjen

Email: billar@verizon.net

Check all that apply: Private Recreational Angler

Comments: There should be an allowance to keep 1 fluke 16". Consideration should be given for a slot size also. Large fluke are females and breakers. Let the recreational fisherman go home with 1 fish.Tidalwater throwbacks are 25-1 or better.

From: jean public

To: Beaty, Julia; The Pew Charitable Trusts; INFORMATION@sierraclub.org; PETA Info; info; Erica Meier

Subject: Fwd: comment

Date: Saturday, January 25, 2020 3:20:58 PM

public comment on federal register

they are having local meetings if some fish savers and protectors could show up and speak at these meetings. i am asking for a 50% cut in the quotas of fishing for scup, bass and flounder.

this comment is for the public record. please receipt. i am interested in sustainability, not profiteering for commercial fish profiteers who will take them all if they were allowed to. their greed has no bounds since they go out on boats with guns to kill dolphins, and other marine mammals who need to eat fish. we are sick of seeing these animals show up on our shores dead from gunshots. this comment is for the public record please receipt. jean public jean public1@gmail.com

From: Jean Public

To: Beaty, Julia; Leaning, Dustin Colson; information@sierraclub.org; info@pewtrusts.org; info@peta.org;

humanelines@hsus.org; madraven@gmail.com; info@godscreaturesministry.org

Subject: re below hearing which i cannot attend

Date: Friday, February 7, 2020 11:46:30 AM

<http://www.mafmc.org/newsfeed/2020/mafmc-asmfc-sfsbsb-allocation-scoping-hearings>

my comment is to cut by 50% all quotas which you have come up with because you work too closely and

take the information from commercial profiteers, which is so often

inaccurate and misleading since they want to fish unencumbered so they can take every fish in the ocean. the fish belong to the people of this nation 330 million strong.

we cannot continue to be robbed by these commercial profiteers who you seem to represent solely. this

comment is for the public records please receipt. jean public jena public1@yahoo.com

Name: jean public

Email: jeanpublic1@gmail.com

Check all that apply: Other (please describe below)

: noyb

Comments: cut all quotas for flounder, scup and bass by 50% immediately and stop working only for fish killers. you are supposed to be working for 330 million of us not just profiteers.

(Sent via *Mid-Atlantic Fishery Management Council*)

Name: russ pelose

Email: rpelose@opex.com

Check all that apply: Private Recreational Angler

Comments: It would be nice if you up the limit on fluke to sic per person

Name: Joseph Caldaro

Email: 1minears@gmail.com

Check all that apply: Private Recreational Angler, Commercial Fishing Industry

Comments: Hello i am a recreational fisherman and i am wondering why is it allowed for a commercial fisherman allowed to keep 14" Fluke and recreational fishermen can only keep 18". The commercial fisherman are taking all the 14" and not letting them grow to 18" for us. They are robbing the cradle. I think this has to be addressed this year because fishing is getting worse than it has ever been before. Also if you noticed the Asbury park press hardly writes anything on fishing anymore. Why? Because there is nothing to write about. And i am sure all the head boats are saying the same thing. You know when you go out on a head boat and get nothing All day long the captain tells you well we tried but they didn't bite today. You know why he says that because he also knows that the commercial fisherman are cleaning out the bay. And please guy's don't kill the recreational fisherman with more regulations. Move the commercial fishermen out further and let us enjoy a good day out there with our families. Thank you and Happy fishing

Name: ROBERT GALDO

Email: rfgaldo@verizon.net

Check all that apply: Private Recreational Angler

: ROBERT GALDO

Comments: We throw back all flounders under the legal size. You would think that the following year we would have more legal size fish. NO., WE STILL GET ALL UNDERSIZED FISH. Then I learned that the Commercial Fishers keep every fish 14" and up. In other words, what we throw back the Commercial Fishers keep. No wonder we don't get bigger flounders the following year. IN effect the Recreational fishermen subsidizes the Commercial Fishers. This is not fair. We spend good money to fish and help the local economy. To go home with no fish or only one is frustrating.

Name: barbara sachau

Email: bsachau@gmail.com

Check all that apply: Other (please describe below)

: ciizen of the usa

Comments: quota shoudl be zero for this allocation. we need sustainability on fish. quotas have been so large that the species is almost exinct. quota shoudl be zero.

Name: Eric plath

Email: fatsep@gmail.com

Check all that apply: Private Recreational Angler

Comments: If you don't put tougher regulations commercial guy's we're not going to have any fluke for our future. Plain and simple it's not the recreational fisherman that are the problem.

Name: Marc Chiappini

Email: chipnsnj@yahoo.com

Check all that apply: Private Recreational Angler

: Flounder and Black Sea Bass

Comments: After spending thousands to maintain my boat, slip fees, fuel etc. each year to enjoy some fishing, it is extremely frustrating to have to throw back fish that the commercial operators get to keep and sell.

Size limits should be the same for all.

As to Delaware Bay, it should be managed as one body of water not two as per the two states. Delaware keeps it's Flounder season open all year and NJ does not. Unfair to those that fish in Del. Bay and have to throw back fish that a Delawarean gets to keep. Same limits both sides of the bay please.

Name: Nick Verducci

Email: nverducci@comcast.net

Check all that apply: Private Recreational Angler

Comments: I urge the magic to consider a slot fish from 16"-17.5" for summer flounder with a 3 bag limit. The keeping 18" plus fish has been an incredible failure. The flounder population has been decimated because 95% of the flounder 18" and larger are females. It's time to change this horrible practice by creating a slot limit for flounder.

Name: Thomas Smith

Email: smith.tom560@gmail.com

Check all that apply:

: No affiliations with any industry associations. Comments directed to state of summer flounder fishery.

Comments: Ladies and Gentlemen of the Commission, Council and Various Other Committees,

I've updated the analysis involving recreational and commercial weights being used to manage the summer flounder fishery. Weights for commercial, I understand through recent email exchanges with Michael Plaia, arrived at from dealer reports and not VTR's. That being said, there has to be a commonality between the two since landings are landings and numbers involving from both sources should not only be close they should be identical.

With that said, please review the attached analysis I've updated from my 1/31/20 email attachment, which should make clearer to everyone on this email my concern regarding the disparity in weights being used to quantify commercial landings (and subsequently discards) relative to recreational landings. In summary for the period 2000 through 2017, 5.8 million more fish landed by the recreational community resulted in 71 million more lbs. assigned to those fish with no significant differences in landings composition involving age classes. Every additional fish landed recreationally would have to average over 12 lbs for that to be remotely possible. The methods used to assign weight values to commercial catch through dealer reports and recreational catch values assigned through MRIP are off by as much as 25% involving landings of similar age class fish.. That's not possible based on the data since we're harvesting from the same biomass and a huge problem needing correction before 2020 regulations are finalized.

If you compare mean weights from the 66th SAW, commercial weights assigned to landings in total for the 18 year period 2000 through 2017 illustrate over-reporting of weights in 5 of those 18 years and under-reporting for the remaining 13 years. Interestingly the first 5 years are over-reported and the last 13 under-reported. Comparably for recreational, weights for all 18 years are significantly over-reported. This coupled with the use of size minimums as the preferred management measure for the recreational sector to manage reductions leading to as much as 75% of the harvest-able biomass (fish over 14") becoming exclusively eligible to the commercial sector, it's no wonder average catch on 2018 angler directed trips was a mere 1.3 fish.

I'll repeat the same in the hopes of someone on the Commission or Council listening.. We have an enormous recruitment problem in this fishery caused by the harvest of older age classes and too many sexually mature fish heavily weighted toward fecund females being removed from SSB. Same problem primarily leading to the 1988 crash. The analysis based on science's own data makes that statement irrefutable, but how we got here doesn't matter. What we do next does or this fishery crashes a second time by 2024. Between 2000 and 2009, the biomass population increased by 48 million fish from 146 million to 194 million. Recruitment for that period was almost 600 million fish and combined landings were 131 million, which excludes discard mortality. Assuming a 33% discard rate, total removals or F would be about

170 million fish. Recruitment at 600 million, F at 170 million or a surplus of 430 million fish additive to the fishery and the biomass population increased by a mere 48 million fish. The difference I've been told is M or natural mortality assumptions which is a material number at 25% annually as the SAW states that's the standard. 430 million fish net added to the fishery for the decade and the biomass population increases by a meager 46 million fish. If that doesn't emphasize the importance of recruitment to this and every fishery, nothing will.

image.png

Scroll forward to the decade we're in, 2000 to projected 2019. Recruitment will be down by over 200 million new recruits from the prior decade referenced. Combined landings are projected at between 90 to 95 million or ~40 million less fish from the prior decade with discards factored in. The biomass population has already declined from 2009 to 2017 by 72 million fish as a result.

Based on the above, I challenge one person on this email to provide a plausible reason to believe this fishery has any direction to go but down. 70 million less fish in the population over the years 2009 - 2017. A major decline in the female proportion of SSB. Estimated 40 million less females in the population over the same period reducing egg production by an estimated 30 - 40 trillion less eggs annually causing recruitment levels to plunge. Every relevant age class making up SSB has experienced severe declines in gender composition, recruitment levels have fallen off the cliff yet we continue the practice of commercial harvest during the spawn coupled with a significant percentage of the overall commercial harvest in the winter months when the biomass is densely concentrated and most vulnerable. That's not management, that's politics and blatant disregard for the health of the fishery. Discard rates are at historical highs both commercial and recreational. To illustrate that point, new MRIP statistics state between 2010 and 2011 the recreational sector generated 107 million discards in the process of harvesting 7.8 million fish. Incomprehensible statistics. It's what happens when you increase size minimums to manage catch. 7.8 million fish harvested over a 2 year period that resulted in 107 million fish being caught and discarded. Same is happening with commercial when they target older age classes, discard rates surged higher and since commercial carries an 80% discard mortality rate, the impact to the fishery conceivably might be greater.

No one can or has provided a reason to believe this fishery isn't headed towards a second crash which will be far worse than the 1988 crash due to the number of variables involved. When it fails, it'll fail for for both the commercial and recreational sector. For all practical purposes, recreational has already essentially lost the fishery if 91% of 2018 recreational angler trips as reported at the December Annapolis meeting ended in an average harvest of 1.3 fish per angler. The damage done to the recreational sector is indeterminable but significant. Twenty years of sacrifices and this is what the public, both commercial and recreational, get in return. Unfathomable.

The Commission, Council, SCC, MC, AP and NEFSC have to start managing this fishery with the following in mind. For every female harvested, we're not harvesting one fish we're destroying between 400,000 to 4 million eggs for every subsequent year that fish might survive. In a fishery with the dynamics between growth rates, fecund levels between younger and older age classes, low levels of egg survival etc, managing catch and the overall fishery in

general by mandating or promoting the harvest of older age classes might be the most inefficient and ineffective approach as opposed to the most effective as the Commission and Council have stated.

If what I've outlined doesn't prove that point, truthfully I don't know what else to add. This is marine fisheries and sciences own data, not mine nor third party. If my facts or trends are wrong, pointy them out BUT support your position with data.. If regulations aren't changed and problems causing a catastrophic failure in recruitment not addressed, this fishery crashes again by 2024 at latest and will take decades if ever to recover. When, not if, that happens, everyone loses and lives will be ruined.

In the absence of substantive replies to address the issues outlined this week, I'll forward the analysis to the governing bodies mentioned in my 1/31/20 email to push this forward. The ocean's fisheries are a public resource, failure to address a decline and misappropriation of this magnitude is a failure of fiduciary responsibilities managing this resource for the fishery itself and equitable apportionment of it's constituents.

Sincerely,

Tom Smith

Name: Thomas Smith

Email: smith.tom560@gmail.com

Check all that apply:

: Summer Flounder / MRIP Assignable Recreational Values

Comments: I've written the Commission, Council, SSC, MC, AP and NEFSC multiple times regarding the issue I'm raising without reply. Allocations are a weight measurement whether in the form of OFL, ABC, ACL, RHL or ACT. If we're in agreement, any disparities involving the weight values being assigned between commercial and recreational catch involving dealer reports and MRIP will impact allocations, annual quotas and estimated catch levels within every fishery under management. If both sectors are harvesting from the same biomass and comparable age classes, there shouldn't be discernible differences in weight values being assigned. It appears there are and will impact the allocation of catch quotas, valuation of catch levels and policy decisions. In at minimum the summer flounder fishery, I believe weights being used between sectors are substantially different to the degree of ~30%. I've submitted my analysis multiple times without as much as one reply. This process of revised allocations can't be finalized until the issue I've raised is addressed since weights are the underlying foundation of the allocation process.

Additionally, there's a major issue, which I believe represents a violation of MSA and FMP, regarding the allocation not of catch quotas but the availability of the biomass available for harvest by industry sectors, the direct result of size minimum disparities between sectors. In the case of summer flounder, dependent on the year and age composition of SSB and let's use 2010 as an example, 60 million fish or 75% more of the harvestable biomass (fish over 14") are eligible for the exclusive harvest of the commercial sector.

FMP in 1982 mandated management strategies implemented are equitable to the major

recreational and commercial components of the fishery. Allocating 75% of the biomass to any one sector is not an equitable allocation of the fishery which needs to be addressed.

Third and final point is in 2018 91% of self-directed summer flounder angler trips resulted in the harvest of on average 1.3 fish per angler trip. That being the case, how would a reallocation of quotas benefit the recreational and commercial sectors or the fishery as a whole. Allocations are important, but don't address any of the issues effecting the health of the overall fishery and as such should be subordinate to those issues being given priority and the full attention of the management bodies..

Name: Thomas Smith

Email: smith.tom560@gmail.com

Check all that apply: Private Recreational Angler

: Scoping Process / Summer Flounder Fishery

Comments: Additional comments regarding the scoping process specifically as they relate to the summer flounder fishery.

For summer flounder, 60% of the annual total allowable landings is allocated to the commercial fishery and 40% to the recreational fishery based on 1980-1989 landings data. These allocations were implemented in 1993 through Amendment 2 to the Fishery Management Plan (FMP).

While I agree the allocation of a stock between industry sectors should reflect an historical perspective, using statistics from 30 to 40 years ago is outdated and obsolete as every aspect of the fishery at that time is different than today when you consider the regulations in place, the prevailing catch statistics of the fishery and the stock's current attributes. In addition, that decade can be summarized as one of overfishing the stock ultimately leading to the collapse of the fishery in 1988 when recruitment statistics hit their record low of ~12 million new recruits, SSB hit a record low the following year in 1989 at ~7,000 metric tons and the biomass population collapsed to a mere ~62 million fish, a low water mark for the fishery as well. Hardly statistics or a period in the history of this fishery I would base current management or allocations decisions on. FMP needs to be amended to incorporate an allocation methodology using a rolling average assumption of catch characteristics between sectors reflective of the current fishery. A trailing 10-yr average would be a more current and relevant methodology of allocation the stock reflecting a more current representation of both regulatory drivers and catch statistics. I would argue the same is true for all fisheries under management. No business operates on statistics from 40 years ago, why should fisheries management.

As a side note, I find it interesting in light of the FMP mandate to use 1980 to 1989 as the baseline period determining quota allocations, that the 80's represented the only decade of the past four where weight values based on age groups for recreational landings were lower than weight values assigned to similar age classes used to calculate commercial landings. Size minimums at the time were the same at 13" for both sectors so average landings weights by age by sector arguably should have been identical but were not. Today, 70% of landings in

both sectors represents age classes 2 to 4, but if you compare weight values assigned in 2017 to both sectors recreational values on average are 43% higher than commercial. The direct result is lower valuations for recreational landings in the 80's creating a higher allocation percentage for the commercial sector. To compound the problem, currently higher relative weight values recreationally based on new MRIP for comparable age classes has driven annual recreational landings higher leading to more restrictive regulations. More restrictive regulations ultimately leading to a higher allocation of annual catch quotas to the commercial sector which is precisely why that sector was granted a 104% increase in commercial quota over the last two years while the recreational sector on a net basis maintained status quo. New MRIP statistics, in all their uncertainty, are reflecting a 60 / 40 split in favor of the commercial sector driving this allocation process but for the years 1990 to 2017 the same allocation methodology shows a 55 / 45 split in favor of recreational. A 15% difference in allocation percentages being completely ignored in this scoping process for this particular fishery.

In 2018, directed angler trips of ~1.6 million resulted in 2.4 million fish landed recreationally. That equates to angler trips, specifically targeting summer flounder, resulted in on average 1.5 fish per trip. In the process, landings came in at 7.6 million lbs., slightly under our 2018 recreational harvest limit "RHL". What that means is in spite of the higher daily possession limits the recreational sector has based on individual state regulations, those possession limits are theoretical limits. Practical possession limits for the recreational community have been reduced to a one possession trip limit as if we over fish that number we'll exceed the annual RHL triggering even more restrictive regulation in the future if that's even possible. Can't really go lower than a one fish practical possession limit without simply allocating the entire fishery to sole exclusivity of the commercial sector, not far from where we are today. No possession limits were changed to 10, then 8 and for all practical purposes are now at 1 to the recreational angler today.

For comparison sake, the commercial sector was just given a 104% increase in their landing quota from 5.66 million lbs. in 2017 to 11.53 in 2020. Number of fish landed recreationally in 2000 was 13.05 million compared to projected 2.22 million in 2019, an 83% decrease in fish landed over the last two decades. For the same time frame, commercial landings in 2010 at 5.6 million fish are projected at 5.1 million for 2020, a decrease of 9% as a result of the 104% increase they received in commercial catch quota.

This fishery for all practical purposes has been taken away from the recreational sector. Regulations are killing a family tradition arguably shore based communities have been founded on, causing significant economic consequences to the recreational sector and if not addressed will eventually destroy this fishery which is currently experiencing a slow death. Starting with the allocation methodology mandated by FMP and continuing with the use of size minimums recreationally and the unabated harvest by the commercial sector of older age classes, a high percentage from the EEZ during the spawn and winter offshore fishery, this fishery is trending in the wrong direction. Regulations have wreaked havoc on the fishery and this allocation methodology and new MRIP statistics have wreaked havoc on the recreational sector. Both need to change.

The above disparities outlined in this fishery have to be a direct violation of MSA National Standards 4 - "Allocations" as well as FMP 9.2.1.4 (A), (B) and (C) "regarding nondiscriminatory

measures between fisherman of all states”, “fair and equitable allocation of the resources” “carried out in such a manner not to prejudice any individual, corporation or other entity acquiring excessive shares of such privileges”.

From: Boat Whisperer
To: Beaty, Julia
Subject: Fluke/Scup/Sea Bass Allocation Amendment
Date: Tuesday, February 4, 2020 11:22:40 AM

Julia,

I live in Fort Monroe, VA. Please do what you can to reduce the amount of fish that is harvested by commercial fishermen using nets. The "Wanchese" fleet is located next to our marina, and it breaks my heart seeing those massive steel boats and deadrise boats going in and out every day with tons of fish from the Chesapeake bay and the local mid Atlantic. The local recreational fishermen report catching tiny croakers that get through the nets, if anything at all. The striper population has been decimated. The menhaden are a tiny fraction of what they used to be. Flounder are smaller and fewer than ever. We need help. The commercial fishermen will go after the last fish if you show them where it is.

Recreational fishermen add a hundred times as much to the local economy per fish as the commercial fishermen, and they do not wipe out the entire population. I would even like to see a limit of two fish per person, and a ban on commercial fishing in the bay, until fish populations return. Menhaden fishing in the bay should be permanently banned. Omega Protein has gotten too efficient at removing entire schools and populations, and has proven (repeatedly) that they can't be trusted.

Please help.

Thanks,

John Doucette

" Commercial fishermen in the Mid-Atlantic region harvested 570.9 million pounds of finfish in 2011 compared to 41.8 million pounds of fish caught by anglers. Commercial landings of species that matched those of anglers were worth \$105.2 million. Including multiplier effects, this revenue generated \$451.8 million in sales, \$162.6 million in income, \$224.9 million in value added (GDP), and supported 7,373 jobs. Anglers spent \$3.7 billion in 2011. Including multiplier effects, these purchases resulted in more than \$3.8 billion in sales, \$1.3 billion in income, \$2.0 billion in value added (GDP), and supported 26,714 jobs."

Name: Ronald Onorato

Email: captron1@optonline.net

Check all that apply: Charter/Headboat For-Hire Captain, Commercial Fishing Industry

Comments: The commercial allocation for New York State (all three species) needs to be adjusted more equitably to reflect the northerly migration of the fish. The data originally used to establish initial commercial allocations was inaccurate and outdated. State allocations need to be readjusted. The commercial /recreational allocations also need to be readjusted. The recreational sector is continually over harvesting its allocation. The commercial sector should

receive a higher percentage of each species allocation.

From: John Caruso

To: Beaty, Julia

Cc: John

Subject: Fluke regulations

Date: Wednesday, February 5, 2020 12:02:35 PM

I'll like you to consider my opinion on the upcoming fluke regulations. I contend that fisherman like myself who adhere to size and catch limits are killing too many fish deemed to be small. I use circle hooks and never dead stick while fluke fishing. Still, many undersized fish aggressively swallow the entire bait and hook. I do my best to remove hooked fish but many times, I'm concerned that it is not enough and the fish won't survive. Keep the catch limit but lower the size of the allowable keepers. I am positive this will actually be beneficial to the continued health of this fish population by cutting down on damaged fluke that do not survive de-hooking.

Thank you.

Dr. John B Caruso

Name: Christopher Yoda

Email: cyoda6@gmail.com

Check all that apply: Private Recreational Angler

Comments: It is increasingly more difficult to catch a keeper summer flounder let alone a limit. I fish over 150 days a year, mostly from land and have only caught 7 keepers in the last 3 years. Clearly there is an issue with management. i'd like to see a reduction in commercial as well as recreational take. Perhaps a slot limit for recs. The current management is a joke and this species is vanishing from our waters.

Name: Matt Scirpo

Email: matt.scirpo@gmail.com

Check all that apply: Private Recreational Angler

Comments: I hope that regulations on Scup are left unchanged. I am a recreational shore angler who mainly fishes from public beaches and fishing piers. In my experience, the last few years of Scup fishing have remained very productive and I don't personally see reason to restrict what I can take home. On a regular day (not too slow, not too fast) I will typically catch a fish every 3-5 minutes or so, most of them legal size and taken home. If changes are to be made, I would support only raising the legal fish size 1 or 2 inches, but keeping the bag limit the same. Thank you for listening.

Name: John BAPTISTE

Email: jackbrosi@aol.com

Check all that apply: Private Recreational Angler

Comments: I am a recreational angler that has been fishing Vineyard Sound for the past 40 years primarily for the table. In addition to the decline in Striped Bass which is being addressed, the following is my personal observations of the following species:

Black Sea Bass, has been excellent for the past couple of years with many large fish especially in the spring before the fish move off to the area SE of the Vinyard.

Fluke, has been horrible the last few years with the past year the poorest I have seen in the 40 years I have been fishing for them, please consider keeping the day trawlers out of Vinyard Sound as they are decimating the species!

Scup, have been about the same for the past few years with a drop-off in 2019, especially in larger fish.

Blue Fish, have definitely been on the decline the past few years.

Name: Eric Olson

Email: eolson83.capecod@gmail.com

Check all that apply: Commercial Fishing Industry

Comments: Hello. My name is Eric Olson. I'm a hook and line commercial fisherman from Chatham, MA. I write simply to share that I feel MA needs to reopen access to commercial Black Sea Bass permits. Our quota keeps getting cut and on top of that we can't get a permit if we didn't have one before 2011 I believe. Spending time on the water around the cape it is quite clear that the species is abundant and thriving. As is scup and fluke. I believe we deserve a period of open access with increased commercial quota. For us small boat fisherman, having access to these fisheries is essential for profit to be made. As it stands now striped bass is one of the only things hook and line guys can target inshore. It's frustrating to have an ocean full of delicious tasty fish that we can't access due to poor policy. Or perhaps the policy was good and the species rebounded, but in MA we certainly need to have more access to Black Sea Bass for hook and line fisherman (and pot fisherman) As far as I'm concerned the draggers are our main issue but...deep pockets. Maybe someday we will truly kill the beast and fish sustainably. Would be nice to think my children will be able to follow in my path. Remove dragger quota and put it in the hands of the rod and reel guys. Sea to table sustainably caught fish is the way of the future. Let's move forward. Take care

Name: Michael Grundy

Email: mgarmy@hotmail.com

Check all that apply: Private Recreational Angler

: Michael Grundy

Comments: For many years now, at least in South Jersey, it has been difficult to catch any keeper flounder and the size limit prohibits all but near doormat size fish. Ever taken a little kid fishing and you have to throw back everything you catch? Would like to see something that allows one or two fish at 17 inches. I believe we had that in the past. I will admit, the days of 50 and sixty flounder from Delaware Bay are over and need to be over to sustain the fishery, however the pendulum has swung way to far in the other direction.

Thank you for your time.

V/r

Mike Grundy

908-852-8160

Name: Henry Genthe

Email: voodoo2wo@verizon.net

Check all that apply: Private Recreational Angler

: Henry Genthe

Comments: I would suggest closing the summer flounder season until the fishery rebuilds itself . There are to few quality fish caught recreationally anymore we can point at the daggers and they at us but the truth of it is OVERFISHING has occurred by both parties. Also if a short fish is gut hooked it should be kept rather than thrown back to die that practice is foolish and a wasteful use of the fishery sincerely, Henry Genthe

From: James Salvaryn

To: Beaty, Julia

Subject: Scoping hearing regarding fluke

Date: Monday, February 10, 2020 9:06:11 PM

After reading the data on fluke catches, one thing stood out to me: "Recreational dead discards averaged 14% from 2009 to 2018". If multiple 16 inch slot fish were allowed, the dead discards would decrease and the fluke stocks would not be as impacted. That would create enough additional live fluke to enable the commercial fishers to be able to catch more and the recreational fishers would go home with fish, rather than go out for a day of fishing and wind up killing and discarding a bunch of fluke between 16 to 18 inches. If you let the recreational fishers hit their daily bag limit, by including slot fish, the catch percentages between commercial and recreational fishers would not have to be changed and you could probably even increase the daily bag limit for recreational fishers. It would also allow for big breeders to be left in the ocean, as recreational limits would be filled with smaller fish.

From: Mike Griffin
To: Beaty, Julia
Subject: Fluke/Scup/Sea Bass Allocation Amendment
Date: Monday, February 10, 2020 8:04:28 PM

As an active fishing and diving boat captain for fifteen years I'd like to offer a few thoughts on "Issues for Consideration" in regard to the allocation amendment being considered.

Under "Approaches":

1. I didn't see any mention of the newly planned Offshore Coastal Wind Farm and it's impact of environmental benefits or threats to our fishery.

The Council should play a role in receiving pertinent reports and/or statistical information regarding anything that might explain future changes in our fishery caused by the project or it's ongoing operation.

For example, does the council have a voice or mandatory participation in the approval process, e.g. on tower locations, to avoid disruption to our pre-existing artificial reefs? Is there an environmental risk, to our fishery, regarding ongoing maintenance, repairs and the use and disposal of specially developed lubricants, along the entire coast of NJ? Will the Committee have sufficient ongoing data to explain yet another variable of fishery changes from this new additional stakeholder. Is there a preexisting plan to quantify the expectations of the towers ability to draw any of the three species of fish and how will that new variable be measured and by who?

2. Could the bases of each tower work in conjunction or proximity of our pre-existing artificial reefs. e.g. new reefs could be structured to approach the towers. Or perhaps, combining new artificial reefs around and within the towers base.

3. Have there been studies of vibration, electrical or audible blade sounds, or sheer visual movement, caused by wind farms that has proven to disturb fish populations, especially the three species being considered?

Thank you for this opportunity to provide input into this important effort. Mike Griffin 908-812-3275

Name: Frank Boryszewski

Email: 40yrsL8@comcast.net

Check all that apply: Private Recreational Angler

Comments: I have been fishing for fluke since 1975 -2013 in the Raritan bay and now out of TOMS River through Barnegat or manasquan inlets. When size regulations would change to a higher size you would catch a lot of the size limit from the year before. I don't see the fish getting bigger each year since we have been at 18". Where are the fish. The quantity is gone along with bigger fish. Everyone I talk too is doing the same. I had a total of 4 legal fluke this year. It's not worth my time and fuel to go out. I don't expect to limit but I expect to have a fish for dinner. How many fish are we losing to dragger nets? Do we need to shut fishery to commercial rtial recreational fishing like the striped bass was when I started fishing? Thanks Frank

Name: blair seitz

Email: blairjulia@netzero.net

Check all that apply: Private Recreational Angler, Other (please describe below)

: blair

Comments: scuba divers , my wife & been scuba diving 32 years mostly off the coast of New Jersey , we are the eyes of the world , we can provide a lot of information , the Black Bass is doing a come back , the stock is small but a lot small Black Bass around. always give 2 to 3 Black Bass all season long & don't close it , . for Commercial fisheries lower the catch if that would help.. Summer Flounder - there is a problem , on scuba trips this past season only saw a few flounder & small stock, keep the 3 fish for the average fishing person but lower the commercial fisheries tonnage . Striped Bass EVER since Sandy Super storm the striped Bass have been less & less , that is the one fish we use a hook on . maybe 1 to 2 fish per boat would help the stock & keep people happy , commercial Striped bass don't know if there is a commercial catch ? lower it & keep China out of our waters. WE seen a lot of net boats this year & one net boat got to close to my SCUBA boat with all the proper flags flying . some net boats on the 3 mile line at times.

in closing contact the SCUBA divers like me & my wife , we see what's going on under the water , give fish per boat lowr but don't close it. thank you , Blair & Julia Seitz
blairjulia@netzero.net any more info needed.

From: Joseph Horstmann

To: Beaty, Julia

Cc: jpappyhorstmann@gmail.com; Jim Hutchinson

Subject: Re: 2020 Allocation of summer flounder, sea bass and scup

Date: Monday, February 17, 2020 3:51:13 PM

Dear Ms Beaty,

I am now 73 years old and have been fishing for summer flounder/fluke and sea bass in New Jersey ever since I was a young boy. I am concerned about the viability of the flounder and sea bass fisheries and would like to see a sustainable fishery for my children and grandchildren.

Regarding the fluke fishery, the recent regulations in New Jersey have been three fish, 18 inches or greater/day. From what I've read, most of the larger fluke represent mature females, and the regulations seem to be targeting the breeding stock of the fluke fishery. This seems to me to be totally illogical and counter productive for the preservation of the fluke fishery.

I'm no different from the average fisherman. I like to catch big fish. I also would like to see the recreational fishing industry survive and thrive. Compromise would appear to be necessary on all sides. What I would suggest is that the 2020 fluke regulations for New Jersey be maintained at three fish/angler/day but rather than three fluke at 18 inches or larger, the new regulations would be one fish at 18 inches or larger and two smaller fish, i.e. two fish minimum of 16 inches but less than 18 inches or one fish 15-17 inches and one fish minimum of 16 inches but less than 18 inches. (Some of the smaller fish should represent male flounder.). This should help not only to build the breeding

stock but also allow recreational fisherman to bring home fish for dinner and party boat operators to continue to operate pools for the largest fish.

Regarding the sea bass fishery, what concerns me the most is the dead discards. When I go out on party boats, we often fish at deeper depths and the fish suffer from baro-trauma with dilated swim bladders. I've read articles on venting the dilated swim bladders but this does not appear to be performed by most fisherman. Maybe an educational campaign by your organization would help to decrease the dead discard rate.

Thank you for considering my suggestions.

Sincerely,

Joseph P. Horstmann

Name: scott lundberg

Email: REELSPORTFISHING@aol.com

Check all that apply: Charter/Headboat For-Hire Captain

Comments: As a full time charter boat captain in Pt. Judith Rhode Island since 1993, I would support separating private and shore anglers from the for hire industry in the recreational allocations. We have our own accountability through daily electronic reporting and this would give our industry some stability. I often compare our businesses to a shoe store. You can not stay in business if you only have one shoe style in size 13. Our business's have continually given up fish every year. The for hire industry is a very, small piece of the recreational pie. As I stated earlier this would give our industry stability. Sincerely Yours, Capt. Scott Lundberg

Name: Jerry Groll

Email: jegroll@comcast.net

Check all that apply: Private Recreational Angler

: Jerry Groll

Comments: I have read the information about harvest of bluefish, flounder, scup and black sea bass. It seems that in this day and age, the lack of change in fisheries management for 30 years is hard to imagine. The improvement in documentation of catches, and biomass stock, contrasts with the way that quotas are calculated. I strongly urge that the commercial and recreational quotas be recalculated, on a regular basis (every 5-10 years), to correspond to the changes in both commercial and recreational fishing catches over time. It seems to me that a more scientific and realistic quota evaluation can be made over time, especially with the changes in our abilities to evaluate stock and spawning stock biomass, and for all fisheries, their inter relatedness.

From: Louis Papp
To: Beaty, Julia
Cc: Clark, John (DNREC); Stewart Michels; Jerry Groll; Allan Cairncross
Subject: Fluke/Scup/Sea Bass Allocation Amendment
Date: Thursday, February 20, 2020 7:39:13 PM

Dear Julia Beaty,

This e-mail is my submission of my comments associated with the “Fluke/Scup/Sea Bass Allocation Amendment”. Below are my thoughts on the various issues offered for consideration:

- 1) No action/status quo – I am totally against this option. To allow this option to continue after 30 years is a terrible injustice. Our world ,our fishery, are dynamic systems in constant change and need to be treated accordingly.
- 2) To change to a new allocation system, I feel it should be developed by using the last 5 years of data and then changed every 5 years based again on the last 5 years of data.
- 3) Allocation should be based on catch including discards.
- 4) I agree socioeconomic data, analysis and other considerations should be used to modify the allocations based on optimization of economic efficiency and socioeconomic benefits for each fishery, assuming this can be done in a fair, logical and accurate manner.
- 5) I do not feel there should be a special allocation for-hire versus private boat and shore based fisheries. Our management system is complex enough without adding more variables.
- 6) I am against allowing the transfer of allocations from one sector to another.
- 7) I don’t have a problem using allocation set asides to adapt to unforeseen circumstances if they are logical and makes sense, are fair and can be calculated accurately.
- 8) Catch limits should be defined in pounds or /and numbers of fish as they now are.
- 9) Allocations should be dynamic never static
- 10) The option to make future allocation changes through a framework/addendum being shorter and more efficient makes sense.
- 11) While much progress has been made improving catch accounting and estimating methods in the recreation sector, more improvement is still needed for greater reliability.
- 12) I agree that improving accountability in the recreation sector is necessary.

Best Regards,

Louis Papp
306 west Cape Shores Drive
Lewes, DE. 19958
302-645-0230
Loudot2@verizon.net

P.S. I am your common everyday recreational fisherman who likes being outdoors and enjoys fishing as a sport and relaxing exercise. I also feel our fishery needs to be managed for sustainability for future generations, like my children and grandchildren who just love the sport.

From: Robert Matthews

To: Beaty, Julia

Subject: Fluke Regulations

Date: Tuesday, February 25, 2020 2:38:36 PM

I propose we go to a 17 1/2 inch 3 fish limit, we are in the rental boat business and Bait and Tackle shop these larger size limits are killing us.

Robert Matthews

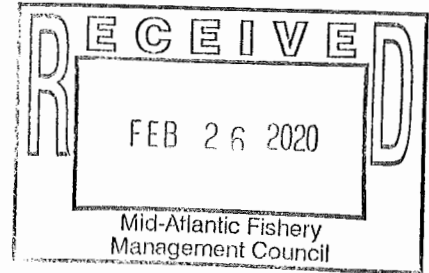
Fishermen Den

905 Rt 35

Belmar N J 07719

February 23, 2020

TO: Dr. Christopher Moore, Executive Director
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, DE 19901



FROM: James A. McCauley
34 Blossom Court
Wakefield, RI 02879
401-783-6472

SUBJECT: Fluke/Scup/Sea Bass/Allocation Amendment

The beginning of my comments focuses on the size of the fishing grounds where all three species are known to be located and the probability of a much greater expanse for sea bass. The proposed amendment has the recreational landings nearly equal to the commercial landings for sea bass and the fluke landings slightly favoring the commercial sector at 60/40.

By definition, the recreational fisheries take place in state waters which extend out to three miles from shore. By comparison, Federal waters extend out to 200 miles beyond state waters. Looking at a nautical map, the extent of the available fishing grounds out to 200 fathoms and the US exclusive economic zone line to the east, which includes all of Georges Bank and the Gulf of Maine, minus a few closed areas, the recreational fishery sector would be less than 3% of the commercial sector. In addition, the recreational sector landings occur primarily between May and September.

The Magnuson Fisher Conservation and Management Act was passed by Congress in 1976. The significance of that statement is that forty-four years have passed since there has been any significant pressure on our east coast fisheries. I personally witnessed the efforts, night and day, every day, of the many Russian, Japanese, Spanish and Italian vessels from 1962 when I started fishing my eighty foot side trawler, the "Jerry and Jimmy".

Despite twenty years or more of foreign fishing efforts, fluke commercial landings in the 1980's were in the 30-million-pound range. Part of the reason for that level of fluke landings was the increase in the number of new steel boats built in the late 1970's and 1980's. These new entries were encouraged as part of government policy – government guaranteed loans, etc. Many of those boats are still in service though close to the end of their useful life. I build my 85 ft stern trawler "Alliance" in 1971.

Because of the current state landing allocations, it is not financially feasible for a commercial vessel with a federal license to fish the winter offshore, 60-90 fathoms, for a few pounds of fluke and sea bass even if they consolidate their daily quota. As a result of this elimination of log book information available from these offshore lucrative fishing grounds, which I have fished extensively in years past, there will be no current knowledge now or in the future of the size of the fish or the quantity

of both fluke and sea bass. For instance, sea bass are being caught in lobster traps around the Hydrographer Canyon area in depths from 100-150 fathoms.

Based on my initial comments on the fishable sector versus the recreational sector, my suggested ratio for fluke would be to start at a minimum of 80% commercial and 20% recreational instead of 90% and 10%, which would be more realistic. The current 40% of 20 million pounds would remain the same at 20%. The commercial 80% would then be 80 million pounds for a total of 100 million pounds, which is still below the very conservative target level of 126 million pounds. I believe that once the new landing information is reported, there will be a significant reappraisal of the fluke resource.

I would also suggest, to the great benefit of the recreational sector, that state waters should be increased to nine miles for fishing purposes, as it is in the Gulf of Mexico.

Using the same 80% commercial and 20% recreational for sea bass, the 20% would be the same at 5.81 million pounds, the same number of pounds as proposed for 2020. The commercial sector at 80% would be four times that much at 23.24 million for a total of 29.05 million pounds, which is still below the conservative target level of 31 million pounds.

Based on my calculations of an 80/20 percent split in the way it was presented, there would be approximately an additional 20 million pounds of fluke and 15 million pounds of sea bass available to the commercial sector. There is no doubt that both species are expanding their territory both north and east. In all fairness these new additions should be distributed to the northern states from New Jersey to Maine. In addition, it is critical that the state allocations be distributed only to commercial vessels with a federal fishing license.

I know that the comments of this letter should be on the allocation issue, but the comments in the ASMFC Review of the proposed plan, at times, refers to millions of fish which I assume relates to discards, but the number of fish is very significant. The size of fluke for the commercial sector should be increased to at least 16 inches. A 14-inch fish weighs one pound. A good fillet individual may get one pound of fillets from three fish, a 33 to 35% yield, plus the labor involved, the market value for a single fish to the boat runs from one dollar up to two dollars a pound up to two pounds. If boat catches all 14 inch fish when the state allocation for the day is 100 pounds, there is a removal of 100 individual fish. At 16-inches that number drops to 75 fish. At 18 to 19 inches, the usual recreational size, the fish weighs two pounds therefore a fifty fish removal and instead of being considered a "medium", it is now a large category and brings a boat price of four to five dollars a pound up to four pounds. A "jumbo" size", if four pounds, would be a twenty-five fish removal at five to six dollars a pound, meaning a "jumbo" fish of four pound could be worth 20-25 dollars, instead of a dollar per fish. The same analysis applies to the offshore fishery in that every fish caught may be worth 30 dollars. This same applies to sea bass which has a similar price structure. An increase in the size from 11 to 13 inches would not only increase the price per fish, it would extend the breeding potential by another season as it would with fluke.

Going forward, the whole commercial fishing catch should be managed in the same way the scallop fishery controls landings, that is controlling the amount of removals from specific areas. The scallop fishery basically manages itself and has been very lucrative.

If, for example, the area from 60 to 90 fathom was to be divided from Hudson Canyon to the US exclusive economic zone line as follows Hudson Canyon at 72°30' to block Canyon at 71°, Block Canyon to Veatch Canyon at 70°30' outward at the same intervals for a total of five designated sectors. The same number of sectors with the same spacing could be designated from 90 to 250 fathoms. There would be similar sized blocks from North Carolina to the Canadian line. Based on logbook data,

managers would know what the removals are for the whole region. If it is determined, once enough data has been collected, an area could be closed for a season or like scallops, limited removals by the number of trips allowed.

One such area is the current fishery closure south of Nantucket which has been closed since 1995. I was one of two N.E. Council members assigned to determine the final boundaries that exist. The initial proposal was for an area twice the size. If the proposed system ever is adopted, I would like to see that closure re-opened. It was a principal area for the New Bedford Ground Fish Fleet.

In closing, I believe the management council and ASMFC have to take appropriate actions that will improve the commercial finfish landings to the point where that sector would be capable of supplying fresh seafood for the whole country as the resource did when the foreign fleet was feeding their respective countries. Major chain stores are now selling fresh fish from Iceland, Norway and Canada. The rest of the displays are mostly farm raised. If at some point like we are now experiencing with an outbreak of a deadly virus, imports, especially seafood, may be restricted or stopped altogether. Then, the question would be asked why can't we supply the fish?

*THERE ARE ONLY
WINNERS IN THIS PLAN!*

James A. McCauley



Name: Ross Baker

Email: rvbaker15@gmail.com

Check all that apply: Private Recreational Angler

Comments: The cuts are always to the recreational angler limits or seasons and the stocks keep dwindling. Why can't you guys ever cut back the commercial take? Us rec guys with a rod and reel can't possibly do the damage all these nets do. I guess it'll never happen, keep letting the commercials do whatever they want. There's no flounder fishery left in Virginia anyway.

Name: HEATHER MAIN

Email: HEATHEREMAIN@GMAIL.COM

Check all that apply: Private Recreational Angler

Comments: BAN ALL GILL NETS AND POUND NETS. BAN FLOUNDER AND BLUEFISH FISHING FOR 5 YEARS IN NC TO LET THEM RECOVER. CLIMATE CHANGE IS CAUSING MANY FISH AND SEA ANIMAL NUMBERS TO GO DOWN. WITH CLIMATE CHANGE COMES IMPACTS OF WARMING WATER AND POLLUTION FROM RUNOFF UPSTREAM AND FROM LARGE FARM FERTILIZER RUNOFF.

DO SOMETHING BEFORE IT IS TOO LATE FOR NC WATERS. USE THE SCIENTIFIC DATA ON FISH AND ENVIRONMENTAL CHANGE THAT IS AVAILABLE. MAKE POLICIES TO PROTECT THE ENVIRONMENT FOR ALL PEOPLE, NOT PROTECT RICH CRONIES AND DEVELOPMENT.

Name: James Paganetti

Email: jim@paganetti.com

Check all that apply: Private Recreational Angler

Comments: Attended the Old Lyme, CT meeting on Feb. 26th. I agree with the commercial and recreational fisherman that the MRIP data for the recreational fisherman is too high. I fish in the RI, CT and NY waters, predominately targeting fluke, and black sea bass when in season. I average about two days a week fishing between mid may and the beginning of November. I would say my limit on each species was two or three times over the season. The "keeper" rate was approximately 30%, meaning 70% were released. When fishing in water around 100', I cannot imagine the survival rate of that 70% being very high, That said, I am in favor of keeping the current allocations the same, pending better MRIP data. Also, I would be in favor of CT, RI and NY having the same regulations. Fishing in the eastern LI sound, Fishers Island area, Block Island sound along with the North and South Fork of Long Island creates confusion to limits for the recreational angler.

Name: Charles Julian

Email: zionlion31@gmail.com

Check all that apply: Commercial Fishing Industry

Comments: I oppose the amendment to re-allocate catch and/or landings between the rec and commercial sector. Re-quantifying 40 year old data is not a fair assessment of real catch/landings. If re-allocations should occur, they must be based on solid data collected from all sectors. Since the commercial and for-hire sectors are already reporting, the recreational sector needs to be responsible as well. I believe the current phone/mail surveys are not enough to present an accurate picture of this sector. I also believe any data collected from these types of surveys are skewed due to dishonest or inaccurate reporting. Relying solely on commercial catch and landings as the only real data puts commercial fisherman at a disadvantage. Improving accountability in the Rec sector by gathering data on catch, landing, and dead discard would be a fair and equitable way to then consider re-allocations between sectors.

From: Anthony Testa

To: Seeley, Matthew

Cc: Beaty, Julia; Leaning, Dustin Colson

Subject: Scoping comments Bluefish, Scup, Summer Flounder and Black Sea Bass

Date: Monday, March 2, 2020 12:24:44 PM

Good afternoon Matt

First I want to thank you for excellent presentation at the meeting last week at Stony Brook. I did not write down the other presenter that did the summer flounder, scup and sea bass part of the meeting but wanted to get the thank you to her as well. I attend most of these meetings and this one was very well done. I do not have her email so if you could please send this to her it would greatly be appreciated.

My comments:

I am a recreational fisherman and board member of the NYRFHFA and have been fishing off Long Island for just about 50 years and have seen the ups and downs of fishing stocks including times when regulations did not exist. Few points for my opinion:

- 1) There has to be regulations that are fair and equitable for both the fish and people that fish! It is my opinion that the regulations in place and what is being discussed for the future is only hurting the fish and the people that fish for them. This applies to both recreational and commercial fisherman. I understand that your following past laws and procedures but it is time to revisit these laws and procedures as they are failing terribly and doing much more harm than good. I base this opinion on my many years of fishing and adapting to fish and bait migration patterns, disruption to the ecosystem that these fish call home and other problems that are both environmental and due to not education people on how to better take care of the fishing resources and waters. I speak to many people about the problems if fishing regulations and 9 out of 10 times the people have either no idea or the wrong information about how to correctly help if the fish management process.
- 2) Second and also very important is the MRIP data used for the assessment of the fish stocks. I can tell you first hand that since Hurricane Sandy fishing off the south shore of long island

has changed a lot. These changes are having me run my boat to totally different areas to find the fish we are trying to catch and the fish are not really where they used to be. This does not show that there are no more fish but that due to the changes listed in my point #1 the people that fish have to adapt as well. I keep a log book and have not really found a measurable decline in my catches but find myself fishing in areas that no other boats fish because they just don't understand that fishing patterns change. The MRIP data is most troubling as this is the main problem we are facing and if not fixed there is a high percentage of failure in the fishery management efforts.

- 3) I believe that 10% of the people that fish catch 90% of the fish. This is a very important statement as if you ask the average person that really does not know how to fish how fishing is they will say it is terrible and there are no fish. I see this just about every time we come back to the dock. These "weekend warriors" that are out there are fishing right next to me and they cannot catch. Why is that? It is because they don't understand or adapt to fishing conditions. It would be a very good idea to reach out to some of the captains that really have a handle on what's going on and use that info in your work. At the meeting at Stony Brook there were some of the top guys both recreationally, commercially and for hire captains at the meeting and although comments were made, they often get ignored.
- 4) NYRFHFA: This group was started 2 years ago to fight for fair and equitable fishing regulations. We assembled a board of the top captains so we could try and work together with the powers that be to put a plan together that works for all. We want the fish stocks to be as strong as possible but cannot make any headway with this due to the process and current laws in place. Our group stands ready to help with any and all of our knowledge and experience so all can benefit from the best plan for our goal. Too much time is wasted at these meetings just kicking the can down the street with no positive impact on the problems.

In closing I want to stress again that in order to fix this problem we should start over from scratch and come up with a more sensible approach to fishery management as we owe it to the fish and the people that fish for them. Fishing regulations are without question needed for all but these regulations have to work and in my opinion are not and if not will make things much worse than they seem to be right now.

Thank you

Capt. Anthony Testa

1075 Tooker Avenue
West Babylon, NY 11704
February 27, 2020

Chris Moore, PhD, Executive Director
Mid-Atlantic Fishery Management Council
North State Street, Suite 201
Dover, DE 19901

Dear Dr. Moore:

I am taking this opportunity to comment on the proposed Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment (the "Amendment"). The comments will generally follow the order of issues listed on page 4 of the Scoping and Public Information Document for the Amendment.

I

Reallocation of the summer flounder, scup, and black sea bass resources should occur, although the basis for such reallocation need not necessarily be the updated recreational landings estimates provided by the Marine Recreational Information Program

A

New base years, which reflect recreational and commercial effort in response to a healthy fishery, would best be used to reallocate the summer flounder, scup, and black sea bass resources; one possibility would be to use the five years immediately following the year in which each once-overfished stock was declared to be recovered

The current base years used to allocate summer flounder, scup, and black sea bass reflect the state of the fisheries during a period when all three fish stocks were poorly regulated and in a state of serious decline. In such times, fish are not distributed somewhat evenly along the coast. Instead, the remnants of a depleted stock tend to concentrate in areas of local abundance, while being absent from much of their former range. Such circumstances favor the commercial fishery, which is willing and able to travel relatively long distances to concentrate its effort in areas where fish remain relatively available, and severely disadvantages the recreational fishery, where vessels are small and must generally fish within, at most a few dozen miles from port. Under such conditions, and absent regulations, commercial fishermen can maintain relatively consistent annual landings, while recreational fishermen are often unable to access areas of localized abundance, and see annual landings decline. That tends to bias historical landings data in favor of the commercial sector.

Summer flounder landings during the 1980-1989 base years illustrate that fact very well. While recreational landings peaked in 1983, when summer flounder were still relatively abundant and recreational fishermen caught 55 percent of overall landings, the recreational share of the overall

landings steadily declined along with summer flounder abundance, declining to a mere 24 percent of landings in 1989, when recreational harvest reached its nadir.¹

While the base years used for scup and black sea bass don't capture the years of lowest abundance quite so neatly, both still encompass periods of relative scarcity. The 1988-1992 base years used for scup contemplate a time when the scup spawning stock biomass was between four and six percent of what it was in 2018.² The black sea bass base years of 1983-1992 also reflect a period of relative scarcity; although the time series used in the most recent operational assessment only reaches back to 1989, and so doesn't include the earliest base years, spawning stock biomass for the later base years, 1989-1992, was at best about 15 percent of its 2018 level.³

None of the base years, for any of the three species, reflect a time when the spawning stock biomass approached target levels.

At the same time, 2018 spawning stock biomass for both scup and black sea bass were well above the respective biomass targets. Including a period of unusually high abundance in the base years determining an allocation could bias such allocation against the commercial fishery, which is constrained by a hard quota, and give undue advantage to the recreational sector, which is bound only by a soft harvest limit which, in times of abundance, is often exceeded.

That being the case, the most appropriate base years to determine allocation for each of the three fisheries would arguably be the five years immediately following the year in which the once-overfished stock was first declared fully rebuilt, a time when the biomass was acknowledged to be at a healthy level, yet not at an extremely high level of abundance.

If basing allocation on such base years is not practicable, either because of concerns that the hard quotas imposed on the commercial fishery would bias the allocation against the commercial sector, or because of concerns that the court decision in *Guindon v. Pritzker*,⁴ which found that increased recreational allocations based on years when anglers exceeded their Annual Catch Limit are inherently unfair and thus illegal would prevent such base year's use, then a reallocation that does not employ base years, but recognizes that the base years currently used unfairly disadvantaged the recreational sector, should be put in place.

¹ Mid-Atlantic Fishery Management Council, Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment, Scoping and Public Information Document, January 2020, pp. 8-9

² Mid-Atlantic Fishery Management Council, *Operational Assessment of the Black Sea Bass, Scup, Bluefish and Monkfish Stocks, Updated through 2018, 2019*, p. 37

³ *Ibid.* p. 26

⁴ 240 F.Supp.3d 191 (Dist. Ct., D.C., 2017)

B

If new base years are not adopted, the allocation should be revised to reflect the latest estimates of recreational catch and landings

The current commercial/recreational allocations of summer flounder, scup, and black sea bass reflect the Mid-Atlantic Fishery Management Council's (the "Council") best understanding of commercial and recreational landings during the base years selected for each species, and were intended to reflect each sector's historical shares of each fishery. However, updated estimates provided by the Marine Recreational Information Program ("MRIP") now reveal that such understanding was flawed, and that the recreational sector's landings were higher than previously believed.

That being the case, if new base years are not adopted, equity demands that the commercial/recreational allocations be recalculated in accordance with the new MRIP estimates, in order to best carry out the original intent of the Council, when it initially established the allocations, and to take advantage of the best available data.

C

Scup present a special case that justifies an allocation approach that recognizes both recreational demand for the scup resource, and the commercial sector's chronic failure to harvest its entire quota.

The updated MRIP catch estimates reveal that anglers' landings were significantly above the recreational harvest limit, and that recreational regulations would have to be made much more restrictive if the recreational catch is to be constrained to no more than 23 percent of the overall catch.⁵ At the same time, the commercial scup fishery has chronically underharvested its quota, failing to catch its entire allocation in every year since 2007. Such failure is not due to a shortage of fish, but rather to a market that is unable and/or unwilling to absorb additional scup.⁶ As a result, the chronic commercial underharvest has offset recreational overharvest, and the Council was able to maintain 2019 recreational scup regulations for the 2020 season, without exceeding either the Overfishing Limit or the Acceptable Biological Catch.⁷

In maintaining status quo recreational regulations for the 2020 scup season, the Council knowingly strayed from the allocation that it had established years before. While that action was technically contrary to the express terms of the management plan, it did no harm to the scup stock and was arguably reasonable given the circumstances facing the Council. However, the Council should not be forced into the position of having to choose between doing what is reasonable and adhering to the clear terms of the management plan.

The current recreational demand, paired with chronic commercial underharvest, make scup a special case with respect to reallocation. Even without the updated MRIP catch estimates, reallocation would

⁵ Mid-Atlantic Fishery Management Council, "Summer Flounder, Scup, and Black Sea Bass Monitoring Committee (MC), September 16-17, 2019 Meeting Summary," pp. 5-6

⁶ Mid-Atlantic Fishery Management Council, Allocation Amendment, p. 10

⁷ Mid-Atlantic Fishery Management Council, presentation "Scup 2020 Recreational Measures," made to the Council on December 11, 2019

clearly be called for. Such reallocation might reasonably begin with the approaches described above; either selecting new base years based on the health of the spawning stock, or using the existing base years, but applying the new MRIP estimates. After that first step is taken, if the resultant reallocation would still make it likely that the commercial fishery, based on its average landings, would not harvest its entire quota, while recreational demand was not completely met, then additional fish should be allocated to the commercial sector.

The goal of reallocation should be to come as close as possible to satisfying recreational demand, without reducing commercial landings below their average percentage of the overall harvest.

II

There is no compelling argument that justifies sector separation in the summer flounder, scup, or black sea bass fisheries; however, if such program is adopted in any fishery, the Council must take concrete steps to assure that sector separation does not create a de facto reallocation of fish between the private boat, shore and for-hire fisheries, and that no sub-sector of the recreational fishery should suffer for another sub-sector's overharvest

A

There is no compelling reason to initiate sector separation in any Council-managed fishery

Marine fish stocks are public trust resources which should be managed, in the words of Magnuson-Stevens, to "provide the greatest overall benefit to the Nation."⁸ They should not be managed in a way that provides extraordinary benefits to a particular region, sector or sub-sector, at the expense of another region, sector, sub-sector or the Nation as a whole. In adopting a sector separation program, there is a significant risk that such program will distribute the benefits and burdens of management in an inequitable manner. Thus, sector separation should not be considered without a compelling reason for its adoption. No such compelling consideration exists in any fishery managed by the Council.

The most successful use of sector separation in a recreational fishery arguably occurred in the red snapper fishery in the Gulf of Mexico. There, chronic overfishing by the private boat sub-sector forced the Gulf of Mexico Fishery Management Council to impose ever-shorter seasons on the recreational red snapper fishery in federal waters. At the same time, the states bordering the Gulf of Mexico did not conform their state waters regulations with the federal rules; instead, they adopted longer seasons and sometimes other, more liberal regulations (the most extreme example was Texas, which had no closed season, a bag limit that was twice the federal bag limit, and a size limit smaller than the federal size limit). Private boat anglers could continue to fish in state waters when the federal season was closed, which made the overfishing issue worse; at the same time, federally-licensed for-hire vessels were limited to the short federal red snapper season. The excesses of the private boat sub-sector all but forced the for-hire vessels out of the red snapper fishery, and led the Gulf of Mexico Fishery Management Council to initiate a sector separation program as an equitable measure that would allow

⁸ 16 U.S.C. 1802(33)

the federally-licensed for-hire vessels a reasonable chance to participate in their traditional red snapper fishery.⁹

None of the conditions that militated for sector separation in the Gulf of Mexico recreational red snapper fishery exist in fisheries managed by the Council. Neither the summer flounder, scup, nor black sea bass stocks are overfished or subject to a rebuilding plan; both scup and black sea bass are at historically high levels of abundance, if down somewhat from recent peaks. There is no dichotomy between state and federal regulations; a cooperative working arrangement between the Council and the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Management Board has kept all of the jurisdictions involved in compliance with the jointly-conceived management plan. Federal fishery permits for for-hire vessels participating in the summer flounder, scup and black sea bass fisheries are freely available; there are no limited entry provisions in place, as there are in the Gulf of Mexico red snapper fishery, to prevent the growth of the for-hire fleet in response to increased customer demand. Private boat fishing activity in state waters is not having a disproportionate impact on the ability of the for-hire fleet to participate in the fishery; all fish under the same regulations in both state and federal waters (with the exception of the so-called "bonus season" for scup, which allows anglers on licensed for-hire vessels in Massachusetts, Rhode Island, Connecticut and New York to land more fish than their counterparts fishing from shore or on private vessels during a specified two-month period¹⁰).

In the case of Council-managed species, the primary argument in favor of sector separation does not focus on equity, but on economics, with some members of the for-hire sub-sector arguing that allowing anglers fishing from for-hire vessels to retain more or smaller fish would benefit their businesses.¹¹ Yet if the for-hire sector was permitted to fish under more liberal regulations, the private boat and shore sub-sectors would have their landings restricted as a result.

Fishery management presents what is essentially a zero-sum outcome; there is an overall limit on the amount of this that can be landed, and if one sub-sector is allowed more liberal regulations, such regulations must be offset by greater restrictions on other sub-sectors. Economics does not justify such inequitable treatment. As noted in National Standard 5, "Conservation and management measures shall, where practicable, consider efficiency in the utilization of a fishery resource, except that ***no such measure shall have economic allocation as its sole purpose.*** [emphasis added]"¹²

⁹ Gulf of Mexico Fishery Management Council, *Final Amendment 40 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico*, December 2014, pp. x-xi

¹⁰ See e.g., 6 NYCRR 40.1(f), 250 RICR 90-00-3.81

¹¹ See e.g., Mid-Atlantic Fishery Management Council, "Summer Flounder, Scup, and Black Sea Bass Advisory Panel Webinar, September 24, 2019, p. 2

¹² 16 U.S.C. 1851(a)(5)

B

If sector separation is adopted, it should not result in a *de facto* reallocation of fish between the various sub-sectors

As noted in section IIA, above, permitting anglers belonging to a particular sub-sector to fish under regulations that are more liberal than those enjoyed by other sub-sectors would force anglers belonging to such other sub-sectors to fish under more restrictive regulations in order to constrain landings to the overall recreational harvest limit. The only way to avoid such inequity is to establish separate harvest limits for each sub-sector. However, doing so would require allocating the overall recreational harvest limit among the various sub-sectors. It is critical that such allocation process preserve the current patterns of harvest by the various sub-sectors, and not permit a privileged sub-sector from artificially expanding its share of the fishery.

That being the case, any sector separation process that is adopted should base the allocation of fish among sub-sectors only upon recent harvest patterns, which reflect how the resource is being utilized today and best reflect how it will be utilized in the future, and not reach back more than three to five years, to a time when different demographic and economic patterns may have existed, which do not exist today.

C

If sector separation is adopted, each sub-sector should be held accountable for its own performance and no sub-sector should be held responsible for overharvest by another sub-sector

Regulations always embody some degree of management uncertainty, and when the availability of fish or angler effort is greater than expected, it isn't unusual for anglers to exceed the recreational harvest limit. In such cases, anglers would typically face accountability measures in the form of either more restrictive regulations, if the stock is healthy, or pound-for-pound paybacks, if the stock was overfished or rebuilding, in the following year.¹³

If the entire recreational sector fishes under the same set of regulations, such accountability measures are appropriately imposed on the entire sector. However, if the recreational sector is broken down into sub-sectors pursuant to a sector separation program, then each such sub-sector should have its own harvest limit, and should be solely accountable for its own overage if such sub-sector harvest limit is exceeded, without affecting the regulations governing other sub-sectors.

III

THE COUNCIL SHOULD MAKE GREATER USE OF MANAGEMENT UNCERTAINTY BUFFERS WHEN SETTING RECREATIONAL HARVEST LIMITS

One of the rationales the Council used when setting black sea bass regulations for 2020 was "Hard to constrain rec. catch under high availability."¹⁴ That statement clearly suggests that there is significant

¹³ Mid-Atlantic Fishery Management Council, *Omnibus Recreational Accountability Measures Amendment*, 2012

¹⁴ Mid-Atlantic Fishery Management Council, presentation "Black Sea Bass 2020 Recreational Measures," made to the Council on December 11, 2019

management uncertainty associated with the recreational regulation-setting process. In recommending the recommended recreational harvest limit for 2020, Council staff noted that

Management uncertainty is comprised of two parts: uncertainty in the ability of managers to control catch and uncertainty in quantifying the true catch (i.e., estimation errors). **Management uncertainty can occur because of a lack of** specific information about the catch (e.g., due to late reporting, underreporting, and/or misreporting of landings or discards) or because of a lack of **management precision (i.e., the inability to constrain catch to desired levels)**. The Monitoring Committee considers all relevant sources of management uncertainty in the black sea bass fishery when recommending ACTs. [emphasis added]¹⁵

Reading that statement in the context of the Council's admitted difficulties in constraining recreational black sea bass, one might expect that the Council included a significant buffer between the annual catch limit and annual catch target, in order to account for the existing management uncertainty. But that was not the case.

Instead, Council staff observed that past recreational overages occurred during periods of rapid stock growth when fish were very available to anglers, and suggested that regulations would have prevented such overages if the fact of the rapidly expanding stock had been captured in a stock assessment, and endorsed the Summer Flounder, Scup and Black Sea Bass Monitoring Committee's (the "Monitoring Committee") recommendation that no buffer for management uncertainty be included in the calculation of the recreational harvest limit.¹⁶

The lack of a management uncertainty buffer seems difficult to defend in view of the statement that black sea bass landings remained "difficult to constrain," particularly when the management measures adopted by the council are predicted to raise black sea bass landings 12 percent above the Acceptable Biological Catch, and only 13 percent below the Overfishing Limit.¹⁷

The Monitoring Committee also recommended that no buffer for management uncertainty be used in calculating the recreational harvest limit for summer flounder, even though it admitted that "Recreational fishery performance is variable and many factors influence recreational catch and effort," and acknowledges that management uncertainty exists in the recreational summer flounder fishery.¹⁸ Recreational specifications for scup were also set without a management uncertainty buffer.¹⁹

Given the uncertainty inherent in adapting to the new MRIP catch, effort and landings estimates, and given the problems that the Council has had constraining some recreational fisheries, most particularly

¹⁵ Mid-Atlantic Fishery Management Council, Memorandum from Julia Beatty to Chris Moore, Executive Director, "Revised Memo on 2020-2021 Black Sea Bass Specifications," September 4, 2019, p. 14

¹⁶ *Ibid.*, p. 15

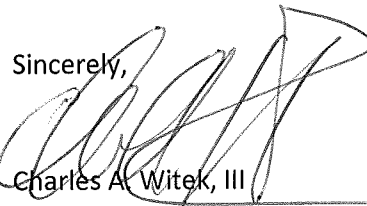
¹⁷ Mid-Atlantic Fishery Management Council, "2020 Black Sea Bass Recreational Specifications"

¹⁸ Mid-Atlantic Fishery Management Council, "Summer Flounder, Scup, and Black Sea Bass Monitoring Committee (MC), September 16-17, 2019 Meeting Summary," pp. 3-4

¹⁹ *Ibid.*, p. 9

black sea bass, to the harvest limit, the Council should give greater consideration to employing a management uncertainty buffer when setting recreational specifications.

Thank you for considering my views on these matters.

Sincerely,

Charles A. Witek, III

Michael Pirri
2-26-2020

Never in my fishing career have I experienced more volatility with fishing regulations than now, tonight, here in 2020. Scup, Seabass, Striped Bass, Bluefish, Fluke and Tautog are all under attack; future harvest are unknown with no stability insight. There's No chance to plan and grow your businesses under these conditions. Or enjoy fish for dinner if you're a recreational fisherman.

It would be easy tonight to become emotional and try to steal another modes or fisherman's slice of the pie. Commercial vs Recreational and vice versa. But I wont! Maybe these regulators intended to distract all fishermen and have them fight each other for fish. Maybe fishermen wont pay attention to MRIPs awful data being published, which makes over regulating easier for them to achieve.

Tonight I ask that no fisherman turns on each other but unite our fight to discredit MRIP, lower discards by decreasing harvestable length, and achieved better managed stocks.

Id like to share published preliminary 2019 CT mrip estimates:

Tautog- MRIP repots CT recreational anglers harvested 273,170 keepers in wave 6 which is only opened for the 28 days of November that's 9756 keepers everyday regardless of weather by just recreational fisherman with majority boats already hauled for winter.

Black Seabass- (PER MRIP) CT recreational anglers harvested 111,971 keepers in wave 6 November and December. I personally did catch 1 in November or December, Where in CT are these fish being harvested that time of year? again recreational boats are out of the water Veterans Day Nov.11 That's 1866 fish a day harvested by CT. recreational anglers. Does anyone believe CT harvested 495,701 in 2019? (2183 everyday) from May 19 to year end

Bluefish- Wave 3 (May/June) MPIR reports 121,712 from shore when snapper aren't even available yet? Where in CT. is this happening? (2028 per day from shore)

Fluke- Wave 5, fluke are only opened for 30 days of September shore anglers caught 5517 in that period MRIP Says.

Scup- Wave 3 (May/June) Shore harvested 494,619 divide by 60 days 8243 fish every day. Maybe I should sell my boat and start shore fishing.

The fish catch #s were difficult to believe when MRIP utilized a phone survey. Now MRIP reports 300% more fishing effort as data was better submitted by post card. Two weeks ago at the Striped Bass management meeting I polled 30 CT. fishermen in this room, not 1 ever received a post card requesting their fishing habits. In that same Striped bass meeting CT. DEEP terminated the bonus Striped Bass tag program, 4000 tags were handed out and only 100 postcards were returned from angler reporting their catch. In 2020 are postcards really the best we can do? For the last 4 years I have volunteered to participate in Electronic vessel trip reports written by SAFIS software, an IPAD tracks my time of effort, # of passengers and fish harvested. This is an actual fish count not a survey or a guess. Is this data applied to regulation making "NO!" Is it mandated in CT "NO!" Why isn't it used?

How can we continue make management decision based off of awful MRIP data? Bad data IN equals more dead discards, and interrupted breeding OUT! Seabass population is estimated 240% above threshold value, maybe strongest stock of my lifetime, did we get more fish A longer season? Instead Regulators called for a further 38% reduction of harvest, because their mathematical equation didn't work out. Stock was fine but MRIP reported to many people fishing for them.

I started my business in 2008 Bluefish, Striped Bass, Scup, Seabass and Tautog regulations stayed consistent year to year. The regulation you needed to watch changes for, was Fluke. Every year, the minimum keeper size grew an inch. We never knew if this new regulation helped the Stock, because it would further change the next year. Fast forward to 2020 we now know that it was this management tactics that caused low fluke stocks and anglers to pray on the large breeding females. That's years of of dead discards for only crabs to eat.

Three years ago, a few of us attended a Garfo workshop in Portsmouth NH. We were tasked with creating a perfect state of fishing regulations.

My perfect state:

- would immediately dis-credit and throw all of MRIP's data out. Freeze all regulations for 3 years. Immediately begin collecting new data from a localized electronic reporting source for recreational anglers. Mandate all

CT For Hire vessels to use EVTRs. Perform trawl surveys with proper matched doors to horsepower in known fish areas and times, not over empty bottom that fish intermittently only migrate through. This data should be processed and published by our fishery managers and over seen by fishermen, not sent to a third party.

- When public hearing are held, show the meeting complete data don't leave the last three years of data off the slide (like we recently experienced in the Striped Bass meeting only going up to 2016) Lets see what 3 years of 1 @28" did for the stock.
- Passed regulations shouldn't expire for 3 years, so we can clearly see the impact it created. Have a strict cutoff date, all new regulations must be passed before February 1st any later they aren't enacted till the following year.
- For Hire has proven it makes up less than 10% of the harvest and provides access to people of all income levels and demographics, we need to create a sector for for-hire of their own this will achieve stability and maintain a resource for all fishermen without boats to enjoy.

I have brought copies to hand out supporting everything thing I have spoken of.

Thank You for your time

Michael Pirri



NOAA FISHERIES SERVICE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Michael Pirri
2-26-2020

Scup

Your Query Parameters:

Query: MRIP CATCH TIME SERIES
Year: 2019 - 2019
Wave: BY WAVE
Species: SCUP
Geographic Area: CONNECTICUT
Fishing Mode: ALL MODES BY MODE
Fishing Area: ALL AREAS COMBINED
Type of Catch: HARVEST (TYPE A + B1)
Information: NUMBERS OF FISH

**Review the [glossary](#) for a description of how the for-hire survey methods have changed over time.

** Results from this query for 1981-2017 now contain estimates resulting from the full application of both the Access Point Angler Intercept Survey (APAIS) and Fishing Effort Survey (FES) calibration.

** Beginning in 2018 wave 1, all catch estimates in shore and private/rental boat modes are calculated using effort based on the FES.

[Return to Query Page](#)

Estimate Status	Year	Wave	Common Name	Fishing Mode	Total Harvest (A+B1)	PSE
PRELIMINARY	2019	MAY/JUNE	SCUP	SHORE	494,619	93.7
PRELIMINARY	2019	MAY/JUNE	SCUP	PARTY BOAT	77,972	25.8
PRELIMINARY	2019	MAY/JUNE	SCUP	CHARTER BOAT	3,830	65.5
PRELIMINARY	2019	MAY/JUNE	SCUP	PRIVATE/RENTAL BOAT	16,972	58.6
PRELIMINARY	2019	JULY/AUGUST	SCUP	SHORE	380,304	85.2
PRELIMINARY	2019	JULY/AUGUST	SCUP	PARTY BOAT	199,370	20.1
PRELIMINARY	2019	JULY/AUGUST	SCUP	CHARTER BOAT	14,969	46.2
PRELIMINARY	2019	JULY/AUGUST	SCUP	PRIVATE/RENTAL BOAT	423,927	21.5
PRELIMINARY	2019	SEPTEMBER/OCTOBER	SCUP	SHORE	408,532	55.9
PRELIMINARY	2019	SEPTEMBER/OCTOBER	SCUP	PARTY BOAT	78,446	36.4
PRELIMINARY	2019	SEPTEMBER/OCTOBER	SCUP	CHARTER BOAT	7,005	60.6
PRELIMINARY	2019	SEPTEMBER/OCTOBER	SCUP	PRIVATE/RENTAL BOAT	399,391	36.9
PRELIMINARY	2019	NOVEMBER/DECEMBER	SCUP	PARTY BOAT	439	11.9
PRELIMINARY	2019	NOVEMBER/DECEMBER	SCUP	PRIVATE/RENTAL BOAT	0	.

PSE
 Shore 1,281,456 47.6
 Party Boat 356,226 14.9
 Charter 25,803 32.9
 Rec 840,290 20.7
 CF = 2,503,776 Total

Annual PSE
25.4

PSE, or proportional standard error, is automatically included in all outputs.

It expresses the standard error of an estimate as a percentage of the estimate and is a measure of precision.

A PSE value greater than 50 indicates a very imprecise estimate.

Data Sources by Geographic Area:

MRIP: ME-LA (LA through 2013), PR, HI, WA/OR/CA (through 2004)

If you want to cite a reference for data retrieved from our website, use: Personal communication from the National Marine Fisheries Service, Fisheries Statistics Division February 25, 2020 .

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NOAA FISHERIES SERVICE

Tautog

Your Query Parameters:

Query: MRIP CATCH TIME SERIES
Year: 2019 - 2019
Wave: BY WAVE
Species: TAUTOG
Geographic Area: CONNECTICUT
Fishing Mode: ALL MODES BY MODE
Fishing Area: ALL AREAS COMBINED
Type of Catch: HARVEST (TYPE A + B1)
Information: NUMBERS OF FISH

**Review the [glossary](#) for a description of how the for-hire survey methods have changed over time.

** Results from this query for 1981-2017 now contain estimates resulting from the full application of both the Access Point Angler Intercept Survey (APAIS) and Fishing Effort Survey (FES) calibration.

** Beginning in 2018 wave 1, all catch estimates in shore and private/rental boat modes are calculated using effort based on the FES.

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Estimate Status	Year	Wave	Common Name	Fishing Mode	Total Harvest (A+B1)	PSE
PRELIMINARY	2019	MAY/JUNE	TAUTOG	SHORE	617	104.3
PRELIMINARY	2019	MAY/JUNE	TAUTOG	PRIVATE/RENTAL BOAT	0	
PRELIMINARY	2019	JULY/AUGUST	TAUTOG	SHORE	0	
PRELIMINARY	2019	JULY/AUGUST	TAUTOG	PRIVATE/RENTAL BOAT	2,306	74.5
PRELIMINARY	2019	SEPTEMBER/OCTOBER	TAUTOG	SHORE	0	
PRELIMINARY	2019	SEPTEMBER/OCTOBER	TAUTOG	PARTY BOAT	1,063	79.2
PRELIMINARY	2019	SEPTEMBER/OCTOBER	TAUTOG	CHARTER BOAT	2,509	63.4
PRELIMINARY	2019	SEPTEMBER/OCTOBER	TAUTOG	PRIVATE/RENTAL BOAT	165,558	37.8
PRELIMINARY	2019	NOVEMBER/DECEMBER	TAUTOG	PARTY BOAT	1,467	40.3
PRELIMINARY	2019	NOVEMBER/DECEMBER	TAUTOG	PRIVATE/RENTAL BOAT	273,170	36.6

(Day open)
 (21) wave 5 (28) wave 6
 PSE
 Shore 0
 Party 1063
 Charter 2509
 Rec 165,558
 CT = 4461691 Total
 Annual PSE 26.4
 Fish Per Dn (97)

PSE, or proportional standard error, is automatically included in all outputs.

It expresses the standard error of an estimate as a percentage of the estimate and is a measure of precision.

A PSE value greater than 50 indicates a very imprecise estimate.

Data Sources by Geographic Area:

MRIP: ME-LA (LA through 2013), PR, HI, WA/OR/CA (through 2004)

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NOAA FISHERIES SERVICE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

B Sea bass

Your Query Parameters:

Query: MRIP CATCH TIME SERIES
Year: 2019 - 2019
Wave: BY WAVE
Species: BLACK SEA BASS
Geographic Area: CONNECTICUT
Fishing Mode: ALL MODES BY MODE
Fishing Area: ALL AREAS COMBINED
Type of Catch: HARVEST (TYPE A + B1)
Information: NUMBERS OF FISH

**Review the [glossary](#) for a description of how the for-hire survey methods have changed over time.

** Results from this query for 1981-2017 now contain estimates resulting from the full application of both the Access Point Angler Intercept Survey (APAIS) and Fishing Effort Survey (FES) calibration.

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Estimate Status	Year	Wave	Common Name	Fishing Mode	Total Harvest (A+B1)	PSE
PRELIMINARY	2019	MAY/JUNE	BLACK SEA BASS	PARTY BOAT	8,102	72.4
PRELIMINARY	2019	MAY/JUNE	BLACK SEA BASS	CHARTER BOAT	1,304	52
PRELIMINARY	2019	MAY/JUNE	BLACK SEA BASS	PRIVATE/RENTAL BOAT	52,380	51.8
PRELIMINARY	2019	JULY/AUGUST	BLACK SEA BASS	SHORE	0	.
PRELIMINARY	2019	JULY/AUGUST	BLACK SEA BASS	PARTY BOAT	38,352	17.9
PRELIMINARY	2019	JULY/AUGUST	BLACK SEA BASS	CHARTER BOAT	4,095	22.6
PRELIMINARY	2019	JULY/AUGUST	BLACK SEA BASS	PRIVATE/RENTAL BOAT	179,594	21.7
PRELIMINARY	2019	SEPTEMBER/OCTOBER	BLACK SEA BASS	SHORE	0	.
PRELIMINARY	2019	SEPTEMBER/OCTOBER	BLACK SEA BASS	PARTY BOAT	5,964	49.8
PRELIMINARY	2019	SEPTEMBER/OCTOBER	BLACK SEA BASS	CHARTER BOAT	4,145	46.2
PRELIMINARY	2019	SEPTEMBER/OCTOBER	BLACK SEA BASS	PRIVATE/RENTAL BOAT	89,571	28.7
PRELIMINARY	2019	NOVEMBER/DECEMBER	BLACK SEA BASS	PARTY BOAT	225	18.7
PRELIMINARY	2019	NOVEMBER/DECEMBER	BLACK SEA BASS	PRIVATE/RENTAL BOAT	111,971	56.1

Shore 0
 Party 52,642
 Charter 9544
 Rec 433,515
 CT = 495,701 Total
 Annual PSE 16.8
 Not Possible

PSE, or proportional standard error, is automatically included in all outputs.

It expresses the standard error of an estimate as a percentage of the estimate and is a measure of precision.

A PSE value greater than 50 indicates a very imprecise estimate.

Data Sources by Geographic Area:

MRIP: ME-LA (LA through 2013), PR, HI, WA/OR/CA (through 2004)

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NOAA FISHERIES SERVICE

FEDERAL GOVERNMENT AND GEOSPATIAL ADMINISTRATION

Bluefish

Your Query Parameters:

Query: MRIP CATCH TIME SERIES
Year: 2019 - 2019
Wave: BY WAVE
Species: BLUEFISH
Geographic Area: CONNECTICUT
Fishing Mode: ALL MODES BY MODE
Fishing Area: ALL AREAS COMBINED
Type of Catch: HARVEST (TYPE A + B1)
Information: NUMBERS OF FISH

**Review the [glossary](#) for a description of how the for-hire survey methods have changed over time.

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Estimate Status	Year	Wave	Common Name	Fishing Mode	Total Harvest (A+B1)	PSE
PRELIMINARY	2019	MAY/JUNE	BLUEFISH	SHORE	121,712	87.9
PRELIMINARY	2019	MAY/JUNE	BLUEFISH	PARTY BOAT	567	52
PRELIMINARY	2019	MAY/JUNE	BLUEFISH	CHARTER BOAT	159	61.3
PRELIMINARY	2019	MAY/JUNE	BLUEFISH	PRIVATE/RENTAL BOAT	4,117	67.1
PRELIMINARY	2019	JULY/AUGUST	BLUEFISH	SHORE	11,157	107.7
PRELIMINARY	2019	JULY/AUGUST	BLUEFISH	PARTY BOAT	517	45.3
PRELIMINARY	2019	JULY/AUGUST	BLUEFISH	CHARTER BOAT	603	63.6
PRELIMINARY	2019	JULY/AUGUST	BLUEFISH	PRIVATE/RENTAL BOAT	74,335	38.9
PRELIMINARY	2019	SEPTEMBER/OCTOBER	BLUEFISH	SHORE	356,595	78.3
PRELIMINARY	2019	SEPTEMBER/OCTOBER	BLUEFISH	PARTY BOAT	336	74.9
PRELIMINARY	2019	SEPTEMBER/OCTOBER	BLUEFISH	CHARTER BOAT	6,670	58
PRELIMINARY	2019	SEPTEMBER/OCTOBER	BLUEFISH	PRIVATE/RENTAL BOAT	93,743	34.5

PSE

Shore	489,463	61.1
Party	1420	31.9
Charter	7432	52.3
Rec	172,195	25.2
<hr/>		
CT =	670,511	Total

45.1 PSE
Near very imprecise estimate

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Data Sources by Geographic Area:

MRIP: ME-LA (LA through 2013), PR, HI, WA/OR/CA (through 2004)

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NOAA FISHERIES SERVICE

Striped Bass

Your Query Parameters:

Query: MRIP CATCH TIME SERIES
Year: 2019 - 2019
Wave: BY WAVE
Species: STRIPED BASS
Geographic Area: CONNECTICUT
Fishing Mode: ALL MODES BY MODE
Fishing Area: ALL AREAS COMBINED
Type of Catch: HARVEST (TYPE A + B1)
Information: NUMBERS OF FISH

**Review the [glossary](#) for a description of how the for-hire survey methods have changed over time.

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Estimate Status	Year	Wave	Common Name	Fishing Mode	Total Harvest (A+B1)	PSE
PRELIMINARY	2019	MARCH/APRIL	STRIPED BASS	SHORE	527	106
PRELIMINARY	2019	MARCH/APRIL	STRIPED BASS	PRIVATE/RENTAL BOAT	783	67
PRELIMINARY	2019	MAY/JUNE	STRIPED BASS	SHORE	3,379	100.8
PRELIMINARY	2019	MAY/JUNE	STRIPED BASS	PARTY BOAT	2	112
PRELIMINARY	2019	MAY/JUNE	STRIPED BASS	CHARTER BOAT	608	41.5
PRELIMINARY	2019	MAY/JUNE	STRIPED BASS	PRIVATE/RENTAL BOAT	34,391	40.6
PRELIMINARY	2019	JULY/AUGUST	STRIPED BASS	SHORE	0	
PRELIMINARY	2019	JULY/AUGUST	STRIPED BASS	PARTY BOAT	7	105.2
PRELIMINARY	2019	JULY/AUGUST	STRIPED BASS	CHARTER BOAT	1,394	52.3
PRELIMINARY	2019	JULY/AUGUST	STRIPED BASS	PRIVATE/RENTAL BOAT	6,425	37
PRELIMINARY	2019	SEPTEMBER/OCTOBER	STRIPED BASS	SHORE	0	
PRELIMINARY	2019	SEPTEMBER/OCTOBER	STRIPED BASS	PARTY BOAT	0	
PRELIMINARY	2019	SEPTEMBER/OCTOBER	STRIPED BASS	CHARTER BOAT	1,553	69.3
PRELIMINARY	2019	SEPTEMBER/OCTOBER	STRIPED BASS	PRIVATE/RENTAL BOAT	2,787	51.9
PRELIMINARY	2019	NOVEMBER/DECEMBER	STRIPED BASS	PRIVATE/RENTAL BOAT	12,822	94.1

PSE
 88.3
 89.3
 37.3
 32.6
 Shore 3906
 Party 9
 Charter 3,536
 Rec 57,209
 CT = 64,680 Total
 Annual PSE 29.4
 Not Possi

PSE, or proportional standard error, is automatically included in all outputs.

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A PSE value greater than 50 indicates a very imprecise estimate.

Data Sources by Geographic Area:

MRIP: ME-LA (LA through 2013), PR, HI, WA/OR/CA (through 2004)

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NOAA FISHERIES SERVICE

Fluke

Your Query Parameters:

Query: MRIP CATCH TIME SERIES
Year: 2019 - 2019
Wave: BY WAVE
Species: SUMMER FLOUNDER
Geographic Area: CONNECTICUT
Fishing Mode: ALL MODES BY MODE
Fishing Area: ALL AREAS COMBINED
Type of Catch: HARVEST (TYPE A + B1)
Information: NUMBERS OF FISH

**Review the [glossary](#) for a description of how the for-hire survey methods have changed over time.

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Estimate Status	Year	Wave	Common Name	Fishing Mode	Total Harvest (A+B1)	PSE
PRELIMINARY	2019	MAY/JUNE	SUMMER FLOUNDER	SHORE	0	.
PRELIMINARY	2019	MAY/JUNE	SUMMER FLOUNDER	PARTY BOAT	3	112.8
PRELIMINARY	2019	MAY/JUNE	SUMMER FLOUNDER	CHARTER BOAT	80	99
PRELIMINARY	2019	MAY/JUNE	SUMMER FLOUNDER	PRIVATE/RENTAL BOAT	25,073	51.4
PRELIMINARY	2019	JULY/AUGUST	SUMMER FLOUNDER	SHORE	1,162	111.4
PRELIMINARY	2019	JULY/AUGUST	SUMMER FLOUNDER	PARTY BOAT	502	87.6
PRELIMINARY	2019	JULY/AUGUST	SUMMER FLOUNDER	CHARTER BOAT	121	82.6
PRELIMINARY	2019	JULY/AUGUST	SUMMER FLOUNDER	PRIVATE/RENTAL BOAT	56,333	25.5
PRELIMINARY	2019	SEPTEMBER/OCTOBER	SUMMER FLOUNDER	SHORE	5,517	109
PRELIMINARY	2019	SEPTEMBER/OCTOBER	SUMMER FLOUNDER	PARTY BOAT	0	.
PRELIMINARY	2019	SEPTEMBER/OCTOBER	SUMMER FLOUNDER	PRIVATE/RENTAL BOAT	1,111	72.3

PSE

Shore	6,679	92.1
Party	505	87.1
Charter	201	63.4
Rec	82,516	23.4
CT = 89,902 Total		
Annual PSE		
22.5%		

We Pass!

PSE, or proportional standard error, is automatically included in all outputs.

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Data Sources by Geographic Area:

MRIP: ME-LA (LA through 2013), PR, HI, WA/OR/CA (through 2004)

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COMMENTS ON FLOUNDER, SCUP AND BLACK SEA BASS
COMMERCIAL/RECREATIONAL ALLOCATION AMENDMENT
BY
ERIC B. BURNLEY, SR.

Please allow me to introduce myself. My name is Eric B. Burnley, Sr. I was born and raised in Delaware and began fishing at a very young age. In 1973 I wrote my first fishing report for the New Jersey Fisherman and I have continued to cover Delaware for that publication ever since. I have also written fishing reports for the Atlantic coast from Staten Island to North Carolina including the Delaware and Chesapeake bays. Currently, I write weekly reports for The Cape Gazette in Lewes Delaware, the DNREC Fish and Wildlife Department and a daily report for radio station WGMD. I have also written countless articles for regional and national publications including Salt Water Sportsman, Outdoor Life, Field and Stream, Game and Fish, Prop Talk, Dover Post and Marlin.

I have also served on many advisory councils for both state and federal agencies. I represented Delaware on the State-Federal Striped Bass Advisory Council that began back in the 1970s. I was once a member of the Summer Flounder, Scup and Black Sea Bass Advisory Council. I have a grave concern with the current Marine Recreational Informational Program. The numbers I have seen are so totally wrong they would be funny if they weren't taken seriously by fishery managers.

As an example, in September/October of 2015, according to the MRIP, 77,709 black sea bass were caught from shore in Delaware. I can promise you that is totally false. If a single legal black sea bass was caught from shore in Delaware in that time frame, I would be shocked.

In the summer flounder category, the MRIP has 76,496 fish caught from shore in 2019. Once again that is a ridiculous number. Add to that only 1,442 flounder caught from party boats and 4,150 caught from charter boats and you have to see the entire MRIP is worthless.

I would hope someone in the chain of command would have the common sense to stand up and say the Emperor has no clothes before these completely false figures destroy the recreational fishing industry.

From: [James Fletcher](#)
To: [Beaty, Julia](#); [Moore, Christopher](#)
Subject: Question for Scoping
Date: Tuesday, March 3, 2020 11:26:20 AM

WHY HAS CURRENT MANAGEMENT RESULTED IN IMPORTATION OF 92% TO 93 % OF SEAFOOD CONSUMED IN UNITED STATES?
WHEN WILL SCOPING DISCUSS OCEAN RANCHING TO INCREASE HARVEST OF SUMMER & SOUTHERN FLOUNDER? ALL MANAGED SPECIES!
WHEN WILL SCOPING DISCUSS TOTAL RETENTION WITH NO DISCARDS FOR RECREATIONAL FISHERMEN ?
WHEN WILL SCOPING DISCUSS BARBLESS HOOKS FOR RECREATIONAL FISHERMEN WHO DO NOT WANT FISH FOR FOOD BUT TO BRAG ABOUT?
WHY DOES SSC CONTINUE "SCIENCE " TARGETING LARGE FEMALE FISH? CAN SSC EXPLAIN WHY STOCK HAS NOT REBOUNDED?
WHY DOES SCOPING NOT RECOMMEND TO COUNCIL REQUIRING CELL PHONE REPORTING BY RECREATIONAL FISHERMEN?
WHY DOES OFFICE OF LAW ENFORCEMENT HAVE SCOPING DISCUSS 80% OF FISHERMEN RETURNING TO PRIVATE DOCKS ?
WHEN THE COUNTRY WITH THE SECOND LARGEST EEZ IN WORLD ONLY PRODUCES 8% OF SEAFOOD CONSUMED **something is wrong with scoping & management!**
SCOPING & MANAGEMENT OF FISHERIES NEEDS TO DISCUSS OCEAN RANCHING & AQUACULTURE!

3/3/2020

--
James Fletcher
United National Fisherman's Association
123 Apple Rd.
Manns Harbor, NC 27953
252-473-3287

SCOPING DOCUMENT SUMMER FLOUNDER SEA BASS & SCUP!

Council has a risk policy. Scoping should ask council to publicly state a utilization policy on all recreational caught fish. NO DISCARDS!

IMPLEMENTING

Scoping should require a recreational smart phone or reporting procedure prior to going fishing & on returning to land. [prior so law enforcement can enforce] North Carolina may have such a app. TILE FISH MANDATORY REPORTING **IS A JOKE!** WITH NO ENFORCEMENT NO FINES! **A JOKE!**

Scoping must have a barbless hook requirement; for all recreational fishing. [ALL SPECIES] WOULD REDUCE NUMBER OF LINES IN WATER!

Scoping must require a total length as a part of total utilization. IF NOAA DATA IS CORRECT 2/3 OF ALL RECREATIONAL TRIPS ARE SHORE SIDE this convert discards to landings. [reducing Council & Atlantic States Marine Fisheries Commission policy of targeting large females!]

Scoping document shows dead discards all documents **MUST SHOW TOTAL DISCARDS!**

Scoping document shows landings decline in 1980's. The reason was 80 TO 90 NC & VA vessels were in Florida in the Calico scallop fishery. Additionally southern flounders from NC sounds were impacted from pulp mills & effects of birth control chemicals accumulating in sounds reducing reproduction BEGINNING IN LATE 70'S EARLY COUNCIL PLAN DID NOT ADDRESS SOUTHERN FLOUNDER OFF NC.

SCOPING SHOULD ADDRESS CHEMICALS AFFECTING REPRODUCTION OF ALL FISH. **Scoping should endorse ocean ranching of southern flounders in NC sounds & ocean ranching of summer flounders from Chesapeake bay north. (HERPAPS BY PRIVATE ENTERPRISE) [SPAWING & RELEASING MOSTLY FEMALE FISH COULD REVERSE COUNCIL POLICY OF ELIMINATION OF FASTER GROWING FEMALE FISH] SCIENCE: YEAR CLASSES OF MOSTLY FEMALE FISH SHOULD PRODUCE MORE SPAWN. **** READ YAMAHA FISHERY JOURNAL NO. 37 AVAILABLE ON INTERNET **** {previously provided to council}**

SCOPING MUST ADDRESS Intercepts of recreational fishing from EEZ returning to private docks. Law enforcement seldom encounter these vessels for enforcement. [smart phone above] representing 80% of recreational fishing in EEZ! WOULD REPORT!

ROUGHLY 16 18 MILLION AMERICANS FISH FRESH & SALT WATER.

PERCENTAGE WISE THE ALLICATION SPLIT DOES NOT PROVIDE THE NON FISHING AMERICAN PUBLIC THE CORRECT PERCENTAGE OF FISH! **[HARVESTER BY COMMERCIAL FISHERMEN]**

WHY HAS COUNCIL POLICY & SCOPING RESULTED IN 92% TO 93% OF SEAFOOD CONSUMMED IN AMERICA BEING IMPORTED?

SCOPING SHOULD ADDRESS WHY THE COUNTRY WITH SECOND LARGEST EEZ IN WORLD IMPORT 92% TO 93% CONSUMMED SEAFOOD?

KNOWING THESE SCOPING COMMENTS WILL NOT REACH COUNCIL DISCUSSION BRING DISALISIONMENT WITH scoping & Council PROCESS.

United National Fisherman's Association 123 Apple Rd. Manns Harbor NC 27953.



2%
Diltiazem
 Antihypertensive
 (0.13 nanograms per
 gram of fish fillet tested)

46%
Norflouxetine
 Antidepressant by-product
 (3.2 nanograms/gram)

Carbamazepine

20%
Diphenhydramine
 Antihistamine
 (1.4 nanograms/gram)

33%
Carbamazepin
 Antiseizure
 (2.3 nanograms/gram)

Fish Pharm
 These pills represent the
 relative amounts of four
 pharmaceutical drugs found
 in fish pulled from Chicago's
 North Shore Channel and
 tested by Baylor scientists.

PHARMACEUTICALS EXCEED 100 PERCENT OF POLLUTING
 DRUGS IN FISHING MARKET. PHILIP C. COPELAND, PH.D., AND
 ANNE COLEMAN, M.D., AND BRADY PHILLIPS, M.D., AND
 SCIENCE AND TECHNOLOGY CENTER, BAYLOR UNIVERSITY.

The traditional foe of water quality is waste from factories and farms; but now environmental regulators are eyeing pollution source: our medicine chests. Fish caught downstream from sewage treatment plants in five U.S. cities contain pharmaceuticals and toiletries. Baylor University researchers found in a recent study. You'd have to eat tons of fish to get a small amount of pills to affect human health, but the study shows the pills do make the fish. To assess the risk, Baylor researchers found that 150 pills, with results du

Received via email 3/13/2020

REREATIONAL FISHING INFORMATION:

Note that while the plan acknowledges that saltwater angling is “*more popular than ever,*” and addresses the number of trips, the number of fish caught and the number of fish released, it doesn’t discuss the number of people who actually participated in saltwater angling.

UTILIZATION OF ALL RESOURCE CAUGHT FOR FOOD MUST BE Mid Atlantic Fishery Management Council GOAL. NO DISCARDS

The United National Fisherman's Association demands the Mid Atlantic Fishery Management Council and NMFS implement mandatory smart phone or electronic reporting for all recreational vessels fishing in the EEZ for a period of four years prior to reallocating resource shares. During the past ten years Mid Atlantic Fishery Management Council and NMFS have ignored UNFA request for vessel permits, operator permits & trip reporting from recreational vessels fishing in the EEZ .

FOLLOWING: CUT & PAST STATEMENTS SUPPORTS THE DEMAND FOR REPORTING FROM RECREATIONAL FISHERMEN FROM EEZ. PRIOR TO REALLOCATING RESOURCE. Do 85% of recreational fishermen fish from shore?

Could it be that an ever-decreasing number of increasingly organized recreational fishing hobbyists and their activist leaders, with the perhaps unwitting complicity of a fisheries management establishment that is dependent on their expenditures for its budgetary well-being as well as its future existence, are involved in a major effort to hoodwink our policy makers? Looking at the data, it seems inescapable that more and more fish from our coastal and offshore waters are going to fewer and fewer people. These are fish that belong to all of us, and 95% of us either can’t afford to or couldn’t care less about catching them ourselves, depending instead on commercial harvesters to get the fish out of the water and onto our plates. Mid Atlantic Fishery Management Council & Atlantic States Marine Fisheries Commission ALLOW MORE DISCARDS THAN HARVEST FROM MOST SPECIES. Atlantic States Marine Fisheries Commission IGNORES ARTICAL 1 SECTION 1 TO Prevent “waste from any means”

More Americans also went fishing. The report indicates an 8 percent increase in angling participation since 2011, from 33.1 million anglers to 35.8 million in 2016. The greatest increases in participation—10 percent—were seen in the Great Lakes area. Total expenditures by anglers nationwide rose 2 percent from 2011 to 2016, from \$45 billion to \$46.1 billion.

n the United States, approximately 8.9 million saltwater anglers support 439,000 jobs and generate \$63 billion in sales impacts. NOAA recently hosted a National Saltwater Recreational Fisheries Summit following constructive round table discussions with the angler community in 2017. The summit brought together saltwater recreational fishing community leaders, councils, interstate marine fisheries commissions, and agency staff under the theme of “Improving Opportunity and Stability in Saltwater Recreational Fisheries

Die-hard anglers are a small group: Out of the pool of roughly 33 million people who fish each year¹, only four percent of the licensed anglers purchase a fishing license every year (10 out of 10 years). The largest proportion of anglers—49 percent—purchases a license only one out of 10 years. Almost as many—47 percent—purchase a license in more than one year but lapse in between purchases

Findings Figure 2 shows a snapshot of the distribution across all licensed anglers from 2004 through 2013 by the number of years they purchased a license over that ten-year span.⁸ The largest proportion (49%) purchased a license only one out of ten years and only four percent purchased every year. Approximately one-half (47%) purchased licenses in more than one year but also lapsed for a period of time between license purchases. **Figure 2. Number of years that anglers purchased a license over a ten-year span, 2004-2013**

Saltwater angling generated \$63 billion in sales across the economy in 2015, up 5 percent from 2014. Job impacts in the marine recreational fishing industry remained steady from 2014 at 439,000 jobs. Mississippi, Connecticut, South Carolina, Washington and Alaska had the greatest recreational fishing sector job growth in 2015

In their never-ending quest for more and more fish for their constituents, recreational angling advocates have relied on claims that their sport is continuously growing, that it is the “foundation” of coastal communities, that every fish allocated to the consumer (and therefore denied to the recreational angler) represents a loss of tens or hundreds of dollars to the economy, and on and on and on. Anyone who is reading this is probably more than familiar with the litany.

But how true are these claims? What is the “state of the state” of recreational angling in the United States? Is participation in recreational angling on an upswing that is threatening the future popularity of NASCAR and pro football and the seafood lover’s access to ocean–fresh fish from our rich coastal waters?

“Every year, 13 million Americans enjoy recreational fishing in our oceans and along our coasts...Saltwater recreational fishing is more popular than ever. Over the past decade, the number of angler trips rose nearly 10 percent, to 82 million trips in 2003. Not surprisingly, the number of fish caught by anglers since 1993 has increased proportionately. Although saltwater anglers have caught more fish in recent years, they also have released their catch more often.”

Participation in recreational fishing

Type of Fishing	1987	1990	1993	1998	2000	2002	2003	2004	Change last year	Change last 6 years	Change last 17 years
Fly	11,359	8,039	6,598	7,269	6,581	6,034	6,033	4,623	-23.40%	-36.40%	-59.30%
Freshwater-Other	50,500	53,207	50,198	45,807	44,050	42,605	43,819	39,433	-10.00%	-13.90%	-21.90%
Saltwater	19,646	19,087	18,490	15,671	14,710	14,874	15,221	13,453	-11.60%	-14.20%	-31.50%

The decline in saltwater recreational angling of over 31% that the Sporting Goods Manufacturers Association measured in the last seventeen years is pretty dramatic. (And note that, counter to the NMFS press release cited above, the SGMA data show a decline in participation of 17% from 1993 to 2003.)

When this decline is considered relative to the total U.S. population it becomes even more so. In 1987 approximately one in twelve, or 8.1%, of us fished in salt water. In 2004 that participation had fallen to

less than one in twenty, or 4.7% (based on a population of 242 million in 1987 and 285 million in 2004). This is a decline in the popularity of saltwater angling, as measured by the percentage of the total population that participates, of almost 60%.

And this isn't a phenomena that is restricted to the United States. Recreational fishing in Queensland, Australia declined from 24.6% to 20.6% from 2001 to 2004. According to Queensland's Commissioner of Primary Industries and Fisheries, Henry Palaszczuk, *"the decrease in fishing participation in Queensland reflects trends in other countries that show fewer people are fishing recreationally"* (Survey shows fewer fishers but smarter fishing, http://www.mysunshine.coast.com.au/local_community_news_display.php?id=1370).

"Marine recreational anglers represent one of NOAA's largest organized constituencies. With their demonstrated conservation ethic, America's 13 million anglers will be among NOAA's most important allies."

And it's definitely more popular with an aging group of participants with an increasing amount of spare time to devote to fishing and an increasing amount of disposable income to spend on recreational fishing gear. As a matter of fact, the author(s) of the planning report cited above, while attempting some of what it's difficult to imagine as anything but totally inappropriate political finessing, wrote in a justification for their conclusion that saltwater recreational fishing is more popular than ever, *"in the past decade, the number of angler trips rose nearly 10 percent, to 82 million trips in 2003."* Are we off base in thinking that if fewer and fewer people participate in a given activity each year, that regardless of how often each of those people participates, that activity is becoming less rather than more popular?

Average saltwater angling trips per year

Year	1987	1990	1993	1998	2000	2002	2003	2004
Average trips/year	2.7	2.4	3.4	3.9	5.4	4.9	4.8	5.5

Only two thirds as many anglers are fishing today as fished seventeen years ago, but on the average, each of them is fishing twice as much. And they are using more advanced tackle, faster and larger boats, marine electronics several orders of magnitude more effective and far more affordable than in 1987, and communications technology – cell phones and internet chat rooms – that transmit knowledge of the latest "hot spot" instantaneously.

According to the SGMA, and to wide ranging anecdotal observations, the *vox populi* has spoken resoundingly: the U.S. consumer is less and less interested in catching his or her own fish – either to eat or for enjoyment.

Determining a rational government policy addressing this fact would seem to be fairly obvious. Fisheries allocation decisions should be favoring the non-fishing seafood consumers, who outnumber recreational anglers by more than twenty to one. But is this the case? Not hardly!

ponder:

- If participation in recreational angling is declining, why are federal and state agencies so engrossed in countering this trend, improving angling access and the “quality” of the angling experience?
- If participation in recreational angling is declining, why is so much effort of the National Marine Fisheries Service aimed at decreasing the commercial harvest and the availability of local seafood to an ever-increasing population that is demanding more high quality seafood every year*?
- If participation in recreational angling is declining, why are commercial fishing representatives increasingly being replaced by recreational angling representatives on our regional fisheries management councils?
- If participation in recreational angling is declining, why does the membership of the Atlantic States Marine Fisheries Commission continue to be so recreationally oriented?
- If participation in recreational angling is declining, why are recreational fishing advocates unceasingly demanding a larger part of every fishery they or their constituents have an interest in?
- If participation in recreational angling is declining, why are our elected officials sponsoring legislation to turn entire species of fish or huge areas of ocean over to recreational anglers, forever excluding commercial harvesters and non-fishing consumers?

Isn't it time that we took a serious look at the designed-in funding conflicts and political leverage that have so severely distorted our fisheries management priorities for the last two decades, a period during which fewer and fewer anglers have been demanding – and often been getting – more and more fish? Isn't it time that we recognized this “public be damned” attitude,

* Further complicating this question is the potential conflict raised by the federal Saltonstall-Kennedy program. Designed to support fisheries research and development, the S-K program is described in a 2004 report to Congress:

“The S-K fund is capitalized through annual transfers by the Secretary of Agriculture to the Secretary of Commerce of amounts equal to 30 percent of the gross receipts collected under the customs laws on imports of fish and fish products.”

However, as the chart below (taken from *Table 1. S-K funding for FY 2004* in the above report) shows, only 22% of the available S-K funding was used to support the fisheries R&D that was the original legislative intent. The rest was absorbed by the NOAA budget to offset agency operating costs (the other \$185 million stayed with the Department of Agriculture).

Table 1. S-K Funding for FY 2004

Funding Item	Amount
--------------	--------

	(\$ in millions)
Total Duties Collected on Fishery Products	\$265.75
S-K Transfer to NOAA (30% of above)	79.72
NOAA's costs related to operations, research, and facilities	62.00
S-K Allocation	17.72

The budget for the National Marine Fisheries Service is on the order of \$500 million per year. It's parent agency (the National Oceanic and Atmospheric Administration or NOAA) receives about 12% of that amount from a tax on imported fish and fish products. If fish imports increase, S-K receipts increase. If the domestic harvest of fish and fish products declines, fish imports increase at a more rapid rate than they would otherwise. *Res ipsi loquitor?*

The United National Fisherman's Association demands the Mid Atlantic Fishery Management Council and NMFS implement mandatory smart phone or electronic reporting for all recreational vessels fishing in the EEZ for a period of four years prior to reallocating resource shares. During the past ten years Mid Atlantic Fishery Management Council and NMFS have ignored UNFA request for vessel permits, operator permits & trip reporting from recreational vessels fishing in the EEZ . **NOW IS TIME TO IMPLEMENT REPORTING FROM THE TOTAL RECREATIONAL SECTOR FISHING IN EEZ.**

UNFA 123 Apple Rd Manns Harbor NC 27953
3/13/2020

Kiley Dancy

From: Seeley, Matthew
Sent: Monday, March 30, 2020 10:29 AM
To: Beaty, Julia; Kiley Dancy; Coutre, Karson
Subject: FW: General comments To SCOPING HEARING

From: Top Hook <ssofabed@aol.com>
Sent: Friday, March 6, 2020 2:59 PM
To: Seeley, Matthew <mseeley@mafmc.org>
Subject: General comments To SCOPING HEARING

Hi Matt

1) M.R.I.P. 🤔

2) Bluefish, as records show, fish were in decline ,no efforts were made to tweak the decline.Instead business as usual.So ten years go by and BOOM we get hit with" OVER FISHING" WHICH MEANS , REBUILDING MANAGEMENT, In both the recreational and commercial industries. A ten year rebuilding plan , which was one of the options .I'm not getting any younger. We know that we will not see a 15 fish bag limit any more for the recs but hopefully we can get the commercial quotas back up.So I guess what I am asking is we need to make better management decisions, so we don't GET KICKED BELOW THE BELT AGAIN..

3)Sector separation,needs more evaluation. At this point perhaps a sector ALLOWANCE program. ex 3 bluefish, 5 bluefish for-hire. which is now in place. Scup 50/ 30 season, now we work on Sea bass, Fluke AND LOOK FOR THE SWEET SPOT. THE FOR -HIRE SECTOR WILL AND MUST REPORT ACCURATELY ON THE E- VTRS IN ORDER FOR THIS PROGRAM TO SUCCEED.

4) M.R.I.P. 😡

Thank You
Cap't Steven R. Witthuhn
AP MAFMC
AP ASMFC

MRAC N.Y.
Top Hook Fishing Charters Montauk N.Y.
35 yrs of Fisheries Involvement

From: josephcjordan@aol.com
To: Beaty, Julia
Subject: Fluke size limits
Date: Tuesday, March 10, 2020 8:14:00 AM

Please consider a reduced size limit for summer flounder. Strong evidence and an observation of a history of the fishery indicates that larger size fluke represent mostly breeding class females which are specifically targeted at present. Additionally culling through numerous smaller fish results in higher mortalities to a greater number of fish. Anecdotal wisdom would suggest that catching and retaining a limit of smaller fish would certainly reduce the selective harvest of the larger fish.

Thank you for your consideration

Joe Jordan

Name: Eric Lundvall
Email: ericlarslundvall@gmail.com
Check all that apply: Commercial Fishing Industry
: Eric L Lundvall

Comments: STATUS QUO FOR COMMERCIAL/RECREATION QUOTA SPLIT FOR SUMMER FLOUNDER, SCUP AND SEABASS.

THERE IS NO REAL ACCOUNTABILITY MEASURES FOR THE RECREATIONAL SECTOR .

THE DATA COLLECTED BY MRIP IS LIKE PULLING NUMBERS FROM OUT OF A HAT,

NO REAL NUMBERS.

I CAN NOT SEE EVER PONDERING A RE-ALLOCATION UNTIL THERE IS EQUAL ACCOUNTABILITY MEASURES FOR REPORTING,MONITORING, OVERAGES AND OBSERVER COVERAGE FOR THE RECREATIONAL SECTOR TO SUPPORT A CHANGE.

From: JACQUELINE LOPARDO

To: Beaty, Julia

Subject: Fluke/Scup/Sea Bass Allocation Amendment

Date: Saturday, March 14, 2020 5:30:56 PM

To Whom This May Concern

Suggestion Follow-up;

My suggestion was originally voiced @ the Belmar council meeting.

As a senior the majority of my fishing is done in the Barnegat Bay. I am a Forked River resident, I fish 4 to 5 days a week, mostly weekdays; the majority of fisherman I see are also seniors.

The main reasons seniors like myself fish the Bay are because most have smaller boats, they cannot maneuver through the physical challenges of the Inlet and Ocean and they cannot afford the fuel to go out into the ocean daily.

Its extremely hard to catch an 18" inch fluke in the bay, this past season I only caught 5 or 6 keepers, most days I catch between 8 and 12 fluke and only maybe get a measurer or 2. Sadly, while trying to keep the mortality rate as low as possible, I know that I am throwing fish back that will not survive.

I feel seniors should be granted a 2 or 3 fluke bag limit @ 16 inches or more.

Currently, Island Beach State Park and Cape May have that limit for All. Commercial Fisherman and Commercial Hook and Line Fisherman have a much smaller limit than 16 inches and a much larger catch allowance.

To be eligible for this a fair age would be 65, for all recreational fishing.

At 77 I have been fishing for over 70 years and I am looking forward to catching some fish I can keep.

Best Regards,

Richard Lopardo

1108 Tahiti Dr

Forked River NJ 08731

732-829-7326

Name: BILL SHILLINGFORD

Email: BUCKTAIL8@AOL.COM

How would you describe your primary role in the fishery?: Recreational (private angler)

Primary state(s) you land bluefish in:: New Jersey

Gear type(s) used:: Hook and line or handline

Comments: The data is clearly wrong when it comes to summer flounder. Summer flounder population while still rather high in spite of what the experts report, the problem is the average stock size is way down. This is the result of a couple of things #1 The fact that only the females which are flounder over 18" are being removed is having a serious impact on the annual spawn. 18" flounder and above are the most fertile and provide the most prime eggs. The SIZE has to come down to a 16 or 17" size so that there would be a better spread of male vs female being removed. We cannot continue to only remove prime females. Staying at 3 fish with smaller size should bring down the average size retained and allow the population to grow. If you look at past history since a size went in at 13" in 1984 and much longer seasons you will find the population grew until a 17 1/2 size went in and even with the shorter seasons the stock has not grown since. This is resulting in a ratio of 5 or 6 or more being thrown back to every one over 18" . The fatality rate on the throwbacks is much higher than what your reports consider. This is especially true in July and August when water temperatures are high and short flounder are more abundant

#2 Something has to be done to eliminate or greatly reduce the flounder being removed by the commercial fleet during the prime spawning times in the winter. It DOESN'T have to be eliminated BUT some controls need to be put in that reduces the catch during the prime Spawn in offshore waters when population is concentrated from OCT to Feb.

The failure of the Council to recognize these 2 factors is the REASON THE STOCK IS DROPPING

One SOMEWHAT different alternative for the recreational side could be a total length like 60", once a 60" in total length of fluke is met your daily limit has been met and you could go fish for another species.

One last comment ,the methods being used to determine the recreational catch is seriously flawed ,phone calls and letters is totally useless and ineffective .. A better method for more accurate data would be to ONLY get data at the docks when fishermen are coming in. This would be real live data and you could also get a better handle on number of short flounder being thrown back

The regulations being used have been totally ineffective so you need to begin thinking out of the box with new ideas that will produce effective results

I would also like to see this new plan get worked on quickly and some new methods ready for 2021 seasons as current regulations are having serious negative affects on the economies of fishing communities

Name: Stuart Fries

Email: stutag1@gmail.com

Check all that apply: Private Recreational Angler

: Stuart Fries

Comments: My comment concerns SUMMER Flounder Regulations in New York State.

We have many thousands of Recreational Anglers in NY. Not sure how many Commercial Summer Flounder licenses, but by comparison VERY few. Apparently, there is NO shortage of Summer Flounder in NY, as you INCREASED the 1,000 lb limit to 2,000 lb for January thru April.

Let us have some fairness. The thousands of angler that fish aboard party boats and other recreational anglers, rarely take home a legal size fish (19 inches or bigger). Commercial fisherman can keep a fish of 14 inches. Give the recreational angler a break. Let them keep at least one fish of 16 inches or bigger and have something to bring home!

From: Mike

To: Beaty, Julia

Subject: Flounder

Date: Monday, March 16, 2020 6:30:06 PM

Sir,

Having fished for Flounder for years I feel the current regulations for flounder should allow us to keep some smaller fish. The size regulation makes it nearly impossible to keep any flounder. Also most fish are females which I feel is not good for the stock.

Thanks

Mike Basileo

From: David Rider

To: Beaty, Julia

Subject: summer Flounder

Date: Monday, March 16, 2020 7:32:52 PM

We need to lower the flounder length limit to under 18 inches so the productive female fish available to produce young. Do what you can to make that happen.

David E. Rider

728 W Glenview Drive

West Grove, PA 19390

215-699-5748

Cell – 215-370-4737

Name: Monty Hawkins

Email: mhawkins@morningstargishing.com

Check all that apply: Charter/Headboat For-Hire Captain

Comments: It would be irresponsible beyond belief to use MRIP - catch data NO ONE should believe and worsening - to make any fisheries decisions, let alone of this magnitude..

I have shown instance after instance of even Shore Mode (but more often Private Boat) are said to have caught more fish than ALL Party/Charter throughout the management unit.

There are even instances where Shore catch more than ALL Commercial AND Party/Charter COMBINED!

Y'all MUST demand better data.

You MUST look at ways of testing the data for plausibility.

You Have VTRs - Use Em!! Compare to what fishers find plausible....

I call it "percentage of the catch" testing.

When MRIP claims Rhode Island Shore Mode caught more sea bass in wave six 2019 than ALL Party/Charter from Hatteras north — and you want to use THAT to determine rec catch AND give away commercial quota based on same?

Your sense of science needs "recalibration" - MRIP needs to be canned and fisheries returned to MRFSS at once.

What a miserable failure MRIP has been.

Regards,

Monty Hawkins

Partyboat MorningStar

OC MD

Name: Jackson Aeo

Email: jaeo602@gmail.com

Check all that apply: Private Recreational Angler

Comments: No way you can catch a legal black seabass from Delaware/ Maryland shores!

The numbers are way off and needs to be counted again!

Name: Chris Powell

Email: chris.powell0327@gmail.com

Check all that apply: Private Recreational Angler

Comments: Think commercial and recreational size limits should be same size

Name: Jennifer Koontz

Email: jlk21755@comcast.net

Check all that apply: Private Recreational Angler

Comments: Use real numbers, not the obviously erroneous estimates that are causing irrevocable damage to realistic catch limit setting. Revert to the previously used MRFSS, which was better than the current MRIP. Recreational anglers are not catching more than commercial boats!

Name: Jim Beirnes

Email: j.beirnes@verizon.net

Check all that apply: Private Recreational Angler

Comments: Do not, do not continue continue to use MRIP as any estimate for establishing catch limits.

Name: Jim Beirnes

Email: J.beirnes@verizon.net

Check all that apply: Private Recreational Angler

:

Comments: Please please stop using MRIP numbers, especially those that are obviously not correct. Monte Hawkins has supplied you with many.

(Sent via [Mid-Atlantic Fishery Management Council](#))

Name: Duane Luchaco

Email: ddluch@aol.com

Check all that apply: Private Recreational Angler

: MRIP data way off

Comments: The MRIP data should never be used to set limits. Seeing MRIP data that claims huge amounts of Sea bass being caught from shore. I have fished for well close to 55 years and I have NEVER caught a legal Black Sea Bass from shore ... NEVER !!! Get rid of this extremely inaccurate Data.

Name: RAYMOND STRONG

Email: rays71778@gmail.com

Check all that apply: Private Recreational Angler

: Comments: I am a fisherman from Delaware and have fished nj de and md waters from shore and from for hire boats almost every weekend for the past 5 years and from what I have observed and the ppl I've talked to about what everyone is or is not catching and can honestly say the system is a false the numbers are vastly exaggerated and is not fair for ppl like myself to have more restrictions put on what we catch. It's not easy to catch fish sometimes unlike the big boats with hundreds of feet of nets that catch more than what their supposed to and a vast amount of what they catch goes to waste before and after it goes to market cut their limits

Name: Robert Haas

Email: rahaas@verizon.net

Check all that apply: Private Recreational Angler

: MRIP Data

Comments: MRIP data is incredibly flawed and needs to be scrapped in favor of a more accurate data collection system.

Name: Robert Taylor

Email: NSFCharters@gmail.com

Check all that apply: Charter/Headboat For-Hire Captain, Commercial Fishing Industry

Comments: MRIP data is clearly not working can provide many examples need a new system!!!

Name: Donald Fox

Email: dfox@towndock.com

Check all that apply: Commercial Fishing Industry

Comments: I believe that none of these quotas should be changed. There are no accountability measures for the recreational fishery. This is rewarding a fishery for going over their quota. It does not make sense to me.

Name: David Rissell

Email: drrissell@gmail.com

Check all that apply: Private Recreational Angler

Comments: MRIP is total junk science fantasy and should not be used in determining any seasons or catch limits

Name: Bill Rogers

Email: prokat26@me.com

Check all that apply: Private Recreational Angler

Comments: Stay with the current system please

Name: Jefferson Fort

Email: jefferson.fort@gmail.com

Check all that apply: Private Recreational Angler

Comments: IMHO, MRIP has repeatedly provided crappy Intel and suggestions. Mortality studies need more attention and trawlers rape our oceans. For recreational fishing building more artificial reefs could help many non pelagic fish. Commercial limits are hard to impose due to lobbyists I purpose we tax commercial to build reefs.

Thanks

..j

From: Ed DiMarcantonio

To: Beaty, Julia

Date: Tuesday, March 17, 2020 8:47:40 AM

Councilman,

Please consider allowing smaller catch size for summer flounder and its catch the males under 18 and let the women go free! I support Bucktail Willie's comments.

Thanks,

Edward J DiMarcantonio

Axis Realty Partners

30 N Bacton Hill Road

Frazer, PA 19355

610-687-4600 Ext 307

610-644-3502 FAX

610-960-0200 CELL

Name: Andrew Esham

Email: salth2ocowboy@yahoo.com

Check all that apply: Private Recreational Angler

Comments: The math is so badly flawed it's laughable at best, very few sea bass are caught from shore at least not many if any keepers! I truly support the idea of conservation and a plan for conservation but it must be based on science and not guesswork. In the reallocation To take from one groups To merely give to another group is not conservation is particularly heinous that it's based on flawed math

Name: Jeff Deem

Email: deemjeff@erols.com

Check all that apply: Private Recreational Angler

Comments: Please leave the allocations as is until we can have more faith in the MRIP estimates. We can live with where we are until then.

Thanks,

Jeff Deem

Name: david nolan

Email: davidnolan600@gmail.com

Check all that apply: Private Recreational Angler

Comments: your figures are wrong
taking sea bass out of kids fun in july and aug is sad
shame of you people

Name: Vince Cannuli

Email: cannulia@gmail.com

Check all that apply: Private Recreational Angler, Charter/Headboat For-Hire Captain, Commercial Fishing Industry

Comments: Making decisions on Allocations, Creel, Seasons, or Sizes using MRIP is a failure to the resource and all users of the resource.

I understand the aggregate data is believed to be accurate but there are certainly some outliers in the lower levels/details of the MRIP estimates... and I think that if the estimates are so out of line at lower levels, I can't believe the aggregate is a realistic view of our resources.

It appears the lack of intercept data is one contributor but more, the over exaggerated effort data appears to be causing estimates to balloon beyond reality.

No changes in any fishery should be made until MRIP is repaired, as it appears to be quite broken.

Name: Joseph Molé

Email: Joe@Landscapecreationsny.com

Check all that apply: Private Recreational Angler

Comments: MRIP DATA AND COLLECTION SYSTEMS ARE NOT ACCURATE AND THIS MUST BE CORRECTED IMMEDIATELY TO ENSURE FAIR AND SUSTAINABLE FISHERIES MANAGEMENT FOR THE YEARS TI COME. PLEASE THINK ABOUT CHANGING THE CURRENT SITUATION
THANKYOU VERY MUCH

Name: Willuam Martin

Email: pokerbill65@aol.com

Check all that apply: Private Recreational Angler

Comments: Please stop hurting the recreational angler. I get that numbers may be down. But we have rod and reel. Not nets that catch tons at a time. Not to mention dead loss of other fish. How about you level the field. Let commercial guys go back to hook and line. Less dead fish going back. Less destruction of ocean bottom. Stop long lining. Just another joke. You worry about commercial guys going out of business, but not bait shops, boat dealers, and all other business tied to fishing.

Name: Kyle Krabill

Email: kyle.a.krabill@nasa.gov

Check all that apply: Private Recreational Angler

: Kyle Krabill

Comments: Please work on a new way to collect fisheries data other than the current MRIP. The data is absolutely wrong. extrapolating data does not work for recreational fisheries.

Name: Kenneth Murgo

Email: Kenneth.Murgo@gmail.com

Check all that apply: Private Recreational Angler, Commercial Fishing Industry

: Kenneth T Murgo

Comments: I am strongly opposed to any decrease in commercial allocation. As a 30 year old fisherman I am one of the youngest in the fleet and we are fighting to survive. Any decrease in our allocation, especially in black sea bass, will be detrimental to my ability to be profitable.

Name: Gary Sargable

Email: gsargable@yahoo.com

Check all that apply: Private Recreational Angler

Comments: MRIP might be this most harmful thing to recreational fishing ever. The recreational catch numbers they claim are so out of touch with actual catches. And to then use these numbers to increase the commercial catch limits lunacy.

We need accurate data.

Name: Cristian Terreros

Email: cris4tuna@gmail.com

Check all that apply: Private Recreational Angler

Comments: Guys, why do private citizens allways get blamed for all the catch. Because of health reasons i dont get to fish. But the one like day I get to go. I cant keep much because it is the reccational that catches the most?
Makes no sense. Give out tags for each fish. Then you can get a real count. And I can use my tags when I can go fishing. If I am lucky and I get 20. I use them all and I am done for the year. And you will know because I can report it in on the website. It can be done. I pay my boat registration and taxes like everyone else be fair. It is not fair. Your numbers make no sense. Thank you.

Name: Gregg Avedon

Email: gregg.avedon@nfp.com

Check all that apply: Private Recreational Angler

Comments: Please do NOT use MRIP data to set seasons or limits, that data is worse than useless, it is way wrong and could destroy recreational fishing as we currently know it. To paraphrase an old saying, "Tthere are lies, there are damned lies, and then there are statistics..."

From: Fishthewizard

To: Beaty, Julia

Subject: BSB Allocation Amendment

Date: Tuesday, March 17, 2020 11:40:29 AM

To Whom It May Concern:

The commercial/recreational allocation of black sea bass should remain status quo, unless NJ commercial fishermen are allocated a larger percentage of the quota.

Joan Berko

Commercial fisherman

Name: Robert Rodgers

Email: bertrodgers@verizon.net

Check all that apply: Private Recreational Angler

Comments: How is it possible that trained scientists recognize the MRIP system as a viable way to collect data? Very small samples of word of mouth catch reports that do not take into account changes due to weather and other factors cannot be considered good science. The numbers of shore caught seabass derived from the system are physically impossible.

Name: James Lee

Email: jl_rotary@yahoo.com

Check all that apply: Private Recreational Angler

Comments: Catch estimates are a joke. Where are these numbers coming from. It's time to take this seriously and get accurate numbers.

Name: Kirk Davis

Email: kirk@jettprep.com

Check all that apply: Private Recreational Angler

Comments: The data you are using is so obviously flawed that you need to throw it out and start anew. Freeze limits to 2019 levels for 2 years and figure a way to fix it.

From: David Dow

To: Beaty, Julia

Subject: Fluke/Scup/Sea Bass Allocation Amendment" Comments

Date: Tuesday, March 17, 2020 2:03:03 PM

As a retired marine scientist from the Northeast Fisheries Science Center in Woods Hole and a grassroots environmental activist living on Cape Cod, Ma., I wanted to comment on: the sustainability concept in the development of Fishery Management Plans (FMPs) and the use of adaptive, ecosystem-based management approaches that include human stressors (climate disruption; eutrophication; increased ocean noise; competing human uses like wind farms, US Navy training, oil/gas exploration, etc.; Marine Protected Areas and Stellwagen Bank National Marine Sanctuary management plan changes; changes in fish predators and their prey in space and times; alterations in the "productive capacity of Essential Fish Habitat (including pelagic food chain); etc.

I used to serve as Recreational Fisheries Coordinator in the Northeast and was a member of the New England Fishery Management Council's Habitat Plan Development Team which helped develop Omnibus Habitat Amendment 2 which was released by NOAA Fisheries GARFO in 2018. In addition, I participated in the EMaX (Energy Modeling and Analysis Exercise) research project on a carbon budget for the Northeast Continental Shelf Ecosystem which assumed that a steady state with linear dynamics between plankton/forage fish and top down competition/predation interactions existed. In recent years, fluke/scup/sea bass have migrated into Nantucket Sound, while Winter flounder, sea herring and lobsters have migrated into Cape Cod Bay (which is part of the Gulf of Maine). It appears to me that our local ocean food chain and the recreational/commercial fish catch/abundance relationships have changed into a non-linear system that is not at equilibrium which is not reflected in the commercial/recreational fish allocations developed in the 1980's/early 1990's. The situation has changed drastically in the last 30 years.

The MAFMC and ASMFC should consider supplementing "overfished SSB" and "fishing mortality exceeding its target" with concepts relating to "sustainability". There have been some recent papers on this topic ("Sustainability: A flawed concept for fisheries management" by Richard Stafford Elem. Sci. Anth 7 (8) which focuses on inshore waters in the UK and "Practical use of full-spectrum

sustainability in the Bay of Fundy” by Owen P. Jones and Robert L. Stephenson in *Ecology & Society* 24 (3) 25 (2019) which describes the 4 pillars of sustainability for herring management in Canadian waters- ecological; economic; social; and cultural). Given the changes in the MRIP process for assessing recreational fishing effort and catch & release mortality, many stocks targeted by saltwater angling have been characterized as exceeding “overfishing” and “overfished” targets and lead to decreased quotas (Atlantic striped bass) or exhibited increased "natural mortality" which has decreased quotas for both commercial and recreational sectors (sea herring).

For many local communities the “economic analysis” component of an FMP is related to the amount of fish caught, rather than the number of people that participate in the fishery that provide an economic multiplier effect for local economies. Thus here on Cape Cod, Fluke and Scup caught by the commercial sector is viewed as more valuable than those harvested by saltwater anglers. Given the lack of working waterfront on Cape Cod which constrains the commercial sector more than than saltwater anglers (many of whom fish from shore or use their own boats), I feel that the opposite is true as residents and tourists catch these species. Back in 2003 I helped organized an ecological indicators task force for Fisheries and Aquaculture in which an **EME** indicator was developed for both commercial and recreational fisheries. The **EME** compares direct/indirect/induced economic benefits on a county basis with the level of investments made by the public/private sector). In addition, to this natural resources economics tool, there are ecological economic tools which would allow the MAFMC and ASMFC to make evaluations which include “social and cultural” metrics.

The MAFMC and ASMFC could use adaptive, ecosystem-based management (a,EbM). See some of the following papers for more details: “Inclusion of ecosystem information in US fish stock assessments suggests progress towards ecosystems-based fisheries management” by Kristin N. Marshall et al. *ICES J. Mar. Sci.* 76 (1): 1-9 (2019) and “Planning for change: Assessing the potential role of marine protected areas and fishery management approaches for resilience management in a changing ocean” by Kristy J. Kroeker et al. PISCO Partnership for Interdisciplinary Studies of Ocean Sciences (2019). The use of a,EbM would allow investigation of cumulative impacts (see “A review of cumulative effects research and assessment in Fisheries & Oceans Canada” by Cathryn Murray et al. 2020. *Canadian Technical Report of Fisheries & Aquatic Sciences* 3357: 51 pp.); account for climate in stock assessment (including interaction of ocean acidity, eutrophication and hypoxia inshore); real-time responses to fisheries/ecosystem monitoring; promote social resilience; etc. (see Pew Environmental Trust Fact Sheet "Time-to-Rethink- Fishery Management" (2014)). One of the characteristics of non-linear complex systems is “surprises” (i.e. current COVID-19 virus causing health challenges and negative socioeconomic consequences). Similar “surprises” have occurred in the Gulf of Maine as the pelagic marine food chain has shifted reducing yield of LMRS from primary production and the “productive capacity of benthic Essential Fish Habitat” has diminished inshore from climate change and eutrophication (see EPA Waquoit Bay Watershed Ecological Risk Assessment project report)..

Given these unexpected rapid changes, the MAFMC and ASMFC needs to incorporate environmental and fisheries management research into their management framework more rapidly and find ways to convert this into products accessible by various constituent groups (being data rich but information poor is a major challenge). A good example is the fact that catch and release mortality of recreational species often exceeds targeted commercial catches/discards; changes in the MRIP process have altered estimates of effort and catches by saltwater anglers; and the shifting ocean baseline/changes in the marine food chain reduced the yield of LMRs (Living Marine

Resources) harvested by the commercial and recreational sectors. I discussed many of these items in more detail in my April 5, 2019 comments on the MAFMC strategic plan.
Thanks for your consideration of these comments.

Dr. David D. Dow
East Falmouth, Ma.

Name: charles strenck

Email: strenck@hotmail.com

Check all that apply: Private Recreational Angler

: charles strenck

Comments: I think slot limits should be used to increase breeding in my area of ocean county .The present limit of keeping fish that are breeders (over 18inches) is killing the stocks .So many small fish never reach breed stock size because of mortality from being caught and released . Larger fish should be released and fish from 14 to 17 inches kept .Larger fish tend to be females with eggs and we are killing them off. The release of larger fish works on other species and would do a lot to improve the fishery . I personally released 210 small fish last year. I had 32 keeper fish in 30 trips in my local area .

Name: John Haran

Email: sector13@comcast.net

Check all that apply: Commercial Fishing Industry

Comments: Please keep the status quo in regards to the commercial allocation for summer fluke. Landings of summer fluke are a big part of the landings for the Port of Point Judith

Name: Jason Grieco

Email: jasongri@msn.com

Check all that apply: Private Recreational Angler

: Additional comments regarding the scoping process specifically as they relate to the summer flounder fishery.

Comments: For summer flounder, 60% of the annual total allowable landings is allocated to the commercial fishery and 40% to the recreational fishery based on 1980-1989 landings data. These allocations were implemented in 1993 through Amendment 2 to the Fishery Management Plan (FMP).

While I'm in agreement the allocation of the stock between industry sectors should reflect an historical perspective, using statistics from 30 to 40 years ago is outdated and obsolete as every aspect of the fishery in the 80's is different than today considering the regulations in place, prevailing catch statistics of the fishery and the stock's current attributes. In addition, that decade can be summarized as one of over-fishing the stock ultimately leading to the collapse of the fishery in 1988 when recruitment statistics hit their record low of ~12 million new recruits, SSB hit a record

low the following year in 1989 at ~7,000 metric tons and the biomass population collapsed to a mere ~62 million fish, a low water mark for the fishery as well. Hardly statistics or a period in the history of this fishery I would base current management or allocation decisions on. FMP needs to be amended to incorporate an allocation methodology using a rolling average of catch characteristics between sectors reflective of the current fishery. A trailing 10 to 15-yr average would be a more prudent methodology allocating the stock in a manner representative of current regulations and catch statistics. I would argue the same to be true for all fisheries under management. No business operates on statistics from 40 years ago, why would we apply those principles to fisheries management.

As a side note, I find it interesting in light of the FMP mandate to use 1980 to 1989 as the baseline period determining quota allocations, that the 80's represented the only decade of the past four where weight values based on age groups for recreational landings were lower than weight values assigned to similar age classes used to calculate commercial landings. Size minimums at the time were the same at 13" for both sectors so average landings weights by age by sector arguably should have been identical but are not. Today, 70% of landings in both sectors represents age classes 2 to 4, and if you compare weight values assigned in 2017 to both sectors recreational values on average are 43% higher than commercial. The impacts of this are twofold; first lower weight valuations for recreational landings in the 80's giving rise to a higher allocation percentage for the commercial sector. Second, subsequent year weight values relative to recreational age groups based on new MRIP data for comparable age classes has driven annual recreational landings higher leading to more restrictive regulations. More restrictive regulations ultimately leading to a higher allocation of annual catch quotas to the commercial sector which is precisely why the commercial sector was granted a 104% increase in commercial quota over the last two years while the recreational sector on a net basis maintained status quo. New MRIP statistics for the decade of the 80's, with all their uncertain assumptions, are reflecting a 60/40 split in favor of the commercial sector being used as the baseline behind this allocation process per FMP but for the years 1990 to 2017 that same allocation methodology reflects a 55/45 split in favor of recreational. A 15% difference in allocation percentages based on the last 27-yrs. of landings statistics being completely ignored in this scoping process for the summer flounder fishery.

In 2018, directed angler trips of ~1.6 million resulted in 2.4 million fish landed recreationally. That equates to angler trips specifically targeting summer flounder resulting in on average 1.5 fish per trip. In the process, recreational landings came in at 7.6 million lbs., slightly under the 2018 recreational harvest limit "RHL". What that means is in spite of higher regulatory state possession limits, those possession limits are in reality theoretical limits. Practical possession limits for the recreational community have been reduced to slightly more than a one possession daily trip limit. Meaning if on average 2 fish are harvested daily at today's average weight per fish, the recreational community will over fish the RHL by an estimated 2.5 million lbs. triggering even more restrictive regulation in the future. Since going lower than one fish is a mathematical impossibility, the entire stock might as well be shifted to the exclusive harvest rights of the commercial sector since that's essentially what the current regulations combined with new MRIP valuations have taken this fishery to. Recreational sector went from no possession limits, to 10 years ago, to 8, to 5, to 3 and as mentioned for all practical purposes today has been reduced to a 1-fish possession limit.

The commercial sector was granted a 104% increase in their landings quota from 5.66 million lbs. in 2017 to 11.53 in 2020. Number of fish landed commercially in 2000 was 5.6 million. In 2019, with

the recent benefit of the quota increase, it's estimated to decline by 9% to 5.1 million fish. For comparison sake, recreational landings in 2000 was 13.05 million fish compared to projected 2.22 million in 2020, an 83% decrease in fish landed over the last two decades. From a weight perspective, recreational landing in 2000 was approximately 26 million pounds based on new MRIP, projected in 2020 to be 7 million lbs. or a 74% decrease. Commercial over the same time frame was 11.2 million lbs. in 2000 with a projected quota in 2020 of 11.53 lbs. representing a 3% increase. If you thought the fishery was in a state of decline in recent years, see what 2020 holds in store with a 104% increase in commercial harvest pounding these stocks offshore during the fall spawn and mild winter months while staging offshore at the shelf. There's every reason to believe the 2020 season will be one of the worst years in recent memory.

This fishery for all practical purposes has been taken away from the recreational sector. Regulations are killing a family tradition shore-based communities have been founded on, are causing significant economic consequences to the recreational sector and if not addressed will eventually destroy this fishery currently experiencing a slow death. Starting with the allocation methodology mandated by FMP and continuing with the use of size minimums recreationally and the unabated harvest by the commercial sector of older age classes, over 80% of their harvest occurring in the EEZ during the spawn and winter offshore fishery, this fishery is trending in the wrong direction. Regulations have wreaked havoc on the fishery and this allocation methodology and new MRIP statistics have wreaked considerable havoc on the recreational sector. Both need to change.

The above disparities outlined in this fishery have to be a direct violation of MSA National Standards 4 - "Allocations" as well as FMP 9.2.1.4 (A), (B) and (C) "regarding nondiscriminatory measures between fisherman of all states", "fair and equitable allocation of the resources" "carried out in such a manner not to prejudice any individual, corporation or other entity acquiring excessive shares of such privileges".

Name: Mark S Phillips

Email: mark.st.phillips@gmail.com

Check all that apply: Commercial Fishing Industry

: mark s phillips

Comments: I support status quo. I do not think that the recreational should be rewarded for their inability to control their harvest. From the beginning of this plan the recreational have not been able to control themselves. When the plan first went in affect the recreational organizations encouraged increased effort while the commercial were held to strict quotas. If the commercial had run over with no punishment would the council be supporting an increased percentage for them, Answer NO so why should this even be considered? Get the recreational under control. Don't punish the people (and the people they feed) that have been held accountable.

They have had more then 20 years to get this under control and instead the option is reallocation absolutely NO!

Name: Robert Montevechi

Email: brewlugger@gmail.com

Check all that apply: Private Recreational Angler

Comments: Good job on destroying another fishery

From: Jim Dawson <jimdawson1@verizon.net>

Sent: Tuesday, March 17, 2020 4:06 PM

To: 'Caitlin Starks' <cstarks@asmfc.org>

Cc: (rbeal@asmfc.org) <rbeal@asmfc.org>

Subject: Dawson reply for Black Sea Bass due 3-17-2020

Importance: High

Hey guys, sorry for the delay, surgery went well:

- 1) The split for recreational and commercial should NOT take anything different until MRIP has been accepted.
- 2) Once those numbers are accepted, we then should NOT divide any other way until a clause has been placed in such as the commercial fishery when the quota has been reached, their fishery closes immediately.
- 3) Party/Charter should have a “known” number because they MUST report already, therefore, only the recreational sportfishermen have the unknown number today.
- 4) Once the clause has been officially placed into written regulation, MRIP numbers accepted, new management measures will place size and bag limits according to MRIP...2020 did not do that even though Magnuson requires it.
- 5) The double standard must be eliminated. Permanently. Year after year the recreational fishery has been allowed to go over quota by tremendous numbers. ANY new regulation shall treat each fishery exactly the same!
- 6) Take into consideration that the recreational fishermen ALL fish basically from Memorial Day through Labor Day. Whether they fish for flounder, bass, or whatever, let them have enough as to not crush their livelihoods.

Sticking with a “status quo” for 2020 was in my estimation a violation and needs to be corrected. It was

a mistake not to have gone at the very least with some reduction because the recreational fishery went

so far over quota. The fact that according to a stock assessment that is “over target” is totally irrelevant. The stock size does not have anything to do with management measures, so far, the seasonal

closures for each state has allowed the recreational fishery to go over quota is a problem that should be

met with ANYTHING but a “status quo”. When states go over, they must reduce either bag limits as suggested and/or cut days from seasonal openings. The commercial fishery is not allowed to go over just because the stock target is at 240%.

James Dawson

From: KESS
To: Beaty, Julia
Subject: Fluke/Scup/SeaBass/ allocation Amendment
Date: Tuesday, March 17, 2020 4:11:57 PM

Captain Philip A. Kess
FISHY BUSINESS Sportfishing Charters
P.O. Box 129 Aquebogue , N.Y. 11931
Pkess@optonline.net
516-316-6967

Fuke/Scup/SeaBass/ Allocation Amendment 3/17/2020

To whom it may concern,

I'm the owner operator of the charter boat FISHY BUSINESS sailing out of Orient Point L.I. New York for the past 25 years .

Below are my main points of concern at this time.

1. I believe we should stay status quo until we can get more reliable data especially in the recreational sector. MRIP numbers have been shown to be unreliable .
2. Explore having a separate allocations for the for hire fleet . With the data obtained from our VTRS, the for hire fleet has been shown to have minimal effect on our fisheries .
3. Much more study and action on the effects of Pollution and Predation on the juvenile and breeding stock . With the explosion of Seal and Cormorant populations as well as the Sea Bass , which are eating tens of thousands of fish daily.

Thank you for your consideration

Captain Philip A. Kess

Name: Bill Watts

Email: bwatts214@yahoo.com

Check all that apply: Private Recreational Angler

Comments: Please go back to the MRFSS. The new estimates are ridiculous.

Name: Yasar Chaudhry

Email: captainyasar@gmail.com

Check all that apply: Private Recreational Angler

Comments: Additional comments regarding the scoping process specifically as they relate to the summer flounder fishery.

For summer flounder, 60% of the annual total allowable landings is allocated to the commercial fishery and 40% to the recreational fishery based on 1980-1989 landings data. These allocations were implemented in 1993 through Amendment 2 to the Fishery Management Plan (FMP).

While I'm in agreement the allocation of the stock between industry sectors should reflect an historical perspective, using statistics from 30 to 40 years ago is outdated and obsolete as every aspect of the fishery in the 80's is different than today considering the regulations in place, prevailing catch statistics of the fishery and the stock's current attributes. In addition, that decade can be summarized as one of over-fishing the stock ultimately leading to the collapse of the fishery in 1988 when recruitment statistics hit their record low of ~12 million new recruits, SSB hit a record low the following year in 1989 at ~7,000 metric tons and the biomass population collapsed to a mere ~62 million fish, a low water mark for the fishery as well. Hardly statistics or a period in the history of this fishery I would base current management or allocation decisions on. FMP needs to be amended to incorporate an allocation methodology using a rolling average of catch characteristics between sectors reflective of the current fishery. A trailing 10 to 15-yr average would be a more prudent methodology allocating the stock in a manner representative of current regulations and catch statistics. I would argue the same to be true for all fisheries under management. No business operates on statistics from 40 years ago, why would we apply those principles to fisheries management.

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lbs. triggering even more restrictive regulation in the future. Since going lower than one fish is a mathematical impossibility, the entire stock might as well be shifted to the exclusive harvest rights of the commercial sector since that's essentially what the current regulations combined with new MRIP valuations have taken this fishery to. Recreational sector went from no possession limits, to 10 years ago, to 8, to 5, to 3 and as mentioned for all practical purposes today has been reduced to a 1-fish possession limit.

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It's important for everyone to understand what's happening here. The fishery is dying and the recreational community's rights to a fair share of the resource have been violated. Today is the last day of public comments for the scoping meetings on the MAFMC website. If you want to get involved and voice your concerns, here's the link to leave an email with your comments to Julia Beaty at MAFMC.

Received by email from Carl Benson, 3/17/2020
RECREATIONAL COMMERCIAL REALLOCATION
OVERVIEW OF LIMITED RESOURCES

I BELIEVE THAT THE NUMBER 1 PRIORITY OF FISHERIES MANAGEMENT SHOULD BE THE REBUILDING OF THE FISH STOCKS.

FISHERIES MANAGEMENT STAFFS SHOULD BE ADDRESSING THE DECADES OLD FAILURE TO REBUILD THE STOCKS, SPECIFICALLY SUMMER FLOUNDER. THE USER GROUPS HAVE LIVED THROUGH DECLINING STOCKS AND THE RESULTING QUOTA CUTS.

NO INOVATIVE CONCEPTS HAVE BEEN PROPOSED AND EVALUATED. I RECOMMENDED YEARS AGO THAT OUTSIDE FOCUS GROUPS SHOULD BRAINSTORM CONCEPTS FOR POSSIBLE BIOMASS SOLUTIONS. IF CURRENT MANAGEMENT OR STAFF IS LACKING IN THIS LEADERSHIP SKILL SET, THE NORTHEAST REGION OF THE USA HAS SOME OF THE BRIGHTEST MINDS IN THE MEDICAL AND TECHNOLOGICAL FIELDS. SOLUTIONS COULD HAVE WORLDWIDE IN IMPACT.

IN FAIRNESS, A RECREATIONAL SLOT LIMIT FOR SUMMER FLOUNDER WAS MATHMATICALLY REVIEWED. I EXPECTED A COMPLETE EVALUATION OF SIZES FROM 18 INCHES, LOWERING IN QUARTER INCH INCREMENTS. IN INDUSTRY WE CALLED THAT COMPLETE STAFF WORK. IT CAME AS NO SURPRISE THAT A 16 INCH SLOT FISH WOULD LIMIT HARVEST TO A SINGLE KEEPER, DUE TO THE RELATIVE AVAILABILITY OF 16 INCH FISH.

PROJECTS, REALLOCATION AND COMMERCIAL QUOTA SHIFT NORTH, CONSUME RESOURCES AND DO NOT INCREASE THE BIOMASS. THE SUMMER FLOUNDER STOCKS STILL HAVE NOT BEEN REBUILT AFTER NEARLY THREE DECADES OF MSA

WHO BUT FISHERIES MANAGEMENT HAS BEEN RESPONSIBLE FOR THIS FAILURE?

REALLOCATION

HAS THE 30 TO 40 YEARS OF RECALCULATED HISTORY OF RECREATIONAL HARVEST BEEN PEER REVIEWED AND WITH WHAT DEGREE OF ACCURACY?

SINCE THE NEWEST GENERATION FOR ACCOUNTING OF RECREATIONAL HARVEST IS "BETTER" THAN THE LAST, HOW DID THE LATEST DATA ADDRESS FISHERMEN WHO SOLD FISH. IN THE 1970 AND 1980'S, PIN FISHERMEN, CHARTER AND PARTY BOAT CUSTOMERS AND CREWS AND OTHER RECREATIONAL FISHERMEN SOLD UNREPORTED CATCHES AT

THE DOCKS AND TO FISH MARKETS.

HOW DID THIS "BETTER" SYSTEM CAPTURE THOSE FISH? SOME OF THESE INDIVIDUALS WENT ON TO QUALIFY FOR COMMERCIAL STATE LANDING PERMITS, OTHERS DID NOT MEET THE STATES MINIMUM TO QUALIFY, AND OTHERS DID NOT ATEMPT TO OBTAIN PERMITS.

From: Eddie Emery

To: Beaty, Julia

Subject: Fluke, Scup, Seabass, Bluefish meeting

Date: Tuesday, March 17, 2020 7:18:56 PM

I am writing in response to the meeting concerning the quota situation regarding recreational fluke, scup, seabass, and bluefish fisheries.

My name is Edwin Emery and I am a third generation commercial fisherman based in Stonington, CT. As one of 7 current owner operators between the ages of 35-45 in our fleet of nearly forty boats, I came of age in the industry during a time of complete government oversight and regulation. First the permit moratoriums of the middle '90s to the trap allocation/ reductions, Days at Sea program of the offshore scallop fishery and the current implementations of catch shares and Individual Transferable Quotas. As we stand now regulation has been a way of life and unfortunately for an entire generation under mine, a possible death. In the port of Stonington there are zero permitted owner operator commercial fishermen under the age of 35. A way of life is being lost along with the knowledge and skills to operate these small businesses and if nothing changes our fleet and community will die. As a member of this community I found it incredibly alarming and worrisome that the charter/ for hire sector operates with no oversight.

First I would like to propose that there be three sectors;

1. The commercial Fishing Industry

*currently the industry operates under strict government oversight, only second to the IRS in regulations

2. Commercial Charter/ For hire Industry

* Members of this sector made it abundantly clear that they were operating "for profit" and were concerned with their ability to be profitable if regulations were tightened on there participation. I find it incredible that and industry that harvests stock from todays oceans for profit has virtually no government oversight. I believe this industry should be monitored first through logbook entrees, on board monitoring, VMS monitoring, and strict creel limits similar to those in the Commercial sector. I also feel that a permit moratorium and control dates should be established to further understand the effect this industry has on fish stocks and environmental well being. It was surprising to see the amount of Connecticut's quota that was being harvested from this sector and the variables associated with the estimation of harvested species. This is an industry and these number need to be concrete.

3. Recreational Sector.

*I feel these permits and their participation would be virtually impossible to monitor. there should be a variation in quota set aside as a margin of error to try to somehow guesstimate the effect on fish

stock. continued patrols at sea and in and around popular sport locations and landing areas would be useful.

In conclusion I would like to express my appreciation for the council and the opportunities that were given to the industry to participate in deciding a path to rebuild the bluefish fishery. So many times we have attended fishery meeting only to be told what was to be reduced. I didn't feel that from this council. If there ever was a time to bridge the gap between industry and regulators its right now. Our commercial fleet operates here in New England at an average age of 60 years old. Its scary to think our maritime traditions and our seaside community could be gone in the next decade or two.

Yours Truly
Ed Emery
F/V Restless
Stonington, CT

Name: Larry Range

Email: pamrange3@gmail.com

Check all that apply: Private Recreational Angler

Comments: The MRIP data is totally inaccurate! Common sense shows how flawed it is. Please find another way that will be more accurate to everyone.

Name: Roy Miller

Email: fishmaster70@comcast.net

Check all that apply: Private Recreational Angler

Comments: Allocations of harvest between sport and commercial sectors should be based on the revised MRIP estimates if we are going to continue using revised MRIP estimates for our stock assessment purposes. This process should be followed for all three species. For example, if the historical 60/40 split between commercial and recreational allocations for summer flounder has changed because of using revised and back calculated MRIP estimates, then these allocation ratios should similarly change.

Name: Joe Bahun

Email: itsmejoeb@aol.com

Check all that apply: Private Recreational Angler

Comments: I have been fishing for summer flounder for just over sixty years , but this has been slowly taken away from me because of unfair regulations . Limiting recreational fishermen while commercial men kill tons of spawning fish makes no sense , please be fair !

Name: Brandon Schrager

Email: bschrager@aol.com

Check all that apply: Private Recreational Angler, Commercial Fishing Industry

Comments: I fish the west end south shore Long Island and the current recreational season and bag limits for sea bass in NY is outrageous. Commercial can usually start keeping sea bass in The spring plus NJ season is open so by the time rec fisherman in NY where I live can keep sea bass all the fish over the current 15” limit are all caught up. We’re all fishing the same waters, have no issue that commercial size is smaller but let the rec guys start sea bass fishing the same time the commercial guys can.

Same for fluke, western south shore bays are littered with commercial fisherman, no issue the can keep smaller fish but let the rec guys start fishing at the same time. By the time the rec season starts in NY the commercial guys have caught all the good fish in the bay.

Name: Percival Reese

Email: skipreese@gmail.com

Check all that apply: Private Recreational Angler

Comments: Seeing this ,I just don’t understand why these people are are so blind.

The North Carolina Fisheries Association feels it would be irresponsible for the ASMFC and MAFMC to consider reallocation of the Summer Flounder, Scup, and Black Sea Bass quotas without first adopting accountability measures for the recreational sector. These measures should include improved catch accounting and estimation methods in the recreational sector to avoid quota overages and required payback when overages do occur.

For years, the inability of both State and Federal managers to properly manage recreational fisheries has jeopardized rebuilding efforts and unintentionally reallocated our marine resources. While the commercial quota for these three species has been strictly managed with trip limits, seasonal closures, and overage paybacks, the recreational sector has been allowed to continuously exceed their approved quotas, resulting in an unofficial reallocation of the resource. If the current management is allowed to continue, recreational overharvest of these three species may jeopardize future allocations for the commercial, for-hire, and recreational sectors. Because of this, we believe any discussion of reallocation between sectors is a moot point until both the Council and Commission prove they can properly manage the current allocations to the recreational sector.

While the North Carolina Fisheries Association recognizes the complexity of this issue, we firmly believe recreational accountability has to be addressed if we wish to achieve fair and equitable management of our fisheries.

- Glenn Skinner
Executive Director, North Carolina Fisheries Association



RHODE ISLAND **SALTWATER** **ANGLERS** Association



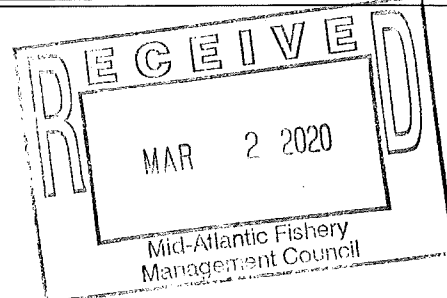
P.O. Box 1465, Coventry, Rhode Island 02816

401-826-2121 FAX: 401-826-3546

www.RISAA.org

February 25, 2020

Dr. Christopher Moore, Executive Director
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, DE 19901



RE: Fluke/Scup/Sea Bass Allocation Amendment

Dear Dr. Moore,

The following comments are presented on behalf of the Rhode Island Saltwater Anglers Association, which represents over 7,500 recreational saltwater anglers and 28 affiliated clubs throughout New England.

We are in favor of using the revised MRIP process to revise previous estimates that were used to establish allocation of landings between the commercial and recreational sectors for summer flounder, scup, black sea bass and any other species for which recreational harvest is estimated using the MRIP process.

The changes and methods in the recreational fisheries catch estimates and the interpretation of the effort portion of recreational fishing estimates have further increased the imbalance of allocations for important recreational fisheries. This reallocation is the only way to address the allocation of commercial versus recreational landings following the recent updates to the MRIP estimating process that show dramatically higher estimates of recreational landings.

In fact, we believe that any changes in commercial quota or ACL, that have been in any way influenced by the revised MRIP, must be immediately reversed before more damage is done to fish stocks which are so vital to the survival of the recreational fishing industry. The 70% increase of commercial ACL in the summer flounder fishery starting in the 2019 season with the large increase in spawning stock biomass (SSB) was at least partly in response to the increased estimates of recreational summer flounder landings from the revised MRIP process. This increased ACL resulted in increased commercial fishing pressure which has led to reduced recreational landings.

What is also true is that in many cases, even though the commercial effort was significantly increased, profitability of commercial fisheries actually *decreased* due to lower price at market and higher operating expenses. This situation is not beneficial to commercial fishermen, recreational fishermen and especially not beneficial to the fish. We believe this is not the correct way to manage a fishery and we are very concerned that the same approach is being used in the scup, black sea bass and other fisheries.

The only fair method is to cease all modifications and reverse those that have been recently made for commercial ACLs until reallocation based on existing landing estimates can be run to completion for all MRIP species.

Thank you for your consideration,

Stephen J. Medeiros
President

Richard C. Hittinger
1st Vice President

FISHERMEN'S DOCK COOPERATIVE, INC

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March 12 2020

Comments on Summer Flounder, Scup and Black sea Bass allocation amendment

These comments are submitted from the members of the Fishermans Dock Co-op Inc. of Point Pleasant NJ. This proposed amendment is very important to our members in that these three fisheries are, along with Scallops the most valuable and crucial to our business. Point Pleasant ranks in the top three of landings for these three species along the east coast in most of the last ten years. 90 % of the landings of these species in Point Pleasant are landed at the Co-op, as there are virtually no other operational docks for fresh fish left in the port. Since the Magnuson Act was enacted Point Pleasant has lost about a half dozen commercial docks, and almost all of the support industries that helped sustain it. Point Pleasant Packing still exists but it is primarily a clam facility and the fish unloading portion of it is derelict but undergoing slow renovation. There are no longer any diesel mechanics, or electronics technicians, no more railway, and only one Iron working shop. If the government helps out our business anymore there will be no fishermen either.

In regard to this proposed amendment it seems that the ASMFC has decided that since they simply have no idea how many fish are caught by the recreational industry according to the best science available, the new MRIP data, the recreational catch is much greater than they thought it was, and the only way to address the problem is to steal quota from the commercial side. This will not solve the problem, the rec's will still overfish as long as any type of telephone or letter questionnaire is being used as the primary source of data collection. This type of survey is a total waste of taxpayer dollars and about as accurate as guessing how many jelly beans are in a five gallon jar. Imagine trying to estimate commercial catch if you relied on a commercial fisherman's good faith reporting of his catch, especially if he knew there was no one observing them, [I believe the research set aside fiasco is a good example of that]. The only way to get accurate catch data for recreational fishermen is by dock intercept where the actual fish can be observed and catch data such as how many anglers on their boats, what type of gear did they use, what were they targeting, etc. All else is simply conjecture.

Since millions of dollars have been spent creating this great new improvement of the old MRFS collection system it seems that nobody in management wants to admit that it is no better than MRFS, maybe worse. I attended two public hearings in New Jersey and asked the audience at both of them [and they were predominately recreational fishermen] if anybody in the room thought that the new MRIP data was accurate, no one raised their hand. I then asked if anybody thought the data was better than the old MRFS data, once again no one raised their hand. So management has a real credibility problem with their recreational catch data, and the millions spent on the new collection system was a waste of time and money that won't be corrected by reallocating fish from the commercial sector. I think currently the most accurate recreational catch data comes from VTR's from party/charter boats, it

may not be perfect but it is probably 90% accurate. Captains have no way of knowing if there is an under-cover enforcement agent on board their vessel, and also know that accurate data is a good thing for the industry as a whole.

I have included three charts here that show the actual landings data from P/C boat VTR's and the MRIP data using the new formula that shows the difference in estimates between the actual data, [VTR's] and the fairy tale data of MRIP from 1995 to 2018. The estimates are strikingly different especially with Summer flounder where two thirds of the MRIP annual estimates are way higher than the actual VTR data. I cannot believe that any scientist when reviewing this data wouldn't have come to the conclusion that there was something seriously wrong with the MRIP data. The NEFSC has to stop relying on mathematical equations for their science and get out into the real world and get accurate data collection from the only accurate source, dockside intercepts. Stop deceiving yourselves and the public. Judging by the public hearing comments they're not fooled. Surprisingly, I also heard very few recreational fishermen saying that they thought taking commercial quota was the answer to their problem.

Multiple people pointed out that the recreational industry has been in a downward participation spiral for 20 years now, with about half the participation rate of the general public as there was in the 1990's, which leads to the obvious question, with such minimal bag limits and large minimum sizes and half the fishermen as there used to be, how can they possibly be catching more fish now than years ago? New Jersey alone has lost over 50,000 registered boats in the last fifteen years. Those people are not going out on party boats now, that fleet is almost extinct, so who's catching all these supposed fish that MRIP claims is being caught? If the general fishing public does not believe the MRIP data is accurate and that it over estimates their landings, then its hard to see how that data could then be used to go back in time and claim that the data from the 80's under estimated recreational catch and use that to justify a resource grab.

This plan should be dead on arrival. The council and Commission should reevaluate recreational data collection and devise a new system that uses only VTR and dock intercept data. Nothing else will ever be accurate and MRIP data will never gain the confidence of the public. The council and Commission should have better uses of their meager resources then this. I make a motion to stop work on this plan and move onto more productive uses of the council/commission's resources. Seconded by the general public.

The Co-op members fully support status quo and also strongly urge you to not even go out to public hearing with this proposed plan, it is a house built with no credible foundation. There should be no changes to the present allocation percentages, or timeframes. Maybe a study should be done that documents the destruction of both the recreational and commercial fishing industry since the Magnuson act was passed in 1976 using fishery participation numbers as the primary data source.

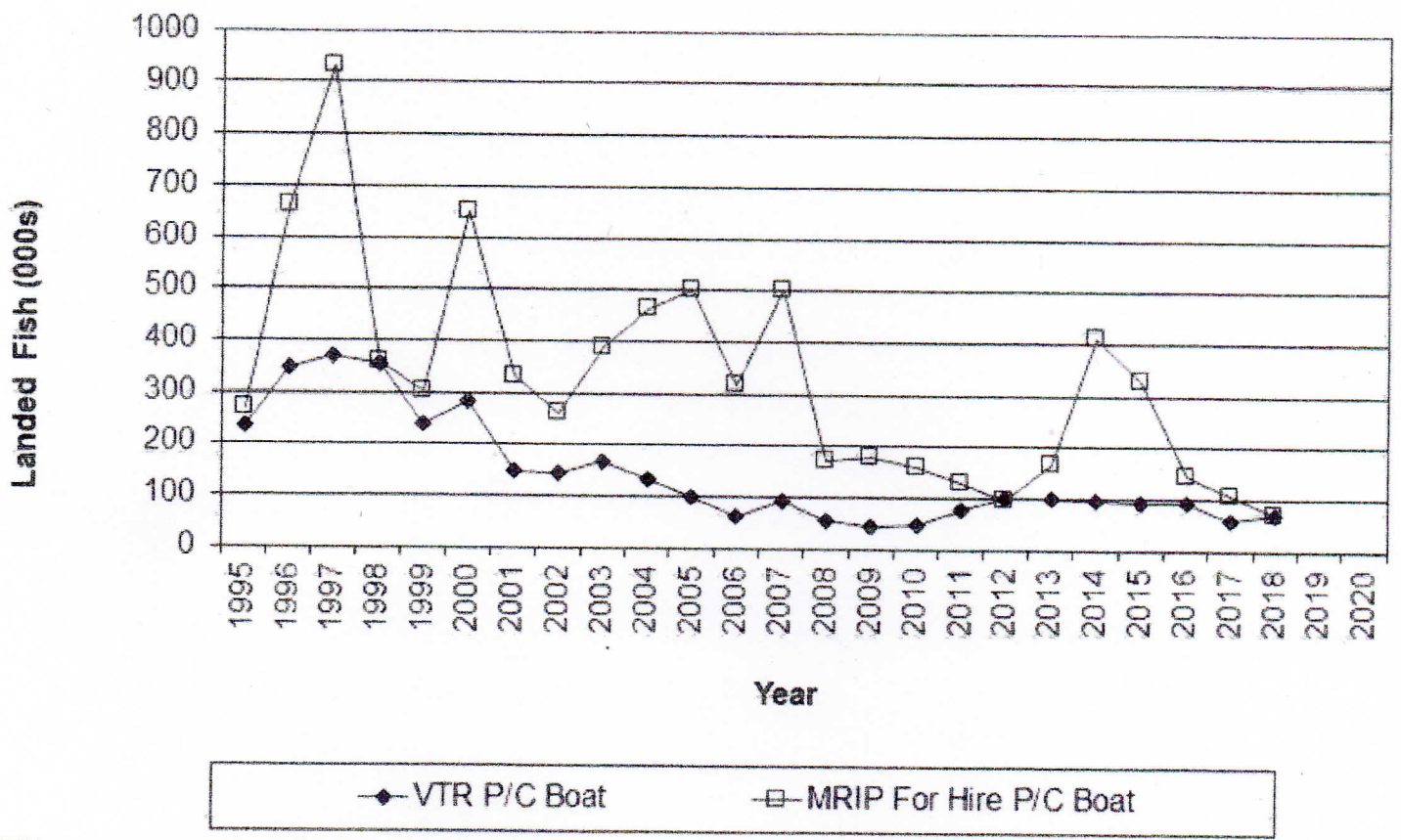
We support flexibility to transfer quota in the event one sector doesn't reach their quota to help avoid the other sector from going over theirs on an annual basis. Also look into Adam Nowalsky's flexibility proposal there maybe something there that can get general support of the fishing public.

We strongly oppose any attempt to make future allocation changes through a framework or addendum.

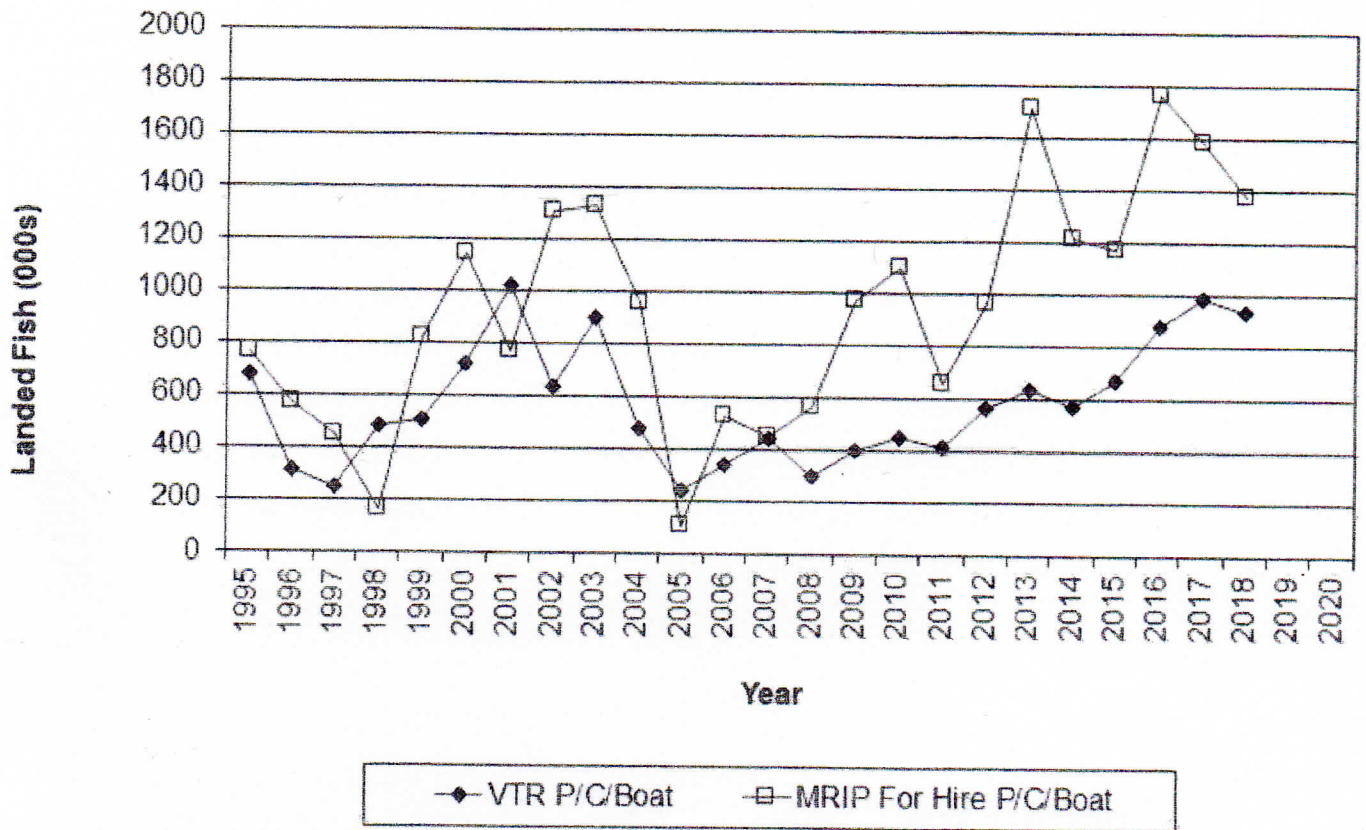
Most importantly management needs to go into a five year fixed annual quota system that will allow a more natural review and assessment of stock conditions without the knee jerk reaction to every minor blip in the trawl survey or other collection modes. This would be very beneficial for the recreational industry since their data never seems to be finalized by the end of the year, and would allow for less radical adjustments for overfishing an annual quota, and then commercial underage's could be used to help recreational overage's.

Thanks, Jim Lovgren

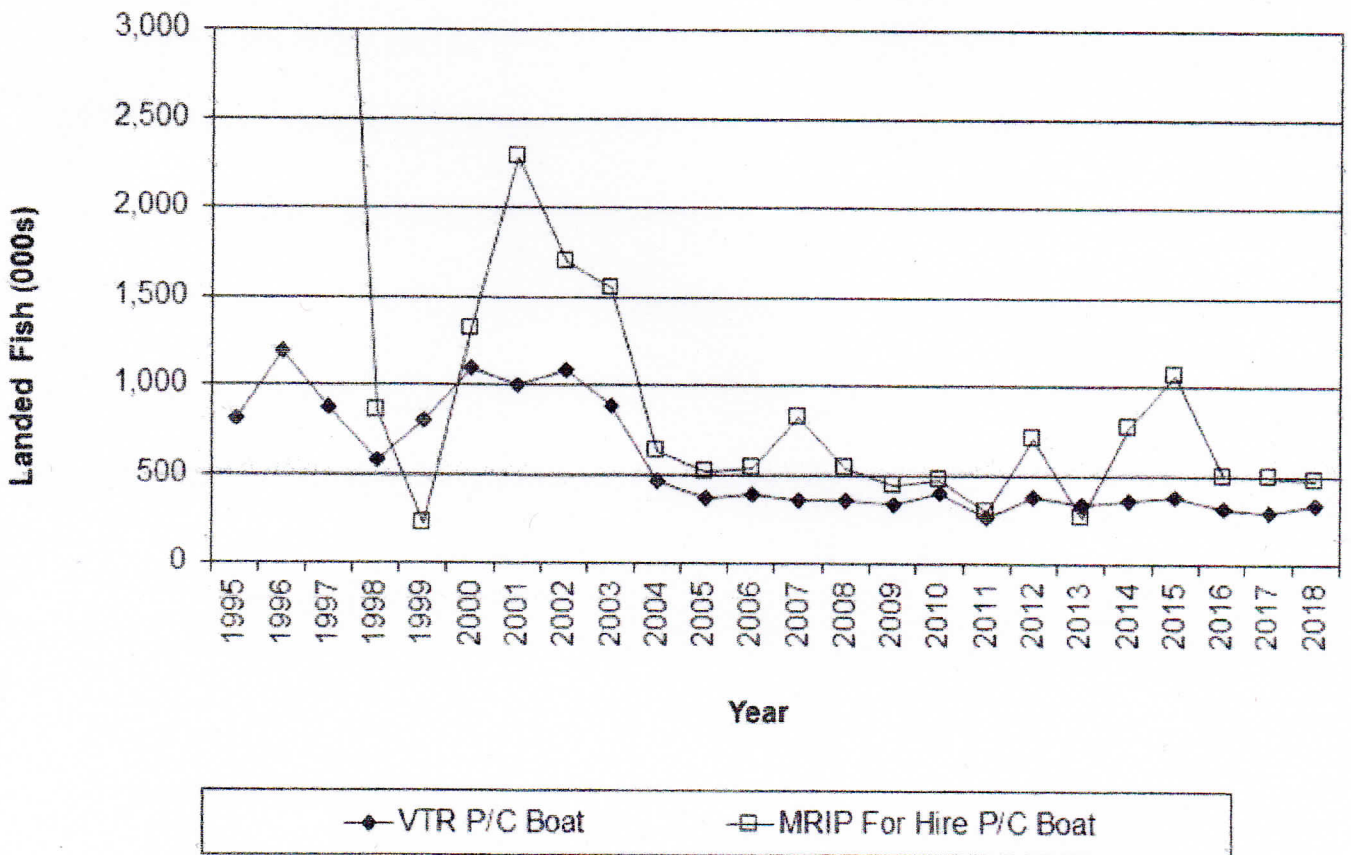
Summer flounder: Party/Charter Boat Landings



Scup: Party/Charter Boat Landings



Black Sea Bass: Party/Charter Boat Landings



Jersey Coast Anglers Association

Working for Marine Recreational Anglers

1594 Lakewood Road, Unit 13, Toms River, NJ 08755

TEL.: 732-506-6565 - FAX: 732-506-6975



Chris Moore, PH.D. Executive Director
Mid-Atlantic Fishery Management Council

Dear Director Moore,

I am writing on behalf of the Jersey Coast Anglers Association which represents approximately 75 fishing clubs and many thousands of fishermen throughout our state. We are thankful that you held scoping meetings and are accepting comments in regard to the Summer Flounder, Scup, and Sea Bass Commercial/Recreational Allocation Amendment. We would like to offer the following comments regarding the amendment.

Fluke - As stated in the amendment for summer flounder, 60% of the total allowable landings are allocated to the commercial fishery and 40% to the recreational fishery based on 1980-1989 landings data. These were years when offshore trawlers had devastated the stock while recreational fishermen caught a lower percentage of fluke than they had traditionally caught in prior years. Therefore, this 60/40 split was unfair from the very beginning.

Now, however, the recalibrated MRIP numbers have shown that recreational fishermen caught significantly more fluke than was originally thought. Therefore, the split needs to be adjusted with a higher percentage being allocated to the recreational fishery. The recalibrated MRIP numbers now show that during the base years, recreational anglers were responsible for 45% of the landings as compared to 55% for the commercial sector.

At the very least the split should be at 45% recreational and 55% commercial though a 50/50 split would be fairer considering the base years that were used.

We understand that due to the recalibrated MRIP numbers, the biomass may be larger than originally thought. We do not trust the MRIP numbers as countless examples of ridiculous numbers have been previously pointed out. In NJ during recent years, our traditional spring and fall seasons have been closed and we have been limited to just 3 fluke at 18". Our regulations stayed the same while the commercial sector was given a 50% increase in their quota. Yes, we know that the recreational side was also given a 50% increase but due to the recalibrated MRIP numbers our regulations could not be liberalized. Still this was very wrong to do. If you are going to use the recalibrated MRIP numbers, then the 60/40 split should have been immediately adjusted.

We all know that the MRIP numbers are inaccurate and we encourage you to develop a better way to manage our fisheries. On page 8, section 8 of this scoping and public

information document it indicates that “party/charter boats and shore-based anglers accounted for an average of 5% and 7% of the harvest”. Anyone who knows anything about fluke fishing knows this is impossible. It is very difficult to catch legal sized fluke from shore and in NJ, one or two boats probably catch more fluke than all the shore-based fishermen put together. It would probably be best to throw out MRIP altogether. Perhaps fair and equitable quotas could be set for both commercial and recreational fishermen based on biomass. We need improved science to do this. We are also hopeful that this will lead to stability in our regulations.

Sea Bass – As with fluke, the recalibrated MRIP numbers indicate that the recreational sector has been responsible for more landings than previously thought. Therefore, the split in allocations must be changed to 55% recreational and 45% commercial. The stock has been rebuilt to 240% of its target and we still have relatively strict regulations. A stock this large is having a detrimental effect on other species. They are eating the young of other desirable species and competing with them for various forage species and even having a detrimental effect on lobsters. Regulations for this species need to be relaxed so that the biomass can be fished down to closer to its target.

Scup – As with fluke and sea bass the recalibrated MRIP numbers indicate that the recreational sector catch was more than previously thought. Therefore, the split in allocations needs to be adjusted to 65% commercial and 35% recreational.

Fluke, Sea bass and Scup – Specific Issues:

If new base years are chosen, they should be fair to both the commercial and recreational sectors. Establishing longer periods of time for the base years might help ensure this.

We are open to allocations that do not rely on base years but we would want to see exactly what they are first. Perhaps economic factors should be taken into consideration.

Allocations should be based on catch including discards. However, action should be taken to reduce discards in both fisheries.

We are opposed to federal agencies setting separate regulations for the for-hire, private boat and shore-based fisheries. However, if this is done there should be separate allocations for each. In NJ we have always had the same regulations for each sector and we work together on various issues. Separate regulations and allocations would lead to in-fighting amongst ourselves. However, if individual states or regions want to do this, it should be left up to them.

We object to allocation transfers during periods of time when the stocks are being rebuilt. However, it may be acceptable during periods of abundance.

Using allocation set-asides may help bring stability to our allocations and regulations.

Catch limits should continue to be defined in pounds or numbers of fish.

We support the option to make future allocation changes through a framework/addendum as it is shorter and more efficient than doing it through an amendment.

We support better science which includes better catch accounting and estimation in the recreational sector.

Respectfully submitted,
John Toth, President, JCAA



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President
Vice President
Treasurer
Secretary
Director

Capt. Rick Bellavance
Capt. Steve Anderson
Capt. Andrew D'Angelo
Capt. Paul Johnson
Capt. Nick Butziger

March 17th, 2020

Ms. Julia Beaty, FMP Coordinator
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, DE 19901

RE: Fluke/Scup/Sea Bass Allocation Amendment

Dear Ms. Beaty,

On behalf of the 57 members of the R.I. Party and Charter Boat Association, (RIPCBA) and after carefully reviewing the Scoping and Public Information Document and recognizing the importance of Summer Flounder, Scup and Black Sea Bass to our businesses and our clients, I would like to submit the following comments regarding The Mid Atlantic Fishery Management Council and Atlantic States Marine Fisheries Commission's Fluke/Scup/Sea Bass Allocation Amendment.

No action/status quo: The RIPCBA does not recommend status quo if MRIP recreational catch estimates are used to evaluate recreational fishery performance, develop recreational fishery regulations, and contribute to species stock assessments. The new understanding of recreational catch in history changes the value of the allocated percentages compared to how they were developed under the previous understanding of recreational catch. If new MRIP recreational catch estimates are used to evaluate recreational fishery performance, we believe it will be difficult to craft recreational measures that constrain the recreational fishery to its RHL. If new information became available to better understand the commercial fishery, we would expect that information to be used to re-evaluate commercial/recreational allocations.

Updating the current allocation percentages using the existing base years but with current recreational and commercial data: This approach was used by the NEFMC to reallocate GOM Cod and GOM Haddock between the recreational and commercial fisheries. We would not oppose this alternative.

Using alternative base years to derive new allocation percentages with current recreational and commercial data: We feel this approach is the most appropriate to develop allocations that reflect the current fisheries. We have concerns about the time it will take to develop alternatives, analyze them, and implement whatever would become preferred. The recreational fishery may not have the time available to wait this approach out and still be able to fish. We believe this approach would be controversial and most difficult of traditional allocation approaches to finalize.

Using different allocation approaches which do not rely on base years: We would support some analysis of a needs-based approach to allocation. Under one scenario, three sectors (recreational, for hire, and commercial) could have specific regulations developed to meet the needs of the fishery and then analysis would determine what sort of allocations would be needed to satisfy those regulations. After some back and forth tweaking some sort of allocations may emerge as plausible. Its worth some outside of the box thinking here since the Council is going through the work of this amendment.

Allocations based on catch (including discards), or based on landings: The RIPCBA feels all allocations should be based on catch (including discards) as opposed to landings alone.

Using socioeconomic data, analysis, or other considerations to modify the allocations based on optimization of economic efficiency and socioeconomic benefits from each fishery: In consideration of new MRIP data that assumes higher shore/private rental catch, where for hire catch was unaffected, socioeconomic benefits to the community and economic efficiency of the different fleets should be analyzed during any re-allocation process.

Separate allocations to for-hire vs. private boat and shore-based fisheries, including considering limited access in the for-hire fisheries: The RIPCBA believes separate allocations to for-hire vs. shore/private boat fisheries and limited access to for-hire federal charter/party permits for summer flounder, scup, and black sea bass will be required for the for-hire fleet to survive and perhaps rebuild. The for-hire fleet needs stability to perform, but we have not had stability due to being tied to the performance of the shore/private boat fisheries. We cannot control those fisheries like we can control our own. We have the ability to be accountable to our catch because we provide higher level data through mandatory eVTR's.

Allowing the transfer of allocation from one sector to another through specifications or a framework action (shorter and more efficient actions than amendments): This approach, or tool in the tool box, should be considered as a fall back in rare cases if the circumstances require a band-aid approach. We would caution against this approach as the only way to account for the current understanding of recreational catch and improper allocations. Relying on a sector to underperform in an attempt to balance the books of a sector that exceeds its allocation is not good management, particularly if this becomes a normal procedure. Allocating the resources properly from the beginning is a better approach.

Using allocation set-asides to adapt to unforeseen circumstances and the changing needs of the fisheries from year to year: Each allocated sector (commercial, for hire, and recreational) should decide independently if they would like to set aside a portion of an allocation for management needs.

Catch limits defined in pounds and/or numbers of fish, or using other methods: The RIPCBA feels holding the recreational fishery accountable to its allocation in pounds has drawbacks. As size limits increase, weights increase and the same number of pounds equals fewer individual fish. Thought should be given to using numbers of fish for catch limits in the recreational fishery.

Static vs. dynamic allocations:

The option to make future allocation changes through a framework/addendum (a shorter and more efficient action than an amendment): The RIPCBA supports future allocation changes through a framework/addendum as opposed to an amendment.

Improving catch accounting and estimation methods in the recreational sector: The RIPCBA welcomes anything the council can do to increase the accuracy of recreational catch to include implementing a private/shore recreational fishing permit with mandatory eVTR. The for-hire fleet is already held to this standard and if the two sectors are to remain connected, the recreational shore/private boat fleet should also be held to the same standard. If the sectors are separated, the council should work with NOAA fisheries to improve accuracy of shore/private boat catch estimates through the MRIP program and move the for-hire fleet to a census reporting system with eVTR's used for catch and effort estimates of that fleet. The council should work with NOAA fisheries to re-instate "did not fish" reports for the for-hire fleet as a compliance tool for eVTR use.

Improving accountability in the recreational sector: The RIPCBA welcomes being held accountable to a for-hire allocation. We believe we have the ability to fish responsibly and achieve an appropriate ACL, but if we cannot, we should be held accountable. At this time, we are frustrated by the fact that we are held accountable to a fishery that has difficulty being constrained. The resulting management measures needed to constrain harvest of the shore/private boat fleet are very challenging to the for-hire fleet as we attempt to operate. If the for-hire and shore/private boat fleet had separate allocations, we believe it would be easier to craft regulations that would allow both sectors to achieve their respective ACL's. The end result would be less controversial and divisive management cycles.

We applaud the Mid Atlantic Fishery Management Council for recognizing the challenges of managing the recreational fishery presented by a new understanding of recreational catch. Some critical decisions need to be made quickly; others could benefit from more time to develop. We sincerely hope the council recognizes the importance of the for-hire fleet to the recreational fishing community as the only means some people have to access the marine resources managed by the council. Without proper management that allows the for-hire fleet to survive and also thrive, many folks will be deprived from their access to recreational fishing. A one size fits all approach to recreational fishery management will not provide equal opportunity to all recreational fishers; we believe this amendment is the proper time to begin comprehensive reform that allows all recreational fishers a chance at a great recreational fishing experience.

Thank you for the opportunity to comment in writing on this important amendment. The council's decisions are very important to our short- and long-term future and we hope our comments help to inform those decisions.

Respectfully submitted,

Capt. Rick Bellavance, President
Rhode Island Party and Charter Boat Association

1 Mark Ambrosia	Misty - 43'
2 Steven Anderson	Bare Bones - 32'
3 Stephen Babigian	Lady K - 43'
4 Randell Bagwell	River Rebel - 26'
5 Norm Bardell	Busy Line - 23'
6 Chris Bell	Adventure - 35'
7 Earl Bell	Aces Wild - 35'
8 Rick Bellavance	Priority Too - 36'
9 Russ Benn	Seven B's - 80'
10 Russell Blank	Striker - 30'
11 Frank Blount	Lady Frances - 105'
12 Charles Boranian	Gail Ann - 27'
13 Jon Regin	Shortcake - 23'
14 Nick Butziger	Sea Hawk - 37'
15 Al Caletri	Avenger - 26'
16 Scott Capwell	A to Z - 35'
17 John Carpenter	Jackhammer - 24'
18 Rick Cataldi	Island Girl - 44'
19 Mitch Chagnon	Sakarak - 31'
20 Richard Chatowsky	Drifter Too - 35'
21 Jason Howell	Pamela May - 23'
22 Barry Cherms	C.J. - 31'
23 Andrew Dangelo	Maridee II - 36'
24 Bill Della Valle	Old Salt - 31'
25 Denny Dillon	Persuder - 44'
26 Charles Donilon	Snappa - 46'
27 Steven Follett	Andrew&Steven - 41'
28 Matthew Cox	Laura Ann - 38'
29 Jeff Hall	Fully Involved - 23'

30 Chris Herz	Hiz and Herz - 30'
31 Kip Jenkins	Just Fish - 29'
32 Charles Jenison	Nasha III - 34'
33 Charlie Johnson	Hot Pursuit - 37'
34 Paul Johnson Sr	Carol J - 31'
35 Willam Kelly	Knotty dog - 25'
36 Tom Logan	Fish Trap - 36'
37 Scott Lundberg	Reel to Reel - 35'
38 John McCann	Mission - 25'
39 David Monti	Virginia Joan - 26'
40 Joe Pagano	Stuff it - 23'
41 Steven Palme	Lucky Lady - 32'
42 John Parente	Patty J - 35'
43 Brian Patterson	Fin Deep - 23'
44 John Rainone	L'il Toot - 35'
45 Linwood Safford	Cherry Pepper - 32'
46 Karl Schmaling	Vycore - 31'
47 Mark Sherer	Gannet - 21'
48 John Sheriff	Fish On - 29'
49 Kelly Smith	C-Devil II - 37'
50 Rich Templeton	Restless - 37'
51 David Tyrrell	Mako II - 43'
52 Brian Bacon	Big Game 35'
53 Rich Napolitano	Not Reel Teeth 50'
54 Joe Blecinski	Lady Karen 28'
55 Jeff O'Brien	Gannset 48'
56 Mike Littlefield	Arc Angel 21'
57 Jasper Couto	C- Angel 32'



March 17, 2020

100 Davisville Pier
North Kingstown, R.I. 02852 U.S.A.
Tel: (401)295-2585

Dr. Chris Moore, Executive Director
Mid Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, DE 19901

Re: Summer Flounder/Scup/Sea Bass Allocation Amendment Scoping Comments

Dear Chris,

We are writing to express our support for the no action/status quo alternative regarding commercial/recreational allocation percentages of summer flounder, scup and black sea bass. The commercial sector has long been held accountable via management of these stocks, including hard TACs, in season adjustments, in season closures, observer coverage, mandatory reporting, dealer reporting, accountability measures, etc. The commercial sector has therefore not been allowed to exceed its quota or increase its effort past the levels set by management, and should not be penalized through reallocation of its existing quota to the recreational sector simply because new estimates of recreational effort are higher than previously anticipated.

As stated at both the Council and public hearing processes, a shared resource cannot be equitably managed between two parties when only one party is held accountable for that resource. This also should certainly not be the underpinning for reallocation of quota away from that accountable party and would seem to defeat the purpose of conservation and management of the stocks.

Additionally, there is little public confidence in the new MRIP numbers, and the majority of public hearing participants did not support reallocation. Reallocation would not solve the issues at hand, and we believe there are other tools in the toolbox for the Council to use to address the situation. We therefore support no action/status quo regarding allocation percentages, as well as recreational accountability measures and alternative recreational management.

Thank you for the opportunity to comment.

Sincerely,
Meghan Lapp
Fisheries Liaison, Seafreeze Ltd.

March 16, 2020

Dr. Chris Moore
Executive Director MAFMC
800 North State Street
Suite 201 Dover, DE 19901

Dear Director Moore,

I am writing to comment on the Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment.

We at the Town Dock support “No Action” when it comes to the reallocation of fluke, scup, and black seabass between the commercial and recreational sectors.

I understand that there is an issue on the recreational side of the fishery, but the solution should not be to take from commercial side. In order to help the recreational industry, we believe there needs to be increased accountability, reporting and quota tracking for that entire sector. The recreational measures should match the commercial measures as much as possible. This would be a step in the right direction to help them stay within their quota limits. Perhaps an amendment focused on this issue is warranted.

Thank you for the opportunity to comment.

Sincerely,

Katie Almeida
Fishery Policy Analyst



March 17, 2020

Dr. Christopher Moore, Executive Director
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, DE 19901

Dear Dr. Moore,

We write to ask your consideration of the attached recreational management reform approach as an alternative way to manage the recreational fishery for summer flounder, scup and black sea bass.

Our organizations represent the recreational fishing and boating industry and our nation's anglers, and we strongly support NOAA Fisheries using management approaches for our sector other than pound-based quotas, which are best suited for commercial fisheries. Alternative methods are used by coastal states to manage marine fisheries and those methods are better suited for recreational fishing in state – or federal waters. Many of the challenges facing federal fisheries managers and the resulting frustration from anglers is rooted in management approaches designed for commercial fishing being shoe-horned and contorted to manage recreational fishing.

Recreational and commercial fishing are fundamentally different activities and should be managed differently. Yet, antiquated, one-size-fits-all federal policies have been unnecessarily limiting the public's access to our nation's abundant natural resources.

That is why we fully supported the Modern Fish Act (Public Law 115-405) signed by President Donald J. Trump on December 31, 2018. Section 102 of the Modern Fish Act authorized the regional fishery management councils to use additional management tools more appropriate for recreational fishing, many of which are successfully implemented by state fisheries agencies (e.g., extraction rates, fishing mortality targets, harvest control rules, or traditional or cultural practices of native communities).

Over many decades, states have proven the ability to balance conservation and access by managing America's millions of saltwater anglers through these approaches in state waters. An Annual Catch Limit is simply a trigger to limit fishing mortality in some form. It does not necessarily mean hard-

pound quotas only. As America's original conservationists, anglers support responsible science-based fishery management, and we want to be willing partners in that process.

We applaud the Mid-Atlantic Council for their Recreational Management Reform initiative and have developed the enclosed harvest control rule as a demonstration that our industry is ready to work collaboratively with the Councils and NOAA Fisheries to pursue management alternatives better suited for recreational fisheries. We ask the Council to continue to develop this harvest control rule as part of the management alternatives considered in the allocation amendment for summer flounder, scup and black sea bass.

Sincerely,

Glenn Hughes, President
American Sportfishing Association

Jeff Crane, President
Congressional Sportsmen's Foundation

Jeff Angers, President
Center for Sportfishing Policy

Frank Hugelmeier, President
National Marine Manufacturers Association

Patrick Murray, President
Coastal Conservation Association

Jim Donofrio, President
Recreational Fishing Alliance

Recreational Management Reform Harvest Control Rule

Developed for scoping of the Recreational/Commercial Allocation Amendment for Summer Flounder, Scup and Black Sea Bass

Introduction: Recreational management reform was identified as a joint priority by the MAFMC and ASMFC at its March 2019 meeting with the intent of developing strategies to increase management flexibility while also bringing stability to jointly managed recreational fisheries (e.g., summer flounder, scup and black sea bass).¹ In October 2019, the MAFMC and ASMFC Summer Flounder, Scup, and Black Sea Bass Board initiated an amendment process to consider modifications to the commercial/recreational sector allocations for summer flounder, scup, and black sea bass. The intent of the allocation amendment is to bring more stability to the fishery specification process to offset the management impacts from the recalibrated MRIP catch data.² Given the shared intent of these two initiatives, we believe an opportunity exists to develop recreational management reform as part of the allocation amendment that is also consistent with the broader goals of the FMP.

The Premise: Allocation can be defined as access to the resource and the FMP currently defines that access through a pound-based quota for each sector. However, we propose that access (allocation) can be defined for the recreational sector as a combination of size limits, bag limits and seasons instead of a pound-based quota. This is directly relatable to commercial allocation in pounds because access can be less or more restrictive based on stock conditions through changes to quota (commercial allocation) and management measures (recreational allocation).

Justification: Defining access in pounds does not work for the recreational sector because recreational anglers have no control over the harvest estimates that are generated when they follow established management measures. Choosing to reallocate based on revisions to catch data has the potential to result in continuous allocation changes without bringing any true recreational management reform that the fishery needs as identified in the recreational reform initiative. Additionally, MRIP data was not intended to be used for in-season management given its survey design and uncertainty.³

From history, we know that there are a set of recreational measures and commercial quotas from least restrictive to most restrictive under which a given fish population is sustainable. The table below defines the range of access for each sector based on the extremes of stock condition.

¹https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/5d8e385fcbfd5c1852c1d5ca/1569601632230/Tab16_BSB-Rec-Reform_2019-10.pdf

²https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/5e1484ee3f8ed65e2080f85e/1578403056336/SFSBSB_allocation_scoping_PID_Jan2020_final.pdf

³ <https://www.fisheries.noaa.gov/recreational-fishing-data/introduction-marine-recreational-information-program-data>

Stock Condition	Recreational	Commercial
Healthy	<ul style="list-style-type: none"> • Least restrictive measures • Measures maximize access and participation • Allows for growth in the fishery 	<ul style="list-style-type: none"> • Highest quota where market capacity is met • landing capacity is reached • Asymptotic market price • Allows for growth in the fishery/expansion of markets
Poor	<ul style="list-style-type: none"> • Most restrictive measures • Measures reduce participation • Loss of infrastructure (marinas, bait and tackle stores, etc.) • Loss of for-hire business because “not worth it to pay to go fishing” 	<ul style="list-style-type: none"> • Lowest quota • Loss of markets due insufficient supply • Not enough pounds to justify trips • Loss of shore side processing facilities

Therefore, “equal access” would have both the recreational and commercial sectors at equal ends of the range at any point in time based on the status of the resource. We can further develop this idea for the recreational fishery using a step-wise function in which recreational management measures change as a function of stock status.

Example Recreational Harvest Control Rule

At a minimum there would be four steps for the harvest control rule (HCR) as follows:

STEP A: $>1.5 B/B_{msy}$: most access where the recreational fishery is maximized – equivalent to the healthy stock condition above.

STEP B: $1.0 - 1.5 B/B_{msy}$: less access than STEP A

STEP C: $0.5 - 1.0 B/B_{msy}$: less access than STEP B

STEP D: $<0.5 B/B_{msy}$: least access where the stock is not harmed by fishing – equivalent to the poor stock condition above.

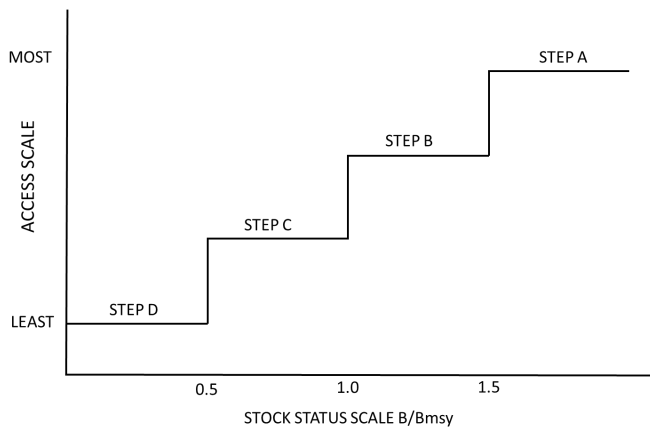


Figure 1. Conceptual diagram of the example recreational harvest control rule.

At each step (i.e., Step A through D), the recreational management measures would be predetermined for every state having already accounted for the conservation equivalency needs of that state (e.g., accommodation of stock distribution and timing). Recreational measures would consist of size limits, bag limits and seasons, but are not limited to those options. This approach simplifies the fishery specification process as measures are predetermined based on stock status bringing management and fishery stability.

Analysis Phase

The following steps are a suggested approach to analyzing historical data to assist in establishing management measures for each step in the HCR.

1. Pull available management history for each species
2. Pull recreational removals data for each species
 - Note: States need to account for smoothing of wave data in most recent years when reporting removals data. It is also important to include a range of uncertainty in the removal estimates.
3. Match that management and removals history to stock status steps as described in HCR above
4. Analyze the range of management measures in each step to determine a set of measures for the HCR
5. Demonstrate how HCR would work over a couple of management cycles – show at least 2 three-year cycles

Uncertainty and Accountability

Results of the analysis phase will yield a range of management measures and an associated range of recreational catch estimates for each step in the harvest control rule (i.e., STEPS A through D). We propose the use of stock condition to determine accountability measures. For example, if stock status fluctuates within a step randomly, then the measures established for that step are adequate and no accountability is triggered. However, if stock status continues to decline for a fixed period (e.g., three years) then an accountability measure could include consideration to implementing management measures in the next lowest step. We propose this as an example to acknowledge that accountability measures currently exist for summer flounder, scup and black sea bass and would need to be considered through the development of this HCR.

Review Timeframe

Besides triggering review as part of accountability, the established management measures of the proposed HCR will be reviewed on a fixed timeframe (e.g., every 5 years).

Finalizing the HCR

This proposed HCR represents an example approach for recreational management reform that we are submitting for consideration as part of the scoping process for the allocation amendment. We acknowledge that more development of the mechanics of this approach are needed and anticipate that changes would occur throughout the amendment development process. We propose this as a starting point for the FMAT's consideration as they pursue various management alternatives moving forward.

March 17, 2020

Dr. Christopher Moore, Executive Director
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, DE 19901

Dear Dr. Moore,

The American Sportfishing Association (ASA) appreciates the opportunity to provide comments to the Mid-Atlantic Fishery Management Council on the Summer Flounder, Scup and Black Sea Bass Commercial/Recreational allocation amendment. These three Mid-Atlantic species have notable recreational fisheries that result in significant economic benefits across the region.

ASA is the nation's recreational fishing trade association and represents sportfishing manufacturers, retailers, wholesalers, and angler advocacy groups, as well as the interests of America's 49 million recreational anglers. ASA also safeguards and promotes the social, economic, and conservation values of sportfishing in America, which results in a \$125 billion per year impact on the nation's economy.

ASA continues to express concern with using the recalibrated MRIP data for management use without further consideration and validation. We understand the new MRIP data represents "best available science" for estimating catch and effort data in recreational fisheries, however, that does not mean it needs to be used without further verification that the results are realistic. Several state agencies and stakeholders have expressed concerns with the plausibility of the new MRIP estimates and those concerned should be addressed before continuing to implement management changes based on this information.

Considering the uncertainty that continues to be an inherent concern with using MRIP data for in-season management, ASA and other groups in the sportfishing and boating industry, submitted a recreational management reform approach as part of scoping for this allocation amendment. The approach suggests the use of a harvest control rule that bases allocation on management measures instead of pound-based quotas for the recreational fishery. We support further development of that harvest control rule as a primary alternative for this Amendment but are also providing the following comments for the various issues being scoped in the allocation amendment to assist the council/commission with developing a full range of alternatives for this management action. Please note that these recommendations are contingent on addressing broad concerns on the use of updated MRIP data for ongoing and future management decisions.

Explore Alternative Base Years

ASA recommends that in addition to updating the current allocation percentages using new available data, we recommend exploring alternative base years to derive new allocation options. For example, we recommend basing allocation on a timeframe (e.g., five years) after a species was declared rebuilt. Rebuilding summer flounder, scup, and black sea bass were significant management achievements, and with the availability of fish maximized under rebuilt conditions

this timeframe presents a unique period to base allocation which is more reflective of current fisheries during favorable stock conditions.

Use Socioeconomic Data to Inform Allocation

We recommend an analysis of socioeconomic data to develop allocation options that result in the most benefit to the nation. We recommend that this analysis consider the value of total catch in the recreational fishery, not just landings. Although it is unclear what socioeconomic data are available to help inform allocation decisions for these species, we encourage the council/commission to work with NOAA fisheries and the states to explore this as an option when developing alternatives.

Oppose Sector Separation

ASA opposes separate allocations to for-hire vs. private boat and shore-based fisheries, including considering limited access in the for-hire fishery because we would prefer development of management alternatives that address challenges across the entire recreational sector instead of just a small component of it.

Process for Allocation Changes

Considering the uncertainty with available data, we recommend further consideration of the framework/addendum process for making future allocation changes. Exploration of this option does not preclude the council/commission from pursuing allocation changes through a longer amendment process, but instead provides flexibility to address management challenges more quickly when appropriate.

Improving Catch Data

It is abundantly clear that additional resources are needed to help improve recreational catch data used in managing summer flounder, scup and black sea bass and all the other recreationally important species across the region. We recommend further exploration of electronic reporting (e.g., through smartphone apps) and other alternative data sources to improve and or validate the MRIP data program. We also recommend further exploration of validation studies like the MAFMC's inlet video monitoring of recreational effort in Ocean City, Maryland.

Thank you for considering our input as you further develop options for this amendment.

Sincerely,



Michael Waive
Atlantic Fisheries Policy Director
American Sportfishing Association



March 17, 2020

Dr. Christopher Moore, Executive Director
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, DE 19901

RE: **Written comment *Fluke/Scup/Sea Bass/Bluefish Allocation and Bluefish Rebuilding Amendment***

Submitted via email.

Dear Dr. Moore,

I am writing on behalf of the New York Recreational & For-Hire Fishing Alliance (NY RFHFA) which is the largest advocacy organization for the for-hire fleet and the interests of anglers who fishes upon party and charter boats in the NYS Marine & Coastal District as it concerns the Summer Flounder, Scup, and Black Sea Bass and Bluefish Commercial/ Recreational Allocation and Bluefish Rebuilding Amendment.

The board of the NY RFHFA reconquer with the previous oral public comments made by Regulatory & Science Research Director Steven Cannizzo at both the Belmar, New Jersey and Stony Brook, New York scoping hearings on the priorities that both the MAFMC and ASMFC should immediately address in 2020 and in improve upon in the years thereafter.

During these hearings we heard at times extremely passionate public input from a diverse audience of attendees made up of commercial and for-hire owners, operators, crew members as well as the general fishing angler, and there was an extremely unified theme voiced by almost all speakers on the following “issues for consideration” which we agree and again will provide written comment upon.

This is a brief and broad summary of the five areas in which the council and commission should prioritize their future regulatory work in addressing.

1- NO ACTION/STATUS QUO

At this time with the unending unstable regulatory environment of the species of concern on this issue of summer flounder (fluke), scup, black sea bass (bsb) and bluefish, the majority of audience members agreed that the 're-balancing' of the historical percentage in the allocations between the commercial and recreational sector was not addressing the major concern of improving recreational catch estimate data, nor would it provide any substantial liberalization to the recreational regulatory controls which recreational fishermen must adhere to. These include in the lessening of the minimum size, increasing possession limits where appropriate for a particular species, increasing open days during a season or lessening regulatory discards as these fisheries have morphed into de facto catch & release exercises on a for-hire vessel with little of any fish to harvest of the overall daily catch.

As troubling was the approach the council has put forward of which the power point presentation and relevant scoping document did not address in clarifying the exact cause for changing the percentage of allocation from the original FMPs which were based upon landings data from the 1980 to early 1990 time period.

Fishery data from both the commercial and recreational sector during this period has a wide range of variability in the available data as far standardized or inaccurate reporting and low levels of compliance by both sectors during those years. Without a complex and thorough review of raw fishery catch, discard and harvest data, it begs the question on the appropriateness to base current management on both the data and statistics from that period in the history of these fisheries, and the final decision made in changing allocations in the FMPs to either sector.

For these reasons we support NO ACTION/STATUS QUO

2- SEPARATION OF FOR-HIRE MODES FROM PRIVATE VESSEL AND SHORE BOUND MODES

It was clearly evident by those stakeholders from the for-hire sector that the council should move forward in recognizing that the for-hire sector has mandatory paper VTR and eVTR reporting which increases fishery dependent data in the accuracy of catch and harvest which is a more precise indicator on increased or lower biomass levels of abundance of these species.

The for-hire industry is not requesting a specifically allocated sub-ACL for party and charter boats, but believes in the further use of a 'sector allowance' which is currently used by the MAFMC in the management of scup, blueline tilefish and in 2020 for bluefish. The reason is obvious for creating sector allowances for these species as it is directly linked to historical recreational reported MRIP estimates and the most catch and harvest estimates. As seen for these four species of concern:

FLUKE (2014-2018) PRIV. VESS: 85%, SHORE: 9%, FOR-HIRE: 6%

SCUP (2016-2018) PRIV. VESS: 56%, SHORE: 34% FOR-HIRE: 10%

BSB (2016-2018) PRIV. VESS: 88%, SHORE: 2% FOR-HIRE: 10%

=====

BLUEFISH – USING REC. MEASURES for DEC.10.19 PRESENTATION ON STAFF REC.
(2016-2018) Coast wide Landings (harvest):

PRIV.VESS. & SHORE: 96.4%

FOR-HIRE: 3.6% with PARTY BOATS UNDER >1% OF HARVEST

Due to the 2 to 5 times increase in the magnitude of catch and harvest as a result of the new MRIP re-calibration, the for-hire industry has extremely low levels in the percentage of harvest which has not resulted in exceeding harvest limits for the party and charter modes, as well as in operating accordingly in not threatening the sustainability nor imperil any stock in need of, or undergoing rebuilding.

For these reasons we support For-Hire 'sector allowances'

3- INCREASING RECREATIONAL ACCOUNTABILITY AND DATA ESTIMATE ACCURACY

Though Kiley, Karson and Matt from the council presented and led the scoping discussion to the audience and tried as best to shy away from – “in best teasing out” the information on the “issues for consideration,” MRIP has been deemed the “root of all regulatory evil” and is apparent with the comments made at the meetings and for the last few years as the most primary issue for-hire industry economic viability and the frustration of recreational fishing public in angler satisfaction.

Recreational accountability should result in mandatory reporting by private vessels and shore bound anglers with at a minimum to report that they have engaged in a fishing activity to increase the accuracy of MRIP effort estimates. This can be vastly improved through a pilot program which can be designed in a similar fashion to that of the FACTS reporting system in Maryland where an angler ‘Hails-Out’ by dialing from either a hardline, smartphone or on his computer to log in, then receive a verification number which he uses if stopped by marine enforcement, and eventually ‘Hails-In’ to the same number after his trip and then enters the number of participants for effort along with catch/harvest info for species such as fluke, bsb, bluefish or striped bass and tautog.

A properly set up voice call in system with a brief question and then a response from the angler would greatly help in increasing angler cooperation and data accuracy directly from the angler, and most of all in design to be as least intrusive and time consuming in that it should take roughly one minute to complete.

As to the MRIP program and the new changes which obviously have now made the resulting recreational estimates shift from previously being implausible to now becoming impossible to believe with the new estimates. We had also heard from the SSC Q&A MRIP webinar the prior week where it was made clear that the current new MRIP was a painstaking process to undergo in re-calibrating estimates, and one should not expect any distinct changes that can be recommended by stakeholders or the fishing public other than to move forward with direct private vessel and shore bound angler mandatory reporting.

For these reason we support mandatory private vessel and shore bound modes reporting.

4- CATCH LIMITS DEFINED IN POUNDS AND/OR NUMBERS OF FISH

One point which was brought up at the Belmar, NJ scoping meeting by long time ASMFC NJ Commissioner Tom Foote and Captain Neil Delanoy of the Laura Lee fleet at the Stony Brook, NY meeting in that the “currency of recreational fisheries” is in the counting of the numbers of fish caught, harvested and discarded, and that the resulting conversion to pounds as allocations are based in pounds and the multiplier used on the average size of fish is not only inaccurate in MRIP estimates but penalizes fishermen for catching larger fish.

As Commissioner Tom Foote noted that the 1980s represented a decade where average fish sizes were notably different in being smaller for fluke, scup and bsb in contrast to the last full decade period when these stocks were rebuilt and had a much larger number of older fish during the 2010-2019 time period, and was later echoed by Captain Delanoy at the following NY meeting that an approach should be made in transitioning back to fish counts in regulating harvest limits for the recreational sector. This corresponds with the sentiment of stakeholders involved in Advisory Panel discussion over the years with this statement,

“No matter the fishing mode in which a fish is harvested, a harvested fish is just that in being ‘one harvested fish,’ no matter the weight.”

The council should examine in coordination with the SSC and MC in starting a process where recreational fisheries can have catch limits based upon counting fish in a particular time frame from when the FMPs were approved.

For this reason we support moving Catch Limits to be defined in numbers of fish

5- MANAGEMENT FLEXIBILITY IN TRANSFER OF ALLOCATIONS

One of the lessor noted topics of discussion was in allowing management at the MC level and the council to have the flexibility in transferring allocations where they are needed for both the commercial and recreational sector. This would be a regulatory tool which can be adopted through the development of a framework to be applied for stocks that are not in the process of rebuilding or in the early stages before a rebuilding program has been implemented.

There is a growing belief that once the ABC is set during specifications by the SSC, that a flexible ACL for both the sectors can be used with caps or upper limit boundaries along with triggers for shifting either a percentage of, or pre-determined amount of poundage to be made available in order to prevent that sector in exceeding their harvest limit.

From the audience consensus, and among the board members of the NY RFHFA, approving management flexibility in transferring allocation between sectors would be seen as positive outcome from the scoping process in preventing fisheries to be shut down or poundage penalties accessed in the following calendar year.

For this reason we support the use of Management Flexibility in allocation transfers

The NY RFHFA appreciates the opportunity to provide input in public comments, in improving the management of fluke, scup, sea bass and bluefish in the Northeast region. The NY RFHFA will continue to participate in this process moving forward, and will advocate as much during MC, AP, council, commission and state meetings.

These written comments align to what was stated at the public hearings, and we again like to thank you for carefully considering these comments from not only the NY RFHFA, but also we believe represent the sentiments of fishermen from both the commercial and recreational fishing sectors in the New York Marine & Coastal District.

Sincerely,

Steven Cannizzo, NY RFHFA

New York Recreational & For-Hire Fishing Alliance

mb1143f@gmail.com

NEW YORK RECREATIONAL & FOR-HIRE ALLIANCE:

Executive Director Captain Joe Tangel, fv KING COD

Board Member Captain Carl Forsberg, Viking Fishing Fleet

Board Member Captain Jimmy Schneider, James Joseph Fishing Fleet

Board Member Captain Kenny Higgins, Captree Pride & Captree Princess

Board Member Captain Anthony Testa Sr., f/v Stefani Ann

Board Member Captain Anthony Testa Jr., f/v Stefani Ann

Concurred by:

NYS Recreational MRAC Advisor, MAFMC AP Advisor & NYS FFL permit holder

Captain Steve Witthuhn, f/v TOP HOOK

From: [Squarespace](#)
To: [Beaty, Julia](#)
Subject: Form Submission - SFSBSB Allocation Amendment Scoping
Date: Tuesday, March 17, 2020 8:36:20 PM

Name: Tony Friedrich

Email: tony@saltwaterguidesassociation.org

Check all that apply: NGO

:

Comments: The American Saltwater Guides Association appreciates the opportunity to comment on the scoping document for flounder, black sea bass and scup. Recent MRIP data suggests that we need to reevaluate the current allocations for these three fisheries.

We suggest the following issues be addressed and scoped in the upcoming amendment:

Updating the current allocation percentages using the existing base years but with current recreational and commercial data;

Using socioeconomic data, analysis, or other considerations to modify the allocations based on optimization of economic efficiency and socioeconomic benefits from each fishery;

Catch limits defined in pounds and/or numbers of fish, or using other methods;

The option to make future allocation changes through a framework/addendum (a shorter and more efficient action than an amendment);

Improving catch accounting and estimation methods in the recreational sector;

Improving accountability in the recreational sector;

The ASGA fully and strongly supports the issues listed above. We can do a better job with the accounting, estimation, and accountability of the recreational sector. This is a fantastic opportunity to explore new and innovative ways to give the managers the best data possible.

We do not support sector separation without accountability. The efforts in Rhode Island and Maryland for striped bass as well as the recent decision for the 3/5 split in bluefish harvest is not accountable sector separation. It was nothing more than a reallocation of the resource.

Red snapper in the Gulf of Mexico was a far different process for different reasons.

If the private rec angler is not offered the same opportunity to be accountable then the process of sector separation is severely flawed. It is a reallocation without an amendment. That is not what is best for the resource and we can not support such actions.

(Sent via [Mid-Atlantic Fishery Management Council](#))

From: [Moore, Christopher](#)
To: [Beaty, Julia](#)
Subject: FW: Fluke/Scup/Sea Bass Allocation Amendment
Date: Wednesday, March 18, 2020 9:49:05 AM
Attachments: [image001.png](#)

fyi

Christopher M. Moore, Ph.D.
Executive Director
Mid-Atlantic Fishery Management Council
800 N. State St, Suite 201
Dover, DE 19901

302-526-5255
mafmc.org

From: Gregory DiDomenico <gregdidomenico@gmail.com>
Sent: Tuesday, March 17, 2020 11:27 PM
To: Moore, Christopher <cmoore@mafmc.org>
Subject: Fluke/Scup/Sea Bass Allocation Amendment



212 West State Street
Trenton, NJ 08628
Phone: (609) 898-1100

www.gardenstateseafood.org

Gregory P. DiDomenico, Executive Director
gregdi@voicenet.com
609-675-0202

March 17, 2020

Dr. Chris Moore, Executive Director
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, DE 19901

Re: Fluke/Scup/Sea Bass Allocation Amendment:

Dear Dr. Moore:

Universally, the commercial fishing industry does not agree with the principle amendment objective to update the current allocation percentages affecting recreational and commercial TALs; based primarily on recent MRIP estimates of recreational catches. We feel strongly that the Council should not utilize this amendment to consider modifications to allocations but should expand its objectives to include the consideration of alternative management scenarios and accountability measures, for the recreational fishing sectors.

The amendment should create a management approach that does not apply traditional allocations or percentages to the recreational fishery but instead use catch, landings and possibly F rate mortality targets to manage that sector.

As this amendment moves forward, the commercial fishing industry supports "Status Quo" as it pertains to the existing recreational/commercial percentage allocations but understands that additional flexibility for the recreational fishery is important for fishing years 2021 –2023.

When considering historic allocations as "fixed" into the future, it is important for the Council to recognize that recreational catch has been anything but "fixed". We also encourage the Council to support an administrative process, with this action, that creates a rollover provision that could allow quota to be used each year to transfer an overage or an underage from any of the fisheries. This could be utilized in the future through the specifications or framework process.

While we understand why this amendment was initiated, we feel it is important to mention that this is not a situation that has developed recently and previous actions that could have addressed these issues were started years ago. For example, a Recreational Fishing Policy initiative began in June of 2014 and a Recreational Fishing Reform project is ongoing. In addition, the MAFMC and ASMFC initiated the Comprehensive Summer Flounder Amendment, in December of 2014, that included issues similar to what we are dealing with today, but it was withdrawn in December of 2106. Most recently the Council has initiated a MSE evaluation of the summer flounder fishery and a benchmark assessment will be conducted soon. It certainly seems prudent to wait until the completion of these items. Lastly and most importantly the deadline to complete and implement the Marine Recreational Information Program, as required by the Secretary of Commerce, was January 1, 2009.

We also ask that the amendment be used to explore alternatives to develop separate catch monitoring, specifications and accounting in the for-hire and private boat/shore-based angler fisheries.

The Council should review and analyze Amendment 19 "The Omnibus Recreational Accountability Amendment", which was implemented in December of 2013. This amendment was initiated as a result of an overage in the 2012 recreational black sea bass RHL and the drastic consequences for recreational black sea bass fishery in fishing year 2014. The Council decided to review the recreational fishery AMs at that time; specifically, the Council wanted to develop AMs that take into account the status of the stock and the biological consequences, if any, resulting from a recreational sector overage.

During the deliberations of Amendment 19 Agency staff clarified the spirit of one alternative by saying the following, "So the idea is that the recreational fishery may have exceeded its ACL, but if the commercial fishery came in well under its ACL, such that the overall ABC wasn't exceeded, then there's kind of a 'no harm, no foul' to the stock. So, in that case, if the ABC has not been exceeded total catch wise, then we may not need an accountability measure to be triggered even if the recreational fishery exceeded its ACL." We support this approach for the current situation.

The key elements of Amendment 19 were a rejection of in-season adjustments and pound-for-pound paybacks in recreational fisheries, unless a species is overfished. We feel strongly that the discussion of these elements should continue at the Council to address the current situation and be considered as a primary goal of the amendment.

Thank you for the opportunity to provide our comments to the Council and for their consideration of our concerns and recommendations. We look forward to working with each of you as the amendment continues to be developed.

Sincerely,

Greg DiDomenico
Executive Director
Garden State Seafood Association

From: [Frank Macalik](#)
To: [Beaty, Julia](#)
Subject: Scoping Meeting Comments
Date: Wednesday, March 18, 2020 8:47:42 AM

Frank Macalik
F.U.B Dive Club
Monmouth County New Jersey
Frankmacalik@Gmail.com
Mobile: 732 754 5345

March 13, 2020

Dr Chris Moore, Executive Director
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, DE 19901

Dear Dr. Moore,

My name is Frank Macalik and I represent the F.U.B Dive Club of Monmouth County. We are 12 local scuba divers that dive off the coast of central New Jersey. I attended the scoping meeting in Belmar, New Jersey where we discussed the Reallocation Amendment addressing summer flounder, scup, and black sea bass populations.

We understand that most of your stock assessments are done by catch and by-catch. As scuba divers, we can offer you a different perspective regarding fish stock assessments. I'm happy to report there is no shortage of Black Sea Bass. In fact, in the summer months Black Sea Bass are so thick on wrecks and rockpiles that we need to push them aside to see in holes to find lobsters. Scup show up in late summer and fall months on the deep wrecks. It's a real treat watching the large schools reflecting the sun light while swimming above us. We also see plenty of Summer Flounder. We find some on the wrecks but most are buried in the sand around the wreck sights making them difficult to see. I sometimes pass over buried fluke only to see them as they swim away.

Moving forward, we would like to see "improved catch accounting and estimation methods in the recreational sector". A few years ago, we marched on Washington to "Save the Summer Flounder" asking for better methods to assess fish stocks. It seems some improvements were made; however, we are not there yet. Therefore, we would like to update the current allocation percentages using the base years, but with current recreation and commercial data. You also need to consider the ratio between keeper Summer Flounder and discards. It's not uncommon to discard 40 shorts to catch one keeper. We could be killing hundreds of fish if not released properly. Please consider reducing the minimum length so we don't have so many discards.

The two things that were not discussed at the meeting that are effecting fish stocks. Rouge Nets and Beach Replenishment. We find abandoned nets every year. They get stuck on wreck trapping fish and are a danger to divers. Presently, we know of two, stuck at two different sites trapping fish. Commercial fishermen need to account for their nets each year and be responsible to recover the rouge net once it's discovered. Local divers would gladly assist reporting rouge nets. Beach replenishment is creating a dead zone along the coast. Nothing lives in the surf where new sand has been dumped. We don't see crabs or juvenile fish any more in those areas. All the structure is gone. It's a dead zone. Too bad you can't stop beach replenishment. Fish stock would increase exponentially. I hope this helps.

Respectfully
Frank Macalik
F.U.B Diver
Frankmacalik@gmail.com
Mobile 732 754 5345

APPENDIX A: SUPPLEMENTS TO PUBLIC HEARING COMMENTS

This appendix contains materials provided to staff at hearings and read aloud or referenced in hearing comments.

Alan Kenter, provided at the Belmar, NJ hearing:

Title: Fishing Community Is in Dire Trouble!!

Post by: Capt Bogan on May 30, 2017, 11:05:42 AM

Party Fishing Vessel and Charter fishing vessels that carried more than 6 passengers --Businesses that have Gone Under in New Jersey (not replaced) since the Bad Reauthorizations of Magnuson-Stevens in 1996 and 2006.

Bayonne-----Bucky

Perth Amboy-----Sea Pigeon

Leonardo-----Freddy C

Highlands-----Crack-a-Dawn

"-----Eagle

"-----Jersey Girl

"-----Ranger

Belmar-----Catherine II

"-----Mohawk Explorer

11 "-----Mohawk IV

"-----Eileen

11 "-----Ginny Lynn

11 "-----American Eagle

Brielle-----Atlantis

"-----Capt Ke!

Point Pleasant-----Norma KII

"-----Miss Norma K

"-----Deep Adventures III

" 11 -----Deep Adventures IV

11 "-----Sea Devil

"-----Cock Robin

Barnegat-----White Star

" 11 -----Miss LBI

"-----Doris Mae

11 "-----Searcher

11 "-----Jersey Devil

Atlantic City-----Capt Applegate

Sea Isle City-----Capt Robbins

11 "-----Miss Ocean City

Fortesque-----Angler

Cape May-----Mid 90's: 29 party boats----Currently: 3 party boats

During Same Years, new to the industry :

Perth Amboy-----Sea Hawk (for sale?)

High Lands-----Dorothy B (transferred from NY)

Pt Pleasant-----Voyager