



Atlantic States Marine Fisheries Commission

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Patrick C. Keliher (ME), Chair

Spud Woodward (GA), Vice-Chair


Robert E. Beal, Executive Director

Sustainable and Cooperative Management of Atlantic Coastal Fisheries

MEMORANDUM

April 22, 2020

TO: Commissioners; Proxies; Atlantic Coastal Cooperative Statistics Program Coordinating Council; Atlantic Herring Management Board; Atlantic Menhaden Management Board; Atlantic Striped Bass Management Board; Bluefish Management Board; Mid-Atlantic Fishery Management Council; Summer Flounder, Scup, and Black Sea Bass Management Board; Tautog Management Board

FROM: Robert E. Beal 
Executive Director

RE: ASMFC Spring Meeting Webinar: May 5 & 6, 2020

The Atlantic States Marine Fisheries Commission's Spring Meeting Webinar will be held May 5 & 6, 2020. Meeting materials are available on the Commission website at <http://www.asmfc.org/home/2020-spring-meeting-webinar>. Supplemental materials will be posted to the website on Wednesday, April 29, 2020.

The agenda is subject to change. The agenda reflects the current estimate of time required for scheduled Board meetings. The Commission may adjust this agenda in accordance with the actual duration of Board meetings. It is our intent to begin at the scheduled start time for each meeting, however, if meetings run late the next meeting may start later than originally planned.

Board proceedings will be broadcast daily via webinar, with separate webinar links for each day. May 5th meeting participants and attendees can register for the webinar at <https://attendee.gotowebinar.com/register/9135385124352928269> (Webinar ID: 894-169-955), while May 6th participants and attendees can register at <https://attendee.gotowebinar.com/register/6204543422027821581> (Webinar ID: 918-539-707). **IMPORTANT: When registering, Commissioners, proxies, and Mid-Atlantic Fishery Management Council members (on Wednesday only for Council members), should place two zeros (00) prior to their names (e.g., 00Toni Kerns).** Detailed instructions on joining and participating in the webinars can be found at http://www.asmfc.org/files/Meetings/2020SpringMeeting/Webinar_Instructions.pdf.

Each day, we will begin the webinar 30 minutes prior to the start of the first meeting so that people can troubleshoot any connectivity or audio issues they may encounter. If you are having

issues with the webinar (connecting to or audio related issues), please contact Chris Jacobs at 703.842.0790.

We strongly recommend Commissioners and proxies connect to the webinar using the computer audio (VoIP). **For the best sound quality, we recommend you get a headset** (any headphones with a microphone should work, such as headphones you use with your phone).

For those who will not be joining the webinar but would like to listen in to the audio portion only, you can do so by dialing 631.992.3221 (access code: 129-744-343) for the May 5th meetings and dialing 562.247.8422 (access code: 839-924-158) for May 6th meetings.

For management boards that are anticipated to take final actions, such as the Atlantic Herring and Tautog Management Boards, the public and stakeholders will have the opportunity to provide brief comments on actions for which the Commission has *NOT* established a specific public comment period, as time allows. For all other meetings, the public should anticipate limited opportunity to provide comment via the webinar. When public comment is allowed, it will be at the discretion of the individual Board Chairs. As such, we strongly encourage members of the public to submit written comments in advance to be included in the meeting materials. Please see the following revised Public Comment Guidelines for more information about submitting public comment prior to the meeting.

If the staff or I can provide any further assistance to you, please call us at 703.842.0740.

Enclosure: Final Agenda



Atlantic States Marine Fisheries Commission

Spring Meeting Webinar

May 5 & 6, 2020

Public Comment Guidelines

With the intent of developing policies in the Commission's procedures for public participation that result in a fair opportunity for public input, the ISFMP Policy Board has approved the following guidelines for use at management board meetings. **Please note these guidelines have been modified to adapt to meetings via webinar:**

The following timeline has been established for the **submission of written comment for issues for which the Commission has *NOT* established a specific public comment period** (i.e., in response to proposed management action).

1. Comments received 3 weeks prior to the start of the webinar will be included in the briefing materials.
2. Comments received by 5:00 PM on the Tuesday, April 28, 2020 will be included in the supplemental materials.
3. Comments received by 10:00 AM on Monday, May 4, 2020 will be distributed electronically to Commissioners/Board members prior to the meeting.

Comments should be submitted via email at comments@asmfc.org. All comments must clearly indicate the commenter's expectation from the ASMFC staff regarding distribution.

Final Agenda

The agenda is subject to change. The agenda reflects the current estimate of time required for scheduled Board meetings. The Commission may adjust this agenda in accordance with the actual duration of Board meetings. It is our intent to begin at the scheduled start time for each meeting, however, if meetings run late the next meeting may start later than originally planned.

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Tuesday, May 5

9:30 – 10:30 a.m.

Atlantic Herring Management Board

Member States: Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey

Other Members: NEFMC, NMFS

Chair: Patterson

Other Participants: Zobel, Brown, Kaelin

Staff: Rootes-Murdy

1. Welcome/Call to Order (*C. Patterson*)
2. Board Consent
 - Approval of Agenda
 - Approval of Proceedings from February 2020
3. Addendum III for Final Approval **Final Action**
 - Review Options and Public Comment Summary (*K. Rootes-Murdy*)
 - Review Advisory Panel Report (*J. Kaelin*)
 - Consider Final Approval of Addendum III
4. Reconsider 2020 Area 1A Specification (Allocation Distribution), if Necessary (*K. Rootes-Murdy*) **Final Action**
5. Other Business
6. Public Comment
7. Adjourn

10:45 – 11:45 a.m.

Atlantic Menhaden Management Board

Member States: Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida

Other Members: NMFS, PRFC, USFWS

Chair: Woodward

Other Participants: Ballenger, Kersey, Cieri

Staff: Appelman

1. Welcome/Call to Order (*S. Woodward*)
2. Board Consent
 - Approval of Agenda
 - Approval of Proceedings from February 2020
3. Review Ecological Reference Point Workgroup Analysis (*M. Cieri*)
4. Other Business
5. Public Comment
6. Adjourn

11:45 a.m. – 1:00 p.m.

Lunch Break

1:00 – 1:30 p.m.

Atlantic Coastal Cooperative Statistics Program Coordinating Council

Partners: ASMFC, Connecticut, Delaware, District of Columbia, Florida, Georgia, MAFMC, Maine, Maryland, Massachusetts, NEFMC, New Hampshire, New Jersey, New York, NMFS, North Carolina, Pennsylvania, PRFC, Rhode Island, SAFMC, South Carolina, USFWS, Virginia

Chair: Fegley

Staff: White

1. Welcome/Call to Order (*L. Fegley*)
2. Council Consent
 - Approval of Agenda
 - Approval of Minutes from October 2019
 - Committee and Program Updates
3. Consider Approval of Funding Decision Document and 2021 Request for Proposals (*J. Simpson*) **Action**
4. Discuss Marine Recreational Information Program State Partnership Report to Congress (*G. White*)
5. Other Business
6. Public Comment
7. Adjourn

1:45 – 2:45 p.m.

Tautog Management Board

Member States: Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia

Other Members: NMFS, USFWS

Chair: Hyatt

Other Participants: Ares, Snellbaker

Staff: Rootes-Murdy

1. Welcome/Call to Order (*W. Hyatt*)
2. Board Consent
 - Approval of Agenda
 - Approval of Proceedings from October 2019
3. Consider Approval of Rhode Island Conservation Equivalency Proposal (*K. Rootes-Murdy*)
Final Action
 - Plan Review Team Report
 - Technical Committee Report
 - Law Enforcement Committee Report
 - Advisory Panel Report
4. Other Business
5. Public Comment
6. Adjourn

3:00 – 4:00 p.m.

Atlantic Striped Bass Management Board

Member States: Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina

Other Members: DC, NMFS, PRFC, USFWS

Chair: Borden

Other Participants: Sullivan, Blanchard

Staff: Appelman

1. Welcome/Call to Order (*D. Borden*)
2. Board Consent
 - Approval of Agenda
 - Approval of Proceedings from February 2020
3. Review and Discuss Predicted Fishery Performance in 2020 Based on Final Addendum VI Measures and New Stock Projections with Updated Data (*K. Drew*)
4. Consider Forming a Workgroup to Provide Advice Concerning High Priority Issues and Next Steps for Management (*D. Borden*)
5. Other Business
6. Public Comment
7. Adjourn

Wednesday, May 6

10:00 a.m. – Noon

ASMFC Bluefish Management Board and Mid-Atlantic Fishery Management Council (MAFMC)

Member States: Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida

Other Members: NMFS, PRFC, USFWS

ASMFC Chair: Batsavage

MAFMC Chair: Luisi

Other Participants: Celestino, Kersey

Staff: Colson Leaning, Seeley

1. Welcome/Call to Order (*C. Batsavage/M. Luisi*)
2. Board Consent
 - Approval of Agenda
 - Approval of Proceedings from February 2020
3. Review Public Comment Summary on Bluefish Allocation and Rebuilding Amendment Public Information and Scoping Document (*D. Colson Leaning, M. Seeley*)
 - Public Comment Summary
 - Plan Development Team (PDT)/Fishery Management Action Team (FMAT) Report
4. Provide Guidance to the PDT/FMAT on Bluefish Allocation and Rebuilding Draft Amendment (*C. Batsavage, M. Luisi*) **Possible Action**
5. Other Business
6. Public Comment
7. Adjourn

Noon – 1:15 p.m.

Lunch Break

1:15 – 3:15 p.m.

ASMFC Summer Flounder, Scup, and Black Sea Bass Management Board and MAFMC

Member States: Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina

Other Members: NMFS, PRFC, USFWS

ASMFC Chair: Nowalsky

MAFMC Chair: Luisi

Other Participants: Wojcik, Snellbaker

Staff: Colson Leaning, Starks, Coutre, Beaty, Dancy

1. Welcome/Call to Order (*A. Nowalsky, ASMFC/M. Luisi, MAFMC*)
2. Board Consent
 - Approval of Agenda
 - Approval of Proceedings from August 2019

3. Review Public Comment Summary on Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment Public Information and Scoping Document (*D. Colson Leaning/K. Coutre*)
 - Public Comment Summary
 - Advisory Panel Report
 - Plan Development Team (PDT)/Fishery Management Action Team (FMAT) Report
4. Provide Guidance to the PDT/FMAT on Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Draft Amendment (*A. Nowalsky/M. Luisi*) **Possible Action**
5. Other Business
6. Public Comment
7. Adjourn

Atlantic States Marine Fisheries Commission

Atlantic Herring Management Board

May 5, 2020
9:30 – 10:30 a.m.
Webinar

Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

1. Welcome/Call to Order (*C. Patterson*) 9:30 a.m.
2. Board Consent 9:30 a.m.
 - Approval of Agenda
 - Approval of Proceedings from February 2020
3. Addendum III for Final Approval **Final Action** 9:35 a.m.
 - Review Options and Public Comment Summary (*K. Rootes-Murdy*)
 - Review Advisory Panel Report (*J. Kaelin*)
 - Consider Final Approval of Addendum III
4. Reconsider 2020 Area 1A Specification (Allocation Distribution), if Necessary 10:00 a.m.
(*K. Rootes-Murdy*) **Final Action**
5. Other Business 10:20 a.m.
6. Public Comment 10:25 a.m.
7. Adjourn 10:30 a.m.

MEETING OVERVIEW

**Atlantic Herring Management Board Webinar
May 5, 2020
9:30 – 10:30 a.m.**

Chair: Cheri Patterson (NH) Assumed Chairmanship: 2/20	Technical Committee Chair: Renee Zobel (NH)	Law Enforcement Committee Representative: Delayne Brown (NH)
Vice-Chair: VACANT	Advisory Panel Chair: Jeff Kaelin (NJ)	Previous Board Meeting: February 2020
Voting Members: ME, NH, MA, RI, CT, NY, NJ, NMFS, NEFMC (9 votes)		

Public Comment – For items not on the agenda, public comment will be taken at the end of the meeting. Individuals that wish to speak at this time should use the webinar raise your hand function and the Board Chair will let you know when to speak. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance, the Board Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from February 2020

3. Addendum III for Final Approval (9:35 – 10:00 a.m.) Final Action
<p>Background</p> <ul style="list-style-type: none"> • In October 2019, the Board initiated development of Draft Addendum III to provide more tools for managing the Area 1A fishery under low quotas. • The Board approved Draft Addendum III for public comment in February. Public hearings were held in ME, NH, MA, at a NEFMC Committee Meeting, and via webinar in March. (Briefing Materials) • The Advisory Panel met to provide recommendations on the Draft Addendum in March. (Briefing Materials)
<p>Presentations</p> <ul style="list-style-type: none"> • Review of options and public comment summary by K. Rootes-Murdy • Review Advisory Panel report by J. Kaelin
<p>Board actions for consideration at this meeting</p> <ul style="list-style-type: none"> • Consider final approval of Addendum III

4. Reconsider 2020 Area 1A Specifications (Allocation Distribution), if Necessary (10:00 – 10:20 a.m.) Final Action

Background

- In October the Board set the seasonal allocations for the 2020 Area 1A fishery.
- Draft Addendum III includes options that could modify how the allocation is distributed during the fishing season. If those options are approved through the Addendum, the Board may reconsider the previously established 2020 specifications.

Presentations

- Overview of 2020 Area 1A Specifications by K. Rootes-Murdy

Board actions for consideration at this meeting

- Adjust the 2020 Area 1A Specifications

5. Other Business (10:20- 10:25 a.m.)

6. Public Comment (10:25-10:30 a.m.)

7. Adjourn

Atlantic Herring Technical Committee Task List

Activity Level: Medium

Committee Overlap Score: Medium

Committee Task List

While there are no Board tasks for the TC at present, there are several annual activities in which TC members participate, both through the Commission and NEFMC

- Participation on ASMFC PDT (currently working on Draft Addendum III)
- Participation on NEFMC PDT
- Summer/fall collection of spawning samples per the spawning closure protocol
- Annual state compliance reports are due February 1

TC Members

Renee Zobel (NHFG – Chair), Kurt Gottschall (CT DEEP), Dr. Matt Cieri (ME DMR), Micah Dean (MA DMF), Corinne Truesdale (RI DFW), Deirdre Boelke (NEMFC), Jonathan Deroba (NOAA NEFSC), Carrie Nordeen (NOAA)

**DRAFT PROCEEDINGS OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
ATLANTIC HERRING MANAGEMENT BOARD**

The Westin Crystal City
Arlington, Virginia
February 4, 2020

These minutes are draft and subject to approval by the Atlantic Herring Board Management Board.
The Board will review the minutes during its next meeting.

Draft Proceedings of the Atlantic Herring Board Management Board Meeting
February 2020

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These minutes are draft and subject to approval by the Atlantic Herring Management Board.
The Board will review the minutes during its next meeting.

INDEX OF MOTIONS

1. **Move to approve agenda** by Consent (Page 1).
2. **Move to approve proceedings of October, 2019** by Consent (Page 1).
3. **Move to approve Atlantic Herring Draft Addendum III for public comment as amended today** (Page 6). Motion by Ritchie White; second by Steve Train. Motion carried (Page 6).
4. **Move to approve the following Atlantic herring specifications for 2020 as recommended by the New England Fishery Management Council contingent on the final rule being published by NOAA Fisheries** (Page 8):

Annual Catch Limit (ACL) = 11,571 mt
Domestic Annual Harvest = 11,571 mt
Border Transfer = 100 mt
Area 1A Sub-ACL = 3,344 mt
Area 1B Sub-ACL = 498 mt
Area 2 Sub-ACL = 3,217 mt
Area 3 Sub-ACL = 4,513 mt
Fixed Gear Set-Aside= 30 mt

Motion by Megan Ware; second by Ray Kane. Motion carried (Page 8).
5. **Move to elect Cheri Patterson (NH) as Vice-Chair to the Atlantic Herring Board** (Page 8). Motion by Ritchie White; second by Raymond Kane. Motion carried (Page 8).
6. **Motion to adjourn** by Consent (Page 8).

Draft Proceedings of the Atlantic Herring Board Management Board Meeting
February 2020

ATTENDANCE

Board Members

Megan Ware, ME, proxy for P. Keliher (AA)	Dave Borden, RI (GA)
Steve Train, ME (GA)	Eric Reid, RI, proxy for Sen. Sosnowski (LA)
Sen. David Miramant, ME (LA)	Matt Gates, CT, Administrative proxy
Cheri Patterson, NH (AA)	Bill Hyatt, CT (GA)
G. Ritchie White, NH (GA)	Jim Gilmore, NY (AA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Joe Cimino, NJ (AA)
Cate O'Keefe, MA, (Chair)	Russ Allen, NJ, proxy for T. Fote (GA)
Raymond Kane, MA (GA)	Adam Nowalsky, NJ, proxy for Asm. Houghtaling (LA)
Rep. Sarah Peake, MA (LA)	Terry Stockwell, NEFMC, proxy for T. Nies
Conor McManus, RI	Derek Orner, NMFS

(AA = Administrative Appointee; GA = Governor Appointee; LA = Legislative Appointee)

Ex-Officio Members

Renee Zobel, Technical Committee Chair

Staff

Robert Beal
Toni Kerns

Kirby Rootes-Murdy
Maya Drzewicki

Guests

Bill Anderson, MD (AA)
Chris Batsavage, NC DMF
Allison Colden, CBF
Jeff Deem, VMRC
Kelly Denit, NMFS
Peter Fallon, Am. Saltwater Guides, ME

Joseph Gordon, PEW Trusts
Zak Greenberg, PEW Trusts
Pam Lyons Gromen, Wild Oceans, FL
Jeff Kaelin, Lund's Fisheries
Chip Lynch, NOAA

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The Board will review the minutes during its next meeting.

Draft Proceedings of the Atlantic Herring Management Board Meeting
February 2020

The Atlantic Herring Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia; Tuesday, February 4, 2020, and was called to order at 9:30 a.m. by Chairman Cate O'Keefe.

CALL TO ORDER

CHAIRMAN CATHERINE O'KEEFE: Welcome to the Atlantic Herring Board meeting. My name is Cate O'Keefe; I'm your new Chair. I'm from the Massachusetts Division of Marine Fisheries. You may recall that David Pierce was the Vice-Chair, and I was approved as Vice-Chair in October, which sent me on a meteoric rise to be Chair immediately today.

Please bear with me; this is my first meeting chairing. If I'm doing anything inappropriate or incorrect, I'm sure Kirby will tell me. But if there are any questions also, please let me know.

APPROVAL OF AGENDA

CHAIRMAN O'KEEFE: Let's just jump right in. I don't think we have any announcements for this group today, no. Can we have Board consent on Approval of the Agenda?

No comments, okay. The agenda is approved.

APPROVAL OF PROCEEDINGS

CHAIRMAN O'KEEFE: Board consent on approval of proceedings, the proceedings from the October, 2019 meeting. Are there any corrections or additions to the minutes? Okay seeing none the proceedings are approved. No one has signed up for Public Comment on any items outside of the agenda.

CONSIDER DRAFT ADDENDUM III FOR

These minutes are draft and subject to approval by the Atlantic Herring Management Board.
The Board will review the minutes during its next meeting.

PUBLIC COMMENT

CHAIRMAN O'KEEFE: We're going to move right into our Draft Addendum III. Kirby is going to provide a presentation for us, but before we get going I just want to remind the Board of what the motion that this Board made in October was. That was, *move to initiate an addendum to expand the quota period options in Amendment 3 by adding options which address challenges experienced in low quota scenarios: Frequent starting and stopping of fishing days, small amounts of quota left at the end of the year.*

The Addendum should include, but does not have to be limited to an option which allocates 100 per cent of the Area 1A quota to the months of June through December. The Addendum should also consider expanding the small mesh bottom trawl fleet days-out provisions to all Category C and D permits.

That is what we did in October, and now we're going to consider the options that the PDT has put together, and I'll hand it to Kirby.

REVIEW DRAFT ADDENDUM III OPTIONS

MR. KIRBY ROOTES-MURDY: Thank you, Madam Chair. I've got a presentation for you all to go through Draft Addendum III up on the screen now. It should have an outline. I'll go through the timeline, in terms of the development of this document purpose. I'll give you an overview, and then get into the actual management issues and options, and talk about implementation, and take any questions you guys may have. This Board initiated Draft Addendum III last October. The PDT worked on it from December through January, and today the Board will review this document, and consider whether to approve it for public comment. After today, on the screen I have a tentative timeline of how things could play out.

Draft Proceedings of the Atlantic Herring Management Board Meeting
February 2020

Public comment could start next month and go through April. We need 30 days for these Addenda, but it could be longer if you guys feel that that is necessary. For considering final approval of the Addendum, the Board will meet at the spring ASMFC meeting, hear public comment, and take final action.

We are thinking at this point that we would hold the Days Out Meeting to set days out measures during that same meeting week, following this Board's meeting, and it would probably be by conference call. In terms of the purpose of this document, Cate reminded this Board of the motion that was passed in October, and in terms of the statement of the problem, really.

As you all are aware, in 2019 the sub-ACL was significantly reduced in light of the lower recruitment and estimated population size indicated in the 2018 benchmark stock assessment. In response the Board chose a bimonthly quota allocation in combination with days-out measures, to better manage the fishing effort under this extremely low quota.

However, the chosen combination of effort controls and quota allocation in 2019 resulted in short and infrequent windows of harvesting opportunity. Additionally, while the bimonthly quota allocation extended the fishing season, the allocation left very little quota available towards the end of the fishing year, making fishing trips less economical.

Accessing herring later in the season in Area 1A became challenging as there were numerous spawning closures that inhibited access during the late summer and fall, and catch rates have been dropping off in recent years as fish migrate further offshore during this time. The sub-ACL for 2020 and beyond will be lower and the sub-ACL will likely stay at low levels until we see an increase in recruitment.

To avoid continual closures and manage landings more efficiently under these low quota scenarios, new allocations and management tools are needed. That is really the purpose of what this document has set out to try to address. Just as some background, as this Board is very much well aware. The current management tools available for managing the herring fishery in Area 1A primarily consists of quota allocation and effort controls.

These have been in place since 1999. The days-out measures established fixed days out of the fishery to manage the rate of harvest. The term 'day out' was in reference to days when a vessel could not land or fish for herring. The current quota allocations are outlined in Amendment 3, and the current days-out measures are in Addendum I.

In terms of effort controls, the majority of vessels that fish and land Atlantic herring in this area are federally permitted, because the fishery takes place in both state and federal waters, and in turn the permit categories that are primarily looked at, in terms of applying effort controls are limited access permits for all management area, which is Category A, limited access incidental catch permits for 25 metric tons per trip, Category C, and an open access incidental catch permit for 3 metric tons per trip, Category D. Under Addendum I, different landing restrictions can be placed on those permit holders, depending on the permit category. Annually what this Board sets out are harvest specifications, and it begins with the Annual Meeting, where the Board decides how to allocate that sub-ACL for the upcoming fishing season.

Tables 1 and 2 in the document, you can find them on Page 5, outline the seasonal trimester and bimonthly quota allocations that are available to the Board to choose from. For much of the last decade the Board split the Area 1A sub-ACL into trimesters, and during this time

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Draft Proceedings of the Atlantic Herring Management Board Meeting
February 2020

the majority, about 72 percent of the Area 1A sub-ACL has been allocated during the months of June through September, which is Trimester 2.

These months overlap with the peak season for lobster landings, when herring is the widely used source of bait. Once the allocation has been set the states of Maine, New Hampshire, and Massachusetts set the days out measures prior to the beginning of the fishing season. The following restrictions can be applied by permit category.

Category A permits are subject to landing days, weekly landing limits, and requirements specific to classifying carrier vessels. All three of these provisions can be applied from June 1 through September 30th, and only during October 1 through December 31st can landing days be specified.

For Category C and D permits there are landing day restrictions that can be applied from June 1 through September 30th through the small mesh bottom trawl program. I think it's important to understand that with these quota allocations and effort controls, these were largely developed under a situation where we had a much higher sub-ACL than this Board is currently considering, in terms of managing herring in 2019, and in the coming years.

To further highlight how things are different starting in 2019. In 2017 and 2018, landings days and weekly landing limits increased throughout the trimester, to maximize harvest opportunities, with the fishery open from June 1 through September 30th with no closures. These management changes were made in response to landings being much lower than the quota period allocation during the beginning of the fishing season.

In 2019 the fishery did not begin until July 15. The states moved to set zero landing days from

August 18 through September 1, and landing restrictions were maintained throughout the allocation period to restrict fishing effort under the low quota. This figures really demonstrates how radically different landings were in 2019 relative to some of the recent years.

As I was talking about before in terms of permits that are important for managing herring in Area 1A, limited entry was implemented through Amendment 1 to the federal herring FMP, and as mentioned Category A, C, and D make up the majority of landings in Area 1A. Additionally, there are categories B and E.

Not all vessels with herring permits are active in the herring fishery though. For example, there were between 50 and 60 vessels with a Category A permit from 2014 through 2018, but only 50 to 60 percent of those were active. When we're saying active, they landed at least one pound of herring. Although there have been far fewer active limited access, versus open access vessels in recent years, the limited access vessels Category A, B, and C account for over 98 percent of annual herring landings during that time period.

When thinking about the quota allocation and effort controls, in terms of managing herring and allowing enough bait to get to the lobster fishery. The PDT felt that it was important to consider the menhaden fishery. Recent quota reductions for herring have increased the importance of menhaden as a bait source.

Concurrently harvest of menhaden in the Gulf of Maine has increased, and this increase has helped supplement the shortage left by the reduced herring quota during the summer months. Since 2017 menhaden landings in the Gulf of Maine primarily occur in summer months, so June, July, and August, with the majority of those landings occurring in July, specifically the third week of July.

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This chart here shows you how over the last three years, even in spite of the lower quota, they have generally tracked with that time period in which landings greatly increase for menhaden. If the Gulf of Maine menhaden fishery continues to be productive, maintaining an offset for the herring fishery might help mitigate the shortage in the available lobster bait, while providing increased fishing opportunity for vessels that are targeting both species.

That concludes the background I was going to provide. I'm going to move into the management issues and the options next. The first issue section is the quota allocation. Option 1, status quo, this is pretty self-explanatory. There are no changes if this option were to be selected. The Board would still be able to choose from the allocations that are available in Tables 1 and 2 that are listed in the document annually. Option 2 in this section outlines an alternate seasonal allocation.

Under this option, if the Board moves to allocate 0 percent of the annual sub-ACL prior to June 1, the Board can choose to allocate 100 percent of the Area 1A sub-ACL from June 1 through December 31st. This option is intended to give managers the ability to allocate all of the quota at once. It is important to note that under this allocation in the low quota years, certain gear types may not have access to the resource later on in the fishing season.

For example, midwater trawl vessels are prohibited from fishing prior to October 1. Depending on the days-out measures implemented, these vessels may not have access to the resource if the quota is caught before October 1st. The next option in this section is Option 3, which proposes an alternate trimester allocation. This option puts forward an alternate timeframe for the trimester management that considers the need for access by various gear types throughout the year.

Under this option, harvest of herring can be concentrated during the peak availability of the resource during the fishing season, matching well with the bait demand prior to the onset of the spawning closures. Unused quota under this option would be rolled into the subsequent trimester in the same year. As you can see on the screen, during that period of June 1 through August 31st 80 percent of the quota would be allocated then, 20 percent would be allocated September 1st through December 31st. It is also important to note in this section that if the Board approves this document it goes out for public comment, and we come back in May. The Board can choose to approve both Options 2 and 3, to be included and considered moving forward as options in the suite of available choices annually to choose from.

That concludes that section. I'm moving on to 3.2 the days-out provisions. There are just two options in this section. Option 1 status quo. This is pretty straightforward. Only Category A permits would be subject to the landing days and weekly landing limits that is currently in place, and again those restrictions can be applied from June 1 through September 30th. Option 2 puts forward that the days out measures that apply to Category A permits could also apply to Category C permits.

All vessels with a Category C permit would be subject to those same measures, which are landing days and weekly landings limits. This option is intended to implement the same measures for both permit categories, which would account for 99.9 percent of vessels responsible for herring landings in recent years.

If approved by the Board, the states of Maine, New Hampshire, and Massachusetts would be able to specify the same landing restrictions during the days-out specification process later on this year in May. The last section I'm going to go through today is the weekly landing limit. There are three options here.

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Option 1, status quo means that the weekly landing limits for Category A would remain in place, and they would still only apply from June 1 through September 30th. Option 2 is similar to status quo, but the difference here is that there would no longer be a requirement to declare into the fishery.

Currently, the way we are accounting for fishing effort, and trying to project out annually how many boats are going to be in the fishery. Those vessels with these category permits are supposed to notify the states beforehand. This option is intended to eliminate what has been deemed an administrative process that hasn't aided in developing estimate of fishing effort in the coming year.

Next Option 3, under this option weekly landing limits would apply for all vessels throughout all quota periods. The weekly landing limits may be specified through the entirety of all quota allocation periods that is bimonthly, trimester, and seasonal. Vessels landing in Maine, New Hampshire, and Massachusetts are subject to the same weekly landing limit under this option, regardless of port and state.

Similar to Option 2, this option is intended to implement the same days-out measures for 99.9 percent of vessels responsible for herring landings in recent year. Also similar to Option 2, it would do away with the notification requirement, with the exception of those requirements that are outlined under the small mesh bottom trawl program.

That concludes the options that are in this document. In terms of implementation, as I mentioned before, after the public comment period if the Board approves this document in May, the options would be available for implementing this fishing season in 2020. The days-out meeting would be held by conference call, likely during that spring meeting, and because the Board already voted on the

allocation at the annual meeting that can be changed. It would just need a two-thirds majority, because that was final action. With that I will take any questions.

CHAIRMAN O'KEEFE: Are there any questions from the Board? Yes, Megan.

MS. MEGAN WARE: Kirby, I had a question. I think it is Section 3.2, Option 2 about the days out for Category A and C vessels. I just wanted to confirm that the Category C, small mesh bottom trawl is under the small mesh bottom trawl days out. I think that is in what is written as the regulatory language, but I don't see that in the description of the option, so I am just trying to confirm that.

MR. ROOTES-MURDY: One more time, Section 3.2 Option 2 you're asking about?

MS. WARE: Yes. I'm asking how does this interact with the small mesh bottom trawl days-out? If you're a Category C with a small mesh bottom trawl, you're under the small mesh bottom trawl days out. Is that correct?

MR. ROOTES-MURDY: Yes, that is correct.

MS. WARE: Okay. Maybe it might just be helpful to add that in Option 2, the language describing it, because it says right now all vessels with a Category C permit, so I could see that causing some confusion. That might just help. Then if it's okay also to comment on the background section, for Section 2.2.3 it talks about the menhaden and herring fishery, kind of in concurrence.

There is kind of a suggestion that maybe the two fisheries should not overlap or there be minimal overlap. I just want to caution how far we take that conjecture, because the gain in menhaden is not equal to the loss of herring. The loss of herring is much higher. I think it

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might be helpful to say that in the document, or just kind of have caution with that conjecture.

MR. ROOTES-MURDY: Based on that feedback for the background section, maybe it might be helpful if offline you can work with me to make sure we get that language perfected.

CHAIRMAN O'KEEFE: Are there any other questions on Kirby's presentation, or the options that are in the document, just questions for now? Okay seeing none, I'm going to ask Terry Stockwell, who is our appointed representative from the New England Fishery Management Council to provide some of the input that that council had from their meeting last week. Terry.

MR. TERRY STOCKWELL: Yes, thank you, Madam Chair. I have some general comments on the draft Addendum. I certainly understand the Commission's interest to add some new measures to the toolbox, in order to enable more efficient use of the herring resource under the current low quotas. As a past Section, now Board member, I well remember the many meetings we had trying to balance out the best way to harvest the available quota with the needs of both the fishing industry and the bait market demand. However, the Council is adamantly opposed to any new tools that exclude some segments of the fishery from the resource, and do not allow for fair and equitable access by gear type; specifically the opposed measures in 3.1 are inconsistent with the federal FMP, and the standards that the Council is required to follow. The Council further comments that reallocation should not be a purpose or result of this action, and notes that the resource in Area 1A has been allocated and/or divided by seasons for many years.

The proposed options change that allocation decision by potentially taking fish from one sector and awarding it to another. In anticipation that this draft Addendum will be a

approved for public comment, the Council requests that a public hearing be scheduled concurrent with a scheduled Council or Herring Committee meeting. Deirdre Boelke, the Council's Herring FMP lead is standing by to work with you, Kirby, to hopefully make that happen.

CHAIRMAN O'KEEFE: With that we can open it to Board discussion. If there are motions on any of the specific options in the document to remove, tweak, change, add anything, we can do that at this point. We could also take the entire addendum as a whole and vote to either approve or disapprove going out to public comment, Ritchie.

MR. G. RITCHIE WHITE: I would move to vote in favor of sending this to the public, the entire document.

CHAIRMAN O'KEEFE: Is there a second? Steve Train. Is there any discussion or comments on the motion? It will just take a minute while the motion is being put up, Ritchie.

MR. WHITE: To clarify, the edits that were discussed about the document, I would assume those would be included. It is assumed those were included in my motion.

CHAIRMAN O'KEEFE: Is there any further discussion on the motion? Are there any objections to the motion? Terry, so we can vote on the motion. All in favor, opposed, any abstentions? That motion carries 8-1-0. From there we'll ask some questions about moving forward with this Addendum, in terms of public comment meetings and timeline as Kirby had outlined, Ritchie.

MR. WHITE: I would just like to comment on Terry's and the Council's proposal. I think our public input process is thorough and extensive. We certainly don't exclude anyone or any entity, and I think the Council also provides us

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input through Terry at this table, as well as my representation at the Commission on the Advisory Panel. I guess I don't see the need for a separate public forum with the Council, where the Council is more than welcome to attend the various public meetings that we have. I guess that would be my take.

CHAIRMAN O'KEEFE: I am going to ask what states want to hold public meetings on this Addendum, and of those states that want to hold meetings if you require assistance from ASMFC staff. You don't have to answer today, you can think about it a little bit, but that is a question that Kirby will need to know, and Toni will need to know in terms of scheduling. Do any of the states know now that they want to hold a public meeting on this? Maine. Okay that's good for now. The comment period will be a default of 30 days, unless we want to extend it for longer up to 60 or 90 days. Eric.

MR. ERIC REID: I respectfully disagree with Ritchie White. The New England Council is an active management partner with us in this. If they are requesting a meeting in conjunction with one of their committee meetings, I think that April Council meeting is in Mystic, Connecticut. That may not be the best place to have a public hearing, but I think we should grant the management partner their request. That is my position.

CHAIRMAN O'KEEFE: As I understood Terry's comments it is a formal request from the Council to the Commission about potentially coordinating a public meeting. Is that correct, Terry?

MR. STOCKWELL: That is correct.

CHAIRMAN O'KEEFE: Just to help answer your question, Eric, in terms of that it is a formal request.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Madam Chair, is it okay if I ask Terry a question through you?

CHAIRMAN O'KEEFE: Yes.

EXECUTIVE DIRECTOR BEAL: Terry, are there any Herring Committee meetings scheduled for the New England Council prior to the April Council meeting?

MR. STOCKWELL: Stand by a minute, Bob; I'll look it up for you.

CHAIRMAN O'KEEFE: Yes there is a Herring Advisory Panel Committee meeting on March 3rd. No further comments on the Addendum we'll move forward. We're going to talk about, right?

MR. RAYMOND W. KANE: Taking this up at the AP Committee meeting on March 3rd, what is the timeline? Are we going to be able to get this out for this coming fishing season?

CHAIRMAN O'KEEFE: To Kirby.

MR. ROOTES-MURDY: As I mentioned before, if the Board approves this at the May meeting it would be for an implementation immediately, so the Board could use these options for the 2020 fishing season.

**SETTING THE SUB-ANNUAL CATCH LIMIT
SPECIFICATIONS FOR THE 2020 FISHING YEAR**

CHAIRMAN O'KEEFE: We're moving on to take action on Setting the Sub-Annual Catch Limit Specifications for the 2020 Fishing Year. I think Kirby is going to give us some background information on this, and then we'll have a motion on whether or not to approve the Sub-ACL specifications.

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MR. ROOTES-MURDY: I've got just a brief presentation. The first slide should look pretty familiar to you guys. I presented this back in October. The Council approved Framework 6 in June; it contains 2019 through 2021 specifications and a newer fishing definition consistent with the 2018 benchmark stock assessment. Last week NOAA released the Proposed Rule that is out for public comment now, and it contains those new specifications. Just a reminder, the Proposed Rule includes a lower catch limit for the Area 1A Sub-ACL. For 2020 and 2021, 3,344 metric tons, and that is based on the Control Rule proposed in Amendment 8. In terms of how this plays out for 2020, it is about a 23 percent decrease in the Sub-ACL from 2019. Up on the screen I've got here the 2020 and 2021 specifications.

As you can see there are two different overfishing limits in 2020 and 2021, after that though the ABC down is consistent for both years. The ABC is set that is the Acceptable Biological Catch at 16,131 metric tons. The ACL with the management uncertainty buffer removed is 11,571 metric tons, and then specific for Area 1A the Sub-ACL is 28.9 percent of that at 3,344 metric tons.

It is important to note some of the other things, in terms of the fixed gear set-aside set at 30 metric tons, and the research set-aside is up to 3 percent of each Sub-ACL. Today for the Board's consideration is to approve the 2020, 2021 specifications as recommended by the Council, and outlined in the Proposed Rule by NOAA Fisheries. I will take any questions.

CHAIRMAN O'KEEFE: Are there any questions for Kirby on his presentation? Okay we will be looking for a motion. Megan Ware.

MS. WARE: I will make the motion. I think staff has this. Move to approve the following Atlantic Herring Specifications for 2020, as recommended by the New England Fishery

Management Council, contingent on the Final Rule being published by NOAA Fisheries. The ACL 11,571 metric tons, Domestic Annual Harvest 11,571 metric tons, Border Transfer 100 metric tons, Area 1A Sub-ACL 3,344 metric tons, Area 1B Sub-ACL 498 metric tons, Area 2 Sub-ACL 3,217 metric tons, Area 3 Sub-ACL 4,513 metric tons, and Fixed Gear Set-Aside 30 metric tons.

CHAIRMAN O'KEEFE: Seconded by Ray Kane. Is there any discussion on the motion, any objections to the motion, Ritchie, question?

MR. WHITE: Was the intent of this '20 and '21, or just '20?

CHAIRMAN O'KEEFE: Maker of the motion, Megan.

MS. WARE: I'm just making the motion for 2020. There is a stock assessment ongoing right now for herring, and the Council will be looking at 2021 specifications this fall. At this point I was just approving 2020.

CHAIRMAN O'KEEFE: Are there any other questions or discussion, any objections? Is there any public comment on this motion? Okay, with no objection that motion passes by consensus.

ELECTION OF VICE-CHAIR

Okay, on to our final agenda item. We will need to elect a Vice-Chair of this Board. I would be looking for any motion to nominate a member to be Vice-Chair. Ritchie White.

MR. WHITE: It is my great honor to recommend, and pleasure, thank you Dennis, to recommend Cheri Patterson.

CHAIRMAN O'KEEFE: A nomination for Cheri Patterson as the Vice-Chair, seconded by Ray Kane. Are there any questions or discussion on this motion, any objections? Great, this

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motion passes by consensus. Congratulations,
Cheri!

ADJOURNMENT

CHAIRMAN O'KEEFE: Is there any other
business for the Atlantic Herring Board today?
Well with that I will thank you very much for
being patient with my first time, and I would
take a motion to adjourn. Cheri and we are
adjourned. Thank you.

(Whereupon the meeting adjourned at
10:05 a.m. on February 4, 2020)

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Atlantic States Marine Fisheries Commission

DRAFT ADDENDUM III TO THE INTERSTATE FISHERY MANAGEMENT PLAN FOR ATLANTIC HERRING FOR BOARD REVIEW

Proposed Revisions to Days Out Program and Quota Management



February 2020



Sustainable and Cooperative Management of Atlantic Coastal Fisheries

Draft Addendum For Board Review

In February 2020, the Atlantic States Marine Fisheries Commission's (Commission) Atlantic Herring Management Board initiated the development of an addendum to Amendment 3 of the Interstate Fishery Management Plan (FMP) to provide more tools for managing the Area 1A (inshore Gulf of Maine) fishery under low quotas. This Draft Addendum presents background on the Commission's management of Atlantic herring, the addendum process and timeline, and a statement of the problem.

Commission's Process and Timeline

October 2019	Atlantic Herring Board Tasks Staff to Develop Draft Addendum III
November 2019 – January 2020	Staff Develops Draft Addendum III for Public Comment
February 2020	Atlantic Herring Board Reviews Draft Addendum III and Considers Its Approval for Public Comment
February– March 2020	Board Solicits Public Comment and States Conduct Public Hearings
May 2020	Board Reviews Public Comment, Selects Management Options and Considers Final Approval of Addendum III
TBD	Provisions of Addendum III are Implemented

Draft Addendum III for Board Review

1. INTRODUCTION

The Atlantic States Marine Fisheries Commission (ASMFC) is responsible for managing Atlantic herring (*Clupea harengus*), under the authority of the Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA). The U.S. Atlantic herring fishery is currently managed as a single stock through complementary fishery management plans (FMPs) by ASMFC and the New England Fishery Management Council (NEFMC). ASMFC has coordinated interstate management of Atlantic herring in state waters (0-3 miles) since 1993. Management authority in the exclusive economic zone (EEZ, 3-200 miles from shore) lies with the NEFMC and NOAA Fisheries.

The stockwide annual catch limit (ACL) is divided amongst four distinct management areas: inshore Gulf of Maine (Area 1A), offshore Gulf of Maine (Area 1B), Southern New England/Mid-Atlantic (Area 2), and Georges Bank (Area 3). The Area 1A fishery is managed by ASMFC's Atlantic Herring Management Board (Board), which includes representatives from Maine to New Jersey and federal partners.

At its 2019 Annual meeting, the Board approved the following motion:

“Move to initiate an addendum to expand the quota period options in Amendment 3 by adding options which address challenges experienced in low quota scenarios (frequent starting and stopping of fishing days, small amounts of quota left at the end of the year). The addendum should include, but does not have to be limited to, an option which allocates 100% of the Area 1A quota to the months of June-December. The addendum should also consider expanding the Small Mesh Bottom Trawl Fleet Days Out provision to all Category C and D permits.”

This draft document proposes new quota management options and the expansion of permit provisions as part of the days out program to maximize landings value and provide greater flexibility in managing the herring fishery under low quota scenarios.

2. OVERVIEW

2.1 Statement of the Problem

Historically, the sub-ACL in Area 1A has been divided seasonally, as well as by trimesters, to meet the needs of the high volume herring fishery and the bait market. In recent years, the Board has implemented measures to distribute the quota throughout the entirety of Trimester 2 (June through September) using a combination of management tools including the days out program. For the 2019 fishing year, the sub-ACL was significantly reduced in light of lower recruitment and estimated population size as indicated in the 2018 benchmark stock assessment (NEFMC 2018). In response, the Board chose a bi-monthly quota allocation in combination with days out measures to better manage fishing effort under the extremely low quota.

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However, the chosen combination of effort controls and quota allocation in 2019 resulted in short and infrequent windows of harvesting opportunity. Additionally, while the bi-monthly quota allocation extended the fishing season, the allocation left very little quota available towards the end of the fishing year making fishing trips less economical. Accessing herring later in the season in Area 1A can be challenging as there are numerous spawning closures that inhibit access during late summer and fall, and catch rates have dropped in recent years as fish seem to be migrating farther offshore and out of Area 1A.

The sub-ACL for 2020 will be lower than 2019 and the sub-ACL in future years is anticipated to remain lower than historical quota levels given recent poor recruitment. To avoid continual closures and manage landings more efficiently under low quota scenarios, new allocations and management tools are needed. The days out program is used to meet the needs of the herring fishery as well as bait market demand; however, under the anticipated low quotas in the near term, additional flexibility is needed to enable efficient use of the herring resource in Area 1A to minimize economic impacts on the herring fishery overall.

2.2 Background

2.2.1 Area 1A Effort Controls

The Area 1A Atlantic herring fishery has been primarily managed using effort controls such as days out measures since 1999 via Amendment 1. The days out measures establish fixed days out of the fishery to manage the rate of harvest; the term ‘day out’ was in reference to days when a vessel could not fish for or land herring. Since Amendment 1, the days out measures and allocation of quota have been adjusted through a number of addenda and amendments, with the current quota allocations outlined in Amendment 3 (2016; revised 2018) and current days out measures outlined in Addendum I to Amendment 3 (2017).

Effort controls are applied to vessels fishing in Area 1A by permit category. The majority of vessels that fish and land Atlantic herring from Area 1A are federally-permitted because the fishery occurs in both state and federal waters. Vessels fishing in Area 1A are primarily composed of three federal permit categories: 1) limited access permit for all management areas (Category A); 2) limited access incidental catch permit for 25 mt per trip (Category C); 3) an open access incidental catch permit for 3 mt per trip (Category D). Under Addendum I, different landing restrictions can be placed on those permit holders depending on the permit category. The following annual process occurs for setting harvest specifications:

- Each year, the Board decides how to allocate the Area 1A sub-ACL at the ASMFC Annual Meeting for the upcoming fishing year. Tables 1 and 2 outline the seasonal, trimester, and bimonthly quota allocation options. From 2009-2018, the Board split the Area 1A sub-ACL into trimesters. During this time the majority (72.8%) of the Area 1A sub-ACL has been allocated during the months of June through September (Trimester 2). These months largely overlap with the peak season for lobster landings, where herring is a widely used bait type.

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Table 1. Bimonthly quota percent allocations from Amendment 3. Percentages were calculated using vessel trip reports from 2000-2007

Bi-Monthly Quotas								
January – December			No Landings Prior to June 1 (with June as a one-month period)			No Landings Prior to June 1 (with December as a one-month period)		
Period	Months	%	Period	Months	%	Period	Months	%
1	Jan/Feb	1.5%	1	June	16.4%	1	June/July	36.8%
2	Mar/Apr	2.3%	2	July/Aug	40.1%	2	Aug/Sep	36.0%
3	May/June	24.0%	3	Sep/Oct	34.0%	3	Oct/Nov	27.1%
4	July/Aug	34.6%	4	Nov/Dec	9.5%	4	Dec	0.2%
5	Sep/Oct	29.4%						
6	Nov/Dec	8.2%						

Table 2. Trimester and seasonal quota percent allocations from Amendment 3. Percentages were calculated using vessel trip reports from 2000-2007

Trimesters			Seasonal Quotas					
January – December			January - December			No Landings Prior to June 1		
Trimester	Months	%	Season	Months	%	Season	Season	%
1	Jan - May	13.7%	1	Jan - Sep	76.5%	1	Jun - Sep	72.8%
2	Jun - Sept	62.8%	2	Oct - Dec	23.5%	2	Oct - Dec	27.2%
3	Oct - Dec	23.5%						

- Once the quota allocation has been established, the states of Maine, New Hampshire, and Massachusetts set the days out measures prior to the start of the fishing year. The following restrictions can be applied by permit category¹:
 - Category A permits can be subject to landing days, weekly landings limits, and requirements specific to classifying carrier vessels. All three of these provisions can be applied from June 1-September 30; from October 1-December 31, only landings days can be specified by the states.
 - For Category C and D permits, landing day restrictions can be applied only from June 1-September 30².
- Once 92% of the sub-ACL is projected to be harvested, the fishery moves to zero landing days. Once NOAA Fisheries determines that 95% of the stock-wide ACL is projected to

¹ The states are able to apply more restrictive measures by federal permit category as part of state permit requirements.

² Landing day restrictions can only be applied to Category C and D permits through the Small Mesh Bottom Trawl Fleet Days Out Program in Addendum I to Amendment 3 if the vessel meets the following criteria: 1) hold a Category C Limited Access or Category D Open Access Permit and 2) use small mesh bottom trawl gear to harvest herring. To opt into this program, eligible harvesters must submit a small mesh bottom trawl gear declaration to notify the states of their intent to fish in Area 1A by June 1.

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be harvested, the fishery closes. In both scenarios, a 2,000 pound bycatch allowance will continue when the directed fishery is closed.

Throughout the fishing season, managers make changes in-season to increase or decrease the landing days based on the amount of seasonal quota available. Table 3 shows the landing days and weekly landing limits implemented during Trimester 2 of the Area 1A fishery in recent years. In 2017 and 2018, landing days and the weekly landing limit increased throughout the trimester to maximize harvest opportunities to meet bait demand with the fishery open from June 1-September 30 with no closure. These management changes were made in response to landings being much lower than the quota period allocation during the beginning of the fishing season (Figure 1). In 2019, the fishery did not begin until July 15, moved to zero landing days from August 18-September 1, and landing restrictions were maintained throughout the allocation periods to restrict fishing effort under the low quota. Under the lower quota level in 2019, landings tracked much closer with the quota period allocation throughout the entire fishing season (Figure 1), which was primarily a result of the significantly reduced quota (Figure 2).

Table 3. Landing days and weekly landings limits for Atlantic herring in Trimester 2 (2017-2019)

Year	Trimester 2 (Jun - Sept)	Landing Days	Category A Permit Weekly Landing Limits (lbs)	Comments
2017	June 1 - July 1	3	400,000	first season under Addendum I to Amendment 3; 4 in-season changes
2017	July 2 - 29 (<i>reactionary</i>)	4	600,000	
2017	July 30 - Sept 16 (<i>reactionary</i>)	5	680,000	
2017	Sept 17 - 30 (<i>reactionary</i>)	7	1,000,000	
2018	June 1 - July 21	4	480,000	Sub-ACL adjusted mid-season
2018	July 22-Sept 30 (<i>reactionary</i>)	5	640,000	
2019*	July 15- August 17	4	160,000	Bimonthly Quota Periods used
2019*^	August 18 – 31	0	0	
2019*	Sept 1-15	4	160,000	

*Bi-monthly quota periods were implemented for 2019

^Fishery moved to zero landing days on August 18

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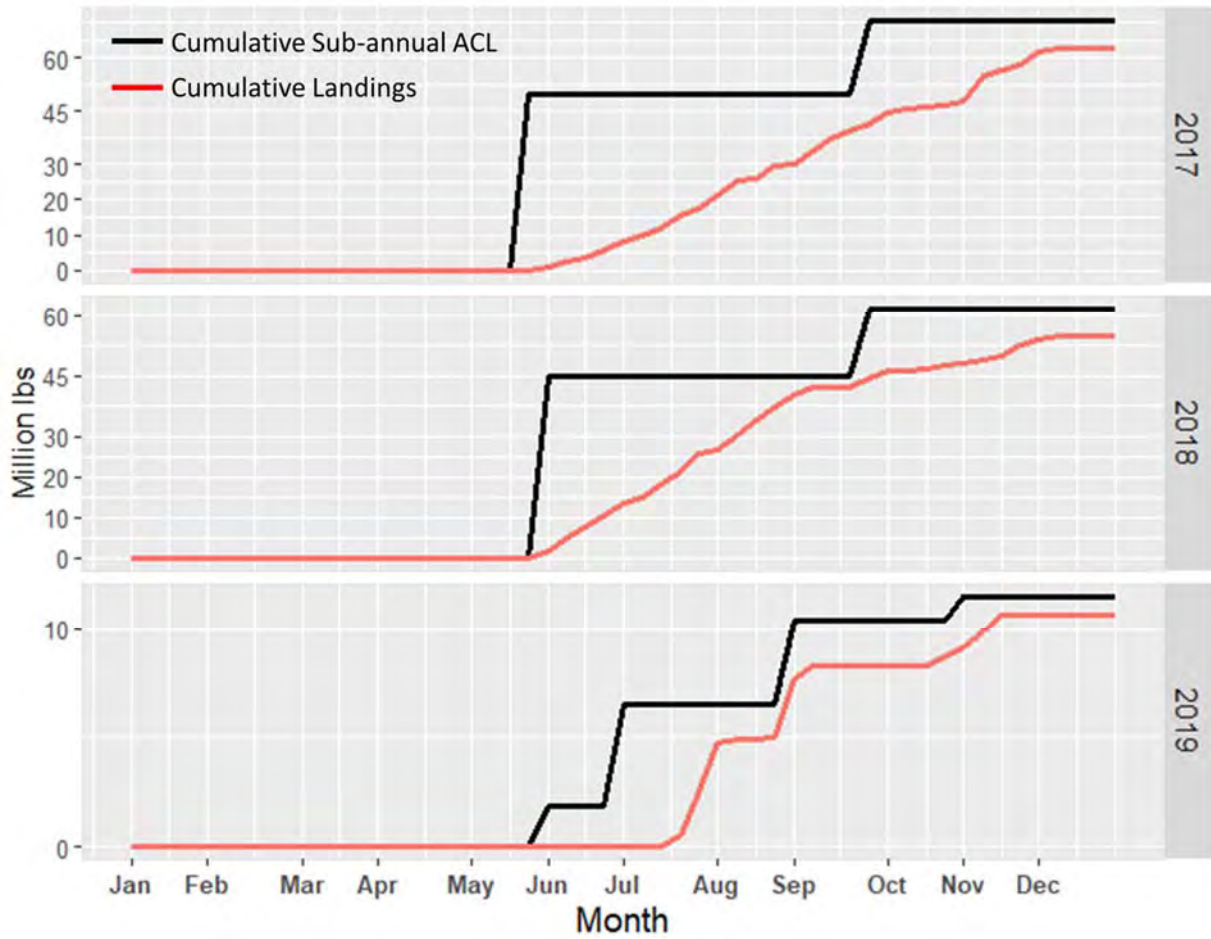


Figure 1. Atlantic herring landings relative to quota by month (2017-2019)

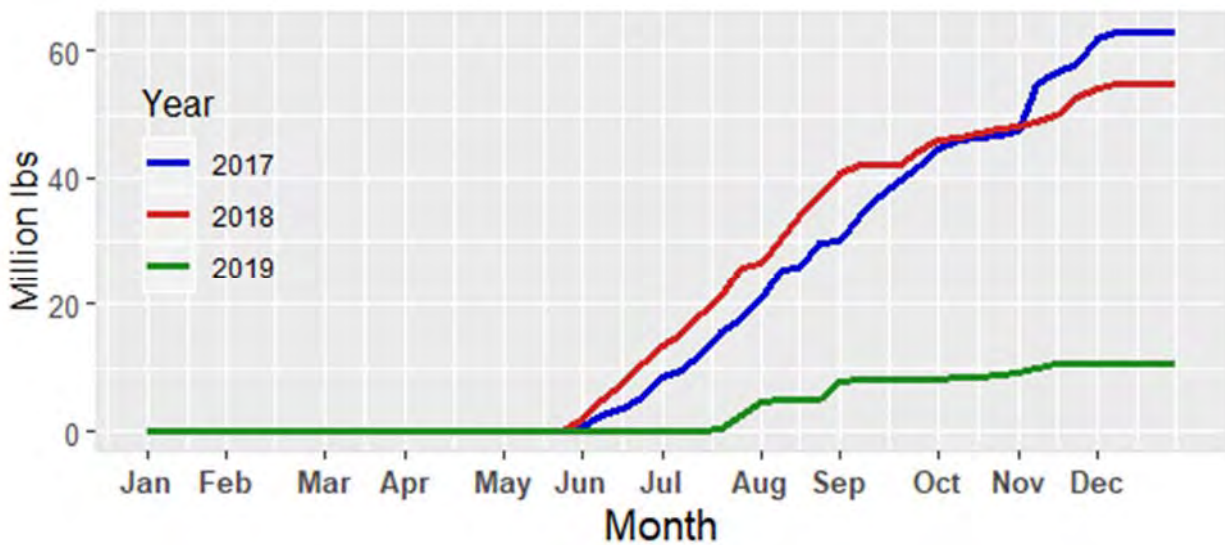


Figure 2. Atlantic herring landings by month (2017-2019)

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2.2.2 Federal Permit Information

Limited entry was implemented via Amendment 1 to the Federal Atlantic Herring FMP for the directed Atlantic herring fishery. As mentioned previously, three permit categories (A, C, and D) make up the majority of landings in Area 1A. There is an additional limited access permit (Category B) and one open access permit (Category E) (Table 4). The vessels that have not been issued a limited access herring permit, but have been issued a limited access mackerel permit, are eligible for a Category E permit. Not all vessels with herring permits are active in the herring fishery. Table 5 summarizes the number of vessels in each permit category with the percentage of vessels active within that category is presented in parentheses. For example, there were 50-60 vessels with Category A permits from 2014-2018, but only 50-60% of those were active (landed at least one pound of Atlantic herring). Although there have been far fewer active limited access versus open access vessels, the limited access vessels (Category A, B, and C permits) account for over 98% of annual Atlantic herring landings for 2014-2018 (Table 6).

Table 4. Atlantic herring federal permit categories

	Category	Description
Limited Access	A	Limited access in all management areas.
	B	Limited access in Areas 2 and 3 only.
	C	Limited access in all management areas, with a 25 mt (55,000 lb) Atlantic herring catch limit per trip and one landing per calendar day.
Open Access	D	Open access in all management areas, with a 3 mt (6,600 lb) Atlantic herring catch limit per trip and one landing per calendar day.
	E	Open access in Areas 2 and 3 only, with a 9 mt (20,000 lb) Atlantic herring catch limit per trip and landing per calendar day.

Table 5. Fishing vessels with Atlantic herring federal permits

		Permit Year (May-April)				
Permit Category		2014	2015	2016	2017	2018
Limited Access	A	40 (62.5%)	42 (50%)	39 (56.4%)	39 (56.4%)	38 (57.9%)
	BC	4*	4*	4*	4 (75%)	3*
	C	42 (23.8%)	41 (26.8%)	41 (24.4%)	41 (34.1%)	41 (26.8%)
Open Access	D	1838 (3.6%)	1762 (3.4%)	1776 (2.9%)	1759 (3.2%)	1747 (2.7%)
	DE	52 (9.6%)	54 (5.6%)	53 (5.7%)	54 (7.4%)	49*
	E	1*	1*	1*	1*	1*
Total		1977 (5.5%)	1904 (5.1%)	1914 (4.6%)	1898 (5.3%)	1879 (4.5%)

Source: GARFO Permit database and DMIS as of December 2019. () = Percent of vessels in the category that are active.

*Confidential vessel activity data

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Table 6. Atlantic herring landings by federal permit category, permit year 2014-2018

Permit Group	Landings (mt)	% of total landings
A and BC	54,918.9	98.69%
C	681.5	1.22%
D, DE, and E	49.0	0.09%
No Federal Herring Permit	0.2	0.00%

Source: GARFO DMIS and Permits database as of 2019-12-09. *Includes RSA trips

2.2.3 Menhaden Fishery & Bait Demand

Recent quota reductions for Atlantic herring have increased the importance of other sources of bait for the American lobster fishery in the Gulf of Maine (GOM). Concurrently, harvest of menhaden in the GOM has increased (Figure 3). This increase has helped supplement the shortage left by the reduced Atlantic herring quota during summer months. **Please note:** the reduction in herring landings from 2018 to 2019 is significantly more than the increase in menhaden landings. As a result, the increase in menhaden landings is unlikely to fully offset the loss in available herring quota.

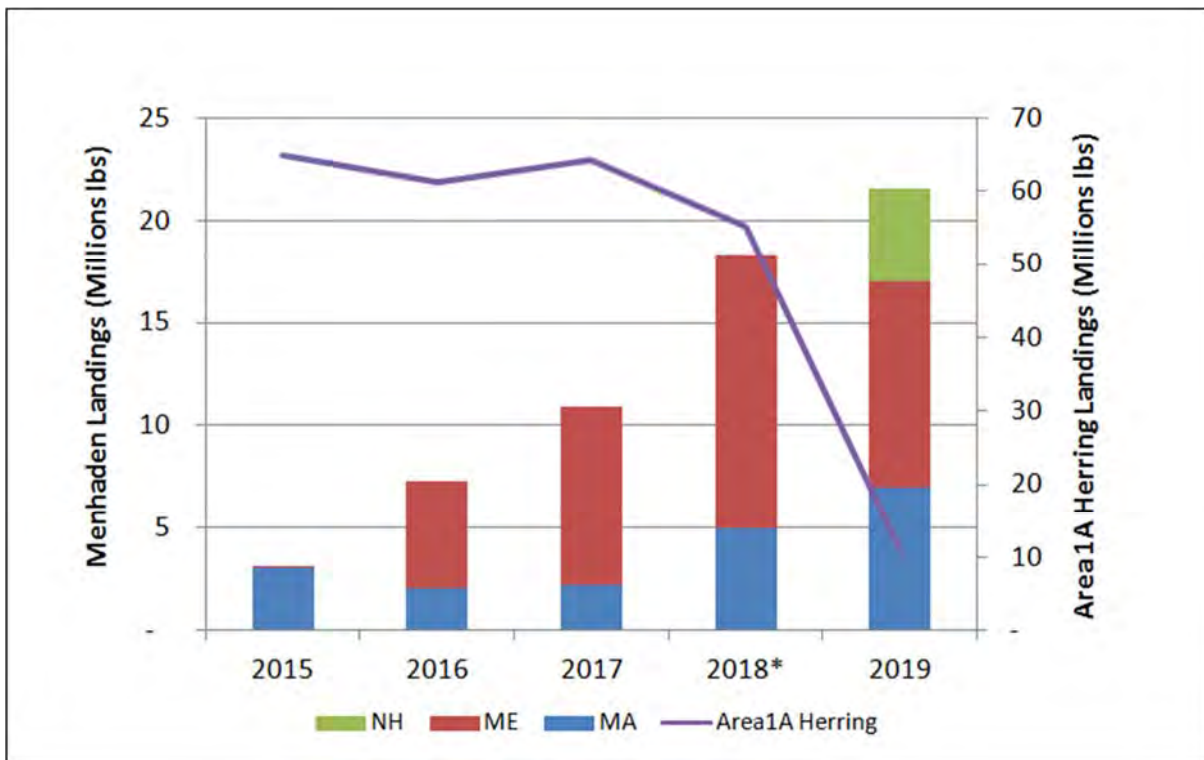


Figure 3. Annual menhaden landings by state and Area 1A herring landings

Source: ACCSP Data Warehouse and NOAA VTR Data

NOTE: 2019 data is preliminary and values are subject to change. Confidential data is omitted for some 2018 landings

The efficiency of harvesting, storing, and maintaining availability of lobster bait to GOM lobster harvesters has been discussed by managers in recent years. One such discussion for the 2019

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fishing season included managing the timing of the Area 1A herring landings such that they did not directly overlap with large volumes of menhaden landings. Annual menhaden abundance in the GOM (the northern range of the species) is not guaranteed, and a prolonged season cannot be presumed. However, if high catches of menhaden continue, utilizing the flexibility of the Atlantic herring FMP could ensure high volumes of herring and menhaden are not being landed simultaneously.

Since 2017, menhaden landings in the GOM primarily occur in summer months (June, July, and August) (Figure 4), with the majority of landings occurring in July.

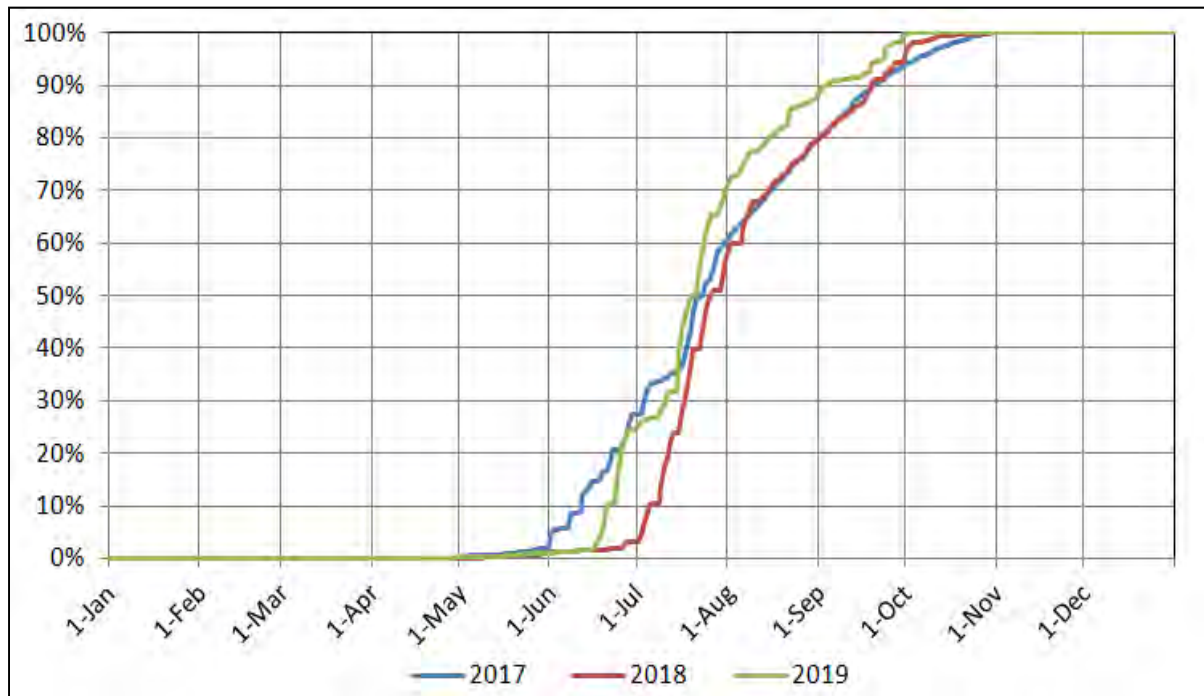


Figure 4. Cumulative Landings of Menhaden over fishing season 2017-2019

Source: ACCSP Data Warehouse, SAFIS and NOAA VTR

Aggregated landings during summer months, when herring are also available for harvest in Area 1A, show the third week of July as the most common week where landings greatly increase. If managers favor delaying the beginning of the Area 1A herring season, the in-season availability and catch rates of menhaden should be considered. If the GOM menhaden fishery continues to be productive and lucrative, maintaining an offset from the herring fishery could help mitigate a shortage in available lobster bait while providing increased fishing opportunity for vessels that target both species.

3. PROPOSED MANAGEMENT PROGRAM

This draft addendum considers modifying the current quota allocations as outlined in *Section 4.2.3.2: Quota Periods* of Amendment 3 and quota management measures outlined in *Sections 3.1 and 3.2* of Addendum I to add additional tools to the suite of options the Board can adopt.

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3.1 Quota Management Options

For all proposed quota allocation options, similar to current management, the fishery will close when 92% of the quota has been projected to be harvested. Additionally, under low quota scenarios, the 1,000 mt transfer from the management uncertainty buffer to the Area 1A sub-ACL³ may not be accessed in some years depending on how quickly the quota is caught and the percent of the sub-ACL remaining. **Please note:** Options 2 and 3 can both be selected for approval with this addendum. If the Board selects either both or only one of these two options, the option(s) will be added to the suite of quota allocation options the Board may annually choose from in setting fishery specifications.

Option 1: Status Quo

Under this option, the quota allocation options as outlined in Section 4.2.3.2 of Amendment 3 would remain unchanged. The Board may annually choose from the quota allocation options outlined in Amendment 3 when setting fishery specifications for the upcoming fishing season including the following:

- Bi-monthly periods
- Trimesters
- Season

In addition to having flexibility to choose between bi-monthly, trimester, or seasonal quotas, quota from the January 1 – May 31 period may be allocated to later in the fishing season in response to conditions in the fishery. The January 1 – May 31 period quota may be distributed to each remaining period proportional to the quota share of the remaining periods. If the bi-monthly periods with no landings before June 1 option is selected, the Board has the option to count June or December as their own periods. See Tables 1 and 2 for specific allocations. Allocations in Tables 1 and 2 were derived from Vessel Trip Reports from 2000-2007 and represent historical fishing effort that was driven by market demand for herring. These allocation percentages are fixed and can only be changed through a subsequent addendum or amendment.

Option 2: Alternate Seasonal Quota Allocation: 0% allocated from January-May, 100% allocated from June 1-December 31

Under this option, if the Board moves to allocate 0% of the quota prior to June 1, the Board may choose to allocate 100% of the Area 1A sub-ACL starting June 1 through December 31. This option is intended to give managers the ability to allocate all of Area 1A quota at once. If the desire is to harvest herring as quickly as possible to maximize efficiency and reduce costs associated with extending the fishing season, this alternative would provide the most flexibility to do that. **Please note:** Under this allocation in low quota years, certain gear types may not have access to the resource later on in the fishing season. For example mid-water trawl vessels

³ If the Canada New Brunswick weir fishery catch through October 1 is less than 4,000 mt, then a 1,000 mt will be subtracted from the management uncertainty buffer and added to the ACL and Area 1A sub-ACL. This determination is made by NOAA annually in late October or November.

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are prohibited from fishing prior to October 1, depending on the days out measures implemented, these vessels may not have access to the resource if the quota is caught before October 1.

Seasons are established as follows:

Season 1: January 1-May 31, 0%

Season 2: June 1-December 31, 100%

Option 3: Alternate Trimester Split

This option puts forward an alternate timeframe for trimester management that considers the need for access by various gear types throughout the year. Under this option, harvest of Atlantic herring can be concentrated during the peak availability of the resource during the fishing season, matching well with bait demand prior to the onset of spawning closures. Unused quota can be rolled into a subsequent trimester in the same year.

Trimesters are established as follows:

Trimester 1: January 1 – May 31; 0%

Trimester 2: June 1 – August 31; 80%

Trimester 3: September 1 – December 31; 20%

3.2 Days Out of the Fishery Permit Provisions

Option 1: Status Quo

Under this option, the permit provisions outlined in *Sections 3.1 and 3.2* of Addendum 1 would remain unchanged. Category A permits can be subject to both landing day restrictions and weekly landing limits during June 1-September 30. Category C and D permits can only be subject to landing day restrictions from June 1-September 30 through the Small Mesh Bottom Trawl Program. Board members from Maine, New Hampshire and Massachusetts will agree upon the days out provisions by permit category based on the number of participants in the fishery and the quota prior to the start of the fishing season.

Option 2: Days Out of the Fishery for Vessels with a Category A or C Limited Access Herring Permit

Under this option, vessels with a Category C permit can be subject to the same days out measures (landing days and weekly landing limits) that currently apply to Category A permits. A Category C permitted vessel would not be required to declare into the small mesh bottom trawl program for these landings restrictions to apply. This option is intended to implement the same days out measures for 99.9% of vessels responsible for herring landings in recent years (Table 6). If approved, Board members from Maine, New Hampshire and Massachusetts would specify the same landing restrictions for Category A and C permitted vessels during the days out specification process. **Please note:** Category C and D permitted vessels which also use small mesh bottom trawl gear could still be subject to landing day restrictions under the small mesh bottom trawl program.

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If approved, *Section 4.2.4.2, Days Out*, in the Atlantic Herring FMP will be replaced with the following:

Days Out of the Fishery for Vessels with a Category A or C Limited Access Herring Permit

Vessels with a Category A or C Limited Access Permit are prohibited from landing or possessing herring caught from Area 1A during a day out of the fishery. Vessels with a Category A or C Limited Access Permit may land once per calendar day on any day that is open to landing (i.e., not a 'day out').

Landing of herring taken from management areas outside of Area 1A will be allowed during days out. During a day out, vessels with a Category A or C Limited Access Permit participating in other fisheries or fishing in an area closed to the directed herring fishery, may land an incidental catch of herring that does not exceed 2,000 pounds per trip. Category A or C vessels transiting a closed area with more than 2,000 pounds of legally caught herring on board must have all seine and trawl gear stowed.

Vessels with a Category D Open Access Herring Permit may land on a day designated as a day out of the fishery, unless restricted by the measures in the '*Small Mesh Bottom Trawl Fleet Days Out*' section. Vessels with a Category C Limited Access Herring Permit who meet the eligibility defined under the '*Small Mesh Bottom Trawl Fleet Days Out*' section are exempt from the measures of this revised Section 4.2.4.2 and restricted to the measures of the '*Small Mesh Bottom Trawl Days Out*' section. In addition, fixed gear fishermen may remove and land herring from the gear (weirs and stop seines) on the days designated as a day out of the fishery.

3.3 Weekly Landing Limit Per Vessel

Option 1: Status Quo

Under this option, weekly landing limits (which currently apply to only Category A permits for June 1-September 30) outlined in *Section 3.5* of Addendum 1 would remain unchanged. Board members from Maine, New Hampshire and Massachusetts will agree upon the weekly landing limit for Category A permitted vessels based on the number of participants in the fishery and the quota prior to the start of the fishing season.

Option 2: Status Quo with No Category A Permit Declaration

Under this option, weekly landing limits (which currently apply to only Category A permits for June 1-September 30) outlined in *Section 3.5* of Addendum 1 would remain unchanged with the exception of the removal of the notification 45 days prior to the start of the fishing season. This option is intended to eliminate an administrative process that has not aided in developing estimates of fishing effort for the upcoming fishing season. Moving forward, estimates of potential participants in the Area 1A fishery will be based on participation and landings from the most recent fishing seasons. During the fishing season, states will continue to agree on changes to the weekly landing limit, as necessary. ASMFC will publish the initial weekly landing limit and adjustments thereafter.

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Option 3: Weekly Harvester Landing Limit for all Vessels throughout all quota periods

Under this option, all vessel permit categories that land herring caught in Area 1A can be subject to a weekly harvester landing limit (pounds). The weekly landing limits may be specified through the entirety of all quota allocation periods (i.e. bimonthly, trimester, seasonal). Vessels landing in Maine, New Hampshire, and Massachusetts are subject to the same weekly landing limit, regardless of port state. Similar to option 2 under Section 3.2, this option is intended to implement the same days out measures for 99.9% of vessels responsible for herring landings in recent years (table 5) and not be restricted to certain times of the year. Additionally, under this option there would be no notification requirement, including the notification 45 days prior to the start of the fishing season for Category A permits, with the exception of requirements outlined under the *Small Mesh Bottom Trawl Fleet Days Out* provision.

4. COMPLIANCE SCHEDULE

If the existing Atlantic herring management plan is revised by approval of this draft addendum, the measures would be effective immediately.

5. LITERATURE CITED

Atlantic States Marine Fisheries Commission (ASMFC). Revised 2018. Amendment 3 to the Interstate Fishery Management Plan for Atlantic Herring. 105p.

Atlantic States Marine Fisheries Commission (ASMFC). 2017. Addendum 1 to Amendment 3 to the Interstate Fishery Management Plan for Atlantic Herring. 19p.

Northeast Fisheries Science Center. 2018. 65th Northeast Regional Stock Assessment Workshop (65th SAW) Assessment Summary Report. Northeast Fisheries Science Center Reference Document 18-08.



Atlantic States Marine Fisheries Commission

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MEMORANDUM

TO: Atlantic Herring Management Board
FROM: Kirby Rootes-Murdy, Senior FMP Coordinator
DATE: April 9, 2020
SUBJECT: Public Comment on Atlantic Herring Draft Addendum III

The following pages represent a summary of all comments received by ASMFC on Atlantic Herring Draft Addendum III as of 5:00 PM (EST) on March 25, 2020 (closing deadline).

A total of 15 comments were received on Draft Addendum III from individuals and organizations. A total of 5 organizations submitted comments on Draft Addendum III. The remaining 10 comments came from individual stakeholders, including commercial fishermen and concerned citizens.

Four public hearings were held in three jurisdictions, and one additional public hearing was conducted by webinar during which no public comment was offered. 20 individuals are estimated to have attended the hearings.

The following tables (pages 2-4) are provided to give the Board an overview of the support for specific options and issues contained in the Draft Addendum. Summaries of the public hearings can be found next and are ordered from North to South. This is then followed by letters sent by organizations and emails received from both organizations and individuals.

M20-40

1

Public Comment Summary Tables

3.1: Quota Management Options			
	Option 1	Option 2	Option 3
	Status Quo	Alternate Season 100% from June 1-December 31	Alternate Trimester Trimester #2 June 1-Aug 31: 80%; Trimester #3 Sept 1-Dec 31: 20%
Individual	1		1
Organization	2	1	
Hearings			
ME			
NH		1*	1*
MA	2		
NEFMC	3	1	
Webinar			
TOTAL	8	3	2

*indicated support for options 2 and 3

Additional Comments:

- A number of organizations (NOAA, Lund’s, and Massachusetts Lobstermen’s Association) expressed concern about the potential that options 2 and 3 could exclude certain gear types and stakeholders from accessing the resource in Area 1A later in the season depending on how the days out measures are specified.
- Two organizations and one individual expressed their strong support for the Board approved quota allocation for the 2020 fishing season established in October 2019; 72.8% allocated from June through September and 27.2% allocated from October through December.

3.2 Days Out of the Fishery Permit Provisions		
	Option 1	Option 2
	Status Quo	Days Out of the Fishery for Vessels with a Category A or C Limit Access Permit
Individual	1	1
Organization	2	1
Hearings		
ME		
NH		1
MA		1
NEFMC		2
Webinar		
TOTAL	3	6

Additional Comments:

- One organization (New England Purse Seine Alliance; NEPSA) indicated their general support for bringing all Category C permits into the days out program without specifying a preference for either option. Reasons cited included the current quotas and the need to have days out measures apply to all permit categories fishing in Area 1A for equitability.
- A number of organizations (NEPSA, Lund’s, and Prowler Fisheries Inc.) indicated their support to establish days out measures that are variable by permit category. All three indicated the need to consider the differences in federal trip limit requirements for Category A and C permits and that days out measures should be crafted specific to each permit to maintain their distinction.

3.3 Weekly Landing Limit Per Vessel			
	Option 1	Option 2	Option 3
	Status Quo	Status Quo w/ No Category A Permit Declaration	Weekly Harvester Landing Limit for all Vessels throughout quota periods
Individual	1	1	
Organization	2		1
Hearings			
ME			
NH			1
MA		2	
NEFMC			
Webinar			
TOTAL	3	3	2

Additional Comments:

One organization (NEPSA) indicated their general support for subjecting Category C permits to a weekly landing limit without specifying a preference for any option.

Additional General Comments:

- NMFS urges the Commission to consider management measures that are consistent with the Federal fishery management plan to avoid potentially adverse impacts to Federal permit holders.
- A number of organizations and one individual highlighted that the Commission currently has enough management tools to effectively manage the Atlantic Herring Fishery in Area 1A and therefore the options in the addendum are not needed.
- Four individuals commented on the need to close the fishery. They cited the importance of herring as a forage species; the declining abundance of the resource over time; and the need to allow herring the opportunity to spawn before fishing occurs. As forage species, a number of the comments linked recent declines in the abundance of Atlantic striped bass and bluefish as indicative of the need to restore the herring population. Specific to spawning, a number of individuals noted the importance of trying to allow spawning to occur prior to harvest and that the Commission should consider the economic and environmental benefits of reducing the harvest of herring to improve spawning opportunities. These comments were not specific to any of the issue items or options in the draft document.

Atlantic Herring Draft Addendum III Public Hearing

Augusta, Maine

March 9, 2020

1 Participant

Additional Staff: Melissa Smith (ME DMR), Megan Ware (ME DMR)

Comment on Draft Addendum:

- One individual supported options which control landings. He expressed concern about options which focus harvest on pre-spawn and spawning fish.

Additional Comments on Spawning:

- The public hearing participant expressed concern about the harvest of spawning herring and the need to protect these fish. He noted that historically, the harvest of sardines in Eastport, Maine occurred in the late fall through spring; seining would stop during spawning to protect eggs beds. Now, regulations allow for more people to harvest herring throughout the year, disrupting the spawning fish. This individual highlighted that if herring beds had continued to be protected, there would be more herring today. He also noted that herring move along the coast so fishermen in Maine as well as those south of Cape Cod may be fishing on the same biomass of herring, perpetuating a decline of the resource. This individual highlighted the need to protect spawning herring and egg beds.

Draft Addendum II Public Hearing

Portsmouth, NH

March 3, 2020

3 Participants

Staff: Kirby Rootes-Murdy (ASMFC), Renee Zobel (NH DFG/TC Chair),

Cheri Patterson (NH DFG Commissioner Proxy/Board Chair)

Issue 1: Quota Management

→ 1 in favor of option 2 and 3

- One individual spoke in favor of approving option 2 and 3 through the addendum to allow the Board more options to manage the low quota. They cited the need to let vessels go out and fish, fill up their coolers early in the season and go from there. If the 2020 allocation were to be changed for what was previously decided, the individual preferred that option 2 be implemented. They indicated that this would be the best approach given the low quota.
- One individual noted that the same management goals could be achieved from implementing either option 2 or 3.
- One individual noted concern that overharvesting in other management areas could potentially hamper or limit quota from being accessed in Area 1A.
- In discussing option 3 further one individual noted they did not believe that the current days out measures could realistically spread the quota out under the second trimester to prevent a period of closure before trimester 3 given the low quota.

Issue 2: Days Out Permit Provisions

→ 1 in favor of option 2

- One individual spoke in favor of option 2 to allow for the potential loophole to be addressed by being able to apply the same days out measures to Category C permits that have not been addressed through the small mesh bottom trawl program.

Issue 3: Weekly Landing Limit

→ 1 in favor option 3

- One individual spoke in favor option 3 because it would expand the potential tools that could be used to manage the fishery.

Additional Comments

-It was noted that there is much less available bait this year in coolers compared to 2019.

-It was noted by one individual that demand for herring will be significant in 2020 and that some vessels may not be able to compete for that resource given the cost.

Draft Addendum III Public Hearing

Gloucester, MA

March 2, 2020

3 Participants

Staff: Kirby Rootes-Murdy (ASMFC) and Brad Schondelmeier (MA DMF)

Issue 1: Quota Management

➔ **2 in favor of option 1: Status Quo; 2 opposed option 2; 3 opposed option 3**

- Two individuals, one speaking on behalf of Massachusetts Lobster Association indicated that no additional quota allocation options should be added to the Commission's Atlantic Herring FMP and that the currently available options in Amendment 3 are sufficient. Additionally one of the individuals indicated that the Board should maintain the 2020 fishing year quota allocation that was approved in October 2019; seasonal allocation with 72.8 percent available from June through September and 27.2 percent allocated from October through December. They indicated that maintaining 27.2 percent allocation starting in October is important to the fishery. Additionally, both individuals spoke against options 2 and 3, highlighting they felt that option 2 could potentially limit some gear types from participating the fishery. One individual noted that option 3 did not make sense.

Issue 2: Days Out Permit Provisions

➔ **1 in favor of option 2**

- One individual spoke in favor of Option 2 to allow Category C permit holders to be subject to the same days out measures (landing days and weekly landing limits) as Category A permit holders. The rationale for supporting this option was that all permit categories should be operating under the same rules.

Issue 3: Weekly Landing Limit

➔ **2 in favor of option 2**

- Two individuals indicated that they were in favor of option 2, status quo with removing the 45 day declaration requirement for Category A, so long as it applied to other permit categories, such as Category C and D.

Additional Comments

One individual noted concern about federal permit holders losing access to the resource based on the Commission's FMP. They indicated that Atlantic Herring is federally managed, that individuals in the fishery have abided by the federal requirements but have been losing access to fish for herring based on management decisions by the ASMFC.

Additionally, one individual indicated that even with a menhaden endorsement from Massachusetts Divisions of Marine Fisheries, they are unable to fish for menhaden due to the trip limit and the state quota. They indicated they need to contract for other boats to fish for menhaden and truck them to

Massachusetts. This item was brought up given the reduction in herring quota and need to offset fishing for herring with menhaden.

One individual indicated that the fishery decisions are being made by primarily from an administrative perspective and is not sufficiently considering the biological needs of the resource, as well the ecological dynamics (food web, predator/prey relationships, etc.)

Draft Addendum III Public Hearing

Wakefield, MA

March 3, 2020

11 Participants

Staff: Kirby Rootes-Murdy (ASMFC)

Issue 1: Quota Management

➔ **3 in favor of option 1: Status Quo and opposed options 2 and 3**

➔ **1 in favor of option 2**

- One individual representing the (Peter Kendall) New England Fishery Management Council indicated that the Council recommend that Option 3 (under Section 3.1) not be considered by the Board and that the Council is opposed to any option that excludes access to the resource by certain gear types as this is inconsistent with the Federal FMP which the Council is required to follow. Additionally, it was highlighted that reallocation shouldn't be the purpose or result of the action. The trimester allocation had been in place for many years and the proposed options change the allocation decision by potentially taking fish from one sector and giving it to another. Speaking as an individual, they also indicated concern with Option 2 as well, citing the same reasoning offered in opposition to Option 3.
- Two individuals expressed support for the NEFMC's comments and spoke against both option 2 and 3 under section 3.1 of the Draft Addendum and in favor of option 1, citing the options problematic in potentially reallocating more fish to the purse seiners. Additionally they spoke in favor of the seasonal allocation the Board approved in October 2019, specifically the 27.2 percent allocation from October 1 through December 31. One of these individuals recommended returning to trimester allocation approach.
- One individual spoke in favor of option 2 highlighting this may be a much better approach to managing a low quota compared to bi-monthly quota periods that were used in 2019.

Issue 2: Days Out Permit Provisions

➔ **2 in favor of option 2**

- Two individuals spoke in favor of Option 2 to allow Category C permit holders to be subject to the same days out measures (landing days and weekly landing limits) as Category A permit holders. The rationale for supporting this option was that as it gives the Board the ability to manage both Category types with the same measures. One of the individuals spoke to the issue posed by the possibility that Category C vessels could be able to land significantly more than Category A vessels.

Issue 3: Weekly Landing Limit

➔ **2 in favor of removing the 45 notification; 1 against option 3**

- Two individuals indicated that they were in favor of removing the 45 day declaration notice for Category A permits but they did not specify which option (2 or 3) they were in favor of.
- One individual indicated that they did not support option 3 as they did not support everyone having the same weekly landing limit as it would move away from the distinction in the permit category types.

- One individual spoke against using trucks as proxy for weekly landing limits, but indicated that all permits should be subject to the same measures- that being said, different permit categories should retain their specific trip limit requirements as those were designed based on social and economic information.

Additional Comments

- One individual asked whether the Commission has ever considered an auction approach to allocate fish during low quota scenarios, and that if not, it should.
- One individual noted concern that the Board will allocate all of the quota prior to October 1, preventing some vessels from participating in the fishery. He indicated that the Commission has enough tools in the toolbox; additional tools would exclude other gear types from access to fish. Quotas are low and no one can stand to lose any more fish. Additionally, they indicated that the Council and Commission had agreed to the allocation after October 1 through Amendment 3. Last, they questioned whether states/Commission can legally allocate fish given Atlantic Herring is also managed by the New England Fishery Management Council.
- One individual indicated that the days out measures are a headache. While it might be worse if the days out program was done away with, it is a challenging approach to managing herring in Area 1A. Also they indicated it's really hard to start and stop fisheries. Additionally this individual indicated that the purse seine fleet only has Area 1A to fish for herring. Purse seiners are not currently making any money in this fishery with the low quotas; there isn't much demand for lobster bait after mid-October; the other gears types have other fisheries they can participate in.
- One individual noted that if the assessment update does not increase the sub-ACLs for 2021, the fishery will experience significant hardship given the low quota and boats ability to make profits on low landings levels.
- One individual noted that a problem with the days out meeting is many in the industry that attend feel that the decision is already made when they come to the meeting. Suggests that there should be a meeting for industry that is deliberative, possibly in February, where people can feel that their opinions are heard.
- One individual speaking for some purse seiners, the 2019 allocation was a disaster, there was an instance where the catch was so low it won't have constituted a 'trip' traditionally, but that given the low quota and days out measures, they had to make multiple trips to land that catch, which increased costs significantly. Doesn't think anyone 'broke even' in the herring fishery in 2019 and the expectations is that they will be operating at a loss this year and next year if the quotas remain low. Speaking on social and economic information the

individual noted that Commission management documents lack information on the impacts of the measures and is problematic given the proposed changes could have big impacts.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGIONAL FISHERIES OFFICE
55 Great Republic Drive
Gloucester, MA 01930

April 3, 2020

Bob Beal
Executive Director
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N
Arlington, VA 22201

Dear Bob:

Please accept these comments on draft Addendum III to Amendment 3 to the Interstate Fishery Management Plan (ISFMP) for Atlantic Herring. Complementary federal and state herring management is necessary to effectively manage this resource, particularly in light of the drastically lower herring catch limits. We appreciate recent efforts by both the Atlantic States Marine Fisheries Commission and the New England Fishery Management Council to increase collaboration, including creating a Herring Management Board so that there is formal participation for us and the Council in Commission decision-making. Efforts for increased engagement and coordination should continue. The Herring Board's role in ensuring consistency between the federal plan and the ISFMP is critical to the effectiveness of both plans. This consistency is also necessary to avoid adverse impacts to Federal permit holders resulting from Commission actions.

We are concerned that Addendum III options would disadvantage the Federal midwater trawl fleet. Quota Management (Section 3.1) Options 2 and 3 could result in all or a majority of Area 1A catch being allocated to the summer months. The Federal plan restricts access to midwater trawl vessels to Area 1A each year until after October 1 and, therefore, contemplates an October 1 through December 31 midwater trawl fishery in Area 1A. I understand the Commission's desire to go out for public comment with the full suite of measures to solicit the widest range of opinions, but these options potentially either significantly reduce or even eliminate the ability of midwater trawl vessels to harvest fish from Area 1A. The Board must address these concerns, ensure state and federal management remains consistent to the extent practicable, and minimize impacts to Federal permit holders as final management measures are selected.

Thank you for the opportunity to provide comments on Addendum III. Given the low herring catch limits expected in the foreseeable future, I remain committed to improving collaboration on this important resource. I strongly encourage the Herring Board to work closely with the Council to ensure Commission measures are consistent with federal measures. Please contact



Allison Murphy at (978) 281-9122, allison.murphy@noaa.gov, or Carrie Nordeen at (978) 281-9272, carrie.nordeen@noaa.gov if you have any questions.

Sincerely,



Michael Pentony
Regional Administrator

cc: Tom Nies, NEFMC Executive Director
Cheri Patterson, Atlantic Herring Board Chair
Kirby Rootes-Murdy, Commission Fishery Management Plan Coordinator

Prowler Fisheries, Inc.

PO Box 385, Boothbay, ME 04537

207-633-2214

harborbait@outlook.com

3.1 Quota Management Options

We support **Option 2**

It provides the most flexibility to maximize the harvesting of the quota. If you leave a small portion of the quota in Trimester 3 (especially during times of extremely small quotas) there is **certain to be overfishing**. This does not make sense with the tiny quota we are working with. It is not necessary to save quota after October 1. Fish are moving, weather is unstable, and it is difficult to keep a crew going when the quota is cut up and spread out. Lobstermen need the bait July – through September. Maine seiners harvest almost exclusively in Area 1A, as it is not practical for them to travel to fish the deeper waters in Areas 1B, 2, and 3. Mid-water trawl vessels have access to Areas 1B, 2 and 3 all year.

3.2 Days out of the Fishery Permit Provisions

We support **Option 2 * (only if defined by Permit Category)**

* **Cat C permits should have separate, more restricted, days out limits.** C permits were and are meant to be a lesser (smaller) permit and should not be considered equal to Cat A. If C's can harvest the same numbers as A's than there is no difference between permits. That was **not** the original intent of the Cat. C permit.

3.3 Weekly Landing Limit per vessel (trucks)

We support **Option 3 * (only if defined by Permit Category)**

*See explanation above. Cat C permits should not have the same weekly truck quota as a Cat A Permit. It should be less than Cat A. Cat C permits were intended to be a less expensive smaller permit than Cat A.



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997 Ocean Drive, Cape May, New Jersey 08204, U.S.A.

Email to: wreichle@lundsfish.com

March 25, 2020

Mr. Kirby Rootes-Murdy
ASMFC Senior FMP Coordinator
1050 North Highland St., Suite 200 A-N
Arlington, VA 22201
By email: krootes-murdy@asmfc.org
Re: Atlantic Herring Draft Addendum III

Dear Mr. Rootes-Murdy:

On behalf of the 150 employees of our family-owned seafood business and the independent fishermen supplying fish to our processing facility in Cape May, New Jersey, thank you for the opportunity to comment in opposition to the further restrictions on managing the Area 1A herring fishery proposed in the draft addendum.

Relative to Quota Management Options, we support Option 1, Status Quo. Specifically, we do not agree that limits on the coastwide herring quota is a sufficient reason to potentially eliminate the opportunity for the trawl fleet to fish in Area 1-A, after October 1, as Options 2 and 3 would do.

We are particularly disappointed that the Board advanced this draft addendum in February after determining to go back to the trimester system, with 27.2% of the quota remaining available after October 1, at their October 2019 meeting, which was to determine allocations to federal permittees for fishing year 2020.

We have supported that outcome for several years, as this process has developed, since it is based on historical access to the herring resource in that management area by Federally-permitted vessels. Amendment 3 provides for more than sufficient options to allow the 1A fishery to be managed by the Board, whom should propose equitable management options that only conform to access to the fishery as provided by the Federal plan.

Relative to the days-out of the fishery provisions outlined; while it may make sense to ensure that Category C permitted vessels' possession limits do not exceed those imposed by the days-out process, it does not make sense for A and C permits to be allowed the same amount of daily catch in this scheme, since the C permits' catch is limited daily, Federally, while the A permits are not. Here again, because of the draft addendum's potential to change requirements imposed by, and opportunities presented with, the Federal herring FMP, we ask that the Status Quo prevail.

Finally, relative to options concerning weekly landings limits, we also support the Status Quo and continue to be opposed to the use of trip limits during the third trimester (since only a minority of the 1A quota is available during that time), as Option 3 would do.

We thank the members of the Atlantic Herring Board for their attention to and consideration of our concerns. Please do not hesitate to contact me if I can provide you with any additional information.

With best regards,

Wayne Reichle

Wayne Reichle, President

Bcc: Joe Cimino; Tom Fote; Adam Nowalsky



Massachusetts Lobstermen's Association, Inc.

8 Otis Place ~ Scituate, MA 02066

Bus. (781) 545-6984

March 12, 2020

Kirby Rootes-Murdy
1050 North Highland St., Suite 200A-N
Arlington, VA 22201

Via email: comments@asmfc.org

RE: Comments on Atlantic Herring Draft Addendum III

Dear Ms. Rootes-Murdy,

The Massachusetts Lobstermen's Association (MLA) respectfully submits this letter of comment on the Atlantic States Marine Fisheries Commission Draft Addendum III to the Interstate Fishery Management Plan for Atlantic Herring (Draft Addendum III).

While, Atlantic Herring is the preferred bait for the commercial lobster industry here in New England we are extremely concerned that **ALL** of the alternatives in the Draft Addendum III other than *Status Quo* would further restrict the Massachusetts commercial lobster fleets access to Atlantic Herring. With each management change to Atlantic Herring the Commonwealth's commercial lobster industry pays the price as Maine continue to benefit from each of the management actions.

Established in 1963, the MLA is a member-driven organization that accepts and supports the interdependence of species conservation and the members' collective economic interests. The MLA continues to work conscientiously through the management process with the Division of Marine Fisheries, the Atlantic States Marine Fisheries, and the New England Fisheries Management Council to ensure the continued sustainability and profitability of all the resource in which our fishermen are engaged in.

3.1 Quota Management Options

The MLA supports Option 1 Status Quo. Under this option, the quota allocation options as outlined in Section 4.2.3.2 of Amendment 3 would remain unchanged. The Board may annually choose from the quota allocation options outlined in Amendment 3 when setting fishery specifications for the upcoming fishing season including the following:

- Bi-monthly periods
- Trimesters
- Season

3.2 Days Out of the Fishery Permit Provisions

The MLA supports Option 1 Status Quo. Under this option, the permit provisions outlined in Sections 3.1 and 3.2 of Addendum 1 would remain unchanged. Category A permits can be subject to both landing day restrictions and weekly landing limits during June 1-September 30. Category C and D permits can only be subject to landing day restrictions from June 1-September 30 through the Small Mesh Bottom Trawl Program. Board members from Maine, New Hampshire and Massachusetts will agree upon the days out provisions by permit category based on the number of participants in the fishery and the quota prior to the start of the fishing season.

3.3 Weekly Landing Limit Per Vessel

The MLA supports Option 1 Status Quo. Under this option, weekly landing limits (which currently apply to only Category A permits for June 1-September 30) outlined in Section 3.5 of Addendum 1 would remain unchanged. Board members from Maine, New Hampshire and Massachusetts will agree upon the weekly landing limit for Category A permitted vessels based on the number of participants in the fishery and the quota prior to the start of the fishing season.

Draft Addendum III alternatives undoubtedly support the purse seine fleet of which, **NONE** of the Atlantic Herring comes into Massachusetts ports for use as lobster bait. The commercial lobster industry in the Commonwealth depend greatly on Atlantic Herring as a bait source and any additional restrictions or access will put more pressure on **ALL** other bait sources, driving the cost will have a devastating economic impact on the commercial lobster industry as a whole and the ripple effect that will be felt far and wide.

By allowing managers the continued flexibility to choose between the bi-monthly, trimesters or seasons allows for a steady flow of Atlantic Herring to be landed around the region. Any further restrictions on how and when the fish should be allocated and landed will ultimately turn this fishery into a Maine **ONLY** fishery, further hurting the Commonwealth's commercial lobster fishery.

Currently, the ASMFC has many efficient tools in their box to responsibly and effectively manage the Atlantic Herring fishery. Any additional alterations to the allocation distribution from the historically established Area 1A sub-ACL 72.8% of the quota from June through September and 27.2% allocated from October through December will **ONLY** hurt Massachusetts commercial lobstermen.

Should you allow the redistribution of the Area 1A sub-ACL proposed allocation to 80% June through September and 20% October through December would be the nail in the coffin to the Commonwealth's commercial lobster fleet for any chance of getting Atlantic Herring to use as bait. The only vessels that would be landing Atlantic Herring would be the purse seine fleet shutting down all others. Subsequently, the Atlantic Herring fishery would be **ONLY** for the Maine purse seine vessels and evermore known as the Maine Herring fishery.

In closing, the Massachusetts Lobstermen's Association must reiterate the fate of the Commonwealth's commercial lobster industry depends greatly on the availability of Atlantic Herring for use as bait. We sincerely hope and trust that the Atlantic States Marine Fisheries Commission will weigh all the alternatives and comments to make an informed and pragmatic recommendation to allow Atlantic Herring to be landed in the Commonwealth for use as lobster bait.

In closing, should any additional restrictive provisions be realized that would further limit access to Atlantic Herring beyond the current confines will be met with opposition from the commercial lobster industry here in the Commonwealth. We look forward to working with the Atlantic States Marine Fisheries Commission on the management of the Atlantic Herring.

Kind regards,

Beth Casoni

Executive Director

New England Purse Seiner's Alliance

March 24th, 2020

Kirby Rootes-Murdy
1050 North Highland Street
Suite 200 A-N
Arlington, VA 22201

Re: Atlantic Herring Draft Addendum III

Dear Kirby,

I am writing on behalf of the New England Purse Seiner's Alliance (NEPSA) to comment on Draft Addendum III ("the Addendum") to the Interstate Fishery Management Plan for Atlantic Herring. NEPSA is an industry group consisting of purse seine vessels that fish the inshore Gulf of Maine. Our vessels supply fresh herring exclusively to U.S. lobstermen during times of peak bait demand. Before outlining the measures we support, I will start by quickly providing some context.

The traditional purse seine fleet fishes exclusively in Area 1A. Unlike midwater trawlers, our boats do not have the ability to fish in Areas 1B, 2, and 3, where the overwhelming majority of the overall herring quota is allocated. As such, the days out and other effort controls in Area 1A are a key determinant to our fleet's ability to succeed—this is all we have. And this is especially true under a low quota regime.

For the 2019 season, many of us supported the bi-monthly approach because it seemed like the lesser of two evils. On paper it would have allowed for more of the quota to be condensed into the summer months—allowing the fleet to maximize the value of the low overall available catch. There are three reasons that a condensed, summer season would have maximized value. First, logistically it is much easier for boats to fish in one continuous season—for obvious reasons. Starting and stopping not only makes it harder to hold a crew, but it also makes it harder to find and stay on the fish. Second, the lobster bait demand peaks in the summer and so that is when the fish are worth the most. And lastly, herring are generally more abundant—and, therefore, more easily caught—in the summer.

In hindsight the bi-monthly approach was very different on paper than it was in reality. While—in theory—it did allow for more fish to be available to the fleet in the summer, the fishery was hobbled by the bi-monthly system's requirement to split that quota up into two separate periods. This led to a lot of uncertainty and lost revenue. It was also highly complicated for the managers because—by splitting an already-small number into two smaller numbers—it was hard to track

New England Purse Seiner's Alliance

quota and predict whether or not the 92% trigger would be hit with any confidence. And because of that 92% trigger needing to be used in two smaller sub-periods, quota was unnecessarily left on the table in the summer months. With the failure of the bi-monthly system, it has become clear that none of the options that ASMFC currently has at its disposal are adequate, and that change is needed.

3.1 Quota Management Measures

We strongly support **Option 2**. Neither the trimester nor bi-monthly system are effective under the low quotas the fishery is facing today. It makes absolutely no sense to try and split such a low quota into separate periods. The only way the bulk of the Area 1A fleet can survive on these numbers is to put it all in one continuous period, during the peak bait season, and when the fish can be easily caught. Any other method merely impedes these boats from succeeding.

Moreover, saving a small quota for the Fall is bad policy in and of itself, for multiple reasons. First, the available quota is so low that it not only opens the door to overages—it essentially ensures they will occur. The herring fleet can catch thousands of metric tons in one day, and so how can you manage it correctly if the Fall quota is 1/3 of that daily potential? The answer is that you cannot manage it, and you will be creating a system that leads to overages. Second, saving quota for the Fall means saving quota for spawning season. Why would we want to encourage fishing during spawning season when we are told by scientists that recruitment is historically low? And finally, midwater trawlers have full access to Areas 1B, 2, and 3, and so it is simply unfair to manipulate the Area 1A season for them when it means harming the boats that rely solely on Area 1A. And do not forget that everyone can fish in Area 1A in the summer with a seine—something that all but three of the midwater trawlers that actively trawl in 1A already do.

And we will just point out that Option 2 does not mean that the fish will be put into the summer months. Option 2 merely gives managers the flexibility to make such a choice. ASMFC should be supporting Option 2 because it is just bad policy to limit decision makers to two arbitrary, clunky, and unrealistic quota management options.

3.2 Days Out of the Fishery Permit Provisions

We fully support bringing all Category C permits into the days out program. With the low quotas the herring fishery is facing, you simply cannot allow any Category C permits to fish without effort controls while severely limiting effort by Category A boats. It is only fair to make everyone play by the rules. **That said, we also feel strongly that ASMFC should set days out variably by category.** Category A permits are very different from Category C permits, and you should not equate the two on paper. Doing so will both diminish the value of the Category A permit and incentivize effort by Category C vessels. (And while we know that Category C boats have not flooded into the fishery in recent years, it is a very real threat given the explosion of purse seine effort in the Maine pogie fishery.)

New England Purse Seiner's Alliance

3.3 Weekly Landing Limit Per Vessel

We fully support subjecting Category C permits to weekly landing limits. Again, it makes no sense to severely limit Category A boats only to impose no limits on Category C boats. **But weekly landing limits should be set variably by category.** Again, Category A permits and Category C permits are very different permits with very different levels of investment involved. You cannot make a rule that codifies the concept of “giving” Category C vessels the same weekly limits as Category A vessels. You need to set the weekly limits for Category C boats in a manner that is commensurate to the spirit of their permit level—and therefore lower than the levels for Category A permits. You will destroy the value of the Category A permit if you make a rule that gives Category C the same weekly limit. And again, Category C permits could become much more active if any changes occur in the pogie fishery and suddenly there’s a lot of purse seiners looking to purse seine for something else.

To be clear, we *strongly* support the effort by ASMFC to bring Category C boats into both the days out and weekly landing limit systems. We would just encourage ASMFC to go a step further and make these restrictions variable by category so that you preserve the character—and value—of the different permits. This would only require a little more analysis by staff and a little more discussion by decision makers at the annual “days out meeting” when decisions are made for Category A boats now.

Before ending this letter, I wanted to get on record that the purse seine fleet is struggling to survive right now. Last season was an absolute disaster—and that is not hyperbole—and this season has potential be be worse. The quota numbers are already lower than last year, and now the COVID panic has complicated matters even more. Without the proper management of the Area 1A quota, you will lose the purse seine fleet. This traditional fishery has made a living for decades in the Gulf of Maine and you must protect it. Taking the steps discussed above will be a good step in that direction.

Thanks for your time and consideration,

Chris Weiner
NEPSA.

From: [Joseph Gomes](#)
To: [Comments](#)
Subject: [External]
Date: Thursday, February 13, 2020 12:49:20 PM

As a now senior citizen I have witnessed the discovery of new fisheries and then, sadly, the decline of those as well as the decline/decimation of the old fisheries. It seems to me that we are killing our favorite fish by attacking them from Both ends. We are overfishing the stocks themselves, stripped bass, tuna, flounders and others And we are wiping out the baitfish that the the whole food web depends upon including our favorite game and food fish. Menhaden for cat food??

For how many years did we net the SPAWNING smelt and herring as they swam up streams in Spring? How many countless generations did we eat? Now we are deciding the fate of a species so we can use them for bait? How completely god like and Disgusting.

I do not have a simple answer for there are none of those at this late date. However we Must do what we can to ensure the survival of Herring and the other forage fish that are in jeopardy.

From: [John DuVally](#)
To: [Comments](#)
Subject: [External]
Date: Thursday, February 13, 2020 7:44:34 PM

End the harvesting of herring alltogether! Or the species will never come back!!!!
Theres hardley any left compared too 30 or 40 years ago! Pathetic

From: [Eric McNiff](#)
To: [Comments](#)
Subject: [External] Atlantic Herring Draft Addendum III
Date: Thursday, February 13, 2020 12:16:35 PM

After reading the Addendum III in its entirety, it is obvious there is no single solution that will appease all parties involved. Herring and lobster fisherman will want to maximize the harvest in coordination with the best times to harvest and market lobster. On the other hand, tuna and ground fisherman may want to cease ALL commercial harvest of this important food source during these same times in the season, as having herring the water is beneficial to their particular fishery. Of course, the timing of the harvest of herring is quite important to all parties because the timing of the harvest can have a huge effect on the success of each parties primary fishery interest. Those interests aside, it would seem that the most prudent course of action would be to consider the timing of the harvest of this finite resource so that it benefits the longevity and prosperity of the herring stocks themselves.

All commercial fishing interests are vying for harvest that matches with their own particular fishery which happen to overlap during the summer/fall season...we all want the herring at the same time (some to catch, some to protect). **Harvesting any herring BEFORE they have had a chance to spawn in that particular season just makes no sense at all. Would the Commission consider decreasing herring fishing pressure until after the stocks have had a chance to spawn ??**

The Commission should also consider (as I am sure they do) the economic and environmental benefits of decreasing herring quotas and fishing pressure in general, especially INSHORE where many people (not just fisherman) are able to benefit from a healthy herring stock. These inshore areas should be protected from herring fishing all together.

Thank you for considering my comments,

Eric McNiff
Dauntless Fishing LLC
34 Blackburn Center
Gloucester, MA

From: gerryjr@capeseafoods.com
To: [Comments](#)
Subject: [External] Atlantic herring draft addendum III
Date: Wednesday, March 25, 2020 12:03:00 PM

My name is Gerry O' Neill, I own 2 midwater trawlers and a fish processing plant in Gloucester Ma. We have had federal herring and mackerel permits on our vessels for over twenty years. The majority if not all of our herring catch from any area we fish in goes to the lobster bait market. For years now we have seen our access to the federal herring fishery diminished through a multitude of different actions put in place by the ASMFC. We qualified for these permits in the same way that anyone else in this fishery did but we find ourselves losing access more and more every year with every new tool that the ASMFC suggests in order to supposedly better manage the fishery. The herring board has more than enough tools in the toolbox already to manage this fishery whether its small quotas or not. These new tools that are being proposed here are just another way to reduce access to this federal fishery for boats outside of Maine.

If there is a change that allocates the entirety of the herring quota from June through the end of September then the ASMFC have at that point way over stepped its bounds in the management of the 1A herring fishery. If there is any less quota than the 27.2% historical allocation held over until after October 1st, when everyone gets access, it means that the ASMFC has stepped into the job of managing a federal fishery, they will have effectively allocated the entire 1A herring quota to one gear type over another and in favor of one state over all the others. I am no expert on the Magnuson-Stevens act but I believe it explicitly states you cannot do that. Much has been made of the fact that this is simply another tool that could, might and may be used. There are enough tools. If this addendum is pushed forward in order to restrict mid water trawl access to herring in 1A then I have no doubt it will be used now and always to limit our access to these fish and essentially creating a scenario whereby Massachusetts lobstermen will get none of that seine fish and if the seiners do in fact decide to send fish this way then it will be at whatever price tag they choose to put on the product.

It wasn't that long ago that there was some effort at the NEFMC to change the allocation percentages for the 1A herring fishery and the council voted pretty strongly to keep the percentages where they were. Even more recently than that the council voiced its position again after news came out about this addendum. The position of the council and NMFS seems to be ignored more often than not by the ASMFC herring management. This needs to stop. This is a federal FMP not a state FMP and it must be managed as such.

Option 3.1: Option 1 Status quo. My rationale is above. There are enough tools. None of us can afford to lose any access to fish and as a mass company that supplies mass lobstermen I believe the percentage should stay at 27.2 % held over until after October 1st.

Option 3.2: Option 2: The companies that invested heavily in this fishery over the years should not be at the mercy of permitted boats that haven't. Category B permits should not have the same weekly landing limits as category A permits but should have the same days out measures apply to them.

Option 3.3: Option 1 status quo. I do think that the declaration as to whether or not you are going to fish is futile and should go away. However I can not support either of the options that have this alternative in them due to the fact that I don't agree with changing to weekly landing limits after October 1st. We have a gear type that is essentially told our federal permit is worth nothing from January through the end of September and then tell us we have to limit catch then also. I don't agree with that at all and neither should the ASMFC.

Thank you for the opportunity to comment on the addendum. Please listen to what we are saying. Our gear type should have as much access to this fishery as anyone else does under the Federal herring FMP.

Regards,

Gerry O' Neill
Cape Seafoods Inc-President
Western Sea Fishing Company, Inc-Director
3 State Pier, Gloucester Ma 01930
Cape Seafoods Office: 978-283-8522,
Western Sea Office: 978-283-7996
Cell: 978-479-4646

From: [David Larson](#)
To: [Comments](#)
Subject: [External] Herring Addendum III
Date: Monday, March 23, 2020 9:20:44 AM

To the Senior FMP Coordinator (Kirby Rootes-Murdy),

With the fishery having been closed multiple times in 2019, and the reduction in the quota this year I think it makes sense to close the fishery entirely. As unreasonable as this may sound I think in the course of having an available resource far into the future it makes sense at this point in time. In the case of any major fisheries "collapse" and or low rates of return, fisheries that are closed seem to always stand the best chance of rebound. Think of the Stripe Bass fishery in the 70's and what it became, various pacific salmon runs have been able to progress with a closure of a fishery. In the case of Stripe bass the lifting of the closure and the implementation of generous catch limits has again, lead to the decline in the fishery.

All this evidence should give you ample grounds to argue from and justify this closure. I do not envy the commissions position in these matters and I realize that jobs and livelihoods are at stake. I also realize that I live in a world void of New England Atlantic salmon runs because people jobs were at stake then and they didn't have the foresight to see what the fishery would (or wouldn't) become.

I thank you for the time if you've made it to this point in the email. My last parting thought, it conservation is not supposed to be convenient. I thank you for all you do especially the inconvenient.

Regards,
David Larson
East Coast Angler

From: [Donald Finocchio](#)
To: [Comments](#)
Subject: [External] Herring Landings
Date: Friday, February 14, 2020 3:59:49 PM

I'm a recreational near shore (Plum Island to Halibut Point) fisherman. Seems to me the herring are vital to feed the breeding stripers. This year was exceptional in the amount of herring schools in this area and corresponding stripers (catch and release) but often the commercial boats were out there scooping the herring up. With the growing concerns over the decline in stripers and bluefish (which never showed up this year) it seems protecting bait fish like herring is vital.

My vote is to tightly limit commercial fishing to restore all our fishing stocks to a sustainable level.

Regards,

Don Finocchio

From: [Robert Clement](#)
To: [Comments](#)
Subject: [External] Herring
Date: Saturday, February 15, 2020 10:09:13 AM

The stock deserves total protection until such time that the science of it determines the stock healthy enough to sustain its self
Sent from my iPhone

From: [Bill Barbour](#)
To: [Comments](#)
Subject: [External] I believe that all forage species need to be protected and quotas need to be cut. I have been a full time commercial fisherman for 48 years
Date: Thursday, February 13, 2020 12:29:01 PM

Sent from my iPhone

From: [Bill Barbour](#)
To: [Comments](#)
Subject: [External] Yes my comments are specific to herring also all forage species
Date: Wednesday, February 19, 2020 12:41:45 PM

Sent from my iPhone

From: [Bob & Val Strzelewicz](#)
To: [Comments](#)
Subject: Re: [External] herring
Date: Wednesday, February 19, 2020 10:05:17 PM

i am in favor of anything that will preserve fishing for my grand children and future generations even if it means closing the season for while so the stock can rebuild and not keep taking them for the sake of making money this year.
Robert Strzelewicz

On Wed, Feb 19, 2020 at 9:48 AM Comments <comments@asmfc.org> wrote:

Thank you for submitting public comment. Are you in support of any options in Atlantic Herring Draft Addendum III document?

Kirby Rootes-Murdy

Senior Fishery Management Plan Coordinator

Atlantic States Marine Fisheries Commission

1050 N. Highland St., Suite 200A-N

Arlington, VA 22201

P: 703.842.0740

E: krootes-murdy@asmfc.org

W: www.asmfc.org

From: Bob & Val Strzelewicz [mailto:bvstrzelewicz70@gmail.com]

Sent: Thursday, February 13, 2020 2:39 PM

To: Comments <comments@asmfc.org>

Subject: [External] herring

I'm a 75 year fisherman and i remember herring so thick you could walk on them, the season has been closed for many years to protect them.They say that they can take them

in the ocean but not in the streams where they spawn. After they spawn and return to the ocean they catch them, how does that help the herring situation,Can't tell me the nets know the difference between river herring and ocean herring, or do they call it by catch. If you want to protect them you close the season for everyone, it may produce better results for everyone in a short time, or kill them off forever//////////your choice

Robert Strzelewicz

7 conant ave

Dudley ma. 01571

508 943 7086

any answer would be welcome

PS I don't have many years left for you guys to fix this //////////////

[External] Herring Draft Addendum III

Joseph Jurek <mystiqueladyfishing@gmail.com>

Tue 3/24/2020 9:13 AM

To: Comments <comments@asmfc.org>;

To: Kirby Rootes-Murdy
Senior FMP Coordinator

From: Joseph Jurek
F/V Mystique Lady

Re: Quota Management Options Herring Draft Addendum III

As a member of the AP I apologize for Missing the conference call on the 19 of March. But in retrospect after reading the quota management options it gave me more time to consider the impacts of the proposed actions on all of the Gloucester more thoroughly before I made my comments.

Obviously there is not as much fish to be caught this year and these management options will effect which user groups will have access to the limited resource available. From the perspective of a category D permit holder quota management option 3.1 option 3 seems to be the most appealing to me because it allows for a small amount of quota to be left for September a time when access to the herring resource is often still available inside the small mesh area, and the demand for lobster bait is high in Massachusetts. But there is no denying that any option other than the status quo will exclude the category A boats that fish for herring out of Gloucester from the fishery. So I am hesitant to recommend any alternative other than the Status Quo because I do not think it is appropriate to exclude one states user group so that another state will have access to all the available quota.

The alternatives offered in quota management option 3.2 and 3.3 to me seem to address flexibility in the ability to work within the fishery. Which I think is important to maintain. Therefore I would prefer to see option 1 for 3.2 and option 2 for 3.3. with such a small amount of quota getting in and out of the fishery will determine if a vessel can more easily participate and derive some small amount of income from the reduced quota levels.

In summary I know that hard decisions need to be made considering the state of the herring fishery. And as a herring fisherman the changes in what is normal from an abundance and behavioral patterns standpoint would indicate that the most restrictive and cautious options will be the best course. However to use caution as a tool to exclude one states access in favor of anothers does not seem like an appropriate management strategy. So I hope that the section will take into consideration distribution of landings by state into their management mandates.

Thank You
Joseph Jurek
F/V Mystique Lady



Atlantic States Marine Fisheries Commission

1050 N. Highland Street • Suite 200A-N • Arlington, VA 22201
703.842.0740 • 703.842.0741 (fax) • www.asmfc.org

MEMORANDUM

March 20, 2020

To: Atlantic Herring Management Board

From: Atlantic Herring Advisory Panel

RE: AP Review of Draft Addendum III

AP Members

Beth Casoni
Steve Weiner

Jeff Kaelin (AP Chair)
Gerry O'Neill

Mary Beth Tooley

Public

Chris Weiner
Paul York

Staff

Kirby Rootes-Murdy (ASMFC)

The following memo contains the Atlantic Herring Advisory Panel's review of the Draft Addendum III Alternatives for Quota Allocation and Days Out Measures

The AP met via conference call on March 19th, 2020 to review Draft Addendum III. After a presentation of the Addendum options, AP members asked questions and provided comments on the options. Comments and recommendations are summarized below, broken out by issue items as presented in the document. At the start of the meeting, the AP Chair noted that only 5 of 14 members of the AP joined the call (in addition, one member alerted staff to a conflict) and suggested that the Board ask States to repopulate the committee to attract members who are willing to participate. Additional comments were provided by AP members following the call via email and the summary has been adjusted to reflect that feedback.

Proposed Management Program:

Issue 1: Quota Management Options

Four AP members were in favor of maintaining the status quo value (Option 1); one member* indicated their support for the Alternate Seasonal Allocation: 0% Jan-May; 100% from June 1-December 31 (Option 2).

Reasons cited in support of status quo focused primarily on concern that the current allocation options available to the Board through Amendment 3 are sufficient, and that new allocation percentages or timing of seasons/trimesters is not needed at this time. Additionally, there was specific concern that both Options 2 and 3 could potentially prevent the trawl vessels from participating in the fishery if the sub-ACL is caught prior to October 1. It was emphasized that allocations of more than 20% for October 1-December 31, in particular the Board's approval of the seasonal allocation of 27.2% for the 2020 fishing year, last fall, is very important to the lobster fishery, especially in Massachusetts. Options 2 and 3 pose the risk of excluding trawlers from accessing the resource after October 1 (depending on the days out measures selected), which could leave these Federally-permitted vessels out of the Area 1A fishery. Losing access to the resource for these gear types during that time of year would be devastating.

The AP member* in favor of option 2 cited the need for more flexibility during a difficult time in the fishery, with much lower quota levels than have been seen in recent years. This individual emphasized that there is 'not enough fish to go around', and that there are three other management areas in which herring can be caught and that by approving these options in the document, simply provides the Board with more allocation schemes to choose from annually.

The Chair suggested that the Board consider a lottery system, with a low quota, as is done in the Federal scallop fishery when access areas cannot support access to the entire full-time fleet.

Public: One member of the public spoke in favor of Option 2 and indicated they would provide written public comments following the call.

Issue 2: Days Out of the Fishery Permit Provisions

Four AP members were in favor of extending the Category A Permit Days Out of the Fishery provisions to Category C Permits (Option 2). Reasons cited was a need to address concerns that currently, some Category C permitted vessels that are not in the Small Mesh Bottom Trawl Program (Category C & D) could be effectively operating outside of the Days Out Program with the Federal possession limit for these vessels being greater than the possession limits that have been imposed in the Days-Out Program. Specifically, decreasing Category A Permits' weekly landing limit while not doing so to Category C Permits' weekly landing limit, was seen as not fair.

That being said, there was also concern expressed about how Category A Permits and Category C Permits land significantly different quantities of fish, and therefore applying the same measures may pose issues of fairness. Additionally, as an economic analysis was not conducted on the potential impact of these changes to the fishery, there are many unknowns about how it could affect Category C Permits that are not in the Small Mesh Bottom Trawl Program. It was noted that Option 2 in many ways 'is trying to solve the right problem it just doesn't go far enough'. Lastly, it was noted that Category C permits already have a specified trip limit (55,000

pounds per trip/day in all areas) as part of their federal permit and that applying a weekly trip limit in addition to that may be adjusting allocations to certain federal permit holders.

Public: Two members of the public also spoke in support of Option 2, indicating their concern that with recent low quota levels, there may be additional latent effort of permit holders re-entering the fishery given a potential increase in the demand for herring

Issue 3: Weekly Landing Limit Per Vessel

Three AP members indicated their support for Option 3 (Applying a weekly harvester landing limit for all vessels throughout all quota periods), with the caveat they are opposed to a weekly trip limit being applied in Trimester 3 (starting Oct 1). Reasons cited were similar to those mentioned under Issue #2, with the addition of supporting removal of the 45 day notification requirement as it has not been helpful in estimating participation for the upcoming fishing season. But specific to the issue item, these AP members expressed a lot of concern about applying a weekly trip limit in October, and so while there was support for Option 3, the AP members made it clear that a weekly trip limit shouldn't be applied after October 1st. One AP member* expressed their support for Option 3 with the use of weekly landing limits to be extended after October 1. This member indicated that during low quota times it makes no sense to abandon the use of weekly limits in October/November. Additionally they cited that effort greatly increases in October and the threat of exceeding a small quota is likely.

Additionally, some AP members spoke to the need to have different weekly landings limits for each permit category so as to ensure equitable access to the resource.

Public: One member of the public indicated their support for having the same days out measures be applied for both Category A and Category C permits that are not a part of the Small Mesh Bottom Trawl Program.

*Following the call, two additional AP members provided feedback on the draft addendum via email. They indicated their support for:

- Section 3.1 Quota Management, **Option 2:** Alternate Seasonal Allocation: 0% Jan-May; 100% from June 1-December 31
- Section 3.3 Weekly Landing Limit per Vessel, **Option 3:** Applying a Weekly Harvester Landing Limit for all vessels throughout all quota periods.

Reasons cited mirrored comments made by AP members on the call (noted by the * above).

Additional Comments:

- A few AP members indicated that the Board should more strictly address issues relating to Category C Permits. One member indicated that these permit holders should not be allowed to catch more than Category A permits. This individual also noted that in times where Category A permit holders are sacrificing, we should not be encouraging/supporting more fishing effort from Category C permitted vessels. Lastly, they expressed concern about latent effort from Category C permit holders not currently active in the fishery.
- A number of AP members expressed frustration with the wording of the management options and need for clarity in how the proposed options will impact each permit category
- A general comment was offered that Federally Permitted Vessels may be negatively impacted by actions taken by the states/ASMFC through options in the Addendum and that this is problematic.
- There was interest expressed by a number of the AP members on the call to meet more regularly. In particular, a few AP members indicated their frustration that they were not consulted in the drafting of the Addendum as they are more likely to understand specifically how the fishery operates.
- It was noted that social and economic analyses are missing from much of this document and other Commission management documents and that this needs to be addressed. This AP member mentioned that the issue had been raised to the Executive Director of the Commission previously.
- One AP member noted the menhaden landings data in the document should have considered landings by other states south of the management unit (Maine-New Jersey) that help support the bait demand to the lobster fishery, which is helping to lessen the need to change how the herring fishery is operating in Area 1A .

Atlantic States Marine Fisheries Commission

Atlantic Menhaden Management Board

*May 5, 2020
10:45 – 11:45 a.m.
Webinar*

Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

- | | |
|---|------------|
| 1. Welcome/Call to Order (<i>S. Woodward</i>) | 10:45 a.m. |
| 2. Board Consent | 10:45 a.m. |
| • Approval of Agenda | |
| • Approval of Proceedings from February 2020 | |
| 3. Review Ecological Reference Point Workgroup Analysis (<i>M. Cieri</i>) | 10:50 a.m. |
| 4. Other Business | 11:35 a.m. |
| 5. Public Comment | 11:40 a.m. |
| 6. Adjourn | 11:45 a.m. |

MEETING OVERVIEW

Atlantic Menhaden Management Board Meeting Webinar
May 5, 2020
10:45 – 11:45 a.m.

Chair: Spud Woodward (GA) Assumed Chairmanship: 05/20	Technical Committee Chair: Joey Ballenger (SC)	Law Enforcement Committee Representative: Maj. Robert Kersey (MD)
Vice Chair: VACANT	Advisory Panel Chair: Jeff Kaelin (NJ)	Previous Board Meeting: February 5, 2020
Voting Members: ME, NH, MA, RI, CT, NY, NJ, PA, DE, MD, PRFC, VA, NC, SC, GA, FL, NMFS, USFWS (18 votes)		

Public Comment – For items not on the agenda, public comment will be taken at the end of the meeting. Individuals that wish to speak at this time should use the webinar raise your hand function and the Board Chair will let you know when to speak. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance, the Board Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from February 2020

3. Review Ecological Reference Point Workgroup Analysis (10:50 – 11:35 a.m.)

Background

- The 2019 Atlantic menhaden single-species and ecological reference point (ERP) benchmark stock assessments were presented to the Board in February. The assessments evaluate the status of the coastwide population and account for the species role as a forage fish.
- The Board accepted the assessments for management use and tasked the ERP Workgroup to conduct additional analysis evaluating different ERP scenarios to help inform management moving forward.
- The ERP Workgroup met April 9 to review preliminary analysis and provide feedback. The report will be available in **Supplemental Materials**

Presentations

- Presentation of ERP Workgroup Analysis by M. Cieri

4. Other Business (11:35-11:40 a.m.)

5. Public Comment (11:40-11:45 a.m.)

6. Adjourn

Atlantic Menhaden

Activity level: High

Committee Overlap Score: High (SAS, ERP WG overlaps with American eel, striped bass, northern shrimp, Atlantic herring, horseshoe crab, weakfish)

Committee Task List

- TC, SAS, ERP WG – various taskings relating to management response to the 2019 benchmark stock assessments
- TC – April 1st: Annual compliance reports due

TC Members: Joey Ballenger (SC, TC Chair), Jason McNamee (RI), Lindsey Aubart (GA), Jeff Brust (NJ), Matt Cieri (ME), Ellen Cosby (PRFC), Micah Dean (MA), Corrin Flora (NC), Kurt Gottschall (CT), Jesse Hornstein (NY), Rob Latour (VIMS), Chris Swanson (FL), Ray Mroch (NMFS), Josh Newhard (USFWS), Derek Orner (NMFS), Amy Schueller (NMFS), Alexei Sharov (MD), Jeff Tinsman (DE), Kristen Anstead (ASMFC), Max Appelman (ASMFC)

SAS Members: Amy Schueller (NMFS, SAS Chair), Matt Cieri (ME), Micah Dean (MA), Robert Latour (VIMS), Chris Swanson (FL), Ray Mroch (NMFS), Jason McNamee (RI), Alexei Sharov (MD), Jeff Brust (NJ) Kristen Anstead (ASMFC), Max Appelman (ASMFC), Joey Ballenger (SC, TC chair)

ERP WG Members: Jason Boucher (DE), Matt Cieri (ME, BERP Chair), Michael Celestino (NJ), David Chagaris (FL), Micah Dean (MA), Rob Latour (VIMS), Jason McNamee (RI), Amy Schueller (NFMS), Alexei Sharov (MD), Howard Townsend (NFMS), Jim Uphoff (MD), Kristen Anstead (ASMFC), Katie Drew (ASMFC), Sarah Murray (ASMFC)

**DRAFT PROCEEDINGS OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
ATLANTIC MENHADEN MANAGEMENT BOARD**

The Westin Crystal City
Arlington, Virginia
February 5, 2020

These minutes are draft and subject to approval by the Atlantic Menhaden Management Board.
The Board will review the minutes during its next meeting.

Draft Proceedings of the Atlantic Menhaden Board Meeting
February 2020

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These minutes are draft and subject to approval by the Atlantic Menhaden Management Board.
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INDEX OF MOTIONS

1. **Approval of Agenda** by Consent (Page 1).
2. **Approval of Proceedings of October 2019** by Consent (Page 1).
3. **Move to accept the Atlantic Menhaden single species, ecological reference points, and peer review reports for management use** (Page 25). Motion by Spud Woodward; second by Malcolm Rhodes. Motion carried (Page 25).
4. **Main Motion**
Move to adopt:
 1. **An Atlantic Menhaden ecological reference point F target equal to the maximum F on Atlantic menhaden that maintains Atlantic striped bass at its biomass target when striped bass is fished at its F target and all other ERP species as defined in the NWACS-MICE model are fished at their status quo F rates.**
 2. **An Atlantic Menhaden ecological reference point F threshold equal to the maximum F on Atlantic menhaden that maintains Atlantic striped bass at its biomass threshold when striped bass is fished at its F target and other ERP species as defined in the NWACS-MICE model are fished at their status quo F rates** (Page 29). Motion by Allison Colden; second by Cheri Patterson. Motion postponed.

Motion to Postpone (Page 31)
Move to postpone until after completion of the following task: task the Ecological Reference Points Workgroup with the following analysis to better understand the parameters and outputs of the example ERP. The Work Group is asked to present this analysis at the May ASMFC meeting.

 1. **Using the existing example ERP framework, modify the assumptions on the other species such that they are fished at their F-target as opposed to F2017. Reproduce figures 144-148.**
 2. **Using the existing example ERP framework, modify the assumptions on the other species such that they are fished at their F-threshold, as opposed to F2017. Reproduce figures 144-148.**
 3. **Using the existing example ERP framework, modify the assumptions on the other species such that bluefish and herring are fished at their F-target while spiny dogfish and weakfish are fished at their F-2017. Reproduce figures 144-148.**

Motion by Megan Ware; second by John Clark. Motion carried (Page 39).
5. **Motion to adjourn** by Consent (Page 39).

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ATTENDANCE

Board Members

Megan Ware, ME, proxy for P. Keliher (AA)	John Clark, DE, proxy for D. Saveikis (AA)
Stephen Train, ME (GA)	Roy Miller, DE (GA)
Sen. David Miramant, ME (LA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Cheri Patterson, NH (AA)	Lynn Fegley, MD, proxy for B. Anderson (AA)
Ritchie White, NH	Russell Dize, MD (GA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Allison Colden, MD, proxy for Del. Stein (LA)
Nichola Meserve, MA (Chair)	Ellen Bolen, VA, proxy for S. Bowman (AA)
Raymond Kane, MA (GA)	Bryan Plumlee, VA (GA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Pat Geer, VA, proxy for Sen. Mason (LA)
Conor McManus, RI	Steve Murphey, NC (AA)
Eric Reid, RI, proxy for Rep. Sosnowski (LA)	Jerry Mannen, NC (GA)
Justin Davis, CT (AA)	Mike Blanton, NC, proxy for Rep. Steinburg (LA)
Bill Hyatt, CT (GA)	Mel Bell, SC, proxy for R. Boyles (AA)
Jim Gilmore, NY (AA)	Malcolm Rhodes, SC (GA)
Emerson Hasbrouck, NY (GA)	Spud Woodward, GA (GA)
John McMurray, NY, proxy for Sen. Kaminsky (LA)	Doug Haymans, GA (AA)
Joe Cimino, NJ (AA)	Jim Estes, FL, proxy for J. McCawley (AA)
Russ Allen, NJ, proxy for T. Fote (GA)	Martin Gary, PRFC
Adam Nowalsky, NJ, proxy for Asm. Houghtaling (LA)	Derek Orner, NMFS
Kris Kuhn, PA, proxy for T. Schaeffer (AA)	Mike Millard, USFWS
Loren Lustig, PA (GA)	

(AA = Administrative Appointee; GA = Governor Appointee; LA = Legislative Appointee)

Ex-Officio Members

Amy Schueller, Stock Assessment Subcommittee Chair Matt Cieri, ERP Workgroup Chair
Michael Jones, MSU, Peer Review Panel Chair

Staff

Bob Beal	Katie Drew
Toni Kerns	Sarah Murray
Max Appelman	Kristen Anstead
Maya Drzewicki	

Guests

Karen Abrams, NMFS	Tony Friedrich, ASGA	Carl Lobue, TNC
Fred Akers, Great Egg Hbr, NJ	Pat Geer, VMRC	Chip Lynch, NOAA
Bill Anderson, MD DNR	Shaun Gehan, Gehan Law	Shanna Madsen, VMRC
Benson Chiles, Chiles Consult.	Angela Giuliano, MD DNR	Chris Moore, CBF
Matt Cieri, ME DMR	Joseph Gordon, PEW Trusts	Patrick Paquette, MSBA
Josey Cline, ASA	Zak Greenberg, Pew Trusts	Jim Rogers, VA
Jeff Deem, VMRC	Pam L. Gromen, Wild Oceans	Howard Townsend, NOAA
Kelly Denit, NMFS	Pete Himchak, Omega Protein	Mike Waine, ASA
Chris Dollar, TRCP	Jeff Kaelin, Lund's Fisheries	Kate Wilke, TNC
Paul Eidman, Menhaden Def.	Aaron Kornbluth, Pew Trusts	

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The Board will review the minutes during its next meeting.

The Atlantic Menhaden Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia; Wednesday, February 5, 2020, and was called to order at 8:30 a.m. by Chairwoman Nichola Meserve.

CALL TO ORDER

CHAIRWOMAN NICHOLA MESERVE: We have a three and a half hour agenda in front of us today. First, some introductions. I'm joined by an All-Star team up here this morning. For the Commission staff we have Max Appelman, Dr. Kristen Anstead and Dr. Katie Drew, and Sarah Murray.

We also have Dr. Amy Schueller as the Chair of the Menhaden Stock Assessment Subcommittee, Dr. Matt Cieri the Chair of the ERP Workgroup, and Dr. Mike Jones, Chair of the Peer Review Panel.

APPROVAL OF AGENDA

CHAIRWOMAN MESERVE: We'll look first to our agenda for approval. Are there any changes to be made to the agenda this morning?

Seeing none we'll consider that approved.

APPROVAL OF PROCEEDINGS

CHAIRWOMAN MESERVE: Up next are our proceedings from the October, 2019 meeting. Are there any modifications to be made to the proceedings? Seeing none we'll consider those approved as well.

PUBLIC COMMENT

CHAIRWOMAN MESERVE: Moving on to public comment. This is an opportunity for members of the public to comment on items that are not on the agenda today.

2019 SINGLE-SPECIES AND ECOLOGICAL REFERENCE POINT BENCHMARK STOCK ASSESSMENT AND PEER REVIEW REPORTS

CHAIRWOMAN MESERVE: Not seeing any hands in the audience we will move on to Item 4, the 2019 Single-Species and Ecological Reference Point Benchmark Stock Assessment and Peer Review Reports. There is one and a half hours for the presentations today. Each of the presenters, there are three, have been asked to try to stick to 20 minutes for their presentation, allowing for an additional ten minutes of Q & A.

After that this is an action item, so at the end of the presentations we will be looking for the Board to consider a motion to accept the 2019 assessments for management use. Before launching into Dr. Schueller's presentation, I would like to take a minute to provide the Board's deep appreciation to the many individuals that helped bring us to this point today, where we are potentially on the precipice of advancing the way we manage this important forage species.

In doing so, they have steered through waters previously uncharted by the ASMFC, and it has required a tremendous amount of work as documented by the 1,251 pages of the two combined stock assessments.

OVERVIEW OF SINGLE-SPECIES ASSESSMENT

CHAIRWOMAN MESERVE: We thank you for that and I'll now pass it over to Dr. Schueller to begin with the Single-Species Stock Assessment.

DR. AMY SCHUELLER: Good morning everybody. I'm going to walk through the Single-Species Assessment, trying to keep this brief, so it will be a rather quick whirlwind through the Single-Species Assessment this morning. I'm going to talk about the data that were used in the assessment, the major changes from the last assessment, the basics of the assessment itself, and then talk about stock status and future directions.

Just a basic run through of the data that were used for the assessment for life history information, for maturity we used the historical maturity data from the fishery dependent database, which was what was

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used for the last stock assessment. For natural mortality we used an age-varying yet time-constant value.

This was a change for this assessment in that we scaled this estimate to some new values from some tagging data that were reanalyzed. Growth was estimated from the fishery dependent data. This is the same as what was done for the last assessment, and then fecundity information was updated based on some work that has come out of Rob Latour's lab, where they did some histological work to actually look at the fecundity of Atlantic Menhaden.

Also included in the data were the landings and age compositions for the reduction and bait fisheries. On this figure is reduction landings in thousands of metric tons in the gray bars, and the black line is the bait landings in thousands of metric tons. They each have their own respective axis.

Forty-nine fishery independent surveys were considered for this assessment from up and down the coast. These surveys were not specifically designed to sample menhaden, but were useful for menhaden, and I put in here potentially for other assessments. In order for the surveys to meet the threshold to be used they needed to meet specific criteria. Those are listed in the stock assessment document, but included things such as having a long enough time series, catching menhaden frequently, things like that.

These datasets that then made it through the criteria were used to create standardized indices. These indices accounted for differences in catchability due to factors such as time of year, or environment, et cetera, et cetera. A total of five indices were used in this stock assessment. The first on the top there in green is the young-of-the-year or recruitment index.

This is the recruitment index that we've used for several years in this assessment. The other

one on that top graph is a MARMAP and EcoMon, it's a broken time series, so it's in blue and orange. This is an ichthyoplankton survey, and this was matched with the spawning stock biomass, which is in fecundity for Atlantic menhaden. Then there are three on the bottom. Those three on the bottom all had associated length composition information, catch size information, and so these each represent a different segment of the population.

The red one is the SAD, Southern Adult Index, and that one is Age 1 index. The MAD, which is the middle one – that sort of grayish one – a Mid-Atlantic, Virginia, and Maryland Index, and that mostly represented Ages 2 and 3. Then there is the Northern Adult Index in orange there, and that was an index that had logistic selectivity, so our oldest ages are represented there. Major changes from the last assessment, two in particular, the first is the natural mortality. I've already mentioned that it is time constant but age varying here, which is exactly how it was set up for the last assessment. The big difference is that it was scaled to a value based on a reanalysis of the historical tagging data. There are two papers out by Liljestrand et al that detail that work, basically looking at tagging data with over a million tags and 100,000 recaptures, so a huge tagging study to look at, movement rates but also natural mortality.

The second major change for the assessment was for fecundity, and as I've mentioned this is work that came out of Rob Latour's lab. What they've determined based on histology is that Atlantic menhaden are indeterminate batch spawners, spawning every few days, and so they are creating eggs throughout the season and spawning throughout the season.

The fecundity estimates have increased quite a bit based on this new work. I should mention that that is very similar, or it is similar to Gulf menhaden and another menhaden species in Brazil that also demonstrate that indeterminate batch spawning. Other major changes for this assessment from the last one, there were two new fishery independent indices of relative abundance.

The Mid-Atlantic Adult Index or the MAD was included this time, in addition to the MAD and the SAD. Then we also had the inclusion this time of the MARMAP EcoMon Ichthyoplankton Index, with respect to fitting to fecundity. A couple other changes, these are modeling changes more rather than data changes.

The first is a new likelihood component type was used for the multinomial data. In particular a Dirichlet multinomial was used, which allows for accounting for correlations in the composition data, but is weighted internally in the model rather than externally. We also had comments at the last review about the way we're looking at uncertainty analyses, and so this time we did our MCB, our Monte Carlo Bootstrap Analysis, which you guys have seen a number of times.

We did in addition to that an MCMC, a Markov Chain Monte Carlo Analysis, and that was just to look at different types of uncertainty across the different analyses. It gives some indication, each of them accounts for a different type of uncertainty, and so you can say if we're accounting for this type this is what the envelope looks like. If we're accounting for this type this is what it looks like.

That is detailed in the report if you want further information. Then the last change I'm going to bring up is how recruitment was forecasted in the projections. For this assessment we used a nonlinear time series analysis method, and basically it's a state space method looking at where recruitment has been.

In our year we're in now, where has recruitment been that has been similar in the past, and where did it go in the future from there and so predicting based on a state-space manifold. This is put in there. It still has quite a bit of uncertainty, but it's a little bit less than using the median with some deviations, which is what we've used in the past.

Basics of the assessment, base run I'm going to fly through this. Data were split into northern and southern regions. This was done for the last assessment. This helps us account for migration, fishery dynamics, and a tagging data. It better accounts for the population dynamics of the species and for the fishery removals over time, meaning that the fleets are broken into the north and the south, and they have different age compositions, and so they are harvesting different ages. Here is a time series of recruitment that comes out of the assessment. This is recruitment in billions of fish over time.

Of course there is one big age class in 1958, which is one that we see all the time with this species, if you're familiar with it. As we run through this there has been three age classes that are larger in 2010, 2015, and 2016, and then 2017 is lower. This is biomass Age 1 plus in thousands of metric tons over time.

Started off, this assessment starts in 1955, so the beginning years of this had a higher biomass. We saw decline, especially after that 1958 year class is moving through, and then since then increasing. In the more recent years our values are similar to what was seen in the fifties in this assessment.

This is abundance numbers in billions of fish over time. The individual colored bars represent individual ages, and so red here which is the largest proportion of the numbers is Age 0, which we would expect, and then goes down from there through Ages 1 through 6 plus. This model is a 0 to 6 plus model.

I would say the thing that sticks out here again is that 1958 year class is that biggest bar, and then I would say that years more recently like 2010, 2015, and 2016 are similar to levels that we saw in the seventies and eighties. That was my run through the base run real quick. I'm going to talk about how uncertainty was characterized really quickly in the next couple slides.

The Stock Assessment Subcommittee did several sensitivity runs. These runs are not necessarily considered alternative states of nature; rather they are used to assess the impact of assumptions made on the model. Some examples of these runs included

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runs where we changed what the fishery selectivity looked like.

The fishery selectivity for the base run is dome shaped, and we ran sensitivity runs with a flat top or asymptotic selectivity. We looked at inclusion of indices, and so basically taking an index out one at a time to look at what the impact of that particular index is on the results of the assessment.

Just to add onto this, we also did sensitivity analyses to look at natural mortality and fecundity, which were two of the major changes for this assessment. In general the stock status was robust to model assumptions. What I mean by that was the stock status was the same as the base run. In addition to the sensitivity runs we also did the Monte Carlo Bootstrapping. This accounted for uncertainty in the model assumptions.

Specifically, I have such as here in natural mortality, but specifically we included uncertainty in natural mortality and uncertainty in fecundity. The end result there was the stock status was the same as the base run. An MCMC, the Markov Chain Monte Carlo was also run, and this accounted for uncertainty in model parameter estimates, and again the stock status was the same as the base run here. Okay stock status. Currently so in this assessment we're using the benchmarks from the last benchmark assessment and so the threshold is the maximum geometric mean fishing mortality during 1960 to 2012. It's a historical reference point. Then the target is the median geometric mean F during 1960 to 2012. These were intended as interim reference points, and moving forward towards ecosystem reference points, which Matt will be talking about in just a little bit here, and I'm sure you will all be talking about today and into the future.

This is a figure of the stock status related to the geometric mean fishing mortality rate, which is the black line here. The F threshold is the blue

line, which is at 0.60, and that is that maximum geometric mean fishing mortality rate for 1960 to 2012. Then the orange line here is the F target, and that value is 0.22. That is that median geometric mean fishing mortality rate for Ages 2-4 during that time period.

Then I put F of 2017 that is the terminal year of the stock assessment. On here we're at 0.11, so we're below both the threshold and the target. This is the alternative fecundity-based reference point, and so these are the reference points associated with an F based reference point. The blue line is the fecundity threshold associated with F threshold.

The orange line is the fecundity target associated with the F target. Those values are in eggs there, and the 2017 fecundity value is 2,601,550, and I think this is in billions of eggs or something quadrillions. There are more zeros; we just didn't include them all. But what I want you to note here is that in the most recent years we have been above the threshold and bouncing around the target, and in 2017 we are above the target.

The stock status is not overfished and overfishing not occurring. The reference points were based on those historical performance reference points for the fishery. The sensitivity analyses and the uncertainty analyses that were run, in order to see if our assumptions impacted stock status, were robust and showed the same stock status as that of the base run.

Future directions, the Stock Assessment Subcommittee is generally asked what they think the timing of the next assessment should be, and so what we've traditionally put in here is an update in three years and a benchmark in six years. We also made several research recommendations, and in the past I've gone through these before. But in the interest of brevity I've shortened this here, and basically am going to say that there are several recommendations on data collection and assessment methodology in the document.

Some of those include things like looking at the adequacy of the sampling for the bait fishery composition data, doing MSE work, management

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strategy evaluation work, or a fishery independent survey for Atlantic menhaden, a coastwide adult one, which is our similar recommendations that we've made in the past. Then I put in here, so future directions. I put dependent upon the Board and ERPs, so we will wait to see what happens today and into the future. With that I have my questions slide.

CHAIRWOMAN MESERVE: Thank you, Dr. Schueller. Are there questions about the Single-Species Assessment? Dr. Davis.

DR. JUSTIN DAVIS: I wanted to ask a little bit about the method you mentioned for forecasting recruitment, the nonlinear time series method, and talk a little bit about how exactly that was used, how that is a deviation from how we've forecasted or handled recruitment in the past, and what some of the implications of that might be.

DR. SCHUELLER: Sure, so the way we've handled forecasting recruitment in the past is to use a median recruitment value from the time series, and then to select deviations from that. The uncertainty bounds on that were quite large. If you've been here and seen projections you know that those recruitment forecasts were broad. This go around, we used the nonlinear time series analysis. There is a paper by Ethan Deyle that is available if folks want to look at it.

It's basically saying if I am in this state space for my recruitment, what has happened historically and where did that go? It's basically saying if I'm here my expectation is to go here, or my expectation is to go either up or down or stay steady. It's giving a little bit more information on where we would actually expect recruitment to go, and we looked at how well it was forecasting recruitment by taking our recruitment time series, and then predicting each year of the last ten years, and then comparing it to where we actually were.

There is a figure in the report to demonstrate how well it did at predicting. There is no uncertainty around either of those lines in that figure, but I think if you take a look at it you'll see that it does a fairly good job predicting. It does narrow the uncertainty bounds for the recruitment predictions a little bit, not a ton, but some.

CHAIRWOMAN MESERVE: John Clark.

MR. JOHN CLARK: Thank you for the presentation, Dr. Schueller. We all received an e-mail about the natural mortality used in this, and I noticed in the summary it was mentioned that the natural mortality used in this assessment was much higher than used in the previous assessment. Could you just go over a little bit about why you used this, and whether it did have any impact on the results?

DR. SCHUELLER: The natural mortality rate this time around was based on a reanalysis of the historical tagging data. There is a large historical tagging dataset that was done in the late sixties, where the Beaufort Lab tagged over a million fish, and then they recaptured those fish, so it's a mark/recovery model.

It was done at a time where models such as the Brownie Mark Recovery Models weren't even available, so talking late sixties early seventies, and so those models didn't really come onto the scene until the late eighties. But nobody had picked those data back up and reanalyzed them with new techniques, and so that was what was done.

In addition to that Emily looked at how well we were actually able to estimate natural mortality from the data, because sometimes you model things and you think, oh I can really estimate this, but you're not doing such a great job. What she did was she looked at that and she was able to estimate it, so it was giving a good estimate. The value is higher than what we've used in the past. It is for; we've scaled it to Age 1.5. It increases, basically it's a scalar. Natural mortality is a scalar. If you looked at recruitment levels for this assessment versus the last assessment, you would notice the recruitment is higher this time on average. That is because of the natural mortality, and that is demonstrated in the sensitivity run that's in the

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assessment report. Anybody can feel free to add into that if they would like.

DR. KATIE DREW: I think the comments about natural mortality, it's certainly something that we took seriously and we've considered, because it is a change and it has an impact on the assessment. I think if you compare this to literature values or meta-analysis of other species it looks very different, but it's actually I think it's based on empirical data.

As Amy said, one of the largest and most comprehensive tagging studies ever conducted on the Atlantic Coast, and this is one of the few species that we do have an empirical value of M for. The Stock Assessment Subcommittee and the ERP Workgroup felt that this empirical value of M was a better estimate than a meta-analysis of a whole range of different species or literature, so it is essentially for other species it's better to use actual empirical data that we have on this species.

In addition, it's not that outrageously different from some of the answers you might expect, depending on how you pick and choose your life history or meta-analysis choice. I think the Stock Assessment Subcommittee recognized that this is a big change, and it is significantly different from some other species, but we felt this was the best available data for that.

CHAIRWOMAN MESERVE: Mel Bell.

MR. MEL BELL: Just following up on what both of you all just said. Would you say that you have a high degree of confidence in this natural mortality, as maybe previous natural mortalities? In other words, is your confidence on a scale of 0 to 5, do you guys rate it pretty high?

DR. SCHUELLER: It's best available science, and it's a huge tagging study. It's one of the biggest, if not the biggest in the world.

DR. DREW: I guess much more confidence than in alternative options for picking M for this species, so yes.

CHAIRWOMAN MESERVE: Lynn Fegley.

MS. LYNN FEGLEY: Just to follow on John Clark's question. With the high natural mortality that would lend itself to a recruitment-driven stock. Somewhere in the material, in these 2,000 pages, I think it was in a peer review. There was a commentary that because of the high natural mortality and this recruitment driven nature that it's going to make it a lot harder.

Your projections are going to be a little more difficult, and they encourage the use of empirical methods to supplement monitoring stock status. I wondered if you could speak to that a little bit, and just understanding your confidence with the M rate. What is our confidence in the stock status that we're projecting, and do you think it's worth looking into empirical methods as well?

DR. DREW: Yes you are correct. That is certainly one of the comments that the Peer Review Panel made, and it's something we've seen with menhaden even before this is that this is a very fecund, a very prolific spawner. You have a ton of recruitment, but you also have a ton of natural mortality, which is what you would expect for a forage species.

Your ability to project out beyond say the couple of years that that year class makes up in the fishery, you're also operating on a very small number of year classes within that fishery, makes long term projections more complex. If you're trying to evaluate status it really does benefit the species to do frequent assessment updates to try and monitor the situation, and make sure that you're not basing management on 10 or 15 years- worth of projections.

CHAIRWOMAN MESERVE: Roy Miller, I believe I saw your hand.

MR. ROY W. MILLER: I wondered if I could just follow up a little bit on the previous discussion. Many or most of us received this e-mail late last week, without a lot of time to react to it from Dr. Jerald Ault at

University of Miami. I assume that everyone up front also received the e-mail. Is there anything in that e-mail that should concern us, because if we took it at face value then he said we overestimated natural mortality, and in turn underestimated fishing mortality by subtraction. I just wondered if we can put that to rest, or if it is still a concern.

CHAIRWOMAN MESERVE: Staff is suggesting that we defer that question to part of the Peer Review Panel's response, so we'll take that up again, Roy. Are there additional questions about the Single-Species Assessment? Thank you, Dr. Schueller.

OVERVIEW OF THE ECOLOGICAL REFERENCE POINT ASSESSMENT

CHAIRWOMAN MESERVE: We'll move on to Dr. Cieri and the overview of the Ecological Reference Point Assessment.

DR. MATT CIERI: My name is Matt Cieri; I'm with the Maine Department of Marine Resources, and I'm also the Chair for the Ecological Reference Points Working Group. Sorry I can't see the slide behind me without craning my neck, so if I'm off a slide just let me know. I'm just going to give you sort of an outline of where we're going today.

We're going to talk first about some introductory material. We're going to get into some of the model outputs and inputs. We're going to do some comparisons among the models that we examined, and then we're going to look in depth at this NWACS MICE tool, including some example ecological reference points.

We're going to give you some management advice. We're going to wrap it up with a summary and then some questions, just to give you guys a sort of preview of where we're heading today. Before we start off I really want to highlight the number of people that have worked on this project over the last few years.

Chances are, if you're a state director and you have a staff person you haven't seen for a while, he's been locked in the ASMFC meeting room in Arlington for weeks and weeks and weeks. It's been a concerted effort by a lot of different people. I'm not going to go through every single one of the terms of references. You guys have seen them, they're pretty lengthy. I am going to sort of go through two in particular that sort of framed our modeling as we've moved forward. The first was to develop models that take into account menhaden's role as a forage fish, and the second was to develop some methods that account for Atlantic menhaden's role as a forage species. To accomplish this we used a suite of different models ranging from fairly simplistic to probably overly complex in examining the questions that were before us. These included things such as a surplus production model with a little bit of time-varying R.

A Steel-Henderson approach, which looked at surplus production in light of a striped bass index, a multi-species statistical catch at age, which was Jay McNamee's most of his like dissertation, to give you some context, and two ecopath/ecosim models, the NWACS models, including a MICE model and a full model.

The full difference between the two, both the NWACS MICE and the NWACS full is that one has a reduced set of predators and prey in it. The full model is a 96 pool model that covers everything from cod to skate to lots of other things up and down the U.S. east coast. We basically stripped down the full model to look at a more intermediary model that allowed us to do things more on the management timeframe.

We're going to talk about some model comparisons, including how do we take a look at each one of these models, how do we compare them? How do we make decisions based around them? The two criteria that we really looked at probably the hardest was model performance, how well do they line up in terms of biomass and exploitation, as well as how were they at basically giving you the answers that you want to your questions. You know what is their utility for management?

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Before we get into the scary details of all of this stuff, I'm going to go through and basically give you a spoiler alert. The ERP Working Group recommends a combination of using this ecopath/ecosim NWACS model and the BAM model, to provide management advice moving forward on ERPs.

I'm going to talk a little bit about model input and outputs. The ERP Working Group identified a subset of ERP species to incorporate in this model. Basically we looked at a number of different important prey and predators within the ecosystem, the ones that are probably the most relevant for the questions that you guys have at hand. It's important to note that not all models used all species.

For example that ecopath/ecosim model that I was talking about earlier. That full one had 96 pools. It had a whole bunch of different species that you guys probably aren't directly interested in when discussing menhaden. There are some models that don't use any of these predators information, simply because that is not the way they're structured.

That would be surplus production with time varying R for example. Some data were used in some models and not in others because of structural reasons. But our ERP species that we were looking at for most of the modeling approaches include two prey items, menhaden and Atlantic herring, predator species including bluefish, spiny dogfish and striped bass, as well as weakfish.

All of these species fortunately enough were benchmarked or update within 2017, so we had data that was readily available. It's nice when things actually work out. Just in case you're unfamiliar with where some of these species are in terms of their stock status. Striped bass as you know, was high in like the early 2000s to mid-2000s and has since declined over time. Bluefish saw a period where they were highly variable, but at least relatively high biomass through the 2010s, and has since declined.

Spiny dogfish during the 2000s was at a low point has since rebuilt in the early 2010s, but has some hint of declining since. Weakfish has just pretty much been at a low stock size for the last few years. In going through each of the comparisons of each of our models, the interesting thing to note is that we have along the Y axis we have Age plus 1 biomass.

Along the X axis we have years. In black with the gray envelope is the single-species model, the BAM model and its estimate of plus 1 biomass. We also have a number of various modeling approaches that we used, and those include the EwE or the NWACS models, the full models, the stripped down version, the MICE model, the multispecies statistical catch at age model, the VADER model, as well as our two surplus production approaches.

The takeaway message here is that believe it or not, all of them are pretty much in line. They all give us roughly the same answers, usually within the same scale. There are some differences, but as you can see, some of those differences are fairly minor, especially considering the uncertainty enveloped around the BAM single-species approach.

Likewise for exploitation rate, most of the exploitation rate since the 1980s has roughly been in line. There are some outliers earlier in the year, and we have to sort of remind everyone that the surplus production models generally tend to use a different dataset associated with them. Most of the multispecies models don't even start until the eighties, or a good portion of them, simply because they don't have any predator species in them, until we actually ended up getting MRFSS data.

The other way we sort of compared models back and forth was to look at the model performance. These include estimates of exploitation and biomass in ERP models. They are similar to each other. This isn't really surprising. Most of the models were using the same datasets among them, so it's good that they all give us roughly the same answer, and in fact for some of the ecopath/ecosim, some of the NWACS models, they actually use the output from the BAM single species as input to their approaches.

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CHAIRWOMAN MESERVE: We're just going to take a two minute pause or so, I think there is a disconnect between the presentation that Dr. Cieri is working off of and what's being presented on the screen, so we're just going to make sure we're all on the same page.

(Whereupon a recess was taken.)

CHAIRWOMAN MESERVE: All right, intermission is over, we're ready to proceed. We're all looking at the same thing now, so turning it back to Matt.

DR. CIERI: This is what happens when you e-mail a presentation at 9:30 at night to staff. If you guys remember back in 2015, we had an Ecological Management Objectives Workshop, in which you guys and stakeholders and other members of the public came together to sort of give us some direction as to where you guys wanted to go with ecosystem-based fisheries management. One of the things that you came up with were some fundamental objectives, and these included things such as sustaining menhaden to provide for fisheries, sustain menhaden for providing for predators, provide stability to all types of the fisheries, and to minimize the risk of sustainability due to changing environment or changing climate.

I will add in that one of the things I think is important that the group thought was important was that if we developed a tool to accomplish some of these things that that tool would be updated in a timeframe that you guys need for management. It's not really useful if it takes us five or six years to update a model, and you want to start sending yearly quotas, for example.

When comparing our models against your management objectives, I know you guys probably can't see most of the stuff on this slide. But along the top there are your fundamental objectives, including sustain menhaden to provide for predators, sustain

menhaden for providing for fisheries, et cetera, et cetera.

You'll notice that two of the models, the VADER model, the statistical catch-at-age approach, and the NWACS model, the EwE model hit most of the boxes. They hit most of the things that you guys want measured, and address most of the concerns that you guys have, at least according to the EMO workshop.

You'll notice that none of the models do a really good job with environmental change, and that's simply because that hasn't been incorporated yet. For addressing management objectives, the VADER and the NWACS models were the only models that really provided feedback, or were capable of providing feedback on where the predator populations were in response to menhaden.

But only the EwE approaches as currently formulated allow you to look at the menhaden population and its effect on the predator population, rather than just the removals by the predators on the prey, so as a two-way street. In providing management advice, this EwE approach allows us to explore the effects of menhaden harvest on the predator population.

However, the single species model is just better in capturing the dynamics, particularly short term of Atlantic menhaden. It has the ability to look at things such as selectivity, changes in fleet behavior, as well as recruitment pulses that you simply just don't get from a EwE or an NWACS approach.

Because the full EwE model is such a bear, in fact if you wanted it up there we would have had to have started last week. We decided to remove all but the most important predators and prey in the system, to give a sort of streamlined or a stripped down version that would allow you to make management decisions in a timely way.

Based on the comparisons between that full EwE NWACS full model, striped bass were reasonably good proxy as a sensitive group within that stripped down model. Given all that information, we're going to recommend moving forward with this EwE NWACS approach, as well as a single-species approach as a

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combined tool for providing management advice to you guys as you move forward for ERPs. Well, let's take a look at what this tool really is and how it works, as well as some examples. The first thing to start off with is that there is no right answer for targets and thresholds for Atlantic menhaden, in a sort of ecological context. Where you want your menhaden to be will depend on where you want your predator population to be.

Where do you want the predator population to be as well as the fisheries that are associated with them? The NWACS MICE model can illustrate the tradeoffs between menhaden F and predator biomass and predator F. Let's get in what we lovingly call the rainbow plot that we've been using. I know you guys have probably had handouts to that effect with this figure on it.

What I want to sort of guide you through is that we have striped bass F on the Y axis going up, menhaden F on the X axis moving along. Darker colors basically are more striped bass, the purples and the blues moving to red, which are less striped bass is a good way of thinking about it. For each menhaden F and striped bass F there is a point, and this point actually ends up coming up into a line when you think about it.

You've got two lines on there, in one at biomass threshold. Basically this is your striped bass threshold level as currently stated in its FMP. Then you have its target. If you look at where you are with striped bass now, right there, what you'll see is across that entire horizon of menhaden F that you're not anywhere near your – well you're a little bit close to your B threshold – but nowhere near your B target for striped bass.

You also notice that there is no menhaden F that will get you to your B target, even if you set menhaden F to 0. Hopefully you guys are all with me, if you continue to fish at F at 2017. If you move striped bass F to its target level in this line, you'll see that you can actually achieve

both your B target and your B threshold. Where you are between those is going to depend on where your menhaden F is.

This is where your menhaden F currently is and you can see that if you fish for menhaden at the current rate, with your striped bass at its F target that you end up achieving your B target. This next one is the F target for Atlantic menhaden, the single species one that Amy was just talking about. If you fish your striped bass at its F target, and you fish menhaden at its F target, you end up between your B target and your B threshold for striped bass.

This next line is the threshold for Atlantic menhaden. If you fished Atlantic menhaden at its threshold level and you fished striped bass at its target level, you don't achieve your B threshold for striped bass. We ended up using striped bass, because we found that it was the most sensitive fish predator to menhaden harvest.

The NWACS full model found that striped bass and birds were fairly sensitive, but the understanding for us is if we were going to go forward and move through and sort of develop example ERPs that we would do so for striped bass, as that would probably allow for birds to respond similarly to striped bass.

We defined an ERP target and an ERP threshold. With the ERP target as an example, being the maximum F on menhaden that can sustain striped bass at its target, when striped bass are fished at its F target. Then to do a threshold, which would be the maximum F on menhaden that keeps striped bass at their B threshold, while striped bass are fished at their F target. To sort of give you a picture of what that kind of looks like. This is similar to the graph that I had before, except what you'll find is that on the Y axis we have striped bass as a ratio of B to B target.

That one line is that when striped bass is at its B target. The dash line that is below that line is when striped bass are at its threshold. As you can see, you can have different levels that would correspond to different menhaden fishing mortalities, in particular, if you look at the green solid line that is where we're proposing as an ERP target for this example.

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That is where striped bass ends up hitting its B target, and that is the corresponding F for Atlantic menhaden. Likewise you can go to the threshold. As you move down towards the threshold that has a corresponding F associated with it for Atlantic menhaden. We're suggesting that to be an F threshold ERP for this example.

Interestingly enough, if you look at the gray which I hope you can see the gray line. That is where you currently are with your menhaden now. If you look at the other lines, the blue lines, those are your current single-species targets for Atlantic menhaden. What you can see is that your typical ERPs for Atlantic menhaden in this case for this example, are more conservative than your single-species reference points for Atlantic menhaden, and just to show you kind of what that looks like.

In this example the F reference point, this is a sort of side-by-side comparison between our F reference points for ERPs, as well as for single-species. For ERP that would in this example, would give us an F target of 0.19 with a threshold of 0.57. Correspondingly, your single species reference points are 0.31 and 0.86. The example ERPs are more conservative.

Your current F in 2017 is 0.16, and so not overfished, not overfishing, I'm sorry. Whether you're looking at either the single species or the ERP reference points as we've laid out, this already gives you just sort of a historical context of where menhaden have been relative to these ERP examples. What you can see is we've been usually far below the F reference point, the F threshold since about the 1980s.

More recently we've been right around that ERP F target, within the last probably, you know since probably the late 1990s we've been bouncing around that ERP F target. For some overall management advice, this tool we think will allow the Board and Commission to evaluate the tradeoffs between Atlantic

menhaden F and predator biomass, in a quantitative and transparent way.

For next steps we're going to need some instructions from the Board on other scenarios that you would like to run. You'll notice if I go back into some of my other slides you'll see that we've done this sort of example ERP with all the other predators and prey in the system being fished at current levels.

Most of those are under FMPs, either by this group or by other groups, and therefore those are subject to change, and so we have some analysis that I'm sure Max will be showing in a bit that there suggested to run, in order to look at what the behavior for the ecosystem might be if, for example, you also rebuilt bluefish for example. Just to sort of sum up where we've been. You guys tasked us with developing a tool that can help examine some of the tradeoffs between menhaden removal and predator biomass. We've developed a tool using both the BAM as a single-species model, and an ecopath/ecosim NWACS model to look at those kinds of tradeoffs for you.

We've provided an example ERPs that you can use to at least formulate where you might want to go in the future, and at least illustrate what kind of stuff you can get out of this tool that we've developed for you. For next steps, Max is going to talk a little bit about where we go from here or where you guys could potentially go from here, including some other analysis that we're going to suggest.

Before we wrap up completely, I really do, I know you saw this slide earlier. I really would like to highlight current and past staff who worked long and hard on this project. Those people totally deserve a raise. You know they heard the cats, they got us shipshape for the meeting, and they worked really, really hard on the documents and in some cases the analysis. With that I'll take any questions.

CHAIRWOMAN MESERVE: I bet there are no questions, right? Allison Colden.

DR. ALLISON COLDEN: First of all I just want to echo the statements of the Chair, and of you Dr. Cieri of gratitude to all of the hard work that the Technical

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Committee and ERP Workgroup have put into this. I think this is a tremendous body of work, and stepping into a completely uncharted territory. I'm really impressed with what you all have been able to come up with, in terms of presenting us with a model that is maybe not easy to understand on the first time around, but I think is a very thorough evaluation of what we were going for.

I have two questions I hope will be pretty brief. Matt, you mentioned that in the full model, the full EwE model, striped bass and birds were the most sensitive and so striped bass was sort of chosen as a proxy for that. Was striped bass also the most sensitive out of the species that were included in the MICE model, out of the predators that were included?

DR. CIERI: Yes. Striped bass far and away is the most sensitive predator pool that we have in either of the approaches.

DR. COLDEN: Okay, and another quick question. The 2017 F values that were used for the focal species, has there been any assessment updates or other information to update those Fs since that terminal year for any of the species that were included?

DR. CIERI: We haven't done so, but I'm sure those, if Katie can probably comment on striped bass and some of the others.

DR. DREW: Not for striped bass. Obviously we're working on management to bring that F down. Bluefish did do an assessment update that had a terminal year of 2018, so we were able to use their preliminary data through 2017 for this assessment to get done on time. In 2018 they found that their F had come down below the target, but the other species are unchanged since 2017.

DR. COLDEN: Okay, so the only one is bluefish.

DR. DREW: Yes at the moment.

CHAIRWOMAN MESERVE: Ritchie White.

MR. G. RITCHIE WHITE: Is the takeaway from a manager that understands very little of this whole process that the menhaden population and fishing mortality is exactly where we should be? Is that a reasonable observation, then I have a follow up if I may.

DR. CIERI: Yes in this example. As I suggested earlier, where you want to be is really a question for you of where you want to be. From the examples that we've given, based around what striped bass reference points are, then your F is lower than that. That said, changing any of your reference points for your other species, for example, would change what that answer is.

MR. WHITE: Follow up, thank you. I've noticed with the large volume of menhaden in the Gulf of Maine. Being on the water I've noticed a substantial change in predators coming in and feeding on the menhaden in very shallow coastal waters, 15-20 feet, very common to have humpback whales, minke whales, great white sharks, makos, as well as striped bass.

I'm wondering whether watching that happen, it seems like the menhaden is staying in the same place for the whole summer, not seeming to move, staying in proximity to shore in the shallow water that that is easy access to the prey species. It seems like the prey species would be more successful in those circumstances than those schools being spread out in the deep water where prey would have to go look for them. Just curious as if that is anything that could be looked at in the future.

DR. CIERI: The full EwE model that we examined did incorporate a lot of different types of predators and prey into that particular system, into that modeling approach. But for here we're just going to focus in on the prey species and predator species that are probably the most relevant for your management activities.

DR. DREW: But just to add onto that. I think spatial and seasonal components are things that we would definitely like to work on in the future. But obviously

that's much more data intensive, and the models aren't set up for that right now. But as we develop this tool further that kind of information, spatial seasonal information would be very important, not just in the Gulf of Maine but also in the Chesapeake Bay and other bays and estuaries along the coast.

CHAIRWOMAN MESERVE: Bill Hyatt.

MR. WILLIAM HYATT: You mentioned that striped bass and predatory birds were the most sensitive to your analysis, and then went forward with a focus on striped bass. I was wondering if you could just talk for a minute about what you did, what you know about the interaction with predator bird populations. I'm asking this because I think many of us in the room are getting e-mails on this subject from a constituency that is not amongst those that typically communicate with us. There is a lot of interest outside the immediate fisheries arena, so just if you could talk about that for a minute and what level of information you had, and analysis that was done relative to birds that would be helpful.

DR. DREW: That's a good question, and part of the reason obviously that birds are not. Well there are two main reasons. One is we don't have any management targets for birds in this arena, so it's hard for us to evaluate where birds should be. But more importantly birds are a very data limited species compared to say striped bass.

In this model we actually lump nearshore piscivorous birds into a group, so this includes things like osprey and cormorant as opposed to the larger seabird population like albatrosses that are further offshore. This includes the ones that hang out nearshore and are feeding in those nearshore coastal waters.

However, we don't have enough information to separate those out into separate species, so they are sort of all lumped together. We don't have good information on the trends of these

populations. We don't have a lot of good information on their diet data. What proportion of these species diet is actually made up of menhaden?

We've done the best that we can with the literature that is available, but it's definitely a source of uncertainty here. In the full model their response over the range of scenarios that we looked at was very similar to striped bass, so that they sort of declined at a similar rate to striped bass as you increased menhaden fishing pressure.

If we can prevent that kind of a decline in striped bass with a given level of fishing mortality, it's likely to have similar benefits to the bird population, the nearshore piscivorous birds as a whole. However, there is a lot of uncertainty around that and that is definitely an area that we would want to do more research, as well as more modeling work in the future.

CHAIRWOMAN MESERVE: Lynn Fegley.

MS. FEGLEY: Thank you Dr. Cieri and the entire team. This is really brilliant, and I think you guys should really be proud of what you accomplished, it's very exciting. It's difficult though. My brain is smoking trying to wrap my head around it all. I just wanted to ask about the target. The suggested target is the maximum F on menhaden that sustains striped bass at their biomass target, when they're fished at their F target. I'm assuming that's an equilibrium prospect, so it's over time that is what is going to happen. But what is the impact?

It does not mean there is 100 percent guarantee that we'll meet the striped bass target, biomass target right? If we're fishing everything right where it needs to be, there is still uncertainty as to whether we can actually get to that striped bass target. My question is if that were to happen, if we're not getting to that striped bass target, what is the feedback to the ERP for menhaden, if that makes any sense at all? In other words, if we're not quite achieving that striped bass target how do we resolve that? Does it affect the ERP or do we just keep going?

DR. CIERI: A lot of that depends on your level of risk. Each one of those points actually has an uncertainty

envelope around it. What you do if you don't quite achieve the striped bass target, for example, you're currently fishing at an F that is lower than your ERP target now, and your striped bass is nowhere near its target biomass. How that all figures out, how that all comes together is based around sort of your risk. Do you keep fishing menhaden as a precaution when your predators aren't near their targets? That is sort of a management decision. Does that help?

CHAIRWOMAN MESERVE: Emerson Hasbrouck.

MR. EMERSON C. HASBROUCK: Thank you to the entire team up there. I don't have a specific question, but Matt toward the end of your presentation one of your slides included a table that listed target and threshold and the values under ERP and single species. Could you just put that back up for a couple of minutes? Thank you.

DR. DREW: Just to clarify on this table, which I think Matt mentioned but just to remind everybody is the single species in this is the full F, whereas the Single-Species Assessment is reporting that geometric mean over Ages 2, 3, and 4, which are the main ages in the fishery so the numbers are a little different, but they mean the same thing in the framework.

It's just that we translated them to the full F scale, because that is sort of what the EWE model was most directly comparing them to. If you look at these numbers and they're different from what the single species says, yes but that is because they are measuring slightly different things, but the interpretation is the same here.

CHAIRWOMAN MESERVE: Thanks for that clarification. John Clark.

MR. CLARK: Thank you for the great work on this, Matt. Could you elaborate a little bit more about the striped bass being the most sensitive species, because you know just looking at the landings of menhaden, they were much higher

in the 2000s when the striped bass stock had reached pretty much a historical high population level.

In terms of what striped bass eat, we were very concerned about whether the striped bass were having a role in the collapse of weakfish in Delaware Bay during the 2000s, and we did a lot of stomach content work. As in other studies we found yes, when bunker are available that is what they will target, but when bunker are not available they will eat what's there.

We found condition factor didn't really vary much when they were eating sand eels. The only time I saw really a problem was when they were filled with lady crabs this one winter. You need to just go a little deeper into why striped bass would be so sensitive at this point, when in the past as I say, the population of striped bass was much higher, and bunker seemed to be lower, and yet they were both going in those directions.

DR. CIERI: In sort of the modeling approach that we took, striped bass were the most sensitive out of the ones that we looked at. I think if you were to compare this to some other ecosystems, they would suggest that striped bass are not as sensitive as for example other stocks in those systems. Our striped bass tend to be the most sensitive of all the predators that we've looked at, but their population status doesn't really depend that heavily on where menhaden are, for example. Sensitive in this case is a relative term with this particular ecosystem.

CHAIRWOMAN MESERVE: Go ahead, John.

MR. CLARK: If I could just follow up then. With some of the other models like the VADER model, would that take into account stomach content and the proportion of the diet that is attributable to menhaden for striped bass, and are you still looking at that model?

DR. CIERI: We are, and in fact that is one of the recommendations that it was going to come out from the Peer Review Panel is that we continue to explore the VADER and the statistical catch at age approaches as we move forward into the future.

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CHAIRWOMAN MESERVE: Steve Train.

MR. STEPHEN TRAIN: I have to simplify this stuff in my head. I don't come from a science background, so maybe you can help me, Matt on this. It looks like by doing single species management on menhaden we backed into a situation that is going to work fine in multispecies, because the numbers are right there now.

That is fortunate. It wasn't planned, but it has worked out. My question is if the population of striped bass currently is what it is. If we had more menhaden in the water, would it help it grow or do we need the population of striped bass to increase first? I'm using striped bass because you did, it could be any other species or does that population need to be higher before we have to adjust our numbers? Which one comes first?

DR. DREW: I think the key to understand is that you have to adjust all of them at once. Right now part of the reason, striped bass is experiencing overfishing, and as the heat map showed that rainbow plot showed, if you don't adjust the striped bass fishing mortality nothing you do to menhaden will bring that population back. I think we need to adjust both of them together.

The Board took action that they deliberately chose not to fish at the single-species target, and as a result set a quota that was lower than what the single-species management suggested that we could achieve, and as a result it seems that we sort of as you said backed into a good situation for these species. However, so if we can maintain menhaden there that is going to benefit these predator species. But we also have to take action on these predator species in order to help them rebuild from a fishing perspective.

CHAIRWOMAN MESERVE: Follow up.

MR. TRAIN: Essentially if we say, all right the menhaden matters the most. We have to take care of this, take care of everything else. If we keep increasing it without managing the other, we can't manage the other ones just by having menhaden more populace. We've still got to step in and do something with them. This isn't going to solve all the problems.

DR. CIERI: That was the plot that I show that there was no, like at your current F level for striped bass there was no menhaden F level that would rebuild striped bass back to its target. You could set your menhaden at 0 fishing and your striped bass won't come back.

CHAIRWOMAN MESERVE: Megan Ware.

MS. MEGAN WARE: I'll echo all of the congratulations to you guys. I know this is a ton of work, so congratulations! Just two questions, my first one is really quick for that handout we got are that menhaden F units, they are different so one is BAM units and one is the ERP units? Is that correct? We should look at these figures separately, not compare them?

DR. DREW: Right. The rainbow plot was done that's the average F that corresponds to kind of the current status of the geometric mean average from BAM, and then the curved plot that is not rainbow is the full F, the equivalent full F from the BAM, as opposed to the average F.

MS. WARE: My other question was I was hoping someone could talk about kind of the relationship between herring and menhaden in the MICE model. Reading through it sounded like there was like a prey switching toggle, for a better term, but after that I got a little confused. I was hoping someone could explain that.

DR. CIERI: Again, herring are an ultimate prey item allowing the predators to switch from one to the other when one is vulnerable, depending on the stock sizes. Currently just like as we've talked about for Atlantic herring. Atlantic herring are actually at a fairly low stock size.

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They don't contribute as much to the diets of some of the predator species, as well as the fact that they don't overlap a lot for example with weakfish. They are an alternate prey item, depending on the relative ratios or the relative sizes of the population between menhaden and Atlantic herring. Does that help?

MS. WARE: Yes. The herring biomass is included in the calculation for the example ERP, so changes in herring biomass would also impact these numbers.

DR. CIERI: Correct, and as we'll go through a little bit later there are some alternative analysis that we can do based around whether or not herring are rebuilding or not rebuilding, and you'll see those.

CHAIRWOMAN MESERVE: We do want to make sure we get to that. I have four more people, five on the list, and then I would like to move to Dr. Jones' presentation, and there will be more time to talk about this and continue to get a better understanding of this. Let's move to Adam Nowalsky.

MR. ADAM NOWALSKY: Thank you very much, very informative, lots of good work here. I might be jumping ahead. There is going to be a discussion tomorrow by the Commission on a larger scale about what the implications of this are for species of other management. However, I think that discussion tomorrow will be predicated on the decisions we make here today with regards to what we accept for management use. In looking at the other species plots that are included in the assessment report, near where this striped bass, menhaden, rainbow plot is, there were two additional rainbow plots there, one that incorporated bluefish biomass to B target, and also one for weakfish B to B threshold. In both of those charts if I interpret them correctly, regardless of what the menhaden F values are, striped bass F values would have to approach 1.5 to get either of those other species to a B to

B target ratio of 0.5 or weakfish B to B threshold target of 0.5.

What it's suggesting is we would have to fish striped bass through the roof to help those other species from the information that's here, regardless of menhaden. I'm hoping you could give some advice on how to use the rest of this information as we do multispecies management.

DR. CIERI: That information in there was assuming that you keep your predator Fs at the same level, well at the 2017 level. What it is suggesting is that you don't get much of a rebound in some of those other stocks if you keep overfishing them. Like for example, for bluefish. We can give you that sort of context of what that looks like for menhaden and for striped bass.

But those other predators are also subject to their own removal rates by their fisheries. That gives you the idea that you need to manage for those species and not just striped bass and menhaden for weakfish, for example. Those were all done assuming that you had status quo 2017 fishing mortality.

DR. DREW: To add on to that I think we included those plots because they do contain important information, which is that at the extremes of these fishing mortalities there is interaction in the predators alone. The point of that plot is that even if you only change menhaden and striped bass, you're still influencing the bluefish or the weakfish population dynamics, and that because there is interplay between bluefish and striped bass, they are competitors and in fact they also prey on each other's juveniles.

You are correct in saying that we need to evaluate how all of these interact together, and to determine down the road what the best set of reference points for these are as a single species. I think we can definitely come back and show you some example plots for bluefish, where you fish bluefish at their target so that they are no longer experiencing overfishing in these scenarios, and see how striped bass F and menhaden F interact with those for the bluefish and weakfish. But definitely there are

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interactions beyond a single predator and a single prey in these models.

CHAIRWOMAN MESERVE: This discussion will definitely continue under the next agenda item when we get there and staff's presentation that is going to be talking about the long term plan, and how the Menhaden Board functions with the other species. Let's move to Allison Colden.

DR. COLDEN: I'll pass.

CHAIRWOMAN MESERVE: Conor McManus.

DR. CONOR McMANUS: Matt, just on the biomass trends plot for the different models. It seemed that for the NWACS models the interannual variability through time was smaller than the BAM. Is that attributed to the fact that the BAM captures more of the population dynamics of menhaden, or would you attribute that to the feedback mechanisms within the NWACS models?

DR. CIERI: It's how the models handle it. For example, the EwE, the NWACS model is more that uses sort of stanzas for ages, so it will lump multiple ages together, and so you don't get that kind of spiky year class affect that you would normally see for something like the BAM, where it will show you good and bad year classes and changes in biomass accordingly. It's a little bit more smeared because it's more of a biomass sort of approach. Does that answer your question?

DR. McMANUS: Yes.

CHAIRWOMAN MESERVE: Ritchie White, pass, last before we go to Dr. Jones presentation will be Malcolm Rhodes.

DR. MALCOLM RHODES: This may not be the time to bring it up, but first of all I wanted to thank you and your group for all the work you've done. It is fun to see this germinal idea that started six or eight years ago be brought to this point to be proofed, and to be where we're

at, at this point. My only question to you now is kind of the housekeeping question.

I understand that your expectation going forward is we'll have two models to look. Going forward will your group, I know there is a lot of overlap between the two models. Will it create a lot of extra burden on the subcommittee to provide those materials in a timely manner? That may be something we're coming to as we move forward.

MR. MAX APPELMAN: I'll take a stab at that. Obviously these models are very intensive. It's somewhat unclear how much time would really go into updating these models, but in a nutshell the ERP Workgroup would take on most of the work. When it comes to menhaden specific TAC setting processes that would also be vetted through the TC, but sort of you still have, you can think of the ERP Workgroup as sort of becoming the Stock Assessment Subcommittee in this new realm, and everything passing through the TC for menhaden specific tasks.

DR. CIERI: Just as a follow up. A reminder that we built this sort of streamlined EwE NWACS model with this question in mind, to make something that is more updateable, so the species that are included do have information that we can pull off the shelf, so to speak to allow us to update it in a more timely manner. But of course it always will be a little bit more work than simply running one model.

PRESENTATION OF PEER REVIEW REPORT

CHAIRWOMAN MESERVE: Thank you and Dr. Jones when you're ready we'll pull up that presentation.

DR. MIKE JONES: Thank you Chairperson Meserve, thank you to the Commission for inviting me here to address this group today. It's a real pleasure for me. Some of you may recall that I also chaired the Peer Review Panel for SEDAR 40 the last time there was a benchmark assessment, and it's really extraordinarily interesting and rewarding for me to be back here having seen how much progress has been made on a variety of fronts, with regards to the Atlantic menhaden. I myself am from the Midwest. I have really nothing to do with menhaden, but I have worked on a whole lot of different fishery

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management issues, including multispecies fishery management issues. This is a fascinating and exciting problem to be connected to. The peer review process had to look at two assessment reports that you've just heard about this morning, it was a lot to read.

We held a workshop in Charleston in early November, and our scientific review focused on evaluating the data, the models, the sensitivity analysis and the overall quality of the assessments for both the single-species assessment and the ecological reference point assessments. The Peer Review Panel had five members, myself as Chair, Sarah Gaichas, Daniel Howell, Ken Frank and Laurence Kell. The last three being representatives of the Center for Independent Experts.

We were very fortunate to have Dr. Sarah Gaichas as part of the review team. Many of you may know Dr. Gaichas; she is from Woods Hole and has really solid expertise in food web modeling and multispecies analysis. That was a great help for our work. I'm going to try to go through this summary of the peer review pretty quickly to leave more time for questions.

I'm going to be kind of short on details here, but try to capture the main points of the review. First overall findings with regards to the Single-Species Assessment, the Panel concluded that the BAM model, the assessment model is a mature, well developed stock assessment model that the conclusions that this Stock Assessment Subcommittee reached were defensible, and that their examination of uncertainty with regard to the model was very thorough.

We agreed with the conclusion that Atlantic menhaden are currently neither overfished nor experiencing overfishing, and we agreed that the reference points that are in place right now, I think they are referred to as interim reference points, are entirely appropriate, at least until we move forward with the development of ecological reference points.

With regards to the ERP Assessment, just to sort of reiterate what several of you said in your comments after Matt's presentation. It was very, very impressive to see the breadth of examination of candidate models that the ERP Working Group confronted or looked at. The Panel agreed with their recommendations about the preferred models for further work being the single species BAM model as well as the reduced complexity ecosystem model called NWACS MICE.

Importantly, we felt like the analysis that the ERP group had done had reached a stage of credibility and thoroughness that it is time for the conversation to shift back to managers, about what to do with these analytical tools, if you will, to inform the management decisions that you will continue to have to make. Now I'm going to quickly go through the terms of reference for the two reviews. The first for the single-species review, the Panel was supportive of the choices that the SAS made with regards to the data to include in their model.

We did note that the survey data that exists tend to be light on information on larger, older fish. As you know all of the fishery independent surveys that are used in this assessment are not targeted at menhaden, they are sort of opportunistically used. The models are kind of sensitive, and one of the sensitivity analyses showed this, to the uncertainty we have about the relative abundance of older menhaden in the fishery. One of the recommendations on that obviously was to try to add surveys that would represent larger and older fish, and we also made a technical recommendation about considering an alternative analytical method for combining the survey data, and I can elaborate on that more if you have questions.

With regards to the assessment models, as I already said, we concluded that the model that their using, the catch-at-age model is a well-established, mature model. We concluded that the major changes that Dr. Schueller talked about earlier with regards to how their modeling fecundity and natural mortality were defensible and justified, and again I can speak more to that if there are questions later.

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We did note that the way these models work is they use these complicated statistical fitting routines to try to estimate things like abundance from the data, and we did notice that the models had trouble sometimes finding a good answer, if you will. One of our recommendations was that there could be some more work by the SAS to evaluate the stability of their stock assessment model estimates.

We didn't consider this to be a serious issue, but there were a few results that they presented that were a bit troubling in that regard. But we did conclude that the model is an appropriate tool for providing management advice. We were appreciative of the thorough and extensive efforts that the SAS went through to examine the sensitivity and uncertainty, with regards to the model.

Again, to reiterate a point I made earlier, the sensitivity analysis, one of the main take homes from that was highlighting the importance of perhaps improving the assessment in the future by having better survey data for older fish. But importantly with the conclusions, we agreed with the conclusions of the SAS that the stock status conclusions were robust to the uncertainties that they looked at.

We did suggest, much to the annoyance of Dr. Schueller and some of the other SAS folks that we would like them to continue to try to find ways to integrate the two methods of uncertainty analysis that they used. Dr. Schueller referred to an MCB method and an MCMC method that were sort of tackling two different parts of uncertainty. We suggested that they continue to struggle with trying to integrate those two into one.

With regards to the assessment results we agreed with their conclusions about stock status. As I mentioned earlier, we agreed that the current reference points seem like appropriate ones for single species management, given what we know about

menhaden at this point. But obviously we would recommend that you plan for replacement of those reference points with ecological reference points.

We did have some suggestions about, there was some discussion earlier about prediction uncertainty, or future prediction uncertainty, and we had some suggestions about evaluating other methods for assessing the prediction skill. We generally supported what the SAS had to say about research on data collection in the future, and again not to belabor this point too much, emphasize how valuable it would be to have an assessment tool that would inform you more about the older menhaden in the population. We wanted to emphasize, and I'm going to repeat this later that the idea of doing a so called management strategy evaluation, this was talked about in CR-40 as well, is a great idea. But this could become a monster, and so we urge that the Technical Team to think very carefully about how to go about doing a management strategy evaluation so as not to make it a burden for management decision making in the future, and also to integrate it with a multispecies approach.

That is it for summary of the single species, no one more, sorry. Timing, really little to say there other than we agree with the recommendations with regards to timing, recognizing that if you are moving towards a multispecies integrated management strategy for menhaden, and the species that prey upon it that that may imply something about the coordination of the timing of benchmarks, for the various species that would be playing into that.

With regards to the ecological reference points, there are a lot of data that informed the analysis that the ERP Working Group worked on. We were in general support of the choices that they made for data to include. One decision they had to make for some of the analyses was to include a data series the Reduction CPUE Index that was not used in the Single-Species Assessment, and we thought about that a little bit, and agreed that this was the appropriate decision for them to make for the types of models that they were trying to fit.

We also felt that they were making the best possible use of the admittedly limited diet information that we

have for informing models like the NWACS MICE model. We recommended that despite sort of feeling like they've done the best they can with the data that are available that in the future, because these diet data are spotty, are difficult to come by, especially for some of the species that haven't been looked at closely in the model so far.

There might be research priority for looking at new novel ways to get at diet information, and I mentioned DNA metabarcoding as one of those, and I could elaborate on what that gobbledygook is if you're interested. If there is going to be continued work with the multispecies catch-at-age model, and I'll refer to that later.

There probably needs to be more comprehensive evaluation of the spiny dogfish data that would feed into that. Importantly, I mentioned that these ecosystem models use a lot of data from a lot of different sources, and in contrast to the stock assessment model, the catch-at-age model, it is less straightforward how the data inform the models.

There can be a lot of sort of subjective decisions about what you're going to do with the data sources. What that means is that it's really important that you have what I call here a data pedigree, some means of being able to go back and say this is the data that we used, this is how we used it. That is probably a pretty important thing if these ecosystem models are going to inform your management going forward.

We were really impressed with the thoroughness and the breadth of evaluation of alternative models that they used to consider menhaden as a forage species. In the end we agreed with their recommendation to use the single-species model BAM and the reduced EwE or NWACS MICE model as the tools for development of the ERPs in the short term. But we also recommended that they continue to consider using this multispecies catch-at-age model, if that model could be developed to the

point where it did effectively include predator/prey dynamics in ways that it doesn't currently. It would be a viable alternative to the EwE model as a tool for evaluating ERPs, but it's not at that stage yet. Again, having been involved in SEDAR 40, having participated in the Management Objectives Workshop in 2015, I was incredibly impressed with how far this group has gone, in terms of thinking about translating those needs that were expressed then into analysis and tools to set the stage for a serious discussion about ecological reference points.

As has already been discussed, the examples that were in the report and that Matt talked about in his presentation, Dr. Cieri talked about in his presentation, should really be viewed by the rest of you as an illustration of how you go about doing this, not the answer. There is a lot more thinking that has to go into developing a set of reference points that effectively consider the many interactions that are potentially important for the management of menhaden.

It's time to begin this dialogue between the technical experts and managers. Maybe you would argue that that dialogue began a long time ago. I should rephrase that. It's time to continue in earnest the dialogue between the technical people and managers to develop these reference points. The uncertainty analysis, sensitivity analysis for the ERP report kind of focused on the NWACS MICE model because of the preference that the Working Group was leaning towards to use that going forward.

Importantly, at the Review Panel meeting we asked them to do an additional sensitivity analysis about how robust their conclusions were to different assumptions about the magnitude of predation mortality on menhaden, particularly from striped bass. They went ahead and did that in real time while we were there, and persuaded us that the model is pretty robust to uncertainty about that.

I mentioned earlier that the diet data aren't fantastic, so there is uncertainty about the relative magnitude of predation mortality imposed by these predators, so that was useful and encouraging. If this multispecies-catch-at-age model is going to be used in the future,

they need to think about doing more sensitivity analysis if that modeling has been done so far.

Right now with regards to stock status the Single-Species Assessment is the best tool you have for determining where the menhaden population is relative to your objectives. But obviously the conversation today and for the last few years has been about moving towards an ecological reference point.

This is my last slide. The Panel generally agreed again with the recommendations of the Working Group, with regards to future research activities. In our Peer Review report there are a number of specific recommendations for things they might want to consider doing, particularly with novel interpretations of diet data and things like that.

Again, as I said at the end of my comments on the single species review, we do favor the idea of using a tool like a management strategy evaluation to explore management alternatives, but this has to be done with caution, because it can explode on you. But it is a really valuable tool for looking at the tradeoffs that you're going to have to be looking at, with regards to setting management targets for the different species that interact within this sort of menhaden complex. I think that is my last slide, yes it is. At this point I'm happy to take questions.

CHAIRWOMAN MESERVE: Thank you, Dr. Jones. Under questions, I guess I would first like to return to Roy's question earlier about natural mortality. You heard Dr. Jones say that the decision by the SAS was both defensible and justified, so I guess I just want to make sure Roy that you had the answer to the question that you asked earlier, or if you have any follow up about the natural mortality value.

MR. MILLER: It seems like it's all we can do with that.

CHAIRWOMAN MESERVE: Jim Estes.

MR. JIM ESTES: You all did a really good job. I don't understand probably 10 percent of what you did, but the 10 percent that I understand is I'm pretty impressed. I would like to dig a little bit deeper into what Roy asked about, and that is because I expect that we are going to have some stakeholders.

We know how we do things is that we have stakeholders that have impressions about what they want to see when our scientists do some things, and they sometimes are a little bit biased on how they see it. I want to tell you what my understanding of the natural mortality issue is. First of all I do believe that debate is very important in science, and I think that we have gotten a little bit away from that in some scientific areas.

I appreciate Dr. Ault sending his e-mail. But let me tell you what my understanding of it is, and if I am wrong then please correct me. First of all, after I read what he wrote it kind of did not erode my confidence in what you all did, and the basis of that is this. I think he was comparing two things that are not the same.

In his e-mail he questions natural mortality, and he had a graphic in his e-mail that showed that the natural mortality that we are using for menhaden was much higher than the natural mortalities that are estimated from theoretical things like maximum age, and he had a graphic on there.

But I believe that for estimating the maximum age of those various species that he had that he's looking at mortality over the life of the species. In menhaden, I think I heard a little bit earlier that we were looking at natural mortality between Age 1 and 2. Well those are not the same things, they are not comparable.

I think we would expect to see, especially for a fish that is eaten by a lot of other fishes that the natural mortality of those fish would be much higher when they were younger than when they are older. That is the basis for my kind of rejecting his debate. Am I accurate in the way I look at this?

DR. DREW: Yes, I think that is definitely. The graph is a little misleading in that he is plotting the Age 1.5 natural mortality over where the Age 10 natural

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mortality or a fish that lived sort of the maximum Age 10 mortality would be. That is a little, it is still higher than what you would predict using these life-history-based analyses, although FEMS recent re-estimation of Hoenig's life-history-based parameters also did increase that natural mortality. Those other graphs, well the plots are probably a little outdated as well, and it should be higher. I think an addition to keep in mind is you know those species are generally not forage fish species on that plot.

It's not just a matter of how long does that species live, but the size of the species, its role in the ecosystem, and you wouldn't necessarily expect, even if menhaden do live to 10 or 12 years old, 10 being the maximum age we've seen in the population. You wouldn't expect them to have the same natural mortality as something as large as a bluefish or a grouper that reaches a very large maximum size, whereas menhaden are preyed on throughout their entire lifespan.

DR. CIERI: I think it's important to remember that most of those other stock assessments use estimates of M based on life history approaches. Whereas in menhaden the big difference is that we have a tagging analysis of over a million fish. It's actually based on data, not on theoretical life history, how long are you going to live, but on actual data that we gather while doing it.

CHAIRWOMAN MESERVE: Eric Reid.

MR. ERIC REID: I have to ask this question, it's a crazy question. It goes to a point John Clark raised earlier that you know it seems like when menhaden are in a pretty good place, striped bass, bluefish, some other fish are maybe not in such a good place, which is where we are right now. That leads me to ask the question. What is the consideration of menhaden as a predator of the larval stages of all our problem children?

DR. DREW: It's a good question. As you know, menhaden are filter feeders as adults, so

they're filtering whatever is in there out. They also as juveniles themselves are feeding directly on larvae, eggs, and other zooplankton. There is the potential for them to feed on certainly other predator species.

However, I would also say that while menhaden are high now, fishing mortality on those other predator species has also been high. Yes, as the striped bass population was increasing it was also experiencing increasing fishing mortality, and in addition the recruitment on striped bass had dropped, so we were in a period of high F and low recruitment for striped bass that contributed to the decline we see now.

I think it emphasizes the fact that the Menhaden Board can put these other predator species in a position to succeed, by providing enough forage for them to maintain a strong, healthy population and not to increase natural mortality. But it cannot counteract the effects of overfishing or of periods of low recruitment or other environmental hazards to striped bass and weakfish.

It's theoretically possible that menhaden are in there sucking everything up. I don't know if we have the data. I would suggest that we focus on F on striped bass first, and then worry about the fishing effects of menhaden. But yes, it is a very complex system and there is a lot going on here.

CHAIRWOMAN MESERVE: I believe that Dr. John Hare might have something to add to the discussion on natural mortality, so I'll ask him to come to the public microphone.

DR. JON A. HARE: It's an observation, just making it from the perspective of the Science Center Director, where we do a lot of stock assessments. I am not going to speak to the specific issue. If I heard the conversation correctly this morning, the stock assessment group used a natural mortality rate that was in a peer reviewed paper, and then they used that in their assessment, and then that assessment was peer reviewed.

You have a scientific process, which is working forward. Scientifically peer reviewed, empirical-based estimate of natural mortality that was used in an

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assessment, which was then scientifically peer reviewed. I think we from the Science Center perspective, we put a lot of value on that peer reviewed process.

Now I certainly have a huge amount of respect for Dr. Ault. He is a stock assessment scientist, has worked in a number of different regions. His sort of contribution to the conversation is highly valued. I think comparing, or sort of as a research recommendation for menhaden or for the general community, as we get more empirical based observations of natural mortality based on tagging.

In menhaden's case it was traditional tagging, largest tagging database tagging effort undertaken perhaps. But with electronic tags there are more of these empirical based natural mortality rates being calculated. I think a research recommendation could be to compare and think about how these empirical estimates of natural mortality compare to these more life history based maximum age, maximum size type estimates.

But I just wanted to reflect that what the menhaden assessment is using is a peer reviewed estimate in the primary scientific literature, and then a peer reviewed stock assessment value. I think there is a lot of value in the peer reviewed system, so thank you very much for the opportunity to comment.

CHAIRWOMAN MESERVE: Thank you, Dr. Hare, coming back to the Board, Justin Davis.

DR. DAVIS: I'm curious about the VADER model. We heard a couple times this morning that that is a model that we shouldn't walk away from that we should continue to look into. What is the perceived or enhanced utility or different utility we would get out of that model versus the NWACS model, and what will it take to get there, to get that model to the point where it might be ready for management use?

DR. JONES: Well I think the first thing I have to do is fire Jason McNamee so he can go back to continue to work on it from his current job. The appeal from the Peer Review Panel's point of view of the VADER model is that like the BAM model, it is sort of directly informed by stock assessment data for the species that are included in the model, as opposed to in these ecopath with ecosim or EwE food web models. Where not to get into details, there is a little bit more of an art to fitting those models and making them agree with the data that you have. It also has an attractive feature, if you can make it work that you can be as Dr. Schueller has with the BAM model, you're able to be a lot more formal and rigorous with regards to uncertainty, which helps you to address these issues of risk that people were talking about earlier. The main deficiency of that model right now is that there is sort of more work to do on the defining the connections between the predators and they prey.

The model is doing a pretty decent job of simultaneously modeling the dynamics of all of the predator species and the prey species, but it's kind of weak on how those interact. That comes back to this diet information. I think that in terms of a data, the data need that would best improve the prospects for using this model is better diet information.

It's just hard. They are challenging technically, it is challenging to build a single-species-statistical-catch-at-age model. There aren't very many examples of multispecies-statistical-catch-at-age models. You're kind of at the cutting edge of assessment modeling. But I think the merits of it, in terms of a somewhat more objective, the greater ability to say something about uncertainty with regards to the things that you're trying to estimate, may justify the recommendation that it's highly worthy of continued exploration.

CHAIRWOMAN MESERVE: Follow up?

DR. DAVIS: Just as a follow up, since you brought up diet data as one of the major deficiencies for that model. Could you talk a little bit about meta-barcoding, which you brought up earlier in your presentation?

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DR. JONES: Well I'm not a geneticist, so first that caveat, but basically the idea, and you've probably heard about this, read maybe popular articles about it, about being able to take stomach contents of predators, and instead of just putting them under the microscope and saying oh that's a menhaden and that's a herring.

You actually analyze the DNA that is in the stomachs of the predators, and the DNA metabarcoding is kind of a label on the DNA that is species specific, and allows you to say that we found this much DNA of species X and this much of species Y, which raises the question of was that because you found menhaden DNA in the stomach, does that mean that were 10 menhaden in the stomach or one?

There are questions like that. But it's being used, and there are other tools too, things related to fatty acid profiles in stomachs and so on. There are various tools that are being used by ecosystem scientists to get a better handle on diet that use tools that don't involve just the old way of cutting open stomachs, and looking at the stomach contents under the microscope.

DR. DREW: One of the big issues that we run into with all of these diet studies is that the largest component of the diet is unidentified fish. That doesn't really help us, and I think these techniques help us get a better understanding of what that unidentified fish actually is.

CHAIRWOMAN MESERVE: A question of staff. Does it follow naturally, and considering the research recommendations, does it follow naturally from the assessment that the Technical Committee will be looking at the list of research recommendations, and coming up with a plan for the types of things that they can address on that list prior to the next assessment?

MR. APPELMAN: It's a good question. Typically when we embark on the next benchmark

assessment, we evaluate the research recommendations that have been provided. What kind of progress have we made? Certainly the TC starts having interactions about that list up until then to see what might be the crux of a next benchmark. If we haven't made progress on that what kind of impacts is that going to have? The dialogue will definitely continue.

CHAIRWOMAN MESERVE: I think that would be particularly useful for things where you have just thinking about the inadequacy of older aged fish. That is something we have to start to correct before you get into the assessment. I think Sarah may have a comment on that.

MS. SARAH MURRAY: Yes, I just wanted to time it all so that we have the overarching ASMFC research recommendations, and that that feeds into things like recommendations for funding and for projects outside of it. Obviously the TC isn't going to be able to create a survey to handle diet data for us, but that will also be put on a list.

CHAIRWOMAN MESERVE: Great, thank you. Last we're going to go to Lynn Fegley.

MS. FEGLEY: It's possible that this question should be forwarded to the next section. But Dr. Jones, thank you for your review. The slide that's up, you did mention that the example ERP that we were given is an example and it's not *the* answer, and that an MSE would be a worthwhile approach.

But you urged, as it says there, caution so it doesn't explode. After what happened yesterday with striped bass, I think there is a propensity for things to explode. I wonder with your experience, you know as we're trying to grapple with this incredible information we've been given, do you have any sage counsel on how? What do you do to craft an MSE that doesn't explode? That's a really big question, but I am curious if you have any counsel.

DR. JONES: I guess the only advice, which is perhaps a bit, well no it is solid advice is engage people who have done this before. There is a caveat on that in that in that you could argue that what we're

advocating that the Technical Committee do here is something that no one has done before in some sense.

But for example, the Northeast Fisheries Science Center recently, a couple years ago did an MSE for Atlantic herring, not really a perfect analog to what we're sort of advocating for here. But some hard won experience from the scientists that were involved in that would be really valuable. There are people all over the world now who are grappling with this very same question for a whole bunch of other species.

I think that would be the first piece of advice I would give is that you reach out to those who have already been down this path a little bit for advice. The other thing that I would emphasize, which is probably a little bit less about avoiding the thing exploding, but maximizing the likelihood that whatever you do will actually have an impact on management is don't just assign the Technical Team, Technical Group or whatever they're called to do this, and then report back. The MSE process has to involve managers, because otherwise you'll end up with something that is scientifically intriguing, and the managers won't want to have anything to do with it, because they will have no ownership of it. In my experience working with MSE type exercises in other jurisdictions. What has really caused them to make a difference has been the involvement of managers, as well as scientists in that process.

CONSIDER ACCEPTANCE OF 2019 STOCK ASSESSMENTS AND PEER REVIEW REPORTS FOR MANAGEMENT USE

CHAIRWOMAN MESERVE: We have bumped up against our allotted time for our discussion on this. I would like to thank each of our presenters for their efforts, and taking all of our questions, helping us to work through some of the details of the assessments. Certainly there are more questions.

But, I hope that the Board is in a position that we could look now for a motion to accept the 2019 Benchmark Stock Assessments and Peer Review Reports for management use. Motion is by Spud Woodward, thank you, seconded by Malcolm Rhodes, just give staff a moment to get that on the board.

We have a motion to accept the Atlantic menhaden Single-Species ERP and Peer Review Reports for management use. Is there any discussion on the motion? Seeing none, is there any opposition to the motion? We will consider that approved by consent. Do people need a couple minute break before we move on to management discussions? It sounds like a good idea. Okay let's try to be back in five minutes, 10:35.

(Whereupon a recess was taken.)

CONSIDER MANAGEMENT RESPONSE TO 2019 BENCHMARK STOCK ASSESSMENTS

CHAIRWOMAN MESERVE: We are back to Item 5 on the agenda, which is to consider management response to 2019 Benchmark Stock Assessments. You know we may have just gone through the easy part it would seem. Now we have to talk about how we're going to use the assessments, and appropriate them into the management program. Staff, well Max and Katie, is going to start us off with a presentation that has been alluded to that is going to look at some of the short and long term considerations, and I think Max is up first.

MR. APPELMAN: Yes, we took the liberty of putting a few slides together to help focus discussion on; you know where do we go next with all this information? The first thing I wanted to sort of rein in is that there are a sort of short term and long term goals that the Board has been grappling with.

The short ones being what Madam Chair just brought up, you know identify ERPs for menhaden, and try to incorporate those into the management program in a timely fashion. But there are also these long term discussions that are going on, continuing to pursue the full realized implementation of ecosystem-based fishery management.

Starting discussions at this Board, but of course initiating higher level discussions with the Policy Board or the Commission as a whole, this has been talked about a little bit already today. But these two things can be done in tandem. You're not parking one on the shelf necessarily. You can focus on the short term and continue discussions on the long term. Just a recap from the reports this morning, you know there is no one right ERP for menhaden, because the final harvest level is really dependent on the objectives that this Board and other management boards have for the ecosystem. How do you want the menhaden fishery to look like? How do you want the biomass in this fishery to look like?

How do you want the predator biomasses and their fisheries to look like? These all play in to hone in on that right answer. The ERP Workgroup has provided this tool, the BAM model along with the NWACS MICE model, to sort of evaluate the trade-offs of the different assumptions or the different objectives, and find that sweet spot. This is where I'm actually going to transition to Katie, and she'll go over the example and some other potential examples that we might want to look at.

DR. DREW: As a reminder, this was the example that the ERP Workgroup developed for this assessment, where the maximum F on Atlantic menhaden that would sustain striped bass at their biomass target when you fished striped bass at their F target was defined as the target. Then similarly, you could define a threshold as the maximum F on menhaden that would sustain striped bass at their threshold, when they're fished at their F target.

However, in this example it's assumed that all of the other species, both the predator and the alternative prey species, are being fished at 2017 levels. Basically, start the model where we stopped and project forward. Obviously there are implications for where you keep those other predators in this ecosystem, because as we discussed earlier with bluefish and weakfish,

there is competition effects, there is interaction effects between these predators, as well as between the predators and menhaden.

What we want to do is recommend sort of a set of additional scenarios to explore. We can go to the next slide and look at some potential other scenarios. In this case I've laid out four scenarios. We've already done the first one. That is where you fish striped bass at their F target, and keep everything else at status quo.

This status quo means that bluefish is experiencing overfishing, and weakfish meanwhile is below its target, as is spiny dogfish. Another option to consider would be Option 2 here, where you fish everything at their F target, and see where the population ends up and see what the values of menhaden are.

That is, do we need to leave more menhaden in the ocean if we're rebuilding all of these predator species, or in the case of spiny dogfish fishing them down to their F target to their biomass target, where they're currently above the threshold right now. Another option would be to look at what happens if you fish everything at the F threshold, and try to keep these species at their F threshold or their F targets?

That is, if you increase fishing mortality on striped bass, you have to leave more menhaden in the water to keep them at the same biomass, because it's a tradeoff between fishing mortality on striped bass, and natural mortality that comes from not enough menhaden, so if you can balance those two you can keep them at a specific, in theory, in these long term projections at your biomass target or your biomass threshold. While the Striped Bass Board may strive to get striped bass back to their target is that possible? Is it more likely that we would be fishing closer to the threshold? These are kind of scenarios that the Board should examine. The fourth one here is an example where we're saying let's fish striped bass and bluefish and Atlantic herring at their F targets, and fish weakfish and spiny dogfish at their status quo values, because status quo for weakfish represents a relatively low F and a high natural mortality, and it's unlikely that management is going to do anything about that into the future.

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In addition, we're sort of underfishing spiny dogfish right now because of market pressure and market demand, so that even if we try to increase fishing pressure on spiny dogfish it doesn't seem like there is a lot of room for that to move. Is it more realistic to keep them at this current status quo scenario?

These are just four scenarios that we think will help the management board sort of bound the problem. The overall finding that your ERP reference points need to be lower than your single species reference points is not likely to change. But there become questions of, well what is the exact value? Is it 0.19, is it 0.20, and how does that translate into quota and management recommendations?

We would like to provide some additional scenarios for you to look at to help you understand the bounds of this problem, and understand how our assumptions about what's going to be happening with this ecosystem into the future actually play out for your reference points. What we're looking for from the Board is some guidance to make sure that these scenarios are what you're really looking for.

Are these proposed scenarios acceptable to you? Are you satisfied with focusing the analysis on the existing FMP values, or should other values be considered? That is we're really focusing on what's in the FMPs right now rather than saying what should the reference point for striped bass be? What should the reference for bluefish be?

That helps limit the problem, but it does limit our ability to fully evaluate the tradeoffs here, and is there any other scenarios that the Board would like to see to help them understand this problem, to help them understand these tradeoffs better? We can bring these proposed scenarios back to the Board in May. Additional work, and possibly a couple of extra scenarios that the Board would like to see, if you guys go crazy and request ten different scenarios that is going to take a little longer.

But we can definitely bring sort of a limited suite of analyses back to the table in May, and show you some of the things that we've already shown you, so those heat map plots, those rainbow plots for multiple different species, and analysis of where all of these predators and prey end up relative to their targets, and so on in May. Max is going to take over to talk about kind of how that actually translates into management.

MR. APPELMAN: Right, so bringing it back to the short term and long term timelines. The Board has the ability to change the reference points through Board action; you know at a majority vote at this meeting or any future meeting, or through adaptive management those being the addendum and amendment processes. The difference here is time, timelines. Board actions are pretty quick, addendums and amendments take a little bit longer. There is also varying levels of public input in the adaptive management process. But also again, there are these bigger discussions, longer term discussions that the Board can continue to make progress on. Talking about MSE, we've had some conversation about that already.

Do we want to have higher level discussions at the Commission with the Policy Board, or talk about how we might integrate multispecies decision making. That is really all we have to set the stage for your discussion, but I guess Madam Chair, it's yours to rein in.

CHAIRWOMAN MESERVE: Questions to just what staff has said about process? Lynn.

MS. FEGLEY: I just had one quick question for Katie, because I'm confused. Bluefish, did I understand you to say we're overfishing bluefish right now, and is there a target for bluefish?

DR. DREW: All good questions. In the current ERP model, because we only went through 2017, in this scenario bluefish is experiencing overfishing and was overfished. The most recent stock assessment update for bluefish went through 2018, and was no longer experiencing overfishing. Bluefish does not have an F target.

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The assessment looked at using 0.9 times FMSY as a potential target. We would probably continue that for this analysis. There is also no biomass target for bluefish. They use one-half the BMSY proxy as a threshold. However, we could redefine sort of a target as the BMSY proxy for bluefish. But those are things that the Board could certainly consider or think about when we bring that back.

CHAIRWOMAN MESERVE: Questions? I guess there are questions. John Clark.

MR. CLARK: As long as you have that table up there, Katie. If you look at the species altogether, is one or another going to be kind of the choke point that sort of would set the reference point lower? I mean how are you going to consider them in total to come up with a single unique reference point?

DR. DREW: That's a good question. As I said, we've sort of focused on striped bass here because we know it's the most sensitive to the menhaden levels. Bluefish could probably sustain a larger menhaden fishing mortality and still remain at its target or threshold, whereas that would cause striped bass to start to decline.

I think that would be one of the things we would look for is what is the combination of F that keeps the most sensitive predator at its target or at its threshold? However, there is certainly the possibility that there is no magic number for menhaden that would keep all of them at their target together.

Obviously, we talked a little bit about the interactions between some of these species, in terms of bluefish and weakfish and striped bass. Well, all of these are competitors for menhaden, but they also prey on each other, especially as juveniles, and so that fishing one species more aggressively will benefit another species. There is a tradeoff there. We can come back. What we'll show you is basically where do all of these predators fall out relative

to their target under different menhaden scenarios, and under different single species F scenarios, so that you can sort of help evaluate what is the best ecosystem that we can get out of this fishing mortality rate for menhaden? You guys unfortunately are the ones who are going to have to decide what best is. But we can definitely use the existing reference points as sort of a framework or a starting point for evaluating where we should go.

CHAIRWOMAN MESERVE: Jim Estes.

MR. ESTES: This sounds probably, like even to me it does, probably an ignorant question. But I fear not. We talked a little bit yesterday about performance. We're going to step across the door into a new world here. How do we evaluate this very complicated thing to see if it is performing like we want it to?

DR. CIERI: Well obviously we're going to be updating this sort of approach while we're doing updated assessments for menhaden, so we'll be able to look at the behavior as we go through the update process, just like we would for menhaden always. Does that make sense?

CHAIRWOMAN MESERVE: Ritchie White.

MR. WHITE: Looking at this chart, I'm trying to think how we integrate our lack of ability to make final decisions on herring, dogfish and bluefish. How does that work into this system?

DR. DREW: I'll jump in and then we can sort of talk about this; is number one we are going to talk about this at the Policy Board, because it's true that you guys have no control. Well, some of you are the same people, but we all understand that the Striped Bass Board is the one who is making the decisions about striped bass, how you manage striped bass, how you get to the striped bass F target. The Menhaden Board doesn't really have a say in that process.

If we fish at our F target for menhaden, our ERP target for menhaden, and striped bass does not recover. Is that a failure on the Menhaden Board or is that a failure on the Striped Bass Board, or is that a problem with a larger ecosystem or biological problem that

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we're missing that knob to turn? It is a question that I think the Policy Board is going to have to figure out.

However, I think the Menhaden Board can sort of take this first step as thinking of it as we will put these species in a position to succeed, on the basis of what menhaden can do for them and for the ecosystem. It's up to the rest of the boards to make sure that fishing mortality on those other species is not going to conflict with our ability to provide forage for them.

MR. WHITE: Follow up.

CHAIRWOMAN MESERVE: Go ahead Ritchie, follow up.

MR. WHITE: I was meaning more that the Service and the Council is involved in some of these species more than we are. In other words, we kind of get to adopt what they do. How do we integrate that if we're going down the road on striped bass let's say, and they want to expand dogfish, for an example? It then interferes with our striped bass management. How do we work that?

DR. DREW: That is a Policy Board discussion. We think of this as this is a series of steps. Right now we're ready to take the first step in ecosystem-based management, which is trying to consider menhaden's role as a forage fish when we set quotas for menhaden. There are a number of steps that are going to have to come after this.

Right now these scenarios basically only include the existing reference points for these species. How can we bring this Board into conversations about those reference points with other boards here at the Commission, with our federal and state partners? That is a discussion for the Policy Board. I think the discussion for this board is how do you want to take the next steps before or after that conversation happens?

CHAIRWOMAN MESERVE: I would like to focus the Board's attention on that shorter term goal, and looking at the example ERP that has been provided, and the alternatives that have been suggested for development. I would look to the Board to help provide some direction as to potential paths we could take with those. Allison Colden.

DR. COLDEN: If it pleases the Chair I have a motion that I would like to offer to sort of move us in that direction.

CHAIRWOMAN MESERVE: Go ahead, please. We'll get staff I believe has a copy of it to bring up.

DR. COLDEN: Another one of these very long motions, but in effect it is, to adopt the example ERP that we saw today. There is probably a necessity for me to read this into the record, right? **Okay, so move to adopt an Atlantic menhaden ecological reference point F target equal to the maximum F on Atlantic menhaden that maintains Atlantic striped bass at its biomass target when striped bass is fished at its F target and all other ERP species as defined in the NWACS MICE model.**

Can we call it that, are fished at their status quo F rates. And two, an Atlantic menhaden ecological reference point F threshold equal to the maximum F on Atlantic menhaden that maintains Atlantic striped bass at its biomass threshold, when striped bass is fished at its F target and other ERP species as defined in the NWACS MICE model are fished at their status quo F rates. If I can get a second I'm happy to speak to that.

CHAIRWOMAN MESERVE: Seconded by Cheri Patterson. Go ahead, Allison.

DR. COLDEN: You know given the presentation that we just saw there may be some folks around this table who think that this motion is a little premature. But the reason I have sort of put this forward is I think what the Workgroup has given to us in this example ERP, and as its been described in the assessment report and the discussion today. It's sort of a really viable option as a first step, in the short term towards implementing larger ecosystem-based fisheries

management for menhaden through this Commission. The example ERP as we've discussed focuses on striped bass. The most sensitive species in the model, and also currently reflects our best approximation of the reality of what's going on with those other species in the ecosystem. I think it can be valuable to look at some of those other scenarios that have been put forward by the Workgroup, and maybe discussed by others. The one thing that I did want to caution us again though is going down a rabbit hole.

There are near infinite combinations, I believe, especially if we start stepping out of the framework that of using management objectives as defined by the species respective boards. I think that in the short term this presents a viable option for us to dip our toe in that pool of ERPs, while we continue to have these really important discussions about process and model development and refinement as we move forward through the Policy Board and other discussions that we have here.

CHAIRWOMAN MESERVE: Discussion on the motion? Justin Davis.

DR. DAVIS: I guess I'm trying to wrap my head around the part at the end of both of those bullets there, the status quo F rates. Certainly I'm assuming bluefish is included in the ERP species, and we know that we took action this year with bluefish to try to reduce F. I'm wondering, I guess I'm trying to wrap my head around what that means.

If you adopt a menhaden ecological reference point that should be adequate to maintain striped bass at say its target, while we're fishing the other species at status quo F. What does it mean when we then relax F on one of those species? Does that mean that that menhaden reference point is now more conservative than it needed to be or less?

Because as you relax F theoretically those other predators should become more abundant and exert more predatory demand on menhaden, so now you need more menhaden than you thought, because there is now competition or is it that now there is more room for natural mortality to increase for those predators, because you've relaxed F?

Although you don't want overall mortality to stay the same, just trying to get the population, I'm trying to work all this through, what it means that we're essentially setting a reference point here where we're allowing for fishing these other species at their status quo F rate, but not allowing for reductions of F, which are likely to occur at least for one of those species in the near term.

DR. CIERI: Welcome to our world. I think on some level you can sort of see where some of these reference points would go. But this is the example that we have so far. If you want to see other things, we've done that. We're going to be able to do that for you in May. It's going to be an interesting discussion for you guys as you move forward. But you know you can go with the sort of bite size approach that we've suggested to you so far.

MR. APPELMAN: I was just going to add onto that. I think the example scenarios that were up on the screen can sort of show you what you're getting at and something if tasked we could bring that to you in May of different F assumptions on these predators. How does that change the outputs of the model? How does your ERP value change when you fish your predators at different levels? You know what does that mean for menhaden harvest? I think that is something that we can show you if tasked.

CHAIRWOMAN MESERVE: Ritchie White. Bryan Plumlee.

MR. J. BRYAN PLUMLEE: I want to step back for just a minute and ask a question that I probably should have raised earlier, and I think in response to Eric. You asserted this but I need a little more clarification. There is a conclusion that we cannot get to the acceptable F target for striped bass without independent striped bass management, no matter

what you do with menhaden. That is a very firm conclusion, probably the only firm conclusion I've heard. Is it similar in that we cannot without increasing the availability of menhaden reach the acceptable striped bass F target from where we are? Have we decided that?

DR. DREW: Good question. This is I think where the additional scenarios come in a little bit. Right now if we manage to bring striped bass F target down to its F target, and we continue to fish menhaden where we've been fishing it right now, which is approximately close to the ERP target because of that large buffer we've put in.

Then yes, in the long term you would expect striped bass to rebuild to its target, as long as you're also keeping those other species, those focal species at their current sort of average into the future. We haven't explored what would happen if you bring all of those other species to their targets or to their thresholds, but there is the potential kind of in the long term to rebuild striped bass under this specific scenario, yes.

CHAIRWOMAN MESERVE: Megan Ware.

MS. WARE: I guess speaking to the motion. I'll start by I agree with the sentiment about kind of adopting ecosystem reference points as a high priority for this Board. Certainly throughout the development of Amendment 3 we heard a lot of public comment in support of that so I do want to acknowledge that.

I think this is also a lot of information to process, and it's important to understand and explore the assumptions and parameters in this ecosystem reference point. I'll also note that the Policy Board is starting their discussion tomorrow as has been mentioned, about incorporating ecosystem management kind of into the Commission framework.

I think that's an important discussion to be having concurrently. With that I would like to make a motion to postpone, and I think the staff has my language. I'll read this into the record. If I get a second I'll kind of speak to the specifics. But move to postpone until after completion of the following task. Task the Ecological Reference Point Workgroup with the following analysis to better understand the parameters and outputs of the example ERP. The Workgroup is asked to present this analysis at the May ASMFC meeting using the existing example ERP framework.

Modify the assumptions on the other species such that they are fished at their F target as opposed to their F 2017 rate, and then reproduce Figures 144 - 148. Using the existing example ERP framework modify the assumptions on the other species such that they are fished at their F threshold, as opposed to F 2017. Again, reproduce Figures 144-148. Using the existing example ERP framework, modify the assumptions on the other species such that bluefish and herring are fished at their F target, while spiny dogfish and weakfish are fished at their F 2017, again reproduce Figures 144-148.

CHAIRWOMAN MESERVE: Is there a second to the motion, John Clark? Megan, if you would like to speak to your motion.

MS. WARE: Yes just a few things. I would like to highlight that this analysis is intended to come back in May, so I don't want this to seem like this is kicking the can down the road. I think this is kind of doing our due diligence in what's been provided to us, and doing it in a timely fashion. Then these three bullet points I believe are what was on the screen for the table that staff presented. That's kind of what I'm trying to get at.

CHAIRWOMAN MESERVE: John, did you want to speak to the motion as a seconder?

MR. CLARK: Yes thank you, Madam Chair. I thank Megan for this motion. I agree that the ERP approach is very interesting and we're proceeding in that way. But we're looking at reference points that are approximately 40 percent lower than our single

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species reference points, where menhaden are not overfished and overfishing is not occurring. I just think we, as Megan pointed out, should take a little time to look further into this before we make that our new management target and threshold.

CHAIRWOMAN MESERVE: There are a number of individuals who had raised their hand on the prior motion, and I'll go to them. Adam Nowalsky.

MR. NOWALSKY: A question I have right now is what does it mean to this Board and ultimately the public, in terms of harvest levels by adopting the ERP reference points now, in May, sometime this year? We've given advice that we should be using the BAM and the ERP together in some capacity.

I'm not clear on how we're going to do that especially if they give us slightly differing advice. If we adopt the ERP reference points as the first motion suggests today, or bring that motion back up in May after this other work is done? What is that actually going to mean, in terms of specifications on menhaden specifically?

MR. APPELMAN: Thanks for that question. I think the process for TAC setting, fishery specifications wouldn't change all that much. You're now just using a different F target for menhaden to run those projections and find the TAC that achieves that under certain probabilities, whatever guidance is given from the Board. The TAC setting process wouldn't change.

CHAIRWOMAN MESERVE: Follow up Adam.

MR. NOWALSKY: What that would suggest is when we set TACs that staff would, or TC would run a series of projected TACs based on both the BAM reference points and ERP reference points that we adopt, and then we would select whichever number we want to, or would we first have to decide whether we want to see only ERP based TACs or only BAM based TACs?

MR. APPELMAN: The projections would be done using an extension of the BAM model, is my understanding. Anyone can jump in if I'm wrong. But the first step would be to identify your ERP definition, which corresponds to a value, which we would then use for the BAM model to make projections and provide a suite for the Board to consider, TAC options for the Board to consider.

CHAIRWOMAN MESERVE: Allison Colden.

DR. COLDEN: I had forgotten I raised my hand, but I do have a question. You know I think that if I am reading these correctly, these are the scenarios put forward by the ERP Workgroup for modeling, is that correct?

CHAIRWOMAN MESERVE: Correct. In the table it was part of staff's presentation.

DR. COLDEN: Sure, and I think it goes back to a larger question of process and what is appropriate action for this Board versus the Policy Board versus some other configuration that the Commission decides is appropriate moving forward. But in my viewpoint, some of these scenarios that were put forward I think can be very informative in framing sort of the spectrum of possibilities that exist.

You know all F target, all F threshold can sort of put bounds on things, and give us information that would be useful. But I think it's really important to maintain some sort of semblance of connection to the reality of where things are. I think we can hope that we fish all of our predators at their F target, and I hope that that is our general goal at this Commission.

But it seems to me that that is not currently where we are. The assessment report did mention that they chose the striped bass F target because there was this pending action that we went through yesterday at the Striped Bass Board to make that happen in the 2020 fishing season. I'm just sort of trying to grasp at what helpful, actionable information these scenarios will get us if they are sort of including an implicit judgment on the objectives of the other species, which I feel like should be better left to those other species boards.

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MR. APPELMAN: I'll take part of that and hopefully people up at the table can help me out here. I think the Board is going to grapple with the right assumptions of where the environment really is versus how these separate management programs aim to achieve various targets. It can be somewhat reactive in assuming.

Right, making an assumption that the different management programs are going to act accordingly to achieve their F targets, or I guess the alternative is that this management board makes a different assumption, which is what some of these scenarios are trying to do. We might never see F at the F target for this particular species management program. It's really on the Board to hone in on the appropriate assumption, balancing what the ecosystem currently looks like or might look like in a short term versus referring to the targets and threshold that have already been identified in those programs.

DR. CIERI: It's important to understand that like when we went back and we were doing this modeling approach, we basically left everything at status quo, with the exception of striped bass, one, because it was more sensitive, but we also didn't know where the management of those other species was going.

Since we've done that decisions have been made on some of those species, including bluefish, like Atlantic herring can't be overfished, I mean can't have overfishing occurring, because it's also a federally managed species, the same thing for spiny dogfish. There are some differences between the examples ERP we've given, and again what reality is currently right now.

CHAIRWOMAN MESERVE: Follow up Allison.

DR. COLDEN: I just wanted to follow up and acknowledge that we heard this morning that bluefish in particular has had a management change. I do think that could be something

important to look at within the context of the existing ERP framework. I'm not sure about sort of the status of herring management action. But you know that is one that we have already discussed has had some changes since then, so that would be the one scenario I think could be valuable.

MR. APPELMAN: Sorry, we were kind of side barring over here as you were going, Allison. But I just want to point out that Example Number 3 on this motion is getting to your point about setting bluefish at their F target, more creating the current environment that we would expect out there for the predators that are involved in this particular model, if that helps at all.

CHAIRWOMAN MESERVE: Bill Hyatt.

MR. HYATT: My comment has been largely addressed by the substitute motion, but you know the worst possible outcome would be for us to adopt new reference points, go through scenario planning, get results that are significantly different and that appear to be all over the map. Absent any sort of reassurance that in fact those scenarios are going to result in subtle changes, rather than significant changes. I would support this substitute motion.

CHAIRWOMAN MESERVE: Steve Train to the motion, pass, Jim Gilmore.

MR. JAMES J. GILMORE: I support the substitute motion. Not opposed to the initial motion, but for I think some of the comments that have already been made. There is a lot of information there we've gone through. I think the download speed from my computer just for the assessments took like many, many minutes.

Going through this stuff is, and again I commend all you guys, this has been an incredible amount of great work. But we're kind of looking at. I understand, I'm going to brag. I think I understand 15 percent of this. Jim, you said 10. I really have to get a better comfort level before we start adopting these formally. There is the scientific part of it, but then there is also other points have been raised by Ritchie about the interactions with different species boards and things like that so the management practicalities of this I

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really have got to digest a little bit better before we start, you know putting this into full swing. Again, we're at a fishing mortality for menhaden where we're not in any risk right now.

It's actually I guess below, because of whatever accident we had in terms of our conservatism or whatever. I think a little more time to go through this and to get some better analysis, I think is the way to go right now. We are going to get there. But I think at this point we're a little bit premature, so I support the motion and hopefully we get to May we'll be in a better place to start discussing implementation.

CHAIRWOMAN MESERVE: Joe Cimino.

MR. JOE CIMINO: I support the motion to postpone, going all the way back to Justin's questions about bluefish. For those of you that were here late last night, you know why I'm taking bluefish seriously. My question is to the ERP Working Group and then I guess also to staff. We have two extremes, and then we have maybe a management scenario that makes no sense in these examples.

Are you putting that up there for us as a way forward that you think that you can achieve in the very near future say, getting us examples by May? Are there other things that you think you should be looking at? Then my question to staff is if you feel this is the very next step, but during this process between now and May, is there a way to communicate back to the Board that we've now realized there are other than just looking at target and threshold for everything, there are other things we would like to explore?

DR. CIERI: I think this certainly frames the uncertainty in the possibilities. Other options, you could certainly see how you would go in between some of these particular options. You know you half rebuild you know weakfish or whatever. You can certainly do something as more of sort of an integral approach. As far as

whether or not, you know you could run a million scenarios. I think it's important to sort of hem them down to the stuff that you think is vitally important. As far as communicating with us in the timeline, I'll let staff deal with that particular issue.

MR. APPELMAN: I think we put these examples together sort of low hanging fruit. There are a million and one differing combinations that the ERP Workgroup could provide, and that is a very, very daunting task, so we put a few that are in line with the example that has already been provided.

I do see a bit of feedback going on back and forth potentially with the Board and the ERP Workgroup. Say we come back in May and realize that this is satisfying. We don't really need to explore this particular subset of runs anymore, or maybe we need to add to this list. I think that can definitely happen.

CHAIRWOMAN MESERVE: Bob Beal.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Just a quick question, thank you Madam Chair. Is this a reasonable amount of work between now and the May meeting? Given the personalities at the front of the table, I assume a couple hands would have shot up. I just want to make sure that this is something that the group thinks you guys can do.

If there are some additional options I think, not speaking for the Board, but I would assume there is some latitude for the group to explore some hybrids, or something in the middle of these options. As you guys work through these if there is something that you feel would be very informative for the Board in May, I don't know if anyone would object to giving you guys the latitude to go ahead and you know explore some middle of the road options, and those sorts of things. But mostly I just want to make sure this is doable by the May meeting.

DR. DREW: Yes, we selected this sort of very limited. We didn't want to give you guys like complete free rein and say, give us all of your ideas. We picked a select few that we thought would be very informative, stay within the bounds of existing FMPs, which does sort of limit what you can do, but also is doable by the

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ERP group in time for May. If you guys want to start adding onto this list, I think we would definitely have to sort of pull back a few things, depending on how far down the road you went. But this is doable by the May meeting.

CHAIRWOMAN MESERVE: Mel Bell.

MR. MEL BELL: I think as a new guy I was just struggling with a process question here. It seemed like perhaps the Menhaden Board was making a decision or a commitment on the part of other boards, and you mentioned the Policy Board discussion. I think that is probably how that gets ironed out.

But I guess what we're basically doing here is we're going to set some level for menhaden, and then that sort of drives. That fixes that in place, and then that kind of drives the potential for the other parts of the train to come in and work. But I do think we need to take the first step, it's just how you take that first step.

I mean I agree, you know you take that first step with the long term in mind, but that first step is kind of critical. I was kind of getting hung up in process I think, of how this worked. But I would trust staff and you guys to advise us properly on that just so we're not mis-stepping. But it did seem like we were perhaps making a decision in committing other boards to play along with it, so that was it.

MR. APPELMAN: Yes, I'm going to throw the ball back in the Board's court. I mean it is on the Board how they want to move forward with these different short and long term goals I keep referring to. The way that they identify an ERP, and the way they incorporate into the management program is purely a Board decision, what is a pace that you're comfortable with?

What kind of level of public input are you comfortable with, those sorts of things, and how again the longer term, how we integrate other management boards. These decisions are

another thing we can move forward on at the Board's pace. It's really on you guys to decide what is the best way to move forward? We put together sort of thoughts from staff's perspective on how to take small bites at it in the short term.

CHAIRWOMAN MESERVE: John McMurray.

MR. JOHN G. McMURRAY: I had a question about John Clark's comments. Clearly I'm misunderstanding something here. I would trump Jim and say I understand maybe 5 percent of all this. John, you said that we're looking at menhaden reference points that are approximately 40 percent lower. I don't understand that because we were just told that at the current F target we could rebuild striped bass to target. Maybe somebody could clarify that for me.

DR. DREW: It's not at the single species F target, it's at the current F level that menhaden is experiencing, because our quota is set so much lower than you would expect if you were fishing at F target.

MR. McMURRAY: Follow up.

CHAIRWOMAN MESERVE: Go ahead.

MR. McMURRAY: Okay thank you, I understand that now, but the point is we don't really have to take any real management action if we adopt this now, and it seems to me like there is no reason to wait until May. If I'm reading this correctly there is not even a commitment to act on it in May, we're just looking for more analysis.

I'm looking at this in a context of what we've heard from the public. I mean it took 20 years to get here, and it certainly appears like we're kicking the can down the road. It just seems like this is a real good time to do this, and quite frankly I'm not really understanding why we're not.

CHAIRWOMAN MESERVE: As a motion to postpone the original motion would automatically come back to the Board in May, provided these analyses are completed. It's not kicking it down indefinitely. That motion would return. Ritchie White.

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MR. WHITE: I think the discussion at the Policy Board; we clearly need that to figure out the long term. But the short term Striped Bass Board and Bluefish Board already gave direction to the Menhaden Board. They are already going down the road of trying to rebuild stocks. It's going to need menhaden. We're just reacting. I think this will just react to what those boards have already done. I don't see it as gee; we have to go to these other boards to like get permission. This would be our reaction to that.

CHAIRWOMAN MESERVE: Right, each of these examples is working within the constructs of the existing objectives for those other species, but there could be the larger Policy Board discussion if we want to deviate from those. Steve Murphy, did you have your hand up earlier?

MR. STEVE MURPHY: A few years ago I was watching a Senate Budget Hearing, and somebody stood up and held up a big budget and said, we're going to vote for this and we'll read it and find out what's in it later. I just think, I agree with the substitute motion. I think it's important to be deliberative on this. I'm excited about plowing new ground. I think that is an important step. My take home from this is the conservative management approach that we took on menhaden was a good idea. But I would like to sort of understand this more fully in depth, because I sort of go down the road of now what.

I look at species like spot and American eel, and I'm like okay now if you want to put that into this same scenario, those conservative types of approaches also apply. I support the substitute motion to come back and look at this in May. I really don't see it as kicking the can down the road. I just see it as us having more time to deliberate, and sort of go back and sort of discuss this with staff and stakeholders.

CHAIRWOMAN MESERVE: Thank you, Spud Woodward.

MR. A. G. "SPUD" WOODWARD: I guess I've got a question. This is going to be more process related. In the scenarios that is put up here in going forward with this. Is it going to require that we do synchronized assessments on all these species so that you have the same time series of data analyzed, in order to evaluate, as Jim was saying earlier, performance of this approach to actually accomplish any of these goals?

DR. DREW: We would need synchronized assessment schedules of the key predators in the ERP species, in order to update the ERP model on the same timeframe as the menhaden model. Conceivably we could, if they are a year or two off we could have say one species sends in 2017, and the rest end in 2018.

It's not the end of the world for the NWACS MICE model. That model really benefits from the long term projections, rather than trying to figure out exactly where you are in '17 versus '18. That is where the BAM model really shines. We would want these predator and prey species to be as up to date as possible when we do the ERP, and so thinking about that going forward is also something we would bring up with the Policy Board.

DR. CIERI: One of the things to keep in mind is while it would be really great to have these completely in lockstep; it's probably not going to really be the case. But this is a broad issue that you could probably bring to the Policy Board, and have the Policy Board sort of push that off onto the Assessment Science Committee, to think about ways of actually scheduling the assessments and the updates for the most appropriate use.

DR. SCHUELLER: I just wanted to chime in, but that is something we'll definitely bring to the attention of the Assessment Science Committee. I also wanted to note that we did look at the schedule for three years ahead, when we were thinking that we might be doing an update, and we're not in terrible shape in terms of when the timing of those other assessments are scheduled at the moment. Some of them are tentative, but when we looked at it, it wasn't as if we were all off at the moment. We're in decent shape on that end right now.

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CHAIRWOMAN MESERVE: Mike Millard.

MR. MIKE MILLARD: I hope this question makes sense, but I can't guarantee it. What I'm trying to get at is the added value or the added information that this motion is proposing. We've been told that striped bass were the most sensitive species to the menhaden management. I'm wondering if that works in reverse.

This motion is suggesting that we go put on pause, and then we go to these other species and tweak the dials a little bit, and see what that does to the ERP. In the context that these other species are less sensitive to menhaden management, does that mean also that tweaking those dials on these species will produce less of an influence on the ERP? In other words is what we're asking, which looks like a lot of work to me, I don't know. Are we likely to get a great deal more information or new information out of that with these species?

DR. DREW: That is the question I think. Yes, striped bass is the most sensitive species. I don't think we will be seeing a change that is as significant as say the difference between the example ERP and the single species. However, I think the question that Justin brought up earlier is relevant here, which is that if you allow bluefish to rebuild.

Do you need to leave more menhaden, and have a lower menhaden F in order to sustain both striped bass fishing at its F target and bluefish at its F target? Right now bluefish is overfished. If we allow that to rebuild is that going to compete more for menhaden?

Is that going to prey more on striped bass, and require a lower menhaden F to sustain the population, or is bluefish's sort of lack of sensitivity to menhaden mean that if we sustain striped bass that excess menhaden is still available to bluefish, and they can succeed and remain at a good level even at that same level? I think that is kind of what this set of analyses

would help provide some information on, which is how sensitive are these reference points to long term predator F rates, long term predator conditions?

CHAIRWOMAN MESERVE: Lynn Fegley.

MS. FEGLEY: I wanted to speak in favor of the substitute motion, and I wanted to just say that speaking in favor of this motion is not in the spirit of kicking the can down the road. I think this is vitally important that we get to these ERPs, but it is in the spirit of transparency.

I think that we and our public, who have been anticipating this, will feel better when we bound this problem, and we can see what the sensitivity of those ERP values actually is. I very much support this effort. Also, I just want to say that I think we also need to think in the short term, because we're going to face this adopt question in May. I think we're postponing the motion that is the motion on the table.

When we adopt, does that mean that we are then bound by the triggers in Amendment 3? In other words, does that mean that if we're now fishing according to an ERP, and we exceed that and we're overfishing, I think the trigger says we have to reduce F to the target? I'm just trying to understand how the mechanics of the Plan would work, in terms of holding us accountable to what we adopt.

MR. APPELMAN: I think that would be my interpretation. These ERP reference points are F reference points, so we would be adopting new F targets and thresholds for menhaden, and therefore the triggers associated with the F target and threshold for menhaden would still be in play. These ERPs don't create new biomass targets and thresholds for menhaden, so those triggers might be stagnant.

CHAIRWOMAN MESERVE: Follow up Lynn.

MS. FEGLEY: We can monitor. If we're fishing under an ERP value that value can be monitored by running the BAM model and looking at the full F is that correct? We don't need to run the MICE model to measure the status of where we are relative to the ERP. The full F in the BAM, so let's say hypothetically

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we adopted. It's two years down the road, we're still in the long term, we're trying to get to that long term goal, and we can see where we are relative to the ERP just by running the BAM and looking at full F?

MR. APPELMAN: That is my understanding, but at some point there would want to be a reevaluation of the ERP value as the other biomasses in this system have changed. You want to update those data points and run the MICE model to see if our ERP targets have changed. But you're right. The F estimates for menhaden are coming from the BAM model.

DR. CIERI: One of the reasons that we built the MICE model the way we built the MICE model was to allow it to be updated every time you update Atlantic menhaden. We'll be running the MICE model, but also as we go through a benchmark process we'll look at the full EwE model, to make sure that those component parts in the MICE model are still running along in the same thing. I think that has been the entire point. But you're exactly correct. Once you base the reference points for the short term, we would be using the BAM single species model.

MR. APPELMAN: Yes, I just want to add to this conversation a little bit, just so we understand, so everyone understands. We have the BAM model is producing F estimates for the menhaden time series, which are then plugged into this EwE MICE model, the NWACS MICE model, which then produces an F value, which goes into the projections model, which is an extension of the BAM, for lack of a better term. That is sort of where the F is moving through the systems and resulting in. It's just dependent on the projections model in the end.

CHAIRWOMAN MESERVE: Eric Reid and then Allison Colden. Then I would like to call the question on the motion.

MR. REID: Right now we're working with one example, and it has been said that in any

example there is a lot of moving parts. Me personally, I would like to see a few more examples of what that all looks like, because I'm not alone in getting my head wrapped around it as well. Of course the people who understand 100 percent of this model have suggested to us that they want to do this, and they're telling us to tell them to do it. I don't know why we're having this giant conversation about it.

But that's what I got out of it, and they were suggesting to us and they were being nice, because we're not listening to them. That is my second reason. Okay, I'm good. You said you can do it. I heard you the first time. Let's do it. We're not kicking the can down the road, we're informing ourselves better on what this new puzzle looks like, and I need that so I support the motion.

CHAIRWOMAN MESERVE: Allison Colden.

DR. COLDEN: I'll be brief. Basically, you know I'm sympathetic to those around the table who want more time and want to see more. I just want to in the universe of infinite possibilities that could result from this approach moving forward, just want to encourage everyone to think about what comes in May and after May, and what it would take. These are the low hanging fruit, right, so what would it take for us to get to the hypothetical place of yes for adopting ERPs, either between now and May or whatever happens in May moving forward, so just wanted to finish up with that.

CHAIRWOMAN MESERVE: Dennis, I did see your hand. I would ask if the Board is ready to vote. Go ahead, Dennis.

MR. DENNIS ABBOTT: I support the motion. But my question is in sitting here thinking, and predator/prey relationships, striped bass/menhaden. Is any of this going to be helpful to us in managing the issue of the Chesapeake Bay Cap?

DR. CIERI: Yes real quickly. No. These are coastwide models built on population perspectives. Smaller, individual areas or timeframes such as in-seasons aren't really possible in this sort of approach, simply

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because that requires just way more data than we really have.

MR. ABBOTT: Thank you that was the answer I expected.

CHAIRWOMAN MESERVE: Is the Board ready to vote on the motion? **It has been read into the record without any changes, so is there a need to caucus? Seeing none; all those in favor please raise your right hand. Those opposed please raise your hand, any null votes or abstentions. The motion carries unanimously.**

We have fifteen minutes left in our allotted time. Staff did present a couple questions for the long term goals. We started to have some of that conversation. We are aware that there is a Policy Board discussion tomorrow that is going to be talking about this. The staff's questions were, do we want some long term considerations or pursue MSE or to initiate dialogue with the Policy Board.

If there is anything particular that this Board wants to ask the Policy Board we could talk about that now, or we could wait to see how the Policy Board discussion goes tomorrow. It's many of the same people around this table. I guess I'm looking to the Board for some guidance as to how into the details we want to go on this topic right now. David Miramant.

SENATOR DAVID MIRAMANT: No more than 15-minutes worth.

CHAIRWOMAN MESERVE: My sense is that people are a bit exhausted right now, and that maybe we should move this discussion to the Policy Board, unless there is any specific input that we have at this point.

ADJOURNMENT

CHAIRWOMAN MESERVE: That will be my approach, which brings us to Other Business. Is there any other business to come before the Menhaden Board? Seeing none; is there a motion to adjourn?

Thank you, and I will look forward to the May meeting where I'll be sitting over there, and Spud Woodward will be up here. Meeting is adjourned.

(Whereupon the meeting adjourned at 11:45 a.m. on February 5, 2020)

These minutes are draft and subject to approval by the Atlantic Menhaden Management Board.
The Board will review the minutes during its next meeting.

From: [Wendelin Giebel](#)
To: [Comments](#)
Subject: [External] Board routinely ignores overwhelming public comments
Date: Tuesday, April 7, 2020 10:41:24 AM

I imagine this comment process serves a function but what that function is defies my imaginings. This organization routinely ignores many thousands of requests to reduce the reduction catch for Atlantic menhaden . These comments should prove to the Board that the people of the United States overwhelmingly want this madness to end . Only a few Board members if any, may have the applied statistics background to understand the model and how it can be manipulated for the desired quota outcomes. The model is a farce.

This process is a farce and the Board decisions concerning the Atlantic menhaden are well I'll let you fill in the blank .

Wendelin J Giebel

Sent from my iPhone

Atlantic States Marine Fisheries Commission

Atlantic Coastal Cooperative Statistics Program Coordinating Council

*May 5, 2020
1:00 - 1:30 pm
Webinar*

Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

1. Welcome/Call to Order (*L. Fegley*)
2. Council Consent
 - Approval of Agenda
 - Approval of Previous Meeting Minutes
 - Committee and Program Updates
3. Consider Approval of Funding Decision Document and 2021 Request for Proposals (*J. Simpson*) **Action**
4. Discuss Marine Recreational Information Program State Partnership Report to Congress (*G. White*)
5. Other Business
6. Public Comment
7. Adjourn

**DRAFT MINUTES OF THE
ATLANTIC COASTAL COOPERATIVE STATISTICS PROGRAM
COORDINATING COUNCIL**

Wentworth by the Sea
New Castle, New Hampshire
October 28, 2019

These minutes are draft and subject to approval by the
Atlantic Coastal Cooperative Statistics Program Coordinating Council.
The Council will review the minutes during its next meeting

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INDEX OF MOTIONS

1. **Approval of agenda** by consent (Page 1).
2. **Approval of minutes from April 2019** by consent (Page 1).
3. **Move to fund all maintenance proposals as ranked in the FY20 Average Proposal Rankings spreadsheet following the 75/25 percent split between maintenance and new proposals. Fully fund the three highest ranked of the four new proposals. For the new proposal from Maine, fund with remaining available funds** (Page 7). Motion by Kathy Knowlton; second by Jason McNamee. Motion carried (Page 8).
4. **Move to adjourn** by consent (Page 33).

ATTENDANCE

Council Members

Megan Ware, MA, proxy for P. Keliher
Renee Zobel, NH, proxy for D. Grout
Dan McKiernan, MA, proxy for D. Pierce
Jason McNamee, RI (AA)
Justin Davis, CT
Maureen Davidson, NY, proxy for J. Gilmore
Joe Cimino, NJ (AA)
John Clark, DE, proxy for S. Michels
Lynn Fegley, MD, Chair
Lewis Gillingham, VA, proxy for P. Geer

Dee Lupton, NC, proxy for S. Murphey
Mel Bell, SC, proxy for R. Boyles, Jr.
Doug Haymans, GA
Kathy Knowlton, GA, proxy
Bob Beal, ASMFC
Tom Nies, NEFMC
Brandon Muffley, MAFMC, proxy for C. Moore
Marty Gary, PRFC
John Carmichael, SAFMC

Staff

Bob Beal
Geoff White

Julie Defilippi Simpson

Guests

Bill Anderson, MD DNR
John-Paul Biladeau, New England Fish Co.
Barry Clifford, NOAA
Kelly Denit, NOAA
Katherine Deuel, Pew Trusts
Jon Hare, NOAA
Kris Kuhn, PA Fish & Boat Comm.
Mike Luisi, MD DNR
Arnold Leo, E. Hampton, NY
Jaime Masterson, USFWS
Nichola Meserve, MA DMF
Kim McKown, NYS DEC
Allison Murphy, NOAA

Susan Olson, NOAA
Patrick Paquette, MA SBA
Alesia Reed, NOAA
Story Reed, MA DMF
Bob Ross, NOAA
Jocelyn Runnebaum, The Nature Conservancy
Geoff Smith, TNC
Kevin Staples, NE Regional Ocean Council
Lauren Staples, NH F & G
Kevin Sullivan, NH F&G
Pam Thames, NOAA
Mike Waine, ASA
Chris Wright, NMFS

The Atlantic Coastal Cooperative Statistics Program Coordinating Council of the Atlantic States Marine Fisheries Commission convened in the Wentworth Ballroom of the Wentworth by the Sea Hotel, New Castle, New Hampshire; Monday, October 28, 2019, and was called to order at 3:00 p.m. by Chairman Lynn Fegley.

CALL TO ORDER

CHAIRMAN LYNN FEGLEY: I'm going to go ahead and call us to order here. We have a bit of a long agenda, and we have a reception after this, so I'm hoping we can get through this in short order, so to speak. I'm Lynn Fegley; I'm the Chair. I represent the state of Maryland. I want us to start the meeting.

I know you all know that we had a staff change up at the Commission, and I want to welcome Geoff and Julie as our new Director and Deputy Director. I just want to say that having had the honor to sit through the interviews for this position, these two are amazing. They are truly a dynamic duo with enthusiasm and vision, and a lot of smarts.

We have put this ship in very good hands at the helm. I really am excited to see where they're going to take it. I wanted to start with that.

APPROVAL OF AGENDA

The next thing I wanted to say is that I think that Julie has a couple of items to add to the agenda during the updates; one has to do with the FIS Grants, and the other has to do with FIN. With that does anybody have any other modifications to the agenda, and is everybody okay with the agenda modification I just listed?

Okay seeing no opposition to either of those.

APPROVAL OF MINUTES

CHAIRMAN FEGLEY: The next is the meeting minutes were provided to you in your meeting materials. Does anybody have any changes,

modifications that are needed to the meeting minutes? Seeing none, we will move right along. Is there any public comment? Okay seeing none.

FUNDING SUBCOMMITTEE UPDATE

CHAIRMAN FEGLEY: Our first item on the agenda is a Funding Subcommittee Update by Julie.

If you'll recall, there was a motion back in April to amend the step-down language in the RFP to say up to 33 percent. Between this and the 75/25 split, the Funding Subcommittee met over the summer to talk about that. We are going to see as we have discussions going forward in this meeting there is some work that they're going to have to do upcoming over the next year, so I'm going to turn it over to Julie to go through that.

MS. JULIE DEFILIPPI SIMPSON: The recommendation that came out of the Funding Subcommittee that went to the Coordinating Council during the conference call, and thank you to everybody that was able to get onto that conference call. The recommendation was that all of the maintenance projects would abide by the year 5 33 percent step down, and that the 75/25 split would remain for FY20. The Funding Subcommittee also had a number of discussions on the future of the 75/25 split, and that group decided that it was best to continue to meet, so they will be reconvening in the January/February timeline to discuss the 75/25 split. The Coordinating Council recommended that at the Joint meeting the Operations and Advisors also discussed this issue. There are a few things that came out of that discussion.

The first is, that the Joint Committee looked at potential of what the step down was going to mean, and realized that at this point it's somewhat difficult to determine what the future funding in the next couple of years would look like, so they are recommending to keep the

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25/75 split, but also note emphatically that the 25 percent is a minimum allocation for the new projects, it's not a maximum allocation.

They did also recommend that there is only a single year of new funding, and then projects would move into four years of maintenance funding, and that all four years of maintenance funding would be used to calculate the step down base. They also discussed the potential for project caps or funding ranges.

Wherein a project that had a large expenditure would fall into a higher range, and therefore would receive a lower score. These are ideas that they were putting forward to the Funding Subcommittee for discussion at their January/February meeting. Does anyone have any questions about those discussions?

CHAIRMAN FEGLEY: Dee Lupton.

MS. DEE LUPTON: One of their items that were talked about in the conference call that we had was if money was left over on one side of the 75 or the 25 split that it could be available to the other. I recommend that the Funding Committee makes sure that that is in the decision document to clearly specify that.

CHAIRMAN FEGLEY: Okay we can make that so. Thank you, Dee. Are there further questions for Julie? Okay, seeing none.

CONSIDER RECOMMENDATIONS FOR FY2020 SUBMITTED PROPOSALS

CHAIRMAN FEGLEY: The next item on our agenda is to consider the recommendations for the funding proposals. You all have in your meeting materials, and this is going to be on Pages 35 through 37.

You've got the proposal of rankings by the Operations Committee, and by the Advisors, and the third table is the average of the two. As always we have that uncertainty in our funding

level where it could be 3.35 million, or it could be 3.5 million. I think actually Alan Lowther is here. Alan, do you have any insight for us on funding levels for this year?

MR. ALAN LOWTHER: Most likely it will be the same as last year we would assume, which was the 3.35. But then we did get an additional \$63,000.00 to bring it up to like 3.413, so just over 3.4. We expect that that additional funding will continue, but we don't really have any guarantees yet. That is our best guess right now.

CHAIRMAN FEGLEY: Thank you. That gives us something to direct our conversation. Bob.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Before we go too far into funding conversations and all of this. I just wanted to let everyone know that the ACCSP Grant that ASMFC has with NOAA Fisheries is on about year 3.9, so we've got about a little over a year left. As we normally do as we sort of wind down these five-year grants, we're kind of working right now, Laura and her staff are looking kind of to scrub that grant and see if there is any money that is left over that we'll need to spend out by the end of February in 2021.

There is a potential that you know we had a number of vacancies that were left open for a little bit longer as we went through the leadership transition in ACCSP, and you know a number of other things that may have resulted in under spending in a couple areas. We'll get that done in the next few weeks, and we'll be able to report out to the leadership of ACCSP, what if any is available above what we anticipated.

Then, I guess the process will need to be set. What do we do with that money? I'm not suggesting it all necessarily goes to these projects; there may be some in-house things that take priority. But I think we'll need to work with the Chair and Vice-Chair and Geoff, and

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sort of come up with a prioritized list of how to spend that money, if there is any additional money available.

I'm not saying there will be. I anticipate there may be a bit. I don't know what that means exactly. But as we get into this, just there is one more variable that after these decisions are made, may affect sort of downstream how much money is available, which may free up a little bit more to help out with some of the decisions today. But we're not going to know that today. We'll just have to do the leadership and then get back to the Coordinating Council after the fact.

CHAIRMAN FEGLEY: That's good to know. I know we had some conversations offline about looking through the Administrative Grant and so on, so that is good to know thanks. What we're going to do is we're going to have Julie summarize the findings of the Operations Committee. We have Nicole Lengyel as the Operations Chair up here, and also Jerry Morgan from the Advisors, if you could help answer any questions if needed.

I do just want to say a quick word up front about Maine's proposal. It was a high dollar number. Maine is in a pretty tough spot, and so it in turn makes our conversation. You know we're going to have to figure out a way through it, and I really want to thank Maine for working with us on this. We did catch up with them before this meeting to brainstorm some ideas, and talk through some things with them.

They'll have a presentation to show you what sort of deliverables they can achieve at different funding levels. You know the worst case scenario would be the 3.35, and then the highest scenario would be if miracles happen and we found all the extra money, we got 3.5 million and some fees were waived. They're going to go through that after Julie goes through the proposals, and then as a reminder

too, I'll be looking for a motion at the end of this conversation, so with that take it away.

MS. SIMPSON: I'm going to just move to the next one, and try to blow this up as much as possible. The project names are just short sentences or short phrases that are helping to indicate what project it is without being the full name, so that it's a little bit more readable. We've included the partner and then the first column of numbers is the cost of the proposal. The next column is the cumulative cost with a NMFS fee. I just wanted to point out that this should be taken with a mild grain of salt, and that's because this is across the board a potential of this is what the NMFS fee could be. But we spoke with Alan earlier today.

There is the potential that the NMFS fee might not be in place for the southeast, and so if that happens that could be potential extra dollars that are included if there is no NMFS fee for the southeast. That column in particular is a little bit nebulous right now, and is subject to change in the next couple of weeks as things move forward.

The next two columns are just the amount remaining in that group, whether it be this slide which is maintenance, or the next slide which is new. That is based on a 3.5 or 3.35. As Alan indicated we're probably somewhere in the middle at a 3.41. But again with NMFS fees it's a little bit changeable. Are there any questions? Again these are actually done in order, the rank is not here on the slide, but it is in your materials and these are in order with the top being the highest rank.

CHAIRMAN FEGLEY: Are there any questions for Julie?

MS. SIMPSON: Okay, so moving on to the new projects. Again this is the rank. The columns are all the same, so I'm not going to explain them again. As you can see the red there is indicating the funding deficit if we were to fund

all of them. We obviously don't have enough money to fully fund everything. But this is the same as the previous slide, in terms of columns. Does anyone have any questions for any of us about the rankings that came from Operations and Advisors?

CHAIRMAN FEGLEY: Kathy Knowlton.

MS. KATHY KNOWLTON: Not a question so much as a clarification with regard to what Dee said earlier, just so everybody understands and I understand correctly. If you go to the previous slide above with the maintenance funding, if we were to receive more than about 3.4 or 3.45 million, then anything in the extra in that second column from the right would then be applied towards the new proposals that's correct. Thank you.

CHAIRMAN FEGLEY: Yes thank you, Kathy. I'm going to say that another way. I think is that any money that is left at the bottom after we get through the maintenance proposals do get rolled over into the new proposal area. That's how it works. Are there any other, Brandon Muffley?

MR. BRANDON MUFFLEY: I just had a quick question in regards to the maintenance proposal rankings. All of them rank generally about the same except for the Maine mackerel and menhaden project. I'm just wondering what the reason was for the really, well at least comparative to the other proposals, why that proposal ranked so low. I mean I don't remember the differences like that in the past, and I understand maintenance proposals have a different sort of ranking process, the simplified ranking processes, but it just seems to stand out quite a bit with how different that proposal is.

CHAIRMAN FEGLEY: Yes, I will turn that one over to Julie.

MS. SIMPSON: There was well what we'll just consider a clerical error in Maine in that when

they submitted their final proposal after corrections they submitted last year's final proposal. The final proposal for this year as corrected was not available for ranking. The group felt as a whole that it was too late for Maine to resubmit that and make everyone read it at the meeting, so they ranked it based on the fact that it had been a clerical error, which they recognize does happen, but people were obviously a little more harsh with their rankings on that.

CHAIRMAN FEGLEY: Any other questions? Okay with that I think the next step then we're going to move on to Maine. Are you guys ready? We'll see what they got.

MS. MEGAN WARE: Sure. Do you guys have the slides that we sent you? Perfect. All right so we have had some calls with ACCSP, given that it is unlikely at this point that the new project would be fully funded. We were asked to provide some information on what can be accomplished under partial funding levels.

Hopefully that will become clear this presentation, and then we had also pulled together an Excel sheet in a more thorough presentation for the meeting materials. Hopefully people were able to take a look at those. The three funding levels we were asked to look at, were the \$82,000.00, \$200,000.00 and \$300,000.00.

Just a reminder on what we're focused on in the proposal, the nuts and bolts. We are trying to support the implementation of 100 percent lobster harvester reporting through the lobster FMP in Addendum XXVI. We have a deadline of 2024 to achieve that. Then with the recent right whale discussions through the Take Reduction Team, it seems like that could get pushed up, and so we're trying to work on this now.

The proposal includes funding for nine new positions, many of those are in the data and

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reporting field, I'll say. But there are also a few licensing staff, since our reporting and licensing they do interact. It also looks at LEEDS enhancement, and I will explain what that is on the next slide. At our first funding level, \$82,000.00, what could we accomplish?

The first thing that we could do is move forward with our necessary LEEDS enhancement. LEEDS in the state of Maine are our License Enforcement and Environmental Data System. It's where we store all of the Maine DMR licenses, as well as scanned paper landing reports. It's also what we use to manage reporting compliance.

It's proposed that the enhancement would automate this harvester compliance, and we feel like that will save a significant amount of staff time down the road, particularly as we're trying to move to electronic reporting through this proposal for the lobster fishery. Also at this funding level we could hire a Harvester Reporting Coordinator for three months. That position or through that funding for three months that position could be kind of trained as to what the reporting would look like in the state, become familiar with our rules and regulations, and kind of just get someone onboard. What we cannot do at that funding level. We would not be able to implement 100 percent lobster reporting by January, 2021. We would have to continue with another year of the 10 percent harvester reporting, which is what we currently do, and this is because we cannot hire and train the full complement of staff that is in the proposal.

We don't feel like we could provide industry with the level of customer service that is needed. This is something that the Department has really focused on, customer service. I think we feel like we have one shot to get this right in moving to 100 percent harvester reporting, and there is already a bit of reluctance within the industry, so we want to make sure that we get it right when we do it, and we provide the

services that are going to be needed to make sure it's successful.

At the next funding level we looked at what we could accomplish with \$200,000.00. Just to orient you to the slide, the blue text is what we could accomplish in addition to what we did under the previous funding level. At \$200,000.00 we could still move forward with the LEEDS enhancement.

We could hire that Harvester Coordinator for now nine months instead of three months, and then we could hire one additional staff halfway through the funding cycle, so we're saving half on their yearly cost. Again, bringing these people onboard will help get them up to speed before we move in the direction of higher reporting.

What we are not able to do under this funding level is pretty much what we could not do under the previous one, so we don't feel like we could move to 100 percent lobster reporting by January 2021, because we're not hiring the staff that is needed. We don't feel like we're going to be providing the level of customer service that's needed, so we would do another year of the 10 percent harvester reporting.

Then the final funding level we looked at was \$300,000.00. Again we would move forward with LEEDS enhancement, hire the Harvester Coordinator for nine months, and under this option we could hire three additional staff halfway through the funding cycle. The pattern here is the more money that we receive the more staff that we would hire.

What we would not be able to do under the \$300,000.00. We would not be able to implement the 100 percent lobster reporting unless there was some sort of future funding that had been identified and secured. We're really only able to make that commitment for 100 percent reporting if we're able to secure a

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second, and likely third year of funding at the \$600,000.00 level.

Under specifically the \$300,000.00 level we can't hire that full complement of staff, and as I mentioned that will impact customer service, audits and outreach. I think that's the full presentation. I would just like to give a shout out to Rob Watts, who put this information together. I'm really just the messenger here today. Thank you.

CHAIRMAN FEGLEY: Thank you Megan for that. With that are there any questions for Megan about these various funding levels and what they can or cannot do that will help guide us in our discussion about approving the proposal funding? Jason McNamee.

DR. JASON McNAMEE: Thank you, Madam Chair. One question, so I think this goes to you, Megan. You had mentioned in a couple of spots it couldn't implement the 100 percent reporting by 2021. Isn't there more? In the FMP there is, of course it should happen as quickly as possible, it's important. I guess what I'm trying to make sure is there is not an FMP compliance piece on top of this. There is more time beyond 2021 per the FMP, is that right?

MS. WARE: Yes, I believe under Addendum XXVI it's January 1, 2024 that we're required to move to 100 percent harvester reporting, when that Addendum passes a five-year window from the implementation date. But it is likely that through the Take Reduction Team and the Take Reduction Plan that we will have a requirement for sooner than that. That is where the compliance may come in.

CHAIRMAN FEGLEY: Are there any other questions for Megan? Lewis Gillingham.

MR. LEWIS GILLINGHAM: My question is, if the funding remains static for the five-year period, do you move forward with each year or are you held to what you can do with say, \$200,000.00?

MS. WARE: I think I understand your question. I think we would have significant troubles moving forward with 100 percent harvester reporting if we just had the \$200,000.00 moving forward, just because we don't feel like that will support all the staff. Obviously it doesn't look like we're going to get the full funding through this proposal, so we'll start to look at other funding opportunities, and where other pockets of money may exist.

We have talked about trying to like roll some of that money over, so that we might have a larger pot down the road that we could draw from. I think that is maybe something we could still consider, but taking that leap to the 100 percent harvester reporting is really going to require a larger amount of funding.

CHAIRMAN FEGLEY: Okay, Dee Lupton.

MS. LUPTON: I'm just going to put this out there. If you get money this year, which I'm actually supportive of, but if you get a smaller amount you start the funding decision timeline, and according to the current document, which could be modified. Your first two years under the new category levels you out for the next four years.

Strategically, would you want any money this year, and hope for the step down next year, which is another 33 percent would make more money available to new projects a la Maine's project, which would start you out at a higher level, so in the funding process over the next six years you're at a higher level and maybe can achieve the 100 percent reporting. I just want to put that on the floor. I've heard various things. The other thing is if you get some money this year, if the Coordinating Council approves the money. Would your scope change drastically, you know if you only get \$200,000.00 then your scope changes, and then if you submit something next year, does the scope change enough to be considered a new

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project again at Year 1? I'm just throwing out various options for consideration, to try to get something for Maine for consideration under the current guidelines.

CHAIRMAN FEGLEY: Megan Ware, do you want to respond to that at all?

MS. WARE: If I could. I'm not sure I'm going to respond to all of it. That was actually a question I had is about the two year being like the new baseline, I'll say for future decisions. If we could have a conversation on that I think that would be great, whether that's today or at a workgroup meeting, or however you guys see fit.

I think that would be something for us to talk about. In terms of like waiting until next year to get potentially a larger pocket of money, or deferring our proposal until next year. I mean we got a fairly low rank number this year on the proposal. I'm not sure if I see, and perhaps I'm wrong, but I wasn't at that meeting.

But I'm not sure I see a reason for the rankings to substantially change next year from the same individuals. I get it's a large pocket of money, so there may be some incentives for people to rank it lower, because it's really benefiting one state. I do recognize that. I'm just not sure if the outcome would really change in another year.

CHAIRMAN FEGLEY: Okay I'm going to turn that over to you, Geoff.

MR. GEOFF WHITE: Procedurally the choice is up to Maine as to what they can get done with partial funding this year and then of course it is up to them to submit for full funding or partial funding next year. There is the Funding Subcommittee, which we just covered, and it's going to meet again in January/February.

That was a mix of the Operations Committee and Coordinating Council folks, including Bob

Beal. They might make a few adjustments and decisions on what is in the RFP for next year, but in the grand scheme of what are ACCSP funds intended for, what is available, and are there components that Maine has put on the table at three different funding levels that would move them forward towards lobster reporting?

I think it's a fair question about what is the strategy of first-year funding, two-year funding, getting something in place, the read that I have on the proposal, and what they've put in front of us is the changes to the LEED software, the development of their own App with different funding, and the beginning of staffing is up to the Council to consider if that moves the fisheries reporting in general down the line. From a procedural standpoint it's up to Maine as to would they want to accept partial funding this year and yes they could put in a proposal next year.

CHAIRMAN FEGLEY: Given that are there any questions or further discussion on the Maine proposal? Okay so seeing none, I think what we are going to need to do here is we're going to need to have a motion to approve the funding recommendations. We've heard from Alan Lowther about the funding situation, so we're going to have to bear in mind that we ought to be prepared for that lower funding level. If the lower funding level happens to be clear, we are likely going to need to convene what was the Executive Committee, which I think we all believe is now titled the Management and Policy Committee to go over and reach out to the PIs and work through to a solution. With that can I ask for a motion on the floor? Kathy Knowlton.

MS. KNOWLTON: All right, submit a motion to fund all maintenance proposals as ranked in the FY20 Average Proposal Ranking Spreadsheet.

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CHAIRMAN FEGLEY: Second by Jay McNamee. Is there any discussion on the motion? Megan Ware.

MS. WARE: It's just a question. The discussion was brought up about the two years being the new level that year based on moving forward. Is it possible to have a discussion on that in the upcoming January/February? I don't know if that's the right spot. But if it's just possible to put that as a discussion point moving forward, I think that would be helpful.

CHAIRMAN FEGLEY: Sure, and I'll send that over to Julie. Do you want to respond to that?

MS. SIMPSON: Yes. The Operations and Advisory Committee had a similar discussion about the calculation of base funding, and they have recommended that the Funding Subcommittee discuss one year of new funding, four years of maintenance funding, and then the calculation of the base being done on the four years of maintenance funding. That is on the slate for the Funding Subcommittee to discuss in January.

CHAIRMAN FEGLEY: Kathy Knowlton.

MS. KNOWLTON: All right had a little bit more to add to that for the full motion. First sentence, following the 75/25 percent split between maintenance and new proposals. Just for the record, need to have that noted probably. Second motion, fully fund the three highest ranked of the four new proposals, for the new proposal for Maine from the portion of the proposal with remaining new funds.

CHAIRMAN FEGLEY: Jason McNamee, since you seconded the motion, are you okay with this modification as it stands?

DR. McNAMEE: Yes.

MR. JOHN CARMICHAEL: When it says remaining new funds, does that include any

total remaining funds so any that would potentially carry over?

MS. KNOWLTON: Yes thank you for that clarification. It probably should just say fund with the remaining available funds.

MR. CARMICHAEL: I think so.

MS. KNOWLTON: Madam Chair.

CHAIRMAN FEGLEY: Yes.

MS. KNOWLTON: I think it would also be appropriate to include separate from the motion the comment about a funding shortage, and the deciding body being our illustriously named ACCSP Management and Policy Committee, as well as Maine's request for a specific note relative to resolving the number of years, and how the base funding is calculated. I think that would be an appropriate place.

CHAIRMAN FEGLEY: Are you asking to add that to the motion?

MS. KNOWLTON: Not to the motion, just notes for proceeding forward. It's procedural in my mind.

CHAIRMAN FEGLEY: I believe that it is on the record.

MS. KOWLTON: Okay thank you.

CHAIRMAN FEGLEY: Okay so now we have the motion slightly tweaked. Are there any questions at all on the motion as it now stands? Okay well then I'm going to read it into the record. This is to move to fund all maintenance proposals as ranked in the FY20 Average Proposal Ranking Spreadsheet following the 75/25 percent split between maintenance and new proposals.

Fully fund the three highest ranked of the four new proposals, for the new proposal from

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Maine fund with remaining available funds.

Motion by Ms. Knowlton, second by Dr. McNamee, and with that we'll try to do this the easy way. Is there any opposition to this motion? All right the motion carries, very good. Okay, so with that we're going to move on to our next agenda item. Yes.

MR. CARMICHAEL: I just want to follow up on the discussion that will come about the future years and how this gets handled. To me part of it is what constitutes the project. If Maine were to get to \$300,000.00, and do parts of what was proposed this year, and then propose doing more next year, they could come in with essentially two projects potentially doing this work over a number of years.

Or would it be considered that everything that's encompassed in the universe of this initial proposal sort of always stands as that project, no matter how it is funded in bits and pieces maybe in future years. I think that needs to be part of the discussion. If something that comes in like this really big gets divided up into multiple projects. How will that be viewed, given like you know Dee mentioned the comment of coming in later years, and I think that needs to be part of this discussion for managing this in the future that we can have in January/February.

CHAIRMAN FEGLEY: Those are good comments. You know there really is, I think the Funding Subcommittee has a fair bit to talk about in their sort of overarching philosophical thought about how much money is appropriate. Should we talk about caps or ranges of caps going forward? They're going to have a lot to discuss going forward, and Kathy Knowlton did you have a comment?

MS. KNOWLTON: Yes, just that to direct the Funding Subcommittee to have a specific review of the language in the Funding Decision Document that incorporates significant change in the scope of work. We already have an

allowance in the proposal process that would allow for a partner to present change in scope of work, but only when I think in the first two years of the new, and we usually preclude partners from doing that in all these many years of maintenance.

If they are requesting a change in scope of work, we ask that they be very clear about it and why. I think that shows the flexibility of this process is that we don't want people to skip telling us about things. Just tell us the truth, tell us what you need. The Operations and the Advisors have their process with the ranking system, but the Coordinating Council has always had flexibility to take into account special needs and special issues.

For me, even though this example of Maine's proposal has a very big price tag, we've accommodated this process before. We have had regional proposals that had very large price tags. Back when I was much younger and Rec Tech was submitting for these huge increases for Atlantic coastal work.

We could do that because the money was available, and then we started decreasing it. I think the process is already there. The process works. Just ask the Funding Subcommittee to try to articulate the definition of what are scoping changes. Give the partners the freedom that they need to make those requests through the process of the proposals.

CHAIRMAN FEGLEY: Geoff.

MR. WHITE: I just wanted to add the idea of with different projects being able to clearly define different deliverables. The one thing that they pointed out in this first year was the modifications to the LEEDS software. That was something that would be a onetime cost that was pointed out during the Operations Committee meeting and during our discussions in preparing for this meeting. I guess that was that comment.

Just before we move on, I do want to thank Maine for their work and their time that they put into this. One of the things that we wanted to do, and have therefore put in front of you, was options of what would actually be accomplished at different funding levels. That took some extra work on their part, but hopefully allowed you guys to make a little bit clearer evaluations of what can be done at this point with a little bit more information on what the deliverables would be at different funding levels, so thanks for the extra work.

CHAIRMAN FEGLEY: Okay great, so with that we will go ahead and move forward to the next agenda item. It has an action, on the agenda this is an idea. No, and yet my mistake. We have one more slide. Julie just wants to talk to us a little bit before we move on about the step down.

MS. SIMPSON: I promise this will be my last slide with numbers, well at least ones that have dollar signs on them. The purpose for this slide is to just take a look at planning for our future funding. This is a reminder from two important aspects that the maintenance projects are going to have to be stepping down again, and so this slide has a circle around the maximum available Year 6 funding. If you're a partner that has one of these proposals, it's really important to take a look at the available funding that's going to be out there, and ensure that alternatives are being sought after.

The other point on this is that even though the 75/25 split is going to be in place, we've already discussed heavily the idea that that split is just a starting point, and that money can be moved, overages can be moved from one side to the other if possible that very likely means that there will be overages.

There will be underages essentially on the maintenance side, so there is going to be money on the maintenance side that will very

likely be available for new projects. Partners should be keeping an eye toward potential new projects for next year's funding cycle. I know it seems early to be talking about that but it's never too early to be thinking about those kinds of things, because it happens very quickly.

CHAIRMAN FEGLEY: Are there any questions there, basically a reminder that as we work through the step down there is going to be funding available for new projects, so go home and do some thinking. Are there any questions?

CONSIDER REVISING ACCSP TECHNICAL COMMITTEE STRUCTURE

CHAIRMAN FEGLEY: Okay seeing none, now we're really going to move on to the agenda item about Revising the Structure of the Technical Committees.

As I was saying there is an action by this item, and the action that's desired here is not to make it happen right away. What we're looking for is an endorsement of this idea from the Coordinating Council, basically a green light to staff to let them go and gather information, and really do a little research on what this might look like, and bring it back to us to present the full idea. With that I'll send it over to you, Julie to talk in more detail.

MS. SIMPSON: The proposal that was in the charge in your meeting materials is to combine the existing Technical Committees such as the Biological and Bycatch Committee, Commercial and Recreational Committees, Information System, into a large Technical Committee that has workgroups that would follow those topics, but also follow other topics.

The driver behind this is that with a large number of technical committees we're asking for a lot of different staff members, which can be a burden on the partners. It can also be a burden when the same staff member is

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assigned to multiple committees. We're also finding that as we move toward integrated reporting, and move forward with our various modules, there are far more things in the ACCSP domain that cross sectors.

It's very difficult to have a conversation in the Commercial Technical Committee about the gear codes that doesn't also affect the Recreational Technical Committee and the Information Systems Committee. To pass that same item from committee to committee to committee is a very time consuming process, and it slows down our ability to implement things.

We are looking for a way to solve some of those inefficiencies. This is a proposal that was put in front of the Operations Committee. They felt that it was worthy of investigation in the information gathering phase, but wanted to ensure that this group also felt the same way before any staff or partner staff time was spent on investigating this. None of the committees have been briefed on this, because we have not done any information gathering at this stage yet. That goes back to the way that Lynn summarized the action at the bottom. That's the story.

CHAIRMAN FEGLEY: Great thanks, Julie. Are there any questions about this? All right, Jason McNamee.

DR. McNAMEE: I don't know if you want me to, I was going to kind of offer some comments, so I don't know if we're in question mode right now.

CHAIRMAN FEGLEY: Kathy Knowlton, did you have a question or more of a comment? All right let's go to Kathy's question and we'll come back to you.

MS. KNOWLTON: Sorry, Jay. I know this is only a request for our approval, but I did find it difficult to give an opinion without more

information. I know you were in a chicken and egg situation with that. In hearing you say that it's often for some of the agencies the same person that's on more than one committee.

What about the flip situations? When I think for many more of the partners there is a specific person that is a subject matter expert for that technical committee that is on only one committee, maybe two, but only one. Moving forward with your data gathering is your intention for it to be a giant super technical committee, where the people that have traditionally been, for instance at my agency, Rec Tech is one person, Com Tech is one person.

There is a lot of overlap with Com Tech and the codes, and some of the issues that pop up through some of the subcommittees. That makes sense to me. But it's also another person that does bycatch and biological. Those three people are very distinct in their job responsibilities and knowledge.

Are you saying that we would then be pushing forward in that situation to have the one person representing it all, because in that case there would be a loss of technical knowledge? I would look forward to seeing how you all incorporate those scenarios in. We also have little buggers like travel restrictions.

That is sort of not so much a policy or a directive, but a technical component in how you get from Point A to Point B, if you have a situation in your home state, hypothetically, where you have to justify more than one person going to a meeting it is extremely difficult. My question to you all would be to see if there could be, as you move forward with the information gathering, sort of a hybrid to this idea.

Where can you utilize specific components of sort of this super committee through webinars and conference calls, when you have updates

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and things that incorporate more components of them, but save the truly technical issues that are very different, and require a different person to still split out and have technical workgroups? You could call the whole thing a technical committee, where you fold everybody in. But knowing that you're still going to have items that require workgroups and conference calls and in-person travel, because as much as everybody loves MRIP and hearing about it. I imagine there are quite a few commercial folks that don't want to be involved in a day of that and vice versa. I really look forward, I appreciate the idea, and having staff time be used more efficiently and effectively, get it, so thanks.

CHAIRMAN FEGLEY: Do you have an answer to the question?

MS. SIMPSON: The answer is yes. We have thought about all of those things. Some of them were discussed at the Operations and Advisory level of how do we want to structure it? Some of us thought of the idea of you know the way that a SEDAR data workshop works, where there is a plenary session. Everyone gets together and then the workgroups can go do their own thing, where they really get to be experts.

But state travel is a consideration there, because it would be multiple people, and that's something that we need to bring back and forth, and see if we go that way. Instead of you sending three people to three different meetings, can you send three people to one meeting? What is the appropriate venue? Those are all excellent points, and I wrote them all down, so that we make sure we incorporate them in our conversation.

CHAIRMAN FEGLEY: Jason McNamee, why don't you go on with your comments?

DR. McNAMEE: I was kind of having a similar thought process to Kathy. First I'll start by

saying I endorse the concept. I think it's a great idea. I looked at the kind of myriad of committees over the years and wondered you know about the structure a little bit. I like this effort to try and think about it.

When I was reading the document there were a couple of things struck me, the memo that you put together, and I just wanted to make a few comments. I started to question a little bit of the incentive for doing this. A couple of the comments in the memo had to do with efficiency. I like efficiency it's great. But when you're working with partners it is messy business, right?

It is important to make sure that being efficient. I'll just offer a really extreme example. If I was on a technical committee, if everybody did what I wanted it would be super-efficient, right? We have to work with each other to think about the challenges in Georgia versus the challenges in Rhode Island, and hash through those things.

You know I don't want to lose the notion of collaboration and partnership on these committees to efficiency. I think it's going to be important to keep that in mind. Maybe I was reading too much into the memo. I'll acknowledge that. The other thing there is a part in there about these kinds of volunteer ad hoc groups that come together, and that's really cool.

That is what companies like Google do; you know they do these kinds of teams that come together for special tasks. I think that is another good approach. However, when it comes to volunteering, just from my experience on other technical committees, you could end up with the same people doing everything, and it's not fair to those people. They are proactive and they want to be involved, and they want to do work. But there needs to be a little bit more thought into keeping the partners engaged, not just going with the people that raised their hand every time, because that's in their nature to

raise their hand every time. You know be cognizant of that. Then final point, thank you, Madam Chair is I wondered again, another kind of hybrid type of idea. When I was thinking about my staff and how they participate on the ACCSP panels, I kind of saw not one mega; I like super, super technical committee, super mega technical committee?

Feel free to use that one if you like. But maybe there are two. I saw kind of like a biological, you know like the bio and bycatch group. They seem to do kind of different stuff, and then you've got the dependent reporting group. I wonder maybe if it's two rather than one, just something to kick around while you're thinking about this, but in general I support the concept.

CHAIRMAN FEGLEY: Megan Ware.

MS. WARE: Kind of building off of some of what Jay was saying. I can definitely see from the memo that there are ways we could streamline how these groups are interacting right now, and I think that's a good idea. Coming from the ISFMP world, they have had to deal with a lot of workgroups in the past couple of years.

I think there have been some outcomes of that that may be counter to what you're trying to accomplish. From my personal opinion, I feel like the workgroups have actually increased the staff workload, because there has not been a clear person who is like the leader or the modeler, or something like that that has like an assigned task.

Also as Jay mentioned, I think you get the same people on the workgroups, so you have a small group of people that can be overworked through that style. I'm wondering has ACCSP talked with ISFMP staff about some of these challenges that have come up with workgroups. I think there are workarounds, but just like knowing some of the challenges that have come up might be helpful.

CHAIRMAN FEGLEY: Are there any other questions or comments? John.

MR. CARMICHAEL: Has there been discussion of how the workgroups would function relative to the full committee for making decisions? Like is it the type of system where all the decisions would be the responsibility of the Full Technical Committee? If you use the SEDAR example, the plenary makes all the decisions, the workgroup provide recommendations and don't, or is that the kind of details we still need to think through if we endorse just the general concept, and then hammering out all the particulars over the next year or so?

CHAIRMAN FEGLEY: Julie.

MS. SIMPSON: Yes that is something that is still being worked out. The idea, and again this is the idea that we were throwing around in our heads that we have not investigated or discussed with even the technical committees. But yes that would have to be something. The idea of the workgroups is essentially there might be standing workgroups that are topic specific, but then there would be the ad hoc ones, where we would say okay the SAFIS redesign is a short term project, so we need a group. When the redesign is over the group would go away. I appreciate Megan's perspective, and I think that's a great idea to talk to the ISFMP staff. I did take note of that because that is a consideration. I think everyone has had really great ideas today, and I think that as we talk through a lot of these ideas with the technical committee members, they'll be able to provide detailed perspectives that will give us good fodder for a more solid discussion to bring recommendations back to this group.

CHAIRMAN FEGLEY: Before I try to sum up, are there any other questions about this? Does anybody have any more questions or comments? You know this is a big idea, and I

know that a lot of people, I really appreciate the deliberative discussion. What I would say is that there is some more work to do in developing this idea, if this body is okay with that.

Really I think the question before us is are we onboard with staff developing this and really laying it out, and bringing some options back to use, to decide whether we want to proceed. That would of course involve engaging closely with the technical committees themselves. With that I guess I'll just ask. Is there any objection to staff going forward with an information gathering phase? Okay seeing none. John.

MR. CARMICHAEL: Julie, I think that everyone recognizes the challenges, and you guys have laid out a good case for looking at the structure with the whys. We've heard a few more things raised here today that should be considered. But I think it would be good to go to the technical committees with just a question that was on the plan of how can we adjust the structure to address the challenges.

Maybe not seed them the idea of doing a super committee, but see what they come up with. Each one may come up with various hybrid approaches and different solutions, if they're not sort of told well these are the problems. We're going to do a super committee, what do you all think? They'll focus on either beating that up or supporting it. Give them more an open ended, so how would you all fix these challenges?

CONSIDER ESTABLISHMENT OF A DATA COORDINATION COMMITTEE

CHAIRMAN FEGLEY: That's a good approach. Okay, so I think we have resolution on that and we're going to move on to the next agenda item, which is Consider the Establishment of a Data Coordination Committee. This one I think began evolving at last years annual meeting.

Really this is about developing a way to make sure that all of the various efforts and initiatives that are happening across different agencies are connected, to avoid overlap. I think John Carmichael had some pretty elegant examples of that at our annual meeting last year. With that I'm going to turn it over to Geoff.

MR. WHITE: Excellent, thank you Lynn. As we have on the slide and Lynn introduced. This was discussed last year as how do folks better discuss projects that kind of have effects cross jurisdictional? The quick summary is that integrative reporting initiatives, which have typically been regional, highlight greater need for coordination.

One of the items there last year was SEFHIER, the Southeast For-Hire Integrated Reporting, and how there were a lot of the federal partners working on it. Some of the states wanted to be involved, and how the data flow would work, figuring out a broader range of how that project would move forward, and how also it would affect others. One of the things that really hit home, was how reporting in the South Atlantic for a duly permitted vessel or entity in the Mid-Atlantic would now have different reports to address.

The end goal of one report going to multiple agencies was kind of the idea that it covers more than just the one region that those things are meant to address. On the flip side, in the summary that was sent out over e-mail last week, there are some other examples that start more at the state level that may require changes to other reporting systems, and whether that was the Tautog commercial landings tags, American Lobster gear – vertical lines.

There is an initiative, which I'm not sure how many of you have heard of, but it's a one-stop reporting project. These are all activities that are more inclusive within a region, but

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sometimes the recognition of how it affects partners not in that initiative, be that a state or a further region are not included.

The charge was really to provide a cross jurisdictional forum for sharing information on data collection initiatives. That might be a relatively informal three to four conference calls a year, to share projects that are up and coming, regulations that are around the bend, how that might affect data collection, and other things.

This morning at the Lobster Board they talked about, we've got this need for a data item; it can be put in one, two, three different data reporting flows. But if it's not on the paper form or it's not in this other primary application, how do we consolidate the data at the end of the year? How is it useful to management as a holistic view?

Getting a little bit more lead time and sharing, these are the projects, these are the successes. Maybe it's an outreach item. Maybe it's a data collection item. Maybe it's a technical issue, but being able to share those things would be pretty useful. That is where the idea came from. We've even had a couple of, and it's a little off the list here, but a couple of successes.

Recently where we were at a meeting that the Pacific States Marine Fisheries Commission and PacFIN were also at, they were very interested in how ACCSP website confidentiality worked for the data warehouse, and we were able to begin sharing those tools with them. That was kind of the idea here of a Data Coordination Committee, being able to share projects, share information and move things forward.

With that I would certainly entertain any questions. But the proposal on the table here was consider approving the Data Coordination Working Group, and tasking staff to request members via e-mail. The intention again would be to not really have it as a voting group.

Everybody still has their own regulations and needs to meet.

But knowing that we all have the same end goal of coordinated data reporting, by creating this group, again nonvoting group, but more of a sharing, membership will be open to all of the state, regions, councils, feds, the folks that were interested and involved in this. I think the tieback to the integrated reporting is with greater data flow, from more various places that's flexibility that is really necessary in the data collection world. But when it all lands at one place and that choice has been more and more ACCSP, which we're proud to be there. Being able to share the different requirements early enough with folks so that it all comes in to the same standards is really what this was after. With that I'll entertain questions.

CHAIRMAN FEGLEY: Sir, I apologize, I do not know your name.

MR. TOM NEIS: Hi, Tom Neis; New England Fishery Management Council Executive Director. Thank you, I don't show up a lot. But when its ten minutes from my house it's hard to find an excuse not to come. Thank you, Madam Chair. I've got a question for Geoff. I guess I'm a little confused.

It seems like this group to be effective is going to have to involve many of the people or represent many of the groups that are sitting at this table. Was there any thought to considering that maybe the way to address this is not to form another group, but to include some sort of information sharing agenda item on a periodic basis at this meeting?

MR. WHITE: We could certainly do part of it at this meeting. The intention was really somewhere in between. It's choosing the right people, somewhere in between the Operations Committee level, the technical folks that have the IT knowledge, and the policy level. My time is precious at these meetings.

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I think the ability to delve into the issues and consider what's up and coming, and figure out whether it's a database piece or a reporting piece. I'm not sure there will be enough time to follow through on that in this particular forum. If we wanted to handle it more at the Operations Committee level, and bring in people, then initially that makes some sense as well.

CHAIRMAN FEGLEY: Mel Bell.

MR. MEL BELL: I was just going to ask, so you envision one person from each state, and we would just designate who, and it being kind of an informal, improved communications that's what this is about?

MR. WHITE: The intention was one person per agency. If we're having all these via webinars and conference calls, certainly more people can participate and learn from it that would be fantastic. That is the intent of the group. In the event that we needed to have an in-person meeting, I would expect that budget would dictate limiting membership a little bit more, or limiting travel.

CHAIRMAN FEGLEY: Dee Lupton.

MS. LUPTON: The way I looked at this, it sounded very much like the Operations Committee in a new task to the Operations Committee, because at least in our state that is probably who would sit on this Committee. I was having some trouble with we want to streamline the Technical Committee aspect, but create a new committee that maybe somewhere between policy and technical, which was operations to me. I know not everybody may have that person on the Ops Committee, but I was just wondering if you had considered adding it as a task to the Operations Committee. Maybe even have maybe additional meetings, but just have those additional meetings be a webinar focused

totally on data coordination, and not all the other operations items.

CHAIRMAN FEGLEY: Thanks, Dee, before I sum up on that Jason McNamee.

DR. McNAMEE: I had a very similar comment to Dee's, so I won't restate that. But I'm also struggling a little bit. Geoff, when you were kind of leading into this you gave some examples that made sense to me, like lobster. You know we talked about that this morning. Is that how this would work, you kind of pick a topic? It's such a huge thing that I'm struggling to figure out how you would kind of focus in and get to the output, you know so that. I'll stop there.

MR. WHITE: No, fair question. In the summary it did have kind of an "areas of interest." My current thought would be you would pick a call and say, we've got dealer reporting, whether that's online or tablet apps. Let's talk about that today, get a couple of folks to prepare presentations, and focus on that aspect and what upcoming initiatives there are going on.

The trip reporting is kind of the gorilla in the room about how this came about, and is one of the primary tasks for next year, with the different initiatives that are happening. But it could go to, you know the other thing might just be; let's talk about regulatory changes that might impact existing data systems, and leave that as a two-hour call. Pick a topic, feed in a couple of seed presentations of a major initiative, and get folks to talk about what other things are happening in their agency.

CHAIRMAN FEGLEY: Does anybody else have any questions or comments on this? Okay, so I'm actually getting the sense, I think following on the comments we've heard from Dee Lupton and others that I think the way to handle this would be to take it back to the Operations Committee, and maybe discuss it with them.

Above all we need this to be useful, and we certainly don't want to commit ourselves to death. We want to make sure that we are communicating well, and not duplicating efforts. That would be my proposal, if that suits staff. Is there any objection to sending this back to Operations Committee, and having them talk about it as a task for them? Okay, seeing none that is what we shall do.

PROGRAM AND COMMITTEE UPDATES

CHAIRMAN FEGLEY: With that we are going to move on to the Update portion of our agenda. We're doing well on time; we'll try to motor through this.

MR. WHITE: As we get into the program updates. We did structure the agenda, thank you again for the beginning of the meeting and the work of the Selection Committee in choosing myself and Julie as Deputy Director, to keep us moving. Under the Program Activity in highlights here, I did want to highlight a couple of approach items, then give you guys in the sense of transparency and a little bit more information on some of the initiatives that we've been involved in, and some updates that have occurred since your last meeting, really.

But, internally we've certainly been evaluating and focused in on our existing commitments. What is the focus of our resources and the core issues that we need to address internally. One of the first things that we needed to do was fill some open slots, so we had three open positions, two kind of were defined early this spring. Adding a person to the data team to work on biological data, replacing our Outreach Program Coordinator with a Program Assistant, and then backfilling the recreational team leads slot.

As an update for you guys, we've actually had those positions out. We've interviewed for all of them, and we need to complete a couple more interviews before we make our selections,

but we're glad to be kind of bringing ourselves back up to full staffing. Another thing that we've worked on is really expanding our internal program management in greater integration with ASMFC.

We've been functionally a part of the ASMFC family since the decision in October of 2016. But, based on when the ACCSP Strategic Plan ran out, when the new ASMFC Strategic Plan is out, and the Action Plan, this is actually the first year where the Action Plan for the year is fully integrated into ASMFC.

That was a process that we got to be involved in, involve Lynn and John on and, of course that document is going to be coming out later this week through the Administrative Oversight Committee, and so it's been good to be a part of that process, and begin kind of regular Coordinating Council Leadership status calls, to keep coordinated on what these issues are.

Those are some of our approaches, and it just points out that 2020 ASMFC Action Plan Goal 3 is really focused on ACCSP, and we are glad to be taking steps towards that integration. The other items on the list, we've got slides for each one, so I'll step into those. FISMA, so the Federal Information Security Management Act.

Mike was able to give you guys updates in the past on how this was proceeding, primarily this was growth of ACCSP Security Systems and the interaction with the federal systems, and a task that was necessary to document and move forward with the SEFHIER data sharing and data collection.

We've had several meetings with them between the Director, staff, our contractor support, HMS folks, people from GARFO, and SERO, and primarily with the office, OCIO, so the information officer at NOAA. We've given them an overview of the ACCSP and the partner actions, and received a commitment from them to help support this process. The FISMA

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process can be long, and is primarily documentation.

They were able to define us, the ACFIN, Atlantic Coastal Fisheries Information Network as moderate but non-federal. That is a similar classification as the NMFS Regional Offices, and this was a benefit to us in the process, because based on the levels of classification, there are certain levels of documentation. This puts us at a lower level of documentation and security risk to federal systems.

The bottom bullet is really just a technical document that guides us through this. The overall process here is really two major things. We had an external security scan that was done. We passed that with no high criticality, only a couple of medium, and a few low priority criticality configuration changes that we needed to address. That means updating security protocols and software version changes, some operating systems on a couple of servers. That is really considered a short term completion, and we're on track to support SEFHIER, probably have most of those things done by the end of November.

It also includes things like extending. It's kind of an "in the weeds" thing, but the two-factor authentication when you log into your banking software it sends you a text message back to make sure you're the right person. Adding that to the SAFIS tools, not for every login, but when you initially create your account or when you request a change in your password. It goes back to the two-factor authentication.

There is a technical development there. We had part of it, we had to develop another part of it, and not be too onerous, because we're trying to walk that line between maintaining security and making tools easy to use by fishermen. That is not a two-factor thing of every time they log into the app, or every time the data gets submitted over the API.

But those are some of the initial configuration changes that we've been in the midst of doing. One of them that is complete at this point, moving all ACCSP laptops to Windows 10, because Windows 7 is going through end of support January of 2020. Those kinds of things take months to implement. They're already in place at this point.

We've already got the servers and things configured, so we're moving well along in that path. The second step of this takes a bit longer, and that is to document and evaluate the security procedures. We use something called the cyber security evaluation tool. It's a federal tool based on Department of Defense, and it goes through a whole road map of about a year and a half, to get through all of it.

That is an ongoing documentation and confirmation process, so once you have the procedures in place you have to test them every once in a while. The security scan that was done for us through an outside vendor, contractor, basically said you're doing a lot of great stuff. We need to tighten up the documentation so that we can check on it every once in a while.

That documentation of course involves pulling a lot of old things together, writing a couple of new policies, and thankfully we have enlisted the help, I think you were informed before of Joan Palmer. She retired as lead of the Information Technology Group in Woods Hole, and still considers helping us out in these things fun, which is fantastic for us.

We appreciate her help as we go through this. With that that is just a quick update on where we are with FISMA, and why it's important to not only maintain security and protocols, but to be able to move forward on some of these data collection initiatives with our regional partners. The next item on the list, and Julie and I are sharing some of these, is the FIS Projects. As

our lead on FIS Committees, I'm going to have Julie go over this slide.

MS. SIMPSON: We have two projects that have been funded by FIS that ACCSP is a PI on. The first one is to utilize quality management tools to improve data provision in ASMFC stock assessments. This is actually building on a quality management project that was done in the southeast. The basis behind this is simply using the Quality Management Professional Specialty Group. The tools that they have available and their facilitators to help us walk through the process of how the data are being provided to the stock assessment, to help us find any efficiencies so that that process can go as smoothly as possible, and provide data that is high quality but is provided in as quickly a fashion as possible, which is always an ideal scenario. The next one is development of one-stop reporting that Geoff mentioned earlier.

ELECTRONIC VESSEL TRIP REPORTING STATUS

MS. SIMPSON: Electronic Vessel Trip Reporting Technical Specifications, this one was actually I will say spearheaded by Barry Clifford at GARFO, but he very wisely brought in the Northeast Fisheries Science Center, the Southeast Regional Office, the Southeast Fisheries Science Center, HMS, and ACCSP all as PIs. This is really, truly a coastal joint effort, and once those meetings start to convene there is going to be quite a lot of discussion amongst various partners. We're very much looking forward to that project.

The final project is one that is not one that we will be receiving funding for; it's one that the Gulf States has proposed. But they are going to be transitioning to tablet-based APAIS data collection. As you all know that is something that we do on the Atlantic coast, so ACCSP will be sharing software on our base configuration.

While we're not directly receiving any funding for that we will be heavily involved in that

project, in that we're going to be sharing our information, and Geoff and Alex will very likely get down there on site and work with them on that project. Those are the FIS projects that we have officially received funding for as of a couple weeks ago for next year. We're looking forward to participating in all of those, and welcome any questions that you guys have about them.

CHAIRMAN FEGLEY: Any questions?

UPDATE FROM THE FEDERAL INFORMATION MANAGEMENT MODERNIZATION MEETING

MR. WHITE: Okay, so the next one is just an update on a meeting that we participated in, both Julie and I got to go to the FIMM meeting that is the Federal Information Management Modernization meeting, this was middle of September. The objective here was really to discuss NOAA and partner, including the FINs and the Commissions data needs, and develop actions to modernize the information systems.

This was great because they had 40 or 50, probably a few more than that folks in the room, worked out through facilitated sections. It was a follow up to a net gains report on how to modernize and improve the underlying systems, the data sharing, and how it all moves forward. This covered a lot of areas, including weather information, it's all of NOAA really, and so it covered data buoys, fisheries independent surveys, camera work, electronic monitoring, as well as the part that we were involved in as fisheries dependent data collection.

As you see the bullets on here where some of the outcomes, and surprisingly a lot of the thoughts going into the meeting were oh, artificial intelligence, machine learning, way cool technology, move it all to the cloud, and in the discussions it became really clear that there might be some aspects that are really built for that. Moving the data buoys into one cloud that is shared by NOAA, instead of having three

different regional areas that do that sounds like a great idea. But a lot of the items listed here talked about communication being crucial, sustained funding, partnerships essential to successful fisheries information management. Timing again throughout that meeting, the experience of the FINS, ACCSP, GulfFIN, PacFIN, AKFIN as being able to both self-evaluate the external systems we're doing a pretty good job of moving forward on modernization tasks, as well as provide opportunities for engagement and partnerships to make sure that things are moving forward.

One of the highlights here on partnerships was really recognizing the annual data load, which Julie will talk about, and has really led for a long time. In 2007 with something like 42, 45 individual datasets to try and compile that number has come down a little bit to somewhere about 30. But the partnerships of knowing what datasets exist, and how you find them, and how you get them to the central place so that you can manage the data, seems to take a lot longer than the actual data management part.

That is where this workshop was interesting to be at and talk about those types of things, to sustain support both from leadership, funding, coordination, and partnerships was really the message that came back out of it. It was great to not only be invited to that workshop, but to be able to sit down on a couple of the panels of what the discussions were, and see kind of that national perspective.

That was another kind of activity that we participate in, and it's been pretty great. Along the same vein, just thought of another side one, Julie went to the American Fisheries Society meeting this year, and helped host a data management training class, continuing education class, and was able to over a four hour class, one of the things that folks weren't sure is oh is that too dry?

How many people are they going to get? They ended up with about 20 people in the room, a couple of walk-ins, and they were so interested in the exercises, both students and long term veterans that they stayed about an hour afterwards to finish the exercise and figure things out. It's like oh, I thought Excel was a database. No it's not.

How do we organize and work on our data so it lives beyond our project, and so teaching those kinds of things out to other people, and sharing is kind of a neat role in smaller areas we get to share and do, and so that was another highlight. The next slide talks about GARFO FDDI, and love to throw all the acronyms out, but frankly the whole explanation didn't fit on one line.

It's the Fisheries Dependent Data Initiative. This is really led by GARFO; they've been doing this for four years, and including ACCSP when it ended with a V for visioning. They are moving to the implementation phase, and it's really about a regional plan for integrated data information systems.

Improving, modernizing, and integrating fisheries dependent data systems, following the federal and regional standards. That's organized as an oversight, a technical, and a regulatory team. They have asked ASMFC and ACCSP to be part of that so Julie is on the Technical Team, and both Toni and I are on the Regulatory Team, and I'm also sitting on the Oversight group, and the entities are listed up on the screen. But it's really about all of the fishery dependent things that are happening through GARFO, the website data products, the trip reports, biological sampling, the pre-trip notification systems, but there are a variety of things happening. To be able to work with them and sit in on this for the partnership between what data comes through ACCSP, what data comes in through them, what data products are necessary, and being able to work on that jointly is a great thing, and we're glad to be part of that one. As I said they're just

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forming those groups, and some of the first meetings are coming up later this week.

CHAIRMAN FEGELY: Kathy Knowlton, did you have a question to this point?

MS. KNOWLTON: I do. Is there a version of that FDDI for the South Atlantic, or has there been a corollary recently that produced that kind of outcome?

MR. WHITE: I'm going to ask for a little help here after a moment. The closest analog that I'm aware of is really the SEFHIER group, and the time that they spent to come up with the for-hire reporting piece. Again, the Data Coordination Committee idea comes to support things like this, and discussing what the initiatives are, what is it across regions. Since that idea was brought up a year ago, there has of course been progress on these kinds of ideas. But if there is a SERO or South Atlantic representative here that wanted to expand further, then that would be great.

MR. CARMICHAEL: Well there is a South Atlantic representative here, and I think you summed it up. There isn't as much going on, at least that we're aware of. It doesn't mean that there aren't things going on within the Center perhaps that haven't trickled out to our knowledge, but not sure of things going on.

There has been some discussion going back and forth among folks at the Council Coordination Committee, which is the Chairs and the EDs about some of the regional implementation plans that is crossing over into some of this data stuff, and what's been shared, and there seems to be a lot of variation across the different regions nationwide.

As far as how much has been shared and how far along they all are. It's just so that was kind of I think the Data Coordination Committee idea was to be up at that level, at least maybe get

the different regions on our coast talking a little bit more and sharing ideas.

MS. SIMPSON: I just wanted to say it's a small part of it, but that is an objective of the OSR/FIS project. I mean it's a small part of that FDDI effort to be doing those kinds of conversations, but you know SERO and the Southeast Fisheries Science Center are in those conversations, so hopefully those kinds of conversations, along with some of the other ones that we're having on just some standardization things that I'll talk about on the next slide, will start to maybe spur thoughts on something more formal.

MR. WHITE: With that I think we're ready to move to the next slide, so back to Julie.

MS. SIMPSON: There are quite a few bullets on this slide, and I just kind of want to touch very briefly on each one, to take the opportunity to either give you a little bit more information on them, and in a lot of cases thank you for the efforts that your various agencies have put into them. The spring/fall 2018 data load, which happened this year loading the 2018 data, was an exceptional year. We managed to be a few days early for the spring load. We were able to deliver those data on April 12 instead of April 15. We also set an internal deadline for the fall load, which is not as public or as crucial, but we actually managed to be about five days early on that one. These don't seem like huge numbers, but it is super significant, because it is the first time ever that we've been early on the fall load.

It is very rare that we are on time or early for the spring load. Being early for both of them says a lot about the efforts of not just our staff, but especially all of the agency partner staff in making sure that we got data in a timely fashion. Everyone was meeting deadlines and getting data early, and that was very, very helpful to that process, so please go back and thank the folks that are involved in that process.

The next item is the PRFC data feed, and this data from the PRFC have usually come to ACCSP. Oh sorry that was my bad, I accidentally pressed my button. I faked Caitlin out. That was my bad. The PRFC data have normally come to us through VMRC, and we have not been able to have data coming directly from PRFC, and this year we were able to work with PRFC.

Their staff did a great job, as well as their contractor Ray, I believe is his name. He did a great job in helping them do some programming, and so we're in the final stages of testing, and we're going to be getting data directly from PRFC, and that is a big step forward on our staff. We're very excited about that. We wanted to kind of recognize them for the work that they did on that.

The HMS data feed, it is a fairly complicated data feed, as it seems like everything with HMS sometimes is. But we are working diligently with their staff on trying to get a final data feed into the data warehouse that compiles all of the data, which is very tricky, because there is overlap with the Gulf, so we're actually pulling in data that actually goes from Maine to Texas.

It's been very difficult, but there have been a lot of people working on that and we've been very appreciative of those efforts as well. The next one is the new public queries in the data warehouse. If you've been on the public data warehouse lately, you'll notice that at the end of each row there is a new field that tells you the percent displayed.

There was some unhappiness with the original direction of the new data warehouse, and how the public data warehouse was displaying data. We were attempting to show true coastal totals, which meant that in some cases if one state was confidential we ended up hiding all the state data at the state level, and that was not desirable.

We kind of flipped everything on its head, we now show if it's non-confidential the state data is shown, and then as we roll up to the region or as we roll up to the coast, we just make sure that you can't back calculate anything that we didn't show you at the state region. Obviously that means that there are some regional and coastal totals that are redacted totals, which means they're not true totals.

That is that new column at the end, where it will show you the percent displayed, sometimes it's over 95 percent of the data, so it's actually, depending on your activity, still a useable number. We've gotten a lot of positive feedback about that. If you have any feedback we would love to hear about it. The next item is confidentiality in FIN coordination. We've worked very hard on automating our confidentiality. As Geoff mentioned earlier, we did have a conversation with the PacFIN/AKFIN folks when we were at the FIN meeting. They were very interested in it, so we did a demonstration for them, and we've started sharing information with them about how they can do that.

They were so excited by the exchange that they now want to start having a FIN meeting every once in a while. They volunteered to host the next one to demo something that they are doing in their FIN for the rest of us. We're going to involve GulfFIN and WPacFIN in those as well. We're going to start having these occasional FIN show and tells, so that we can learn a little bit more about what the rest of us are doing.

The data request volume is actually up over the last year and a half, so we kind of wanted to share that there has been a lot of data requests. We're averaging about a completion of anywhere from 10 to 12 data requests a month, which doesn't sound like a lot. But some of them are fairly involved. We were talking to someone earlier about all of the data that is

being used in the ecopath preparation in the South Atlantic. That is just one data request.

It took a while to figure out all the different 140 species groups, and manually code those in. That is something that would only count as one data request. Code standardization has been an activity that we've been working a lot on. When I say code standardization, in this case it actually doesn't mean what we normally think of it as, in terms of Standards Codes Committee, although that Committee has been doing a lot of work lately.

What we're actually talking about, more along the lines of, like the common names standardization. We did a lot of going through to make sure that those were being displayed in a consistent fashion, so that it's always things like snapper, red, so that it's easy for everyone to find and it's consistent across all of the various commercial/recreational biological datasets that we have.

The common names alone were a process that took about two years to do, and we just completed it. There has been a lot of partner involvement in that. We appreciate everybody's patience in response to e-mails and queries, and look at this really long list. Do you see any issues? Everyone has been very responsive to those, and we appreciate all the cooperation. Finally, I wanted to let everyone know about the biological module progress.

That was an activity that we had had to set aside, because of staffing issues. Because we are able to now bring someone else on, we have started working on that. We have new structures in place that we're testing various codes and things on, and we've started to work with partners to sort of beef up the existing data, and do some quality checks on it before we move it in.

Again, we've reached out to partners with some pretty old lobster data and said hey, what does

that mean? People have been really helpful in; you know digging back in their records and figuring out what those things mean, so that we can get them clarified before they get moved over. Essentially the theme of the slide is there is a lot going on. But everybody has been really cooperative from a partner standpoint, and that has made for a lot of successes, and we are very grateful for that.

CHAIRMAN FEGLEY: I'm just checking, are there any questions at this point? Okay, go ahead Geoff.

ELECTRONIC TRIP REPORTING STATUS

MR. WHITE: Excellent, thank you. Update on Electronic Trip Reporting Status. There is a long list of items on the screen. I won't bore you by reading all of them, but the whole point here is that there are several different electronic trip reporting initiatives that are going on right now. They have overlapping data fields, timelines, and needs.

We as ACCSP are involved in many of them, along the lines of what's happening here and then of course the two bottom issues, the SAFIS redesign and integrated reporting are part of all of this. In addition to this list, several states have electronic options as well, some using SAFIS, some other systems that are becoming more widely used.

I point at Massachusetts, Rhode Island, New York, Maryland, and South Carolina that all have trip reporting, both commercial and for-hire that go through these types of things. The grand dream of the one-stop reporting is either the Olympic ring or the Venn diagram piece of saying; if you have multiple permits then the system will know about those permits and ask you all the right questions on one trip report, so that it will say add the extra economic questions for you if you've got a South Atlantic and Mid-Atlantic permit.

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Then still include if you happen to encounter an HMS species, the extra target species and the individual fish information that goes along with that. That is the dream, and that is part of what the SAFIS redesign and integrated reporting are working towards. Again, the trick is to collect all the right data elements for each jurisdiction, even when there are multiple permits.

With that I'll just kind of step through a couple of what the parts are of SAFIS, as in today. A little different perspective on what the redesign means, I keep hearing some different perspectives on why has it been going on so long? Where are you at now? When are we going to see something at the end user perspective at the end?

SAFIS today includes a bunch of different modules. The initial big one was really the dealer reporting that was online. Not only is it online, but it allows file upload from third-party systems, and there is now EDR-Mobile, or tablet based, which allows dealers to either use a swipe card to identify the fisherman, or use it out on the dock and carry it back inside to complete the report that kind of thing.

There are multiple pathways to get the dealer reports in, and it includes the one-ticket system that is functional down in South Carolina and Georgia. On the vessel trip reporting side, again we've got those three components. There is mobile, which eTrips Mobile Version 2 works on tablets, iPhones, Android phones, Windows 10, and laptops.

It has an online component using the web form, which requires you to be online all the time, and it also has the file upload portion. Those kinds of common themes of three ways to get the data in are going to come back in another two slides. There is also a whole section on lobster trap tag management, and maybe the more centralized piece is the SAFIS management system, it's referred to by those who use it as just SMS. It says Partner Admins

there, because that is the place where partners need to go in and manage, what are the species lists that are okay, what are the gear lists that are okay, what are all the background pieces that should be displayed to their fishermen for their permits?

That interaction is a piece of software that is built and functions within the SAFIS system, but really relies on the data inputs and management and the workload of all of the partners, to make sure that the right things are being shown to their fishermen when their fishermen log in to the end app. On the redesign, the goals really are flexible, and the redesign has been kind of cast a couple of different ways.

It is oh, we're going to have new tools at the end, and that's the last step. The big part of the redesign, where it's been kind of talked about for a couple of years now has been an envisioning stage of what kind of flexible tools do we want? What general approaches should be there? What are the needs of the end users? That took some time.

The next step was really to change the database level approaches. This graphic is trying to show, where are we on development test instances, and where are we in the production status? The outside world really cares about where we're at in the production status, but sometimes we don't recognize all the work in progress that goes into getting up to that point.

The recursive database design basically means it's flexible, and you don't have to just collect the types of fields that have been defined ten years ago. That is a way to collect and store the data that is a lot more flexible. There is gear attributes, economic data fields, other species attributes. The species attributes might be it's standardly collected in pounds, but you also want numbers and then you also might need another field to go along with that.

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The gear and economic attributes are functional in eTrips Mobile Version 2 right now, and we're working on updating the online tools to follow those same types of flexible design and opportunities. Another portion is to provide a partner switchboard. That is really in a way through the web tool, to add and remove optional data elements to the form, and it rebuilds that form dynamically, based on what your partner is and what your permits are.

This is like a geeky excitable thing, but this is the type of technology that enables one form to meet the same needs, whether you've got a state permit or you just have a federal permit in one region, or if you've got four permits across regions in different states. This approach has taken a lot to kind of figure out, and there is a part of that in demonstration mode, which when we've shared with folks the other technical geeks tend to get excited about it.

I get excited about it too. The other items on the list, which are kind of ongoing in development and test are consolidating the data processing, redesigning the online applications, and integrated reporting, meaning Universal Trip ID. Just to give a better visual of what this really means, the current data process, have you noticed the upload, online, and mobile those three sections from a few slides ago. They go through their own kind of gear box and processing, because as ACCSP systems evolved over time that processing was kind of developed, and then run in parallel. While functional, it takes extensive programming to maintain consistent logic across all three areas. You change one of them, then you've got to go back and make sure the logic is exactly right in the other, and then oh yes let's not forget about this third piece.

Future state would be different arrows and one set of gears. We're working on this, Karen Holmes and the software team are building the structures and the database procedures to be able to have it come in one way, have it

evaluated and looked at, go through the same set of gears and processing, and store that data in the central data warehouse, and then be able to present that back out through the query systems.

This takes a very complex process and makes it look simple. But it's a big step forward in terms of overall programming efficiency, and the ability for the data flow to work right from a variety of third party vendors, different database types, sharing the data back and forth between partner agencies in the background.

This is just kind of an approach, a different graphic and way to explain that to you guys that hopefully will build some transparency of where we're at, and where we're going. The next step of the redesign is really the integrated reporting, integrated reporting means different things to different people again.

One might be being able to send from your vessel the hail out, the tracking information via VMS, which is more of a Gulf requirement, or very few fisheries in the Atlantic, and your logbook. From the perspective of fishermen that is integrated reporting. From the perspective of where we're looking at it is a Universal Trip ID.

That would be where if you submit a hail out or a pre-trip notification, it creates a trip identifier, and it sends that back to the fisherman. Then when you submit your logbook it has that same identifier, so you don't have to go through a series of database gymnastics to try and match up a hail out to a trip report based on a vessel, a date, a port et cetera, et cetera, et cetera.

Having Universal Trip ID and sharing that back and forth, being able to link biological sampling, port sampling, trip reports, and dealer reports tends to really, really help out. There are a lot of activities now where some of the best matching rates are close to like 80 percent between dealer reports and trip reports.

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We want that number to go up using a system like this, which was to give credit where it's due, envisioned up in the northeast and GARFO, and shared with us to help implement, and extend into other regions. This one is really in Phase 1 of production. ACCSP is developing a hail-out feature for eTrips Mobile Version 2.1.

That is going to be to support SEFHIER, but in the Gulf where they have a hail-out trip requirement.

REGISTRATION TRACKING

Those are all pieces of the SAFIS redesign of integrated reporting, and another piece of that redesign is Registration Tracking, which Julie has been working on, so I'm going to pass that one back to her before we ask for questions on this area.

MS. SIMPSON: The Registration Tracking portion is the participant module design, which is the component of the database that handles the people, the permits, and the vessels. One of the things that we are attempting to do in our new module is to incorporate a little bit more flexibility in the system, and this will allow for scenarios where I have my own individual permits, but I am also part of a corporation, and that corporation has permits.

It also allows for me to be part of one corporation over here, where I am partnering with Person A, but I am also part of another corporation where I'm partnering with Person B. Additionally this will give us the flexibility for me to be able to be, I happen to own a fleet of boats, for-hire boats, and I have various different captains that are responsible that I would like to have entering those data, and so I have sub accounts where they are data entry accounts, but they can only see certain data, the data that they are entering. Then I can see all of the data as the data owner.

Those are the kinds of flexibilities that we're attempting to achieve. However, we do recognize that the permitting systems, all of our partners vary greatly, especially at the federal level in the two regions. The permitting systems are different, to say the least. What we have done is we convened a small group that has come together and created something that we think will work for everyone.

Those scenarios and spreadsheets were distributed at the Operations Committee, though each Operations Committee member has been tasked with taking all of that information back to their partner agency, if they would like to engage in a webinar for further explanation. They've been given that option.

Every agency has until the end of the year to provide some kind of response, and we wanted to give that extensive amount of time, because we realize that it's complex. It can involve multiple staff at the agency level, but it is going to be vitally important for us to all be on the same page with that moving forward, because once we do so we are not going to be able to go back easily and make changes. We wanted to let you know specifically about that particular aspect, because there is a feedback loop on that one that is coming around the bend.

CHAIRMAN FEGLEY: Great, any questions so far? Jason McNamee.

DR. McNAMEE: Wondering, so the integrated stuff is super cool. I'm wondering, I get most of it I think. It's kind of like the VTR eTrips with the dealer report being able to kind of track things through. What about observer information? Then my follow up, I see head nodding, so my follow up to that is then does that conflict between the different discard calculations? Maybe I'm up a level on that but there is some conflict on how discards are calculated, and I'm wondering if that causes a challenge for that aspect of the integrated reporting.

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CHAIRMAN FEGLEY: That is a great question. Julie.

MS. SIMPSON: The real key with TMS is that it is going to be a phased in approach, and so while observer data is slated to eventually have the TMS Universal ID tag, we are starting with what we consider to be the low hanging fruit, in that right now we're putting in Universal ID on a hail-out, and then we're attaching them to the same trip. The next step is to then you know take a trip and do a dealer report, because those two are integrated. As we move along we do intend to incorporate observers that are on the boat, also biological samples or recreational samples on the for-hire side that are sampling at the docks. The idea is to perpetuate the Universal ID throughout all of those things, but implementation of those last ends of the list is still way out there. The answer to your question is it hasn't been discussed in detail yet.

CHAIRMAN FEGLEY: Okay Geoff, to you.

MR. WHITE: She answered it so, are we ready to move on? No more questions?

UPDATE FROM THE OPERATIONS/ADVISORS JOINT MEETING

CHAIRMAN FEGLEY: Okay, moving down our agenda we now have our Updates from the Operations/Advisors, Nicole.

MS. NICOLE LENGYEL COSTA: There was a joint Operations/Advisory Committee meeting in September, in Arlington. In addition to talking about FY20 proposals and the funding step-down projection, as well as the 75/25 split, we discussed many other items. I also wanted to give a quick shout out to Rob Watts for the lobster proposal.

He was in a seat of heavy fire during that meeting, and he responded very well to all of our questions. He did very well, and we were very impressed with his ability to answer all of

our questions, so I just wanted to mention him real quick. But some of the other things that we discussed, we were given a sheet that the Mid-Atlantic Fishery Management Council had put together, an EVTR fact sheet.

The partners were asked to fill it out for their state, basically asking us what the status of EVTR requirements in our state were going to be. For example, in Rhode Island if you fill out an EVTR you don't have to fill out a state logbook, your EVTR will suffice for your reporting requirement. The partners were asked to fill that out and we got responses from almost all the states on that. We reviewed all the project expenditures to date. All the current projects looked good.

There was one state that might under spend a little bit, but we still weren't sure that they still had some bills to come in. We reviewed committee membership on all ACCSP committees, made some corrections to that identified some gaps, particularly talked about the Advisors Committee, which Jerry will touch on next.

We then received updates much to the same effect that you all have received today, reviewed all committee action items, which I'll get to next, got an update on the Accountability Workgroup, SAFIS redesign, FISMA, the For-Hire Workshop, MRIP Regional Implementation Plan, the fall data load and it's progress ahead of schedule, and then the FIS projects.

We then had elections, where I was voted in as Chair and Renee Zobel from New Hampshire is our new Vice-Chair, and I also wanted to thank Amy Dukes for her service as Chair the last two years, she did a great job.

ADVISORS COMMITTEE REPORT

MS. LENGYEL COSTA: I'll pass it over to Jerry for the Advisors Update.

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MR. JERRY MORGAN: On behalf of the Advisors, I would like to thank ASMFC, ACCSP, and the Coordinating Council for hosting the 78th Annual Meeting here at New Castle. I would also like to once again congratulate ACCSP's new Director Geoff and Deputy Director Julie on their newly appointed positions. It has been a challenging past few years of dwindling advisor membership. This occurred for a variety of reasons, including weather related events, health, travel, et cetera. However, one of the underlying reasons is that the purpose of the Advisors, their mission and responsibilities have not translated well through Operations down to perspective candidates, in part because of turnover in personnel, and also not being familiar enough with the Advisor's function so as to recruit and/or recommend candidates for effective.

Back in 2012, Ann McElhatton, Mike Bucko and myself initiated the development of the Advisors Guideline, available on the ACCSP website, which by the time it rolled out turned out to be a comprehensive thesis detailing mission, history, duties, responsibilities, and everything in between.

At our most recent joint meeting between Ops and Advisors, we had good discussions about function, recruitment, and outreach, where we educated new Ops members who ultimately will play a pivotal role in enhancing membership. As a result we are hopeful that this will have a positive impact on membership, and am thankful for the time allotted for that discussion, and that under ACCSP's new management positive things will happen.

During this year's ranking of Fiscal Year '20 proposals, both Operations and Advisors were pretty much together in the rankings of maintenance, as well as new proposals. The one creating most discussion, due to its \$837,251.00 request, was Maine's managing 100 percent lobster harvesting reporting, which was ranked 4th or last by the Advisors.

We must also comment on how well Maine's representative had done in explaining why they needed that particular amount, what they can do with and without it. Voice recognition using dragon speech within dockside intercepted application DIA ranked third, use of geographic data in SAFIS data sources to evaluate an aggregate landing commercial fishing management program ranked second. SAFIS expansion of SAFMC Release, and North Carolina DMF, Catch-U-Later, discard reporting applications ranked first.

Eight of the nine maintenance proposals fell tightly ranked between the top of 8.25. Maintenance and coordination of fisheries data dependent feeds to ACCSP from the state of Rhode Island, down to the 8th one being 7.25, electronic reporting and biological characterization of New Jersey commercial fisheries. The 9th one, portside commercial catch sampling and comparative bycatch sampling for Atlantic herring, Atlantic mackerel, and Atlantic menhaden fisheries ranked last with a score of 4.38.

Both Operations and Advisors were in agreement regarding funding priorities, and the recommendations to the Coordinating Council. Throughout the year as Chair, I used radio time to update fishers on progress made in various aspects of fisheries management, including key Council decisions, advancement in electronic reporting, MRIP, APAIS, striped bass concerns, as well as other fisheries that are currently pressured. This time was used primarily to reach out to the recreational and for-hire sector, although commercial fisheries benefit as well.

Lastly, the Advisors held elections during their meeting at the Joint Session, with the result being Fran Karp of Rhode Island elected Chair, and Ellen Goethel of New Hampshire elected Vice-Chair. At this time I would like to extend congratulations and a hearty thank you for stepping up to the plate, and having my back

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when needed. The Advisors will be in good hands with both of these hardworking and dedicated members. After serving three terms as Chair, it is well pass the time to pass the gavel. Next year at this time Fran will be seated here addressing you, until then here are a few words she asked to relate, since arranging for an open microphone would be logistically problematic. I think Julie might have those.

CHAIRMAN FEGLEY: Are there any questions for Jerry? Oh, I'm sorry Julie.

MS. SIMPSON: These are words that were sent by Fran Karp, the ACCSP Advisor Chair Elect. Anyone following in the role of ACCSP Advisor Chair behind Jerry Morgan has some pretty big shoes to fill, and I am thankful to Jerry for all of his wisdom and encouragement through the years. I have been a recreational advisor with the ACCSP since 2012, and have had the pleasure of listening to an amazing group of thinkers from both the Advisors and Operations Committees.

The group is passionate and committed to the work they do for fisheries. The Advisory Committee's main objective this upcoming year is to increase partner participation for both the recreational and commercial seats. I hope to increase the number of dedicated individuals on the Committee and Subcommittees. We'll work hard to improve data collection and fisheries management through technological innovations and standards.

MR. MORGAN: Thank you, Fran for sharing your kind words and sharing your thoughts and prioritizing partner participation, in order to increase committee membership, and God speed through your journey as the next Advisors Chair. I would also like to thank everyone who afforded me the pleasure of serving as Chair for the past several years, and being there when needed.

MR. WHITE: Nicole, just a moment. I do want to recognize Jerry for all of his work. Thank you for being a fantastic Chair of the Advisors. I could always count on you to be at the Rec Tech meetings and other meetings, whether it was a webinar or in-person, and have thoughtful input.

You kept us going during the Ops Advisors meeting thinking of process and protocol and quorum, and pulling people in, and really highlighting the need for different approaches to get Advisors nominated, and to keep them engaged. Those were all excellent points, and we very much appreciate your service to ACCSP and contributions. (Applause)

COMMITTEE UPDATES

MS. LENGYEL-COSTA: Okay so next I'm going to go through some Committee action items, and I will try to be brief, as there are many of them. For Bio and Bycatch, both Committees have a sampling inventory. Previously that inventory has always been housed in Excel, it makes it difficult for version control, making sure it's up to date, and also it's not readily accessible by the public. There has been an effort to incorporate that into the data warehouse application.

This is currently on hold due to resource constraints, and has been for a little while. Hopefully in the coming year we can start to work on that again. For the Biological Review Panel, there is a column in the Biological Matrix for resilience. The Committee has struggled over the years on defining resilience, whether it's qualitative or quantitative. An effort, large effort was conducted to define this in a quantitative way. Richard Cody previously from Florida had started this, and put quite a bit of work into it. Mike Errigo from the South Atlantic then picked it up, and ran through a few examples for the Committee.

Now we've broken up into small groups, and we're going one species at a time through the biological matrix, and filling out this resilience column, so it should be ready for the next round next year. Then for the Bycatch Committee, Heather Konell and Jacob Boyd are going to coordinate a meeting to discuss moving forward with using Citizen Science.

We did have a date scheduled for this, but it has to be rescheduled, so we're going to work with Julia Byrd, who is the South Atlantic Fishery Management Council's Citizen Science Program Manager to get that on the books. For Com Tech, Com Tech has had quite a few items, been very busy. A couple of items that they have completed, they had a webinar to review gear attributes, and get feedback on the new gear details in the warehouse.

They also approved the traceability API and the process for seafood traceability. In progress are two small groups to be formed, one for electronic monitoring, and setting the baseline data standards for that. Then the second one is on accountability. They've received nominations for both those groups, so those are both in progress.

Also for Com Tech, another small group to list out a potential species for future conversion factor projects. The top ten species of interest have been compiled, and so they're going to move forward with that. Two additional completed items are staff monitoring any development in aquaculture reporting, and also documenting the process for reporting known illegal catches and discards via SAFIS applications.

This is something that partners have been doing, but there was never a documented process, so now there is a document that lives on the ACCSP website for folks to look to. For the Information Systems Committee, the swipe card documentation was generalized and added to the ACCSP website, or is going to be.

They have recommitted to this task, so this is yet to be completed. For valid ports, the states and NOAA are going to work together to determine which ports should be viewable in each state. Recommendation has been sent to Com Tech on this, so this is done. The group is in progress of working with HMS to address how HMS sales are done on for-hire trips.

For Standard Codes, Standard Codes is continually processing code change update requests. If I bored you with the massive list of changes they have made, we would be here for a while. They continually work to update codes in the warehouse. For Rec Tech, they have tabled the item to develop e-logbook standards.

In progress they're summarizing issues and possible approaches to improve PSEs, also in progress updating the comprehensive for-hire document with feedback received from the Committee. Also in progress, ACCSP staff and committee will refine the methodology for APAIS as validation, prior to submission for peer review. This will come up in the For-Hire Data Validation Workshop. With that we can take any questions on committee action items.

CHAIRMAN FEGLEY: Okay thank you, Nicole. Are there any questions? All right Geoff, take us home.

MR. WHITE: All right thank you for your patience. I know we've kind of been throwing a bunch of things at you. The last couple of slides here are about the recreational program. I'll talk a little bit on this slide, and just let you know that things are coming and then get to the actual agenda items, so that we can get on to the reception.

The Rec Tech Committee has not met in a while. One of our things for this year is to revitalize the Rec Tech Committee. We've been down basically one and a half staff members on the four person Rec team since January 1. We were able to bring a new person in mid-August, and

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Atlantic Coastal Cooperative Statistics Program Coordinating Council.
The Council will review the minutes during its next meeting.

getting back on track with that. As I mentioned earlier, we're looking to refill my old slot.

The activities for Rec Tech next year are really to continue working on a comprehensive for-hire data collection plan. This whole point about using APAIS as validation and working forwards towards MRIP certification, means that MRIP is really looking to the Atlantic states to figure out what is it that we want to propose, how is it going to work, and how can they evaluate that for certification?

We've got some homework to do before we submit that to them for certification, but bringing the Rec Tech Committee back into higher activity levels will be a good thing to move that way. Along those same lines, with the initiatives of SEFHIER and implementation of the South Atlantic and Gulf this year, is really kind of calling, MRIP has requested that all of the regions. But our Recreational Implementation Plan was developed in 2016 and approved in 2017, so they're looking for a revision of that in the next year.

THE FOR-HIRE WORKSHOP SUMMARY

MR. WHITE: That is on our list. The For-Hire Workshop Summary, if we can go to the next slide. This is a workshop that's purpose was really to evaluate minimum requirements and implementation challenge for the future comprehensive for-hire data collection program, spurred on by a bunch of new logbook programs, and the need for data validation, estimation, and kind of standardized procedures.

This workshop was very well attended, we had over 50 people from all over the country, fisheries survey design, data collection, estimation, consultants et cetera. We did meet in July, and we're still drafting that report for Steering Committee review. But the plan is to get that done, the Steering Committee approve it, and get that out before the end of the year.

In terms of what the workshop overall talked about, and some of their results. The terms of reference were really to characterize methods of current for-hire data collection. The second one was recommend issues to be addressed in a separate for-hire telephone survey peer review. That survey component is not yet certified, and MRIP is looking forward to taking that to peer review. Those two items we got a lot of information and clarity on, and that was fantastic. The last two items of recommending minimum required elements, and providing direction on catch estimation approaches are areas that probably need a little bit more work, but we recognize the need for some national sideboards on what the design elements could and should be with regional flexibility, and the group did support a blend of federal logbooks and state water effort survey methods, along with some sort of validation.

That in itself was a good process that was going forward. The statisticians were able to comment on the math. Having these different data collection pieces is wonderful, but it only really fits into what the MRIP estimation process is if you have the math right, of which vessels are in which frame, how does the data code go together, and can you add the pieces of a logbook and a state vessel together at the end of the day?

If you've got two vessels that are in the same marina but different slips, one fills out a federal logbook the other one does the traditional FHTS Effort Survey and they both get intercepted by the dockside survey. At the end of the year can you come up with believable statistics on how each group of those gets expanded?

That math hasn't been worked out, but the statisticians told us that there are a lot of viable options, depending on the reporting compliance rate, the validation surveys, and if the matching methods are high enough. Even this ties back to that whole Universal Trip ID trip

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matching piece, and how those data collection systems work.

The next graphic is one you saw before, it's basically the idea of along the top is if you have a logbook frame in kind of the blue on the water piece, and top left and the some sort of onshore validation on the land on the green on the right. Those get combined into the orange box on top for kind of the logbook vessel estimate.

If you take the path along the bottom that's an effort survey on the bottom left, the same kind of survey catch frame. That makes the small orange box in the middle, and if it all works out right then those two are additive, and make the larger box which is comprehensive for-hire catch and effort statistics.

That is the goal, and the next slide is just recognition of a process that MRIP has been putting forth in many different venues for a long time, and that is that the process includes first completing the design and MRIP certification of the methodology, to use the logbooks with a catch survey where possible, to allow effort survey methods where logbooks are not practicable, and to develop an appropriate calculation approach for the combined estimates.

Once that piece is done, which is big, then there would need a bench marking period for the new method and a calibration to the historical data. This is going to be a long term process, but it's one that we're invested in, and from working and speaking with MRIP they're certainly open to options and hearing from us on approaches to go.

In the meantime there are surveys that need to be done this year and next year, maintaining the current methodologies.

FOR-HIRE TELEPHONE SURVEY STATE CONDUCT

MR. WHITE: Good news on the For-hire Telephone Survey State Conduct. We have agreement from MRIP to move forward. We have approved budgets, and we are now drafting the new state agreements that will begin in January of 2020. We have been doing this data collection with functional software in three states for all of 2019, Maine, North Carolina, and Georgia, and we've been meeting our data delivery timelines for that survey so far. That sets the stage for next year, and we have a thumbs-up, so at this point to move forward with a for-hire telephone survey, large pelagic telephone survey via state conduct. That is in the budgets that your staff all helped prepare, and we're excited to move forward with that.

The other ongoing data collection, and we are getting close to the end, is an update on APAIS State Conduct. Again, the overall intercepts have gone up 25 percent since you all became more fully involved in this process, and the responsible party for the field data collection since 2016. That is about a 3 percent increase from last year, while we moved to the tablet data collection, and that shows stable or increasing interview rates, low edit rates, a good data review, and once again we're delivering data to NOAA five days earlier each month.

Those five days are critical for their processing and internal data review before releasing it 45 days after the end of the wave. Those are all pretty successful stories about our interaction and the partner approach to doing this. It does support one of the MRIP electronic reporting roadmap goals, which is getting field staff to use electronic tools.

They have other approaches that are in the pipeline. Again, just to highlight Julie's point on the tables and the FIS up where we are sharing

it as developed and that all the cost will not be re-incurred down there for them to use the dockside tablet application. Again, just to be fun and end with a graph.

The big picture here is the green bars are 2018, the blue bars are 2019. Each state is represented, but overall productivity, meaning interviews per assignment has gone up from 8.7 to 9.3. In most cases it's gone up a bit. There was a lot of concern before we put tablets in the field that oh the tablets are going to slow us down, we're not going to get as many interviews, we're not going to be able to get this done. We might drop them in the water.

We only had two or three tablets out of 160 that were broken this year, and then we had enough reserves in place that it didn't affect data collection. There were more errors with scheduling mistakes than there were with tablets malfunctioning. The big picture here is a lot of improvements in all of the states.

The next slide is another way to measure productivity, and it's the eligible angler percentage interviewed by year. The good news here is that between 2018 and 2019 that hovered right around 60 percent. This is a little bit more fair measure. Sometimes you have a bad weather day; there is nobody at the site. But this is how well are the staff doing, and are the tablet tools, data collection tools doing to capture the activity of those who are on site when you're there.

In general, 60 percent of the people that finish a fishing trip during an APAIS assignment are completing an interview. In most cases it's kind of even or up from last year, and there are a few cases where it's gone down from last year. We're not entirely sure which factors have contributed to that. It might be staff turnover and training. It might be pulses in overall fishing levels. It might just be comfort with the technology. It's kind of hard to say. Again, it's a good thing that we're getting that level of

interaction and participation with the fishermen, and that's really a blessing of your staff and how they are able to work with your anglers. With that are there questions on the recreational updates and components? Seeing none, thank you for your patience, I hope this was helpful. I want to invite anybody interested to give kind of the reporting tools and the APAIS tablet a test drive. We will have a laptop and a tablet out at the ACCSP table all day tomorrow and probably tonight if you need it. But I appreciate the time and the attention today.

ADJOURNMENT

CHAIRMAN FEGLEY: You guys have just so much going on, and we really appreciate your efforts, and with that do I have any objection to a motion to adjourn? It looks like I don't. Consider us adjourned. Thank you everyone!

(Whereupon the meeting adjourned at
5:30 p.m. on October 28, 2019)

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The Council will review the minutes during its next meeting.

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April 2020 Committee Newsletter

This newsletter is intended to keep all committee members aware of the activities and accomplishments of ACCSP committees and staff. These updates will be monthly to ensure timely communication and keep each issue brief but informative. ACCSP staff welcomes feedback on all content.

Upcoming Events

- **April 15th 10AM-12PM:** Operations and Advisory Committee Webinar
- **May 5th 1PM:** Coordinating Council Webinar
- **Early May:** ACCSP 2021 RFP release

Coordinating Council Committee

- Next Meeting May 5th, 1PM.
 - Consider approval of 2021 ACCSP RFP
 - Discuss MRIP State Partnership
- 2017 Governance Transition Survey is currently open for Coordinating Council and Operations Committee members. The results will be shared later this year.
- Monthly status calls with the Chair, Vice Chair, staff to increase awareness and coordination have proven beneficial to program administration.

Operations Committee

- Next meeting April 15th, 10AM – noon (with Advisory Committee)
 - Agenda, materials, and webinar information can be found [here](#).
 - Review 2020 ACCSP RFP
 - Program Updates
-

Advisory Committee

- Next meeting April 15th, 10AM – noon (with Operations Committee)
 - Agenda, materials, and webinar information can be found [here](#).
 - Review 2020 ACCSP RFP
 - Program Updates
- New advisors wanted! Our list of [current advisors](#) is small. Here is more information on [being an Advisor](#).

Biological Review Panel Committee

- The committee has been working diligently for a couple of years to improve the biological matrix by standardizing the resilience factor scores. A small group will finalize this process in 2020.
- Biological Matrix will be completed during the 2021 in-person annual meeting.

Bycatch Prioritization Committee

- During the 202 annual meeting the committee discussed the potential availability of funds for bycatch projects in FY2021. Information on ACCSP funding can be found [here](#).
- Bycatch Prioritization Matrix will be completed during the 2021 in-person annual meeting.

Commercial Technical Committee

- An electronic monitoring working group is forming to address the standardization of EM data. This group will include Commercial Technical and Recreational Technical committee members.
 - The committee is coordinating with the NOAA Office of Aquaculture on the future comprehensive collection of Atlantic marine aquaculture harvest data via SAFIS and Data Warehouse.
-

Informational Systems Committee

- Mid-April 2020: Partner testing of switchboard available. The switchboard will significantly increase application flexibility by offering partner control of gear and species specific attributes.
- June 2020: Southeast For-Hire Integrated Electronic Reporting (SEFHIER) fishermen to start testing eTRIPS/mobile v2.

Recreational Technical Committee

- The committee will have a preliminary 2020 call to review and determine priorities and directions, discuss new items, and schedule future meetings.
 - 2020 projects include:
 - Continue development of for-hire comprehensive data collection plan to submit for certification.
 - 2020 update of the 2016 Atlantic Recreational Implementation Plan.
-

Standard Codes Committee

New Grade Code

GRADE_CODE	88
GRADE_DESC	VISCERA (BIVALVE)
GRADE_LONG_DESC	"Internal organs of a bivalve, excluding the adducto muscle."

Updated Gear Names

GEAR_CODE	OLD_GEAR_NAME	NEW_GEAR_NAME
208	"GILL NETS, SMALL MESH"	"GILL NETS, DRIFT, SMALL MESH"
209	"GILL NETS, LARGE MESH"	"GILL NETS, DRIFT, LARGE MESH"

Highlights

Message from NOAA Aquaculture Program to seafood dealers!

- USDA typically procures food through entitlement purchases and through Section 32 purchases. The former are yearly orders from a set menu of items available and typically go to schools and similar institutions, while the latter are one-off purchases done in response to market evaluations and requests from industry.
 - The list of seafood items USDA can currently purchase is found here: <https://www.ams.usda.gov/selling-food/product-specs#Fish>, you will notice that no shellfish species or product forms are on the list. If the growers would like to add items to the list, **USDA should be notified ASAP**. To do this, email Carl Schroeder (carl.schroeder@usda.gov) with Steve Wilson (steven.wilson@noaa.gov) at NOAA. To purchase any item, USDA must have a specification for it. Developing a specification or an item is not a guarantee that they will purchase it, but it is needed should they determine to do so.
 - Another key item is that AMS only purchases from qualified bidders. Details for how to become a qualified bidder are here: <https://www.ams.usda.gov/selling-food>. They include both financial and technical requirements. If a particular vendor needs help navigating the process, NOAA and USDA can assist.
-

Editor: Marisa Powell

Please contact us if you have any questions or feedback at info@accsp.org



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ACCSP FY21 RFP Summary of Changes

1. RFP

1.1. General Changes

- 1.1.1. Updated dates appropriately
- 1.1.2. Updated references to Director and Deputy Director
- 1.1.3. Removed language referring to year 5 step-downs

1.2. Added reference to new Socioeconomic Priority Data Elements (**PAGE 1**) - updated appropriate appendices and reference numbers throughout

1.3. Language on 75/25 split added by Funding Subcommittee (**PAGE 2**)

- 1.3.1. Red text is new
- 1.3.2. Submissions will be reviewed in accordance with the FDD (Attachment I), ranking criteria (Attachment VI), and funding allocation. Current funding allocation guidelines are 75% for maintenance projects and 25% for new projects within the Program priorities. **If either allocation is not fully utilized, remaining funds will be available to approved projects in the other category. For example, if maintenance projects only use 67% of the total available funds, the remaining balance would be added to the 25% new project allocation to fund new projects as approved by the Coordinating Council.**

2. Funding Decision Document

2.1. General changes

- 2.1.1. Deputy Director role added as responsible RFP party
- 2.1.2. All dates have been updated

2.2. Develop Annual Funding Priorities, Criteria and Allocation Targets (maintenance vs. new projects) (**PAGE 2**)

- 2.2.1. Updated first sub-bullet tense and text changes to reflect that FY21 is entering year 6 of funding on some maintenance funding
- 2.2.2. Updated second sub-bullet to reflect decision of Funding Subcommittee to calculate the base funding as the average funding received during the project's **four years as a maintenance** project. Previously this was two years as a new project.

2.3. Determination of contingencies for funding adjustments (**PAGE 4**)

- 2.3.1. Moved from its own section to number 7 of detailed steps because it is becoming a more regular part of the process
- 2.3.2. Minor language changes to reflect that the adjustments have an equal likelihood of being an increase as a decrease

2.4. General Proposal Guidelines Bullet 3 (**PAGE 6**)

- 2.4.1. Suggestions proposed from Holly McBride and Rob Watts
- 2.4.2. Language adjustment to reflect the need for level of staff being an important component of proposal.

2.4.3. Recommendations do include feedback from staff to Operations, which is not reflected in current language.

2.5. Appendix A (**PAGE 15**)

2.5.1. Un-bolded year 5 and highlighted year 6 to emphasize

2.5.2. Adjusted language to note that table referred to year 6 FY21 projects

3. Biological Priority Matrix – No Changes

4. Bycatch Priority Matrix – No Changes

5. Recreational Technical Committee Priorities – No Changes

6. Socioeconomic Priority Data Elements

6.1. NEW! In FY21

6.2. Submitted by the ASMFC CESS

7. Timeline for Proposal Review

7.1. Dates are updated

7.2. Overall timeline remains relatively the same

8. Ranking Criteria Document – No Changes



Atlantic Coastal Cooperative Statistics Program

1050 N. Highland Street, Suite 200A-N | Arlington, VA 22201
703.842.0780 | 703.842.0779 (fax) | www.accsp.org

TO: ACCSP Coordinating Council and All ACCSP Committees

FROM: Geoff White, ACCSP Director

SUBJECT: ACCSP Request for 2021 Proposals

The Atlantic Coastal Cooperative Statistics Program (Program or ACCSP) is issuing a Request for Proposals (RFP) to Program Partners and Committees for FY21 funding.

ACCSP's [Funding Decision Document](#) (FDD) provides an overview of the funding decision process, guidance for preparing and submitting proposals, and information on funding recipients' post-award responsibilities. Projects in areas not specifically addressed in the FDD may still be considered for funding if they help achieve Program goals. These goals, listed by priority, are improvements in:

- 1a. Catch, effort, and landings data (including licensing, permit and vessel registration data);
- 1b. Biological data (equal to 1a.);
2. Releases, discards and protected species data; and,
3. Economic and sociological data.

Project activities that will be considered according to priority may include:

- Partner implementation of data collection programs;
- Continuation of current Program-funded partner programs;
- Funding for personnel required to implement Program related projects/proposals; and
- Data management system upgrades or establishment of partner data feeds to the Data Warehouse and/or Standard Atlantic Fisheries Information System.

Proposals for biological sampling should target priority species in the top quartile (Attachment II) of the Biological Priority Matrix. Proposals for observer coverage should align with fisheries affecting the top quartile priority species (Attachment III) of the Bycatch Priority Matrix. Brief descriptions of the current levels of biological or bycatch sampling by any of the Partners would be helpful to the review process. Projects for recreational catch and effort data should target the priorities set by the Recreational Technical Committee (Attachment IV). Projects involving socioeconomic data should reference the Socioeconomic Priority Data Elements (Attachment V).

Proposals to continue Program-funded partner projects ("maintenance proposals") may not contain significant changes in scope (for example the addition of bycatch data collection to a dealer reporting project), and must include in the cover letter whether there are any changes in the current proposal from prior years' and, if so, provide a brief summary of those changes.

Our vision is to produce dependable and timely marine fishery statistics for Atlantic coast fisheries that are collected, processed, and disseminated according to common standards agreed upon by all program partners.

Additionally, in FY16 a long-term funding strategy policy was instituted to limit the duration of maintenance projects. Maintenance projects are now subject to a funding reduction following their fourth year of maintenance funding. For maintenance projects entering year 5, a 33 percent funding cut (up to 33 percent for multi-agency proposals) will be applied to the average annual sum received during the project's four years of full maintenance funding. In year 6, a further 33 percent cut will be applied and funding will cease in year 7. See Appendix A of the FDD for a list of those maintenance projects entering step down years and the maximum funding available to them.

All project submissions must comply with the Program Standards found [here](#). Please consider using [this successful project proposal](#) as a template. Overhead rates may not exceed 25% of total costs unless mandated by law or policy. Items included within overhead should not also be listed as in-kind match.

Submissions will be reviewed in accordance with the FDD (Attachment I), ranking criteria (Attachment VII), and funding allocation. Current funding allocation guidelines are 75% for maintenance projects and 25% for new projects within the Program priorities. If either allocation is not fully utilized, remaining funds will be available to approved projects in the other category. For example, if maintenance projects only use 67% of the total available funds, the remaining balance would be added to the 25% new project allocation to fund new projects as approved by the Coordinating Council.

Attachment VI provides a timeline for the FY21 funding process. The final decision on proposals to be funded for FY21 will be made in October 2020. Project awards will be subject to funding availability and, if there is a funding shortfall, awards may be adjusted in accordance with the FDD. Successful applicants will be notified when funding becomes available.

Project Investigators will be required to report progress directly to the Program's Operations and Advisory Committees in addition to meeting the standard Federal reporting requirements.

Please submit initial proposals as Microsoft Word and Excel files no later than **June 15, 2020** by email to Julie Defilippi Simpson, ACCSP Deputy Director julie.simpson@accsp.org. If you have any questions about the funding decision process, please contact your agency's Operations Committee member (<http://www.accsp.org/committees>) or ACCSP staff (703-842-0780).

RELEVANT ATTACHMENTS

ATTACHMENT I	FY2021 Funding Decision Document
ATTACHMENT II	FY2021 Biological Priority Matrix
ATTACHMENT III	FY2021 Bycatch Priority Matrix
ATTACHMENT IV	FY2021 Recreational Technical Committee Priorities
ATTACHMENT V	FY2021 Socioeconomic Priority Data Elements
ATTACHMENT VI	FY2021 Timeline for Proposal Review
ATTACHMENT VII	FY2021 Ranking Criteria Document

Funding Decision Process
Atlantic Coastal Cooperative Statistics Program
May 2020

The Atlantic Coastal Cooperative Statistics Program (the Program) is a state-federal cooperative initiative to improve recreational and commercial fisheries data collection and data management activities on the Atlantic coast. The program supports further innovation in fisheries-dependent data collection and management technology through its annual funding process.

Each year, ACCSP issues a Request for Proposals (RFP) to its Program Partners. The ACCSP Operations and Advisory Committees review submitted project proposals and make funding recommendations to the Deputy Director and the Coordinating Council.

This document provides an overview of the funding decision process, guidance for preparing and submitting proposals, and information on funding recipients' post-award responsibilities, including providing reports on project progress.

Overview of the Funding Decision Process

- [Funding Decision Process Timeline](#)
- [Detailed Steps](#)

Funding Decision Process Timeline

April- Operations and Advisory Committees develop annual funding priorities, criteria and allocation targets (maintenance vs. new projects)

May- Coordinating Council issues Request for Proposals (RFP)

June- Partners submit proposals

July- Operations and Advisory Committees review initial proposals; ACCSP staff provide initial review results to submitting Partner

August- Final proposals are submitted. Final proposals must be submitted electronically to the Deputy Director, and/or designee by close of business on the day of the specified deadline. Final proposals received after the RFP deadline will not be considered for funding.

September- Operations and Advisory Committees review and rank final proposals

October- Funding recommendations presented to Coordinating Council; Coordinating Council makes final funding decision

ACCSP Staff submits notification to submitting Partner of funded projects and notification of approved projects to appropriate grant funding agency (e.g. NOAA Fisheries Regional Grants Program Office, “NOAA Grants”) by Partner

As Needed- Operation and/or Leadership Team and Coordinating Council review and make final decision with contingencies (e.g. scope of work, rescissions, no-cost extensions, returned unused funds, etc.)

Detailed Steps of Funding Decision Process

1. Develop Annual Funding Priorities, Criteria and Allocation Targets (maintenance vs. new projects).

Prior to issuing the Request for Proposals, the Coordinating Council will approve the annual funding criteria and allocation targets. These will be used to rank projects and allocate funding between maintenance and new projects respectively.

In FY16, a long-term funding strategy policy was instituted to limit the duration of maintenance projects. Maintenance projects are now subject to a funding reduction following their fourth year of maintenance funding.

- For maintenance projects entering year 5 of ACCSP funding in FY20, a 33 percent funding cut was applied to whichever sum was larger: the project’s prior two-year-average base funding set in FY16, or the average annual sum received during the project’s four years of full *maintenance* funding. In year 6, a further 33 percent cut will be applied and funding will cease in year 7. Please see Appendix A for a list of maintenance projects entering year 6 in FY20 and the maximum funds available for these projects.
- For more recent maintenance projects (i.e., those entering year 5 of maintenance funding after FY20), the base funding will be calculated as the average of funding received during the project’s four years as a *maintenance* project. These projects will receive a 33 percent cut in year 5, a further 33 percent cut in year 6, and funding will cease in year 7.

2. Issue Request for Proposals

An RFP will be sent to all Program Partners and Committees no later than the week after the spring Coordinating Council meeting. The RFP will include the ranking criteria, allocation targets approved by the Coordinating Council, and general Program priorities taken from Goal 3 of the current ASMFC Five-Year Strategic Plan. The RFP and related documents will also be posted on the Program’s website [here](#).

All proposals MUST be submitted either by a Program Partner, jointly by several Program Partners, or through a Program Committee. The public has the ability to work with a Program

Partner to develop and submit a proposal. Principle investigators are strongly encouraged to work with their Operations Committee member in the development of any proposal. All proposals must be submitted electronically to the Deputy Director, and/or designee, in the standard format.

3. Review initial proposals

Proposals will be reviewed by staff and the Operations and Advisory Committees. Committee members are encouraged to coordinate with their offices and/or constituents to provide input to the review process. Operations Committee members are also encouraged to work with staff in their offices who have submitted a proposal in order to represent the proposal during the review. Project PIs will be invited to attend the initial proposal review, held in July. The review and evaluation of all written proposals will take into consideration the ranking criteria, funding allocation targets and the overall Program Priorities as specified in the RFP. Proposals may be forwarded to relevant Program technical committees for further review of the technical feasibility and statistical validity. Proposals that fail to meet the ACCSP standards may be recommended for changes or rejected.

4. Provide initial review results to submitting Partner

Program staff will notify the submitting Partner of suggested changes, requested responses, or questions arising from the review. The submitting Partner will be given an opportunity to submit a final proposal incorporating suggested changes in the same format previously described in Step 2(b) by the final RFP deadline.

5. Review and rank final proposals

The review and ranking of all proposals will take into consideration the ranking criteria, funding allocation targets, and overall Program Priorities as specified in the RFP. The Deputy Director and the Advisory and Operations Committees will develop a list of prioritized recommended proposals and forward them for discussion, review, and approval by the Coordinating Council.

6. Proposal approval by the Coordinating Council

The Coordinating Council will review a summary of all submitted proposals and prioritized recommended proposals from the Operations and Advisory Committees. Each representative on the Coordinating Council will have one vote during final prioritization of project proposals. Projects to be funded by the Program will be approved by the Coordinating Council by the end of November each year. The Deputy Director will submit a pre-notification to the appropriate NOAA Grants office of the prioritized proposals to expedite processing when those offices receive Partner grant submissions.

7. Confirmation of final funding amounts

The Director and Deputy Director will be notified by NOAA Fisheries of any federal grant adjustments (e.g. additions or rescissions). Additional funds will generally go to the next available ranked project. Reductions may include, but are not limited to:

- Lower than anticipated amounts from any source of funding

- Rescission of funding after initial allocations have been made
- Partial or complete withdrawal of funds from any source

If these or other situations arise, the Operations Committee will notify Partners with approved proposals to reduce their requested budgets or to withdraw a proposal entirely. If this does not reduce the overall requested amount sufficiently, the Director, Deputy Director, the Operations Committee Chair and Vice-Chair, and the Advisory Committee Chair will develop a final recommendation and forward to the ACCSP Leadership Team of the Coordinating Council.

These options to address funding contingencies may include:

- Eliminating the lowest-ranked proposal(s)
- A fixed percentage cut to all proposals' budgets
- A directed reduction in a specific proposal(s)

8. Notification to submitting Partner of funded projects and submittal of project documents to appropriate grants agency (e.g. NOAA Grants) by Partner.

Notification detailing the Coordinating Council's actions relevant to a Partner's proposal will be sent to each Partner by Program staff.

- Approved projects from Non-federal Partners must be submitted as full applications (federal forms, project and budget narratives, and other attachments) to NOAA Grants via www.grants.gov. These documents must reflect changes or conditions approved by the Coordinating Council.
- Non-federal Partners must provide the Deputy Director with an electronic copy of the narrative and either an electronic or hard copy of the budget of the grant application as submitted to the grants agency (e.g. NOAA Grants).
- Federal Partners do not submit applications to NOAA Grants.

9. Operation and/or Leadership Team and Coordinating Council review and final decision with contingencies or emergencies.

Committee(s) review and decide project changes (e.g. scope of work, rescissions, no-cost extensions, returned unused funds, etc.) during the award period.

Proposal Guidance

- [General Proposal Guidelines](#)
- [Format](#)
- [Budget Template](#)

General Proposal Guidelines

- The Program is predicated upon the most efficient use of available funds. Many jurisdictions have data collection and data management programs which are administered by other fishery management agencies. Detail coordination efforts your agency/Committee has undertaken to demonstrate cost-efficiency and non-duplication of effort.
- All Program Partners conducting projects for implementation of the program standards in their jurisdictions are required to submit data to the Program in prescribed standards, where the module is developed and formats are available. Detail coordination efforts with Program data management staff with projects of a research and/or pilot study nature to submit project information and data for distribution to all Program Partners and archives.
- If appropriate to your project, please detail your agency's data management capability. Include the level of staff support (if any) required to accomplish the proposed work. If contractor services are required, detail the level and costs.
- Before funding will be considered beyond year one of a project, the Partner agency shall detail in writing how the Partner agency plans to assume partial or complete funding or, if not feasible, explain why.
- If appropriate to your project, detail any planned or ongoing outreach initiatives. Provide scope and level of outreach coordinated with either the Program Assistant and/or Deputy Director.
- Proposals including a collection of aging or other biological samples must clarify Partner processing capabilities (i.e., how processed and by whom).
- Provide details on how the proposal will benefit the Program as a whole, outside of benefits to the Partner or Committee.
- Proposals that request funds for law enforcement should confirm that all funds will be allocated towards reporting compliance.
- Proposals must detail any in-kind effort/resources, and if no in-kind resources are included, state why.

- Proposals must meet the same quality as would be appropriate for a grant proposal for ACFCMA or other federal grant.
- Assistance is available from Program staff, or an Operations Committee member for proposal preparation and to insure that Program standards are addressed in the body of a given proposal.
- Even though a large portion of available resources may be allocated to one or more jurisdictions, new systems (including prototypes) will be selected to serve all Partners' needs.
- Partners submitting pilot or other short-term programs are encouraged to lease large capital budget items (vehicles, etc.) and where possible, hire consultants or contractors rather than hire new permanent personnel.
- The Program will not fund proposals that do not meet Program standards. However, in the absence of approved standards, pilot studies may be funded.
- Proposals will be considered for modules that may be fully developed but have not been through the formal approval process. Pilot proposals will be considered in those cases.
- The Operations Committee may contact Partners concerning discrepancies or inconsistencies in any proposal and may recommend modifications to proposals subject to acceptance by the submitting Partner and approval by the Coordinating Council. The Operations Committee may recommend changes or conditions to proposals. The Coordinating Council may conditionally approve proposals. These contingencies will be documented and forwarded to the submitting Partner in writing by Program staff.
- Any proposal submitted after the initial RFP deadline will not be considered, in addition to any proposal submitted by a Partner which is not current with all reporting obligations.

Proposal Format

Applicant Name: Identify the name of the applicant organization(s).

Project Title: A brief statement to identify the project.

Project Type: Identify whether new or maintenance project.

New Project – Partner project never funded by the Program. New projects may not exceed a duration of one year.

Maintenance Project – Project funded by the Program that conducts the same scope of work as a previously funded new or maintenance project. These proposals may not contain significant changes in scope (e.g., the addition of bycatch data collection to a catch/effort dealer reporting project). Pls must include in the cover letter whether there are any changes in the current proposal from prior years' and, if so, provide a brief summary of those changes. At year 5 of maintenance funding, a project's base funding will be calculated as the average of funding received during the project's four years as a maintenance project.

Requested Award Amount: Provide the total requested amount of proposal. Do not include an estimate of the NOAA grant administration fee.

Requested Award Period: Provide the total time period of the proposed project. The award period typically will be limited to one-year projects.

Objective: Specify succinctly the “why”, “what”, and “when” of the project.

Need: Specify the need for the project and the association to the Program.

Results and Benefits: Identify and document the results or benefits to be expected from the proposed project. Clearly indicate how the proposed work meets various elements outlined in the ACCSP Proposal Ranking Criteria Document (Appendix B). Some potential benefits may include: fundamental in nature to all fisheries; region-wide in scope; answering or addressing region-wide questions or policy issues; required by MSFCMA, ACFCMA, MMPA, ESA, or other acts; transferability; and/or demonstrate a practical application to the Program.

Data Delivery Plan: Include coordinated method of the data delivery plan to the Program in addition to module data elements gathered. The data delivery plan should include the frequency of data delivery (i.e. monthly, semi-annual, annual) and any coordinate delivery to other relevant partners.

Approach: List all procedures necessary to attain each project objective. If a project includes work in more than one module, identify approximately what proportion of effort is comprised within each module (e.g., catch and effort 45%, biological 30% and bycatch 25%).

Geographic Location: The location where the project will be administered and where the scope of the project will be conducted.

Milestone Schedule: An activity schedule in table format for the duration of the project, starting with Month 1 and ending with a three-month report writing period.

Project Accomplishments Measurement: A table showing the project goals and how progress towards those goals will be measured. In some situations the metrics will be numerical such as numbers of anglers contacted, fish measured, and/or otoliths collected, etc.; while in other cases the metrics will be binary such as software tested and software completed. Additional details such as intermediate metrics to achieve overall proposed goals should be included especially if the project seeks additional years of funding.

Cost Summary (Budget): Detail all costs to be incurred in this project in the format outlined in the budget guidance and template at the end of this document. A budget narrative should be included which explains and justifies the expenditures in each category. Provide cost projections for federal and total costs. Provide details on Partner/in-kind contribution (e.g., staff time, facilities, IT support, overhead, etc.). Details should be provided on start-up versus long-term operational costs.

In-kind - ¹Defined as activities that could exist (or could happen) without the grant. ²In-kind contributions are from the grantee organization. In-kind is typically in the form of the value of personnel, equipment and services, including direct and indirect costs.

¹The following are generally accepted as in-kind contributions:

- i. Personnel time given to the project including state and federal employees
- ii. Use of existing state and federal equipment (e.g. data collection and server platforms, Aging equipment, microscopes, boats, vehicles)

Overhead rates may not exceed 25% of total costs unless mandated by law or policy. Program Partners may not be able to control overhead/indirect amounts charged. However, where there is flexibility, the lowest amount of overhead should be charged. When this is accomplished indicate on the 'cost summary' sheet the difference between the overhead that could have been charged and the actual amount charged, if different. If overhead is charged to the Program, it cannot also be listed as in-kind.

Maintenance Projects: Maintenance proposals must provide project history table, description of completed data delivery to the ACCSP and other relevant partners, table of total project cost by year, a summary table of metrics and achieved goals, and the budget narrative from the most recent year's funded proposal.

Principal Investigator: List the principal investigator(s) and attach curriculum vitae (CV) for each. Limit each CV to two pages. Additional information may be requested.

Budget Guidelines & Template

All applications must have a detailed budget narrative explaining and justifying the expenditures by object class. Include in the discussion the requested dollar amounts and how they were derived. A spreadsheet or table detailing expenditures is useful to clarify the costs (see template below). The following are highlights from the NOAA Budget Guidelines document to help Partners formulate their budget narrative. The full Budget Guidelines document is available [here](#).

Object Classes:

Personnel: include salary, wage, and hours committed to project for each person by job title. Identify each individual by name and position, if possible.

Fringe Benefits: should be identified for each individual. Describe in detail if the rate is greater than 35 % of the associated salary.

Travel: all travel costs must be listed here. Provide a detailed breakdown of travel costs for trips over \$5,000 or 5 % of the award. Include destination, duration, type of transportation, estimated cost, number of travelers, lodging, mileage rate and estimated number of miles, and per diem.

Equipment: equipment is any single piece of non-expendable, tangible personal property that costs \$5,000 or more per unit and has a useful life of more than one year. List each piece of equipment, the unit cost, number of units, and its purpose. Include a lease vs. purchase cost analysis. If there are no lease options available, then state that.

Supplies: purchases less than \$5,000 per item are considered by the federal government as supplies. Include a detailed, itemized explanation for total supplies costs over \$5,000 or 5% of the award.

Contractual: list each contract or subgrant as a separate item. Provide a detailed cost breakdown and describe products/services to be provided by the contractor. Include a sole source justification, if applicable.

Other: list items, cost, and justification for each expense.

Total direct charges

Indirect charges: If claiming indirect costs, please submit a copy of the current approved negotiated indirect cost agreement. If expired and/or under review, a copy of the transmittal letter that accompanied the indirect cost agreement application is requested.

Totals of direct and indirect charges

Example. Budget narrative should provide further detail on these costs.

Description	Calculation	Cost
Personnel (a)		
Supervisor	Ex: 500 hrs x \$20/hr	\$10,000
Biologist		
Technician		
Fringe (b)		
Supervisor	Ex: 15% of salary	\$1500
Biologist		
Technician		
Travel (c)		
Mileage for sampling trips	Ex: Estimate 2000 miles x \$0.33/mile	\$660
Travel for meeting		
Equipment (d)		
Boat	Ex: \$7000, based on current market research	\$7000
Supplies (e)		
Safety supplies		\$1200
Sampling supplies		\$1000
Laptop computers	2 laptops @\$1500 each	\$3000
Software		\$500
Contractual (f)		
Data Entry Contract	Ex: 1000 hrs x \$20/hr	\$20,000
Other (h)		
Printing and binding		
Postage		
Telecommunications charges		
Internet Access charges		
Totals		
Total Direct Charges (i)		
Indirect Charges (j)		
Total (sum of Direct and Indirect) (k)		

Post-award Responsibilities

- [Changing the Scope of Work](#)
- [Requesting a No-cost Extension](#)
- [Declaring Unused/Returned Funds](#)
- [Reporting Requirements](#)
- [Report Format](#)
- [Programmatic Review](#)

Changing the Scope of Work

Partners shall submit requests for amendments to approved projects in writing to the Deputy Director. The Coordinating Council member for that Partner must sign the request.

When Partners request an amendment to an approved project, the Deputy Director will contact the Chair and Vice Chair of the Operations Committee. The Deputy Director and Operations Committee Chairs will determine if the requested change is minor or substantial. The Chairs and Deputy Director may approve minor changes.

For substantial proposed changes, a decision document including the opinions of the Chairs and the Deputy Director will be sent to the Operations Committee and the ACCSP Leadership Team of the Coordinating Council for review.

The ACCSP Leadership Team will decide to approve or reject the request for change and notify the Deputy Director, who will send a written notification to the Partner's principal investigator with a copy to the Operations Committee.

When a requested major amendment is submitted shortly before a Coordinating Council meeting, the approval of the amendment will be placed on the Council Agenda.

The Deputy Director will notify NOAA Grants of any change in scope of work for final approval for non-federal proposals, and the Partner will need to request a Change in Scope through Grants Online. Necessary communications will be maintained between the concerned Partner, the Program and NOAA Grants. Any changes must be approved through the normal NOAA Grants process.

Requesting a No-cost Extension

If additional time is needed to complete the project, Program Partners can request a no-cost extension to their award period. Partners should let the Program know of the need for additional time and then request the extension as an Award Action Request through NOAA Grants Online at least 30 days before the end date of the award.

Necessary communications will be maintained between the concerned Partner, the Program, and NOAA Grants office. Any changes must be approved through the normal NOAA Grants process.

Declaring Unused/Returned Funds

In an effort to limit the instances in which funds are not completely used during the award period, draw down reports from the NOAA Grants offices indicating remaining grant balances will be periodically reviewed during each fiscal year.

While effort should be made to complete the project as proposed, if Program Partners find that they will not be able to make use of their entire award, they should notify the Program and their NOAA Federal Program Officer as soon as possible. Depending on the timing of the action, the funds may be able to be reused within the Program, or they may have to be returned to the U.S. Treasury.

Program Partners must submit a written document to the Deputy Director outlining unused project funds potentially being returned. The Partner must also notify their Coordinating Council member (if applicable) for approval to return the unused funds. If the funding is available for re-use within the Program, the Director and Deputy Director will confer with the Operations Committee Chair and Vice-Chair and the Advisory Committee Chair, and then submit a written recommendation to the ACCSP Leadership Team of the Coordinating Council for final approval on the plan to distribute the returned money.

Necessary communications will be maintained between the concerned Partner, the Program, and NOAA Grants office. Any changes must be approved through the normal NOAA Grants process.

Reporting Requirements

Program staff will assess project performance.

The Partner project recipients must abide by the NOAA Regional Grant Programs reporting requirements and as listed below. All semi-annual and final reports are to include a table showing progress toward each of the progress goals as defined in Step 2b and additional metrics as appropriate. Also, all Partner project recipients will submit the following reports based on the project start date to the Deputy Director:

- Semi-annual reports (due 30 days after the semi-annual period) throughout the project period including time periods during no-cost extensions,
- One final report (due 90 days after project completion).
- Federal Partners must submit reports to the Deputy Director, and State Partners must submit reports to both the Deputy Director and the appropriate NOAA Grants office.

Program staff will conduct an initial assessment of the final report to ensure the report is complete in terms of reporting requirements. Program staff will serve as technical monitors to review submitted reports. NOAA staff also reviews the reports submitted via Grants Online.

A project approved on behalf of a Program Committee will be required to follow the reporting requirements specified above. The principle investigator (if not the Chair of the Committee) will submit the report(s) to the Chair and Vice Chair of the Committee for review and approval. The Committee Chair is responsible for submitting the required report(s) to the Program.

Joint projects will assign one principle investigator responsible for submitting the required reports. The principle investigator will be identified within the project proposal. The submitted reports should be a collaborative effort between all Partners involved in the joint project.

Project recipients will provide all reports to the Program in electronic format.

Partners who receive no-cost extensions must notify the Deputy Director within 30 days of receiving approval of the extension. Semi-annual and final reports will continue to be required through the extended grant period as previously stated.

Partners that have not met reporting requirements for past/current projects may not submit a new proposal.

A verbal presentation of project results may be requested. Partners will be required to submit copies of project specifications and procedures, software development, etc. to assist other Program Partners with the implementation of similar programs.

Report Format

Semi-Annual(s) – Progress Reports: (3-4 pages)

- Title page - Project name, project dates (semi-annual period covered and complete project period), submitting Partner, and date.
- Objective
- Activities Completed – bulleted list by objective.
- Progress or lack of progress of incomplete activities during the period of semi-annual progress – bulleted list by objective.
- Activities planned during the next reporting period.
- Metrics table
- Milestone Chart – original and revised if changes occurred during the project period.

Final Report:

- Title page – Project name, project dates, submitting Partner, and date.
- Abstract/Executive Summary (including key results)
- Introduction
- Procedures

- Results:
 - Description of data collected.
 - The quality of the data pertaining to the objective of the project (e.g. representative to the scope of the project, quantity collected, etc.).
 - Compiled data results.
 - Summary of statistics.
- Discussion:
 - Discuss the interpretation of results of the project by addressing questions such as, but not limited to:
 - What occurred?
 - What did not occur that was expected to occur?
 - Why did expected results not occur?
 - Applicability of study results to Program goals.
 - Recommendations/Summary/Metrics
- Summarized budget expenditures and deviations (if any).

Programmatic review

Project reports will inform Partners of project outcomes. This will allow the Program as a whole to take advantage of lessons learned and difficulties encountered. Staff will provide final reports to the appropriate Committee(s). The Committees then can discuss the report(s) and make recommendations to modify the Data Collection Standards as appropriate. The recommendations will be submitted through the Program committee(s) review process.


Appendix A: Maximum Funding for Maintenance Projects Entering Year 6 of Funding in FY21

Project Entering Year 5 of Maintenance Funding	Calculated Base (formula used)	Maximum Funding Year 5	Maximum Funding Year 6
ME DMR: Portside commercial catch sampling and bycatch sampling for Atlantic herring, Atlantic mackerel, and Atlantic menhaden	\$133,452.50 (2-year base)	\$88,968.33	\$44,484.17
ME DMR: Managing Mandatory Dealer Reporting in Maine	\$183,934.50 (4-year avg)	\$122,623.00	\$61,311.50
RI DEM: Maintenance and Coordination of Fisheries Dependent Data Feeds to ACCSP from the State of Rhode Island	\$82,563.50 (2-year base)	\$55,042.33	\$27,521.17
NJ DFW: Electronic Reporting and Biological Characterization of New Jersey Commercial Fisheries	\$163,803.75 (4-year avg)	\$109,202.50	\$54,601.25
SC DNR: ACCSP Data Reporting from South Carolina's Commercial Fisheries	\$170,770.00 (2-year base)	\$113,846.67	\$56,923.33
ACCSP RTC: At-sea Headboat Sampling	\$162,114.00 (2-year base)	\$108,076.00	\$54,038.00
SEFSC: Continued processing and ageing of biological samples collected from U.S. South Atlantic commercial and recreational fisheries	\$266,792.00 (4-year avg)	\$177,861.33	\$88,930.67

Appendix B: Ranking Criteria Spreadsheet for Maintenance and New Projects

Ranking Guide – Maintenance Projects:

Primary Program Priority	Point Range	Description of Ranking Consideration
Catch and Effort	0 – 10	Rank based on range within module and level of sampling defined under Program design. When considering biological, bycatch or recreational funding, rank according priority matrices.
Biological Sampling	0 – 10	
Bycatch/Species Interactions	0 – 6	
Social and Economic	0 – 4	
Data Delivery Plan	+ 2	Additional points if a data delivery plan to Program is supplied and defined within the proposal.

Project Quality Factors	Point Range	Description of Ranking Consideration
Multi-Partner/Regional impact including broad applications	0 – 5	Rank based on the number of Partners involved in project OR regional scope of proposal (e.g. geographic range of the stock).
> yr 2 contains funding transition plan and/or justification for continuance	0 – 4	Rank based on defined funding transition plan away from Program funding or viable justification for continued Program funding.
In-kind contribution	0 – 4	1 = 1% - 25% 2 = 26% - 50% 3 = 51% - 75% 4 = 76% - 99%
Improvement in data quality/quantity/timeliness	0 – 4	1 = Maintain minimum level of needed data collections  4 = Improvements in data collection reflecting 100% of related module as defined within the Program design. Metadata is provided and defined within proposal if applicable.
Potential secondary module as a by-product (In program priority order)	0 – 3 0 – 3 0 – 3 0 – 1	Ranked based on additional module data collection and level of collection as defined within the Program design of individual module.
Impact on stock assessment	0 – 3	Rank based on the level of data collection that leads to new or greatly improved stock assessments.


Other Factors	Point Range	Description of Ranking Consideration
Properly Prepared	-1 – 1	Meets requirements as specified in funding decision document Step 2b and Guidelines
Merit	0 – 3	Ranked based on subjective worthiness

Ranking Guide – Maintenance Projects: (to be used only if funding available exceeds total Maintenance funding requested)

Ranking Factors	Point Range	Description of Ranking Consideration
Achieved Goals	0 – 3	Proposal indicates project has consistently met previous set goals. Current proposal provides project goals and if applicable, intermediate metrics to achieve overall achieved goals.
Data Delivery Plan	0 – 2	Ranked based if a data delivery plan to Program is supplied and defined within the proposal.
Level of Funding	-1 – 1	-1 = Increased funding from previous year 0 = Maintained funding from previous year 1 = Decreased funding from previous year
Properly Prepared	-1 – 1	-1 = Not properly prepared 1 = Properly prepared
Merit	0 – 3	Ranked based on subjective worthiness

Ranking Guide – New Projects:

Primary Program Priority	Point Range	Description of Ranking Consideration
Catch and Effort	0 – 10	Rank based on range within module and level of sampling defined under Program design. When considering biological, bycatch or recreational funding, rank according priority matrices.
Biological Sampling	0 – 10	
Bycatch/Species Interactions	0 – 6	
Social and Economic	0 – 4	
Data Delivery Plan	+ 2	Additional points if a data delivery plan to Program is supplied and defined within the proposal.

Project Quality Factors	Point Range	Description of Ranking Consideration
Multi-Partner/Regional impact including broad applications	0 – 5	Rank based on the number of Partners involved in project OR regional scope of proposal (e.g. fisheries sampled).
Contains funding transition plan / Defined end-point	0 – 4	Rank based on quality of funding transition plan or defined end point.
In-kind contribution	0 – 4	1 = 1% - 25% 2 = 26% - 50% 3 = 51% - 75% 4 = 76% - 99%
Improvement in data quality/quantity/timeliness	0 – 4	1 = Maintain minimum level of needed data collections  4 = Improvements in data collection reflecting 100% of related module as defined within the Program design. Metadata is provided and defined within proposal if applicable.
Potential secondary module as a by-product (In program priority order)	0 – 3 0 – 3 0 – 3 0 – 1	Ranked based on additional module data collection and level of collection as defined within the Program design of individual module.
Impact on stock assessment	0 – 3	Rank based on the level of data collection that leads to new or greatly improved stock assessments.

Other Factors	Point Range	Description of Ranking Consideration
Innovative	0 – 3	Rank based on new technology, methodology, financial savings, etc.
Properly Prepared	-1 – 1	Meets requirements as specified in funding decision document Step 2b and Guidelines
Merit	0 – 3	Ranked based on subjective worthiness



Biological Sampling Priority Matrix

Created in February 2019
For FY2021

*Our vision is to be the principal source of fisheries-dependent information
on the Atlantic coast through the cooperation of all program partners.*

Biological Review Panel Recommends:

- Species in the upper 25% of the priority matrix should be considered for funding.
- Sampling projects which cover multiple species within the upper 25% are highly recommended.



* UPPER 25% OF MATRIX

Biological Review Panel Recommendations Based on Matrix*:

Species	Overfished	Overfishing	Most Recent Stock	Current/Next Stock Assessment	Council Priority	ASMFC Priority	State Priority	NMFS Priority	Fishery Managed	Sig. change in landings	Sig. change in mgmt w/in	Adequacy of level of sampling	Stock Resilience	Seasonality of Fishery	Average Priority	TOTAL
Black Sea Bass <i>Centropristis striata</i>	N: MA N: SA	N: MA N: SA	2018	2019	5.0	5	3.4	5.0	5	1	1	3	3	1	4.3	32.43
Gray Triggerfish <i>Balistes capriciscus</i>	U	U	2016		5.0	0	1.1	4.0	3	5	5	4	2	3	2.8	32.14
Atlantic halibut <i>Hippoglossus hippoglossus</i>	Y	N	2018		4.0	0	1.1	4.0	3	5	1	4	5	3	2.6	30.14
Snowy Grouper <i>Epinephelus niveatus</i>	Y	N	2013	2019	5.0	0	1.1	5.0	3	1	3	4	5	3	3.0	30.14
Sandbar Shark <i>Carcharhinus plumbeus</i>	Y	N	2011	2017	0.0	1	1.0	5.0	5	5	5	2	3	3	1.8	30.00
American Shad <i>Alosa sapidissima/mediocris</i>	D	N	2007	2019	0.0	3	3.9	0.0	5	3	3	4	5	3	2.2	29.86
Red Snapper <i>Lutjanus campechanus</i>	Y	Y	2016	2020	5.0		0.7	5.0	3	4	1	1	5	5	2.9	29.71
River Herring <i>Alosa</i>	D	U	2017		0.0	4	3.2	0.0	5	3	3	4	4	3	2.2	29.21
Tilefish <i>Lopholatilus chamaeleonticeps</i>	N: MA N: SA	N: MA Y: SA	2017	2019	5.0	0	1.7	4.0	5	1	1	4	4	3	2.9	28.71
Bluefin Tuna <i>Thunnus thynnus</i>	Y	N	2014	2017	0.0	0	1.6	5.0	5	5	5	3	3	1	1.9	28.64
Cobia <i>Rachycentron canadum</i>	N	N	2012	2019	0.0	5	1.4	3.0	3	5	1	4	3	3	2.7	28.36
Blueline Tilefish <i>Caulolatilus microps</i>	U	U	2017		3.0	0	1.2	5.0	3	3	3	4	3	3	2.6	28.21
Horseshoe Crab <i>Limulus polyphemus</i>	U	U	2013	2019	0.0	4	2.8	0.0	5	3	3	3	4	3	2.0	27.79
American Eel <i>Anguilla rostrata</i>	D	U	2017	2020	0.0	5	3.5	0.0	5	3	1	4	5	1	2.5	27.50
Dolphin <i>Coryphaena hippurus</i>	U	U			5.0	0	1.3	3.0	5	3	3	3	1	3	2.5	27.29
Ocean Pout <i>Macrozoarces americanus</i>	Y	N	2017	2019	0.0	0	0.2	1.0	3	5	5	5	5	3	1.2	27.21
Red Drum <i>Sciaenops ocellatus</i>	U	N	2017		0.0	3	1.2	1.0	3	5	5	3	3	3	1.6	27.21
Atlantic Smooth Dogfish <i>Mustelus canis</i>	N	N	2015		0.0	3	1.6	3.0	5	3	3	3	2	3	2.1	26.57
American Lobster <i>Homarus americanus</i>	D	N	2015		0.0	5	2.6	3.0	3	4	1	3	4	1	2.7	26.57
Winter Flounder <i>Pleuronectes americanus</i>	N: GB U: GOM Y: SNE/MA	N: GB N: GOM N: SNE/MA	2016	2019	0.0	2	2.4	5.0	3	3	3	2	5	1	2.3	26.43
Red Grouper <i>Epinephelus morio</i>	Y	Y	2017	2021	5.0	0	1.0	4.0	3	1	1	4	4	3	2.8	26.00
Whelk Channeled, Knobbed, Lightning	U	U			0.0	0	1.9	0.0	5	5	5	4	4	1	1.2	25.93
Lane Snapper <i>Lutjanus synagris</i>	U	U			0.0	0	0.4	3.0	3	5	5	5	3	1	1.7	25.36
Gag Grouper <i>Mycteroperca microlepis</i>	N	N	2014	2020	5.0	0	0.9	4.0	3	1	1	3	4	3	2.6	24.93
Weakfish <i>Cynoscion regalis</i>	D	N		2019	0.0	3	2.9	0.0	5	3	3	4	3	1	2.0	24.93
Finetooth Shark <i>Carcharhinus isodon</i>	N	N	2007		0.0	1	0.9	3.0	5	3	3	3	3	3	1.6	24.86
Scamp <i>Mycteroperca phenax</i>	U	U		2021	5.0	0	0.9	3.0	3	1	1	4	4	3	2.6	24.86

Bio-sampling Priority Matrix

- Grouping of species in upper 25% of total matrix score, based on sampling adequacy and average priority (average of ASMFC, Council, NMFS and State priorities).
- Red Snapper and Sandbar Shark are being sampled adequately and have low priority so additional sampling is not needed.
- Projects that target multiple upper quartile species should be given a higher priority.

		Biological Sampling Adequacy	
		Adequate (0 - 2)	Inadequate (3 - 5)
Averaged Priority Columns	High (≥ 3.0)		Black Sea Bass, Snowy Grouper
	Low (< 3.0)	Sandbar Shark, Red Snapper	Gray Triggerfish, Atlantic halibut, American Shad, River Herring, Tilefish, Bluefin Tuna, Horseshoe Crab, American Eel, Dolphin, Ocean Pout, Red Drum, Atlantic Smooth Dogfish, American Lobster, Winter Flounder, Red Grouper, Whelk, Lane Snapper, Gag Grouper, Weakfish, Finetooth Shark, Scamp, Winter Skate, Atlantic Menhaden





Bycatch Sampling Priority Matrix

Created in February 2019
For FY 2021

*Our vision is to be the principal source of fisheries-dependent information
on the Atlantic coast through the cooperation of all program partners.*

New Bycatch Matrix

- This is the first year the updated Bycatch Sampling Priority Matrix was completed by committee members
- The matrix is sent to committee members to review, changes are listed on the changes tab of the matrix, all changes are reviewed by full committee, changes are discussed and accepted, staff updates matrix to include all changes then ranks fleets by scoring protected species interactions, amount of regulatory discards, amount of non regulatory discards, significant changes in management in past 36 months, total number of trips and total landings
- The new matrix is a fleet based approach which differs from the previous species based approach
- Overwhelmingly positive feedback regarding ease of updating the matrix
- Staff understands the amount of time and work put into the update and appreciates the efforts put forth by committee members



Top Quartile of Bycatch Matrix Suggestions

	<u>Sig. Change in mgmt w/in past 36 mo</u>	<u>Amt of reg discards</u>	<u>Amt of non reg discards</u>	<u>Prot Spp Interactions</u>	<u>Score</u>
Combined Fleets					
Mid-Atlantic Gillnet	3	4	2	5	14
Mid-Atlantic Pound Net	1	4	2	5	12
American lobster Pots GOM	1	4	1	5	11
American lobster Pots SNE	1	4	1	5	11
Snapper grouper H&L Fleet	3	4	1	3	11
New England Extra-Large-Mesh Gillnet	0	4	2	5	11
South Atlantic shrimp Trawl	0	4	2	5	11
Mid-Atlantic Small-Mesh Otter Trawl, Bottom	1	4	1	5	11
New England Mid-Water Otter Trawl	3	4	1	3	11
South Atlantic, black sea bass Pot	3	2	1	5	11
South Atlantic Large Mesh Gillnet	0	4	2	5	11
Southeastern, Atlantic and Gulf of Mexico HMS Pelagic Longline	1	4	1	5	11
New England Crab Pots	3	2	1	5	11
New England Otter Trawl	1	4	2	3	10
Southeastern, Atlantic and Gulf of Mexico HMS Shark Bottom Longline	0	4	1	5	10
Pelagic H&L Fleet (North)	1	4	1	3	9
New England Gillnet	1	2	1	5	9
South Atlantic Deep Water shrimp Trawl	3	2	1	3	9



Additional Fleets of Importance

- Mid-Atlantic Purse Seine: Menhaden
- HMS species not included in Trips dataset
- Pelagic Longline Fleet reports via logbooks which are not in the Trips data





Atlantic Coastal Cooperative Statistics Program

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ACCSP Funding Prioritization of the Recreational Technical Committee

July 2017

The Recreational Technical Committee sets the recreational data collection priorities for inclusion in ACCSP's annual request for proposals (RFP). In 2017, the committee opted to use its Atlantic Coast Recreational Implementation Plan priorities as the recreational data priorities for ACCSP's annual funding process. The prioritized list of data needs, which were reviewed and approved by the ACCSP Coordinating Council, is provided below:

- 1. Improve precision (PSE) of MRIP catch estimates**
- 2. (t) Comprehensive for-hire data collection and monitoring**
- 2. (t) Improved recreational fishery discard and release data**
- 4. Biological sampling for recreational fisheries separate from MRIP APAIS**
- 5. Improved spatial resolution and technical guidance for post-stratification of MRIP estimates**
- 6. Improved timeliness of recreational catch and harvest estimates**

Our vision is to be the principal source of fisheries-dependent information on the Atlantic coast through the cooperation of all program partners.

Atlantic Coastal Cooperative Statistics Program

SOCIOLOGICAL AND ECONOMIC DATA

The Committee on Economics and Social Sciences (CESS) developed a list of priority socioeconomic data elements for coastwide collection. The list is not exhaustive; it represents key elements that can serve as a baseline of fundamental socioeconomic information to support management decisions. The list of priority data elements includes:

1. Trip-level information (to be collected through voluntary or mandatory reporting, for all or a subset of participants)
2. Data elements for an owner/operator survey (to be collected through an annual or semiannual survey)*

The CESS identified these priority data elements with the understanding that data would be collected in the aforementioned methods and would be linked to other ACCSP data through identifiers. Alternative collection methods or the inability to link data with identifiers may require changes to the priority data elements list in order to ensure the utility of the data.

Note: Priorities for standalone surveys will differ from the priorities identified below due to their distinct methodologies and inability to leverage other ACCSP data. The CESS should be consulted when identifying data elements for standalone socioeconomic surveys to ensure their utility and, where practical, consistency across studies.

*The ACCSP recognizes the analytic value of collecting the data elements below. We recommend that partners be aware of and take into account the reporting burden to industry, the sensitivity and at times confidentiality of socioeconomic information, and other relevant perspectives when determining which data elements to collect and set as optional or mandatory.

A. COMMERCIAL FISHERIES

**Table 1:
TRIP LEVEL INFORMATION**

DATA ELEMENT	DESCRIPTION / CRITERIA
Trip Information	
Vessel Identifier	-Unique vessel identifier (e.g., US Coast Guard, state registration number, etc.) -These identifiers must be trackable through time and space.
Trip Identifier	- Unique identifier assigned to the trip
Labor Cost Information	
Total Crew Cost	- Total monetary amount that was given to the crew for this trip

Total Captain Cost (If other than owner)	- Total monetary amount that was given to the captain for this trip
Owner Share	- Total monetary amount the vessel (or permit) owner received for this trip
Other Trip Cost Information	
Fuel & Oil Costs	- Cost for all fuel and oil used on this trip
Bait Costs	- Cost for all bait used on this trip
Ice Costs	- Cost for all ice used on this trip
Grocery Costs	- Cost for all groceries used on this trip
Miscellaneous Costs	- Cost of any other expenses specific to this trip (not including wages, overhead, or fixed costs) E.g., offloading/non-crew labor costs, packaging costs, etc.

**Table 2:
DATA ELEMENTS FOR OWNER/OPERATOR SURVEY**

DATA ELEMENT	DESCRIPTION / CRITERIA
Vessel Identification*	-Unique vessel identifier (e.g., US Coast Guard, state registration number, etc.) -These identifiers must be trackable through time and space.
Fishermen Identification	-Unique ACCSP Identifier for fishermen
Labor Cost Information	
Crew Payment System	- Code to identify crew & captain payment system (e.g. share system, per day, per trip)
Percentage Share Crew	- Percentage share to crew (if applicable)
Percentage Share Captain	- Percentage share to captain (if applicable)
Percentage Share Boat/Owner	- Percentage share to boat/owner (if applicable)
Crew Wages	- Average crew wages for the year (crew payment system indicates whether by hour, trip, day, etc.) (if applicable)
Captain Wages	- Average captain wages for the year (crew payment system indicates whether by hour, trip, day, etc.) (if applicable)
Annual Costs (Most Recent Year)	
Labor costs (captain and crew not in household)	- Total costs of labor for captain and crew outside the owner/operator's household
Labor costs (to people within owner/operator household)	- Total costs of labor for captain and crew within the owner/operator's household
Annual Insurance Costs	- Hull, health, protection and indemnity, mortgage, etc.
Dockage	- Total cost for vessel dockage, home port and transient dockage
Loan Payments	- Principal and interest
New Gear/ Equipment	- Total cost of new gear or equipment acquired
Repairs & Maintenance	- Total cost of repairs & maintenance of vessel and gear that were conducted in the previous year
Permits & Licenses	- Total cost of fishing permits / licenses for the previous year

Leased Quota Cost	- Total cost of leased quota for the previous year
Other Professional Expenses	- Professional expenses not otherwise itemized
Demographic Information	
Household Size	- # of individuals in the household (including respondent)
Employment Status	- Current employment status (e.g., employed fulltime, part-time, unemployed, retired, etc.)
Education	- Highest level of education completed
Marital/Cohabital Status	- Current marital or cohabitational status of respondent
Age	- Age of the respondent
Gender	- Gender of the respondent
Ethnicity	- Ethnic background
Total Annual Household Income	- Total annual household income
Number of Household Individuals Involved in Commercial Fishing	- Total number of household individuals involved in commercial fishing (including respondent)
Percent of Annual Household Income from Commercial Fishing	- Percent of household income that is generated through commercial fishing or support activities
County of Residence	- County of residence
Years in Community	- Years in county of residence
Fishing Activity Information	
Fishermen status	- Fishermen status (e.g. full time, part time, not actively fishing)
Years in Commercial Fishing	- Number of years participating in commercial fishery
Permits held	- fishing permits held (by permit type)
Permit use	- Were all permits used within the last year
Reason for Latency	- Reason for not using permit within the last year
Primary Species Landed by Month	- Primary species landed by month
Primary Gears Used by Month	- Primary gears used by month

*Vessel Identifier is needed to link trip-level data to survey results



Atlantic Coastal Cooperative Statistics Program

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This list includes dates for fiscal year 2020, including ACCSP committee meetings, relevant dates of the funding cycle, as well as meetings or conferences ACCSP typically attends or which may be of interest to our partners. If you have any questions or comments on this calendar please do not hesitate to contact the ACCSP staff at info@accsp.org.

Jan 21-23:	APAIS South Atlantic Training – Wilmington, NC
Jan 28-30:	APAIS Mid-Atlantic Training – Dover, DE
Jan 28-30:	NEFMC Meeting – Portsmouth, NH
Feb 4-6:	ASMFC Meeting/Coordinating Council Meeting – Arlington, VA
Feb 4-6:	APAIS North Atlantic Training - Gloucester, MA
Feb 11:	Biological Review Panel Annual Meeting – Webinar
Feb 12:	Bycatch Prioritization Committee Annual Meeting –Webinar
Feb 11-13:	MAFMC Meeting – Duck, NC
Feb 26-28:	APAIS New England Training – New Bedford, MA
Mar 1:	Start of ACCSP FY20
Mar 2-6:	SAFMC Meeting – Jekyll Island, GA
Week of Mar 23:	Commercial Technical Committee Annual Meeting – TBD
Week of Mar 23:	Information Systems Committee Annual Meeting – TBD
Apr 7-9:	MAFMC Meeting – Galloway, NJ
Week of April 13:	Operations and Advisory Committees Spring Meeting – Webinar
Week of Apr 13:	Recreational Technical Committee – Webinar
Apr 14-16:	NEFMC Meeting – Mystic, CT
May 4-7:	ASMFC/Coordinating Council Meeting – Arlington, VA
May 11:	ACCSP issues request for proposals
Jun 8-12:	SAFMC Meeting – Key West, FL
Jun 15:	Initial proposals are due
Week of Jun 15:	APAIS Wave 2 Meeting - Webinar
Jun 16-18:	MAFMC Meeting – Virginia Beach, VA
Jun 22:	Initial proposals are distributed to Operations and Advisory Committees
Jun 23-25:	NEFMC Meeting – Freeport, ME
July 6:	Any initial written comments on proposals due
Week of Jul 13:	Review of initial proposals by Operations and Advisory Committees – Webinar
July 20:	If applicable, any revised written comments due
Week of Jul 27:	Feedback submitted to principal investigators
Aug 4-6:	ASMFC Meeting/Coordinating Council Meeting – Arlington, VA
Aug 10-13:	MAFMC Meeting – Philadelphia, PA
Aug 17:	Revised proposals due
Aug 15:	APAIS Wave 3 Meeting – Webinar


Our vision is to produce dependable and timely marine fishery statistics for Atlantic coast fisheries that are collected, processed, and disseminated according to common standards agreed upon by all program partners.

Aug 24:	Revised proposals distributed to Operations and Advisory Committees
Week of Sep 7:	Preliminary ranking exercise for Advisors and Operations Members – Webinar
Sep 14-18:	SAFMC Meeting – Charleston, SC
Sep 22-23:	Annual Advisors/Operations Committee Joint Meeting (in-person; location TBD)
Sep 29-30- Oct 1:	NEFMC Meeting – Gloucester, MA
Oct 6-8:	MAFMC Meeting – Riverhead, NY
Oct 18-22:	ASMFC Annual Meeting/Coordinating Council Meeting – New Jersey
Late Oct:	APAIS Wave 4 Meeting (In person – TBD)
Dec 1-3:	NEFMC Meeting – Newport, RI
Dec 7-11:	SAFMC Meeting – Wrightsville Beach, NC
Dec 15-17:	MAFMC Meeting – Baltimore, MD

Our vision is to produce dependable and timely marine fishery statistics for Atlantic coast fisheries that are collected, processed, and disseminated according to common standards agreed upon by all program partners.

Ranking Guide – Maintenance Projects:

Primary Program Priority	Point Range	Description of Ranking Consideration
Catch and Effort	0 – 10	Rank based on range within module and level of sampling defined under Program design. When considering biological, bycatch or recreational funding, rank according to priority matrices.
Biological Sampling	0 – 10	
Bycatch/Species Interactions	0 – 6	
Social and Economic	0 – 4	
Data Delivery Plan	+ 2	Additional points if a data delivery plan to Program is supplied and defined within the proposal.

Project Quality Factors	Point Range	Description of Ranking Consideration
Multi-Partner/Regional impact including broad applications	0 – 5	Rank based on the number of Partners involved in project OR regional scope of proposal (e.g. geographic range of the stock).
> yr 2 contains funding transition plan and/or justification for continuance	0 – 4	Rank based on defined funding transition plan away from Program funding or viable justification for continued Program funding.
In-kind contribution	0 – 4	1 = 1% - 25% 2 = 26% - 50% 3 = 51% - 75% 4 = 76% - 99%
Improvement in data quality/quantity/timeliness	0 – 4	1 = Maintain minimum level of needed data collections  4 = Improvements in data collection reflecting 100% of related module as defined within the Program design. Metadata is provided and defined within proposal if applicable.
Potential secondary module as a by-product (In program priority order)	0 – 3 0 – 3 0 – 3 0 – 1	Ranked based on additional module data collection and level of collection as defined within the Program design of individual module.
Impact on stock assessment	0 – 3	Rank based on the level of data collection that leads to new or greatly improved stock assessments.


Other Factors	Point Range	Description of Ranking Consideration
Properly Prepared	-1-1	Meets requirements as specified in funding decision document Step 2b and Guidelines
Merit	0 – 3	Ranked based on subjective worthiness

Ranking Guide – Maintenance Projects: (to be used only if funding available exceeds total Maintenance funding requested)

Ranking Factors	Point Range	Description of Ranking Consideration
Achieved Goals	0 – 3	Proposal indicates project has consistently met previous set goals. Current proposal provides project goals and if applicable, intermediate metrics to achieve overall achieved goals.
Data Delivery Plan	0 – 2	Ranked based if a data delivery plan to Program is supplied and defined within the proposal.
Level of Funding	-1 – 1	-1 = Increased funding from previous year 0 = Maintained funding from previous year 1 = Decreased funding from previous year
Properly Prepared	-1 – 1	-1 = Not properly prepared 1 = Properly prepared
Merit	0 – 3	Ranked based on subjective worthiness

Ranking Guide – New Projects:

Primary Program Priority	Point Range	Description of Ranking Consideration
Catch and Effort	0 – 10	Rank based on range within module and level of sampling defined under Program design. When considering biological, bycatch or recreational funding, rank according to priority matrices.
Biological Sampling	0 – 10	
Bycatch/Species Interactions	0 – 6	
Social and Economic	0 – 4	
Data Delivery Plan	+ 2	Additional points if a data delivery plan to Program is supplied and defined within the proposal.

Project Quality Factors	Point Range	Description of Ranking Consideration
Multi-Partner/Regional impact including broad applications	0 – 5	Rank based on the number of Partners involved in project OR regional scope of proposal (e.g. fisheries sampled).
Contains funding transition plan / Defined end-point	0 – 4	Rank based on quality of funding transition plan or defined end point.
In-kind contribution	0 – 4	1 = 1% - 25% 2 = 26% - 50% 3 = 51% - 75% 4 = 76% - 99%
Improvement in data quality/quantity/timeliness	0 – 4	1 = Maintain minimum level of needed data collections  4 = Improvements in data collection reflecting 100% of related module as defined within the Program design. Metadata is provided and defined within proposal if applicable.
Potential secondary module as a by-product (In program priority order)	0 – 3 0 – 3 0 – 3 0 – 1	Ranked based on additional module data collection and level of collection as defined within the Program design of individual module.
Impact on stock assessment	0 – 3	Rank based on the level of data collection that leads to new or greatly improved stock assessments.

Other Factors	Point Range	Description of Ranking Consideration
Innovative	0 – 3	Rank based on new technology, methodology, financial savings, etc.
Properly Prepared	-1 – 1	Meets requirements as specified in funding decision document Step 2b and Guidelines
Merit	0 – 3	Ranked based on subjective worthiness

ACCSP Coordinating Council

May 5, 2020

MRIP Update

Earlier this year the MRIP staff and Regional Implementation Council discussed an initial draft of the below plan to establish "a partnership with a state" as required by the Modern Fish Act. Please note the intent is to describe and build upon current partnerships and separately update the individual state by state MOU's on NSAR data. Comments on the current draft are due to MRIP in Mid-May. The ACCSP Operations Committee was briefed on April 15th and you are welcome to provide comments to me via email through Monday May 11th. We will have opportunity to discuss this during your meeting as well.

Two Additional Items of Note:

On March 16-17, the **National Academies of Sciences, Engineering, and Medicine: Ocean Studies Board kicked off a study with MRIP on "Data and Management Strategies for Recreational Fisheries with Annual Catch Limits"**. There will be 3 regional meetings over the next year with opportunities for stakeholders to participate. A link to the study, and a summary of the task are noted below:

: <https://www8.nationalacademies.org/pa/projectview.aspx?key=51788>.

A 2017 report, *Review of the Marine Recreational Information Program* discusses the difficulty of collecting necessary data on recreational fisheries. In some cases, enforcement of catch limits requires short recreational fishing seasons, further complicating data collection, monitoring, and management. The Modernizing Recreational Fisheries Management Act of 2018 called for a National Academies study on how well the Marine Recreational Information Program meets the needs of in-season management of fisheries with annual catch limits (ACLs). This study will also consider how survey methods or management strategies might be modified to better meet those needs.

Recreational Electronic Reporting Task Force: NOAA Fisheries and MAFAC are pleased to announce the establishment of a new Recreational Electronic Reporting Task Force. This Task Force will provide expert advice to MAFAC, and subsequently NOAA Fisheries Leadership, on the generation, delivery, and use of electronically reported data from private recreational anglers to assist NOAA Fisheries in fulfilling its mission activities. The list of Task Force members will be posted on the MAFAC page [here](#).

Marine Recreational Information Program (MRIP) Implementation Plan for §202 of the Modernizing Recreational Fisheries Management Act (MFA): Develop a plan for establishing state partnerships, in consultation with states, Fishery Information Networks (FINs), and MRIP Regional Implementation Teams by 12/31/20

I. Introduction

Section 202 of the MFA provides that, “The Secretary shall establish a partnership with a State [sic] to develop best practices for implementing the State program established under paragraph (2)” which refers to a state program that provides, “data that meets the Secretary’s needs” per §401(g)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA).

Section 202 further states that,

- “The Secretary shall develop guidance, in cooperation with the States, that details best practices for administering State programs pursuant to paragraph (2), and provide such guidance to the States.”
- “The Secretary shall submit to the appropriate committees of Congress and publish biennial reports that include: (1) the estimated accuracy of state registry information and the information from each State program that is used to assist in completing surveys or evaluating effects of conservation and management measures; (2) priorities for improving recreational fishing data collection; and (3) an explanation of any use of information collected by such State programs and by the Secretary...”
- “The Secretary may make grants to States to—
(I) improve implementation of State programs consistent with this subsection; and
(II) assist such programs in complying with requirements related to changes in recreational data collection under paragraph (3).” (Note: this reference is to MSA Sec. 402(g)(3), which required NOAA to “establish a program to improve the quality and accuracy of information generated by” the Marine Recreational Fisheries Statistics Survey, or MRFSS.” The program established by NOAA to address this requirement is MRIP).
- “Any funds awarded through such grants shall be used to support data collection, quality assurance, and outreach to entities submitting such data. The Secretary shall prioritize such grants based on the ability of the grant to improve the quality and accuracy of such programs.”

The National Marine Fisheries Service (NMFS), through MRIP and the Fisheries Information System (FIS) programs, has established and long maintained partnerships with states and other regional partners in fisheries data collection. This plan for implementation the provisions of MFA §202 utilizes these existing programs as the foundation of the required state partnership program and adds new program components as needed to address all MFA requirements . The current state programs are primarily derived from regional FIN programs for the principal fisheries regions: Atlantic Coastal Cooperative Statistics Program (ACCSP) for the Atlantic Coast; Gulf Fisheries Information Network (FIN) for the Gulf Coast; Pacific Recreational Fisheries Information Network (RecFIN) for the Pacific Coast of California through Washington; Western Pacific Fisheries Information Network (WPacFIN) for Hawaii and the Territories of Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands (CNMI). Through ACCSP, FIN and RecFIN, NMFS provides funding support to states for MRIP recreational survey work as specified in Cooperative Agreements (CAs). In addition,

Commented [GW1]: Note intent is to reconfirm and potentially extend existing state partnerships within established MRIP framework of Regional Plans, NSAR MOU, and MRIP Strategic plan. Note important areas with comments, and state partnership section starting on page 8.

NMFS has established partnerships, including funding recreational data collection, via CAs with FIN for Puerto Rico and directly with Hawaii.

In addition, MRIP has established Regional Implementation Teams consisting of all primary partners in each region, to assess partner data collection needs and priorities. The Regional Implementation Teams consist of the FINs for the Atlantic, Gulf, and West Coast regions, and ad hoc teams for the Alaska, Pacific Islands, Caribbean, and Atlantic Highly Migratory Species (HMS) regions. The ad hoc teams include all regional partners, including states and territories, regional fisheries management councils, interstate marine fisheries commissions, NMFS Headquarters Offices of Sustainable Fisheries (OSF) and Science and Technology (OST), Regions and Science Centers. The MRIP Regional Implementation Teams have prepared, and will update periodically as necessary, MRIP Regional Implementation Plans that define regional recreational catch and effort data needs, preferred survey methods, and priorities for data collection improvements.

It is therefore intended that this plan for establishing state partnerships will incorporate and build on the existing CAs and Regional Implementation Plans, in consultation with states, FINs, and MRIP Regional Implementation Teams. The Plan: (1) reinforces and expands as necessary existing Memorandum of Agreement (MOAs) with states and FINs; (2) describes “best practices for implementing the State program” and “guidance...that details best practices for administering State programs” based on applicable provisions of the existing Final Rule for the National Saltwater Angler Registry and State Exemption Program (NSAR) (for state registries) and MRIP Standards (for surveys and estimation).

To assure we are able to address the required content of the biennial reports to Congress, the Plan also addresses: (1) the methods NMFS will use to assess the accuracy of state registry data and state survey catch and effort estimates; (2) the priorities for recreational data collection, including both regional priorities as set forth in Regional Implementation Plans and national priorities derived by MRIP annually; (3) an inventory of the uses to which state registry and survey data are used by NMFS/NOAA. These plan provisions, set forth in Appendix 3, have been developed in consultation with the states through the MRIP Regional Implementation Teams.

II. Description of existing state partnership programs

A. ACCSP: ACCSP is a comprehensive fisheries statistics program partnership established by Memorandum of Understanding (MOU) among the East Coast data collection partners: Atlantic States Marine Fisheries Commission and its 15 state members; New England, Mid-Atlantic and South Atlantic Fishery Management Councils; NMFS OSTOSF, Greater Atlantic and Southeast Regional Offices, and Northeast and Southeast Fisheries Science Centers; and the U.S. Fish and Wildlife Service. The ACCSP [guiding documents](#) include the updated MOU and its Strategic Plan, which is updated approximately every five years. ACCSP has also developed comprehensive Atlantic Coast Fisheries Data Collection [Standards](#) that provide “detailed information on standards, policies, reporting requirements, quality control and assurance documentation, and processes necessary for adjustments and modification.” The Standards are intended to be followed as fully as possible by all of the partners actively engaged

in fishery-dependent data collection to ensure effective and consistent implementation of data collection and data management models.

NMFS provides annual funding support for ACCSP operations and partner project funding, including state partner projects, via appropriated funds allocated by OST and OSF. In addition, OST and ACCSP have entered into a five-year CA through which ACCSP administers three MRIP surveys—the Access Point Angler Intercept Survey (APAIS); the Head Boat Sea Sampling Survey; and the For-Hire Survey (FHS)—conducted by the states from Maine through Georgia. This CA also funds catch card census programs for Atlantic Highly Migratory Species in North Carolina and Maryland. [Some components of the Large Pelagics Survey are covered through ACCSP, including the For-Hire-Telephone Large Pelagic add-on from Maine to Virginia, the intercept \(LPIS\) component in Maine and biological \(LPBS\) component in North Carolina.](#) Pursuant to the CA, ACCSP passes funds through to each of the states to conduct the sampling work as specified in the CA, and ACCSP engages in certain data processing, training and, related program administration functions. Annual funding under this CA for FY 20 is \$4.9 M.

B. FIN: Like ACCSP, FIN is a comprehensive fisheries data collection program that is primarily centered on the Gulf of Mexico fisheries, with components that collect data for Florida’s east coast and in the Caribbean. FIN is a partnership among the Gulf States Marine Fisheries Commission (GSMFC), its five member states, Puerto Rico, and U.S. Virgin Islands; the Gulf of Mexico Fishery Management Council; NMFS OST and OSF, Southeast Regional Office (SERO), and Southeast Fisheries Science Center; and the U.S. Fish and Wildlife Service. FIN was established by a 1993 MOU among the GSMFC, the five Gulf States, and NMFS. The purpose, organizational structure and activities of FIN are described [here](#). The Gulf partners have adopted a program design document to include, “detailed information on the program standards and policies, reporting requirements and sampling programs, quality control and assurance documentation, and processes necessary for program adjustments and modification.” The program design states that, “requirements should be followed by all participating agencies as fully as possible to ensure effective implementation of the commercial and recreational data collection and data management systems.” As of December, 2019, FIN was in the process of developing a five-year Strategic Plan.

NMFS provides annual funding support to FIN through OST-budgeted funds administered via a five-year CA by SERO. MRIP funds earmarked for recreational data collection for FY 20 are \$4.258M. The annual FIN work plan adopted per the CA specifies that the states of Florida (both Atlantic and Gulf coasts), Alabama, and Mississippi will conduct sampling under the MRIP APAIS and FHS surveys, and Louisiana under the LA Creel state survey. Texas funds and administers its own programs and does not participate in MRIP, nor receive FIN funds for its recreational surveys. FY 20 funds may also be provided to Florida, Alabama, and Mississippi for support for state-administered specialized surveys for red snapper and other reef fish (Florida).

C. RecFIN: Pacific RecFIN was established by the West Coast region data collection partners in 1992 to provide recreational catch and effort statistics that met the specific needs of the region. The program replaced the OST-funded MRFSS for Washington, Oregon, and

California with a combined OST and state-funded suite of state surveys that include: the California Recreational Fisheries Survey (CRFS), the California Ocean Salmon Project, the Oregon Ocean Recreational Boat Survey (ORBS), the Oregon Shore and Estuarine Boat Survey (SEBS), the Washington Ocean Sampling Program (OSP), and the Washington Puget Sound Recreational Fishery Estimation Procedure (PSRFEP).

RecFIN is designed to integrate state and federal marine recreational sampling efforts into a single database to provide biological, social, and economic data for Pacific coast fishery scientists, fishery managers, and recreational fishing stakeholders. The primary partners are the Pacific States Marine Fisheries Commission and its member states of California, Oregon, and Washington, the Pacific Fishery Management Council; NMFS OST, West Coast Regional Office, Southwest Fisheries Science Center, and the Northwest Fisheries Science Center. At present, the program does not operate under a comprehensive MOU, and there is not a program-wide program design document. However, RecFIN maintains detailed documentation of the survey and estimation methods for each of the included state surveys. As of December, 2019, RecFIN was in the process of adoption a data-sharing MOA with the member states.

MRIP funds are provided to RecFIN by OST through the Northwest Fisheries Science Center (NWFSC) and directly by the NWFSC. A CA with the center provides for allocating the funds to the three states to carry out specified components of CRFS, ORBS, and OSP. FY 20 funding from MRIP to the three states was \$1.2M, and an additional \$1.0 M was allocated from the NWFSC.

The Pacific States Marine Fisheries Commission also coordinates additional state-federal data collection programs in the region, including the Pacific Fishery Information Network (PacFIN) and the Alaska Fishery Information Network (AKFIN), both of which collect commercial fishery data. Recreational data collection in Alaska is conducted by the Alaska Department of Fish and Game, and is not currently incorporated into, or funded by, either AKFIN or RecFIN.

D. WPacFIN: WPacFIN is a data collection and data management agreement among the NMFS Science Center (PIFSC) and the natural resource agencies of Hawaii, Guam, American Samoa, and CNMI. For non-commercial fisheries, the territorial partners conduct roving creel surveys to produce estimates of effort and catch, and the PIFSC provides technical support and data management services to the partnership. At present, NMFS does not contribute direct funding support to the WPacFIN non-commercial surveys. Hawaii's non-commercial surveys are funded separately from WPacFIN, as described below.

E. Hawaii: In the past, Hawaii's Department of Land and Natural Resources, Division of Aquatic Resources (HDAR), has conducted a modified version of APAIS pursuant to CAs with OST. The intercept survey, referred to as the Hawaii Marine Recreational Fisheries Survey (HMRFS) collects fishing catch data for shore and private boat modes of fishing in the state. MRIP funds are allocated by OST to HDAR to perform work as specified in the CA. FY 20 funding under this CA is \$285,000.

Data collection partners in Hawaii are considering proposing changes to survey designs and conduct following an MRIP-sponsored workshop held in 2019. This may result in changes to the work proposed and funded to be conducted via CA with HDAR in the future.

F. Puerto Rico: Recreational sampling in Puerto Rico has been suspended due to the disruption to fishing activity and fishing sites resulting from Hurricane Maria. Prior to the suspension, funds had been provided to the Puerto Rico Department of Natural and Environmental Resources (DNER) to conduct intercept sampling via CA through the RecFIN process. In 2020 a dialog with DNER will be initiated to plan for reassessment of recreational fishing access sites, updated data needs of PR DNER for fisheries monitoring and management, and updated data needs of the Caribbean Fisheries Management Council. It is expected that initial site assessments may be funded in 2020 via CA with PR DNER.

III. National Saltwater Angler and State Registry Program (NSAR) **Data Sharing** Agreements

Commented [GW2]: Atlantic NSAR exemptions based on license holder lists, ACCSP provided updated state contact lists to MRIP. Clarifications requested on timing and use of NSAR data for survey purposes.

Section 401(g)(1) of the MSA establishes a requirement for individuals who engage in recreational fishing in the U.S. Exclusive Economic Zone (EEZ), or for anadromous species in any waters, or for Continental Shelf fishery resources beyond the EEZ, to register with the Dept. of Commerce. In addition, §401(g)(2) provides that the Secretary shall exempt from that registration requirement those anglers and charter vessels that are licensed or registered by states, “if the Secretary determines that information from the State program is suitable for the Secretary’s use or is used to assist in completing marine recreational fisheries statistical surveys, or evaluating the effects of proposed conservation and management measures for marine recreational fisheries.”

In 2008, NMFS adopted the [final rule](#), 50 CFR 600, Subpart P, for NSAR, the program established under MRIP to administer the provisions of §§ 401(g)(1) & (2). The rule has been amended once, in 2012. Subpart P establishes the detailed requirements and procedures for anglers and for hire fishing vessels to register with NMFS. It also establishes the provisions for designating states as Exempted States pursuant to MSA §401(g)(2). Under Subpart P, States may be designated as Exempted States in two ways: (1) states agree to provide NMFS at least annually with a list of state-licensed or registered anglers and for hire vessels that meet specified requirements (see 50 CFR 600.1416); (2) states that participate in a qualifying regional survey of recreational fishing catch and effort agree to provide specified catch and effort data to NMFS, meeting [Preliminary National Standards for Recreational Survey Coverage and Basic Data Elements](#) (see 50 CFR 600.1417). To complete the Exempted State designation process, the appropriate state or territorial government agency enters into an MOA with NMFS. The MOA specifies the data the state or territory will provide, the schedule and format for its delivery, and any agreed-upon schedule of improvements.

As of December, 2019, each Atlantic and Gulf coast state from Florida to Texas entered into an MOA with NMFS and agreed to provide at least annual updates of the lists of names, addresses, telephone numbers, dates of birth, and, for for-hire vessels, vessel identification numbers, and NMFS had designated those states as Exempted States.

Also, the West Coast States of California, Oregon, Washington, and Alaska, and the western Pacific Island Territories of Guam, American Samoa, and CNMI had entered into MOAs agreeing to annually provide catch and effort data to NMFS under their qualifying regional surveys.

As of December, 2019, only Hawaii, Puerto Rico and the U.S Virgin Islands were not designated as Exempted States. In each of those three jurisdictions, the state/territorial natural resources management agency was actively pursuing either a saltwater fishing license, or a qualifying regional survey design to replace or supplement current data collection, or both.

(NOTE: Placeholder here for Registry MOA Review process, in development.)

IV. MRIP Regional Implementation Plans

In 2013, the MRIP Executive Steering Committee (ESC) conducted a workshop to plan for transitioning from a program primarily concerned with developing new survey designs to one focused on implementing the improved program nationally. The workshop participants concluded that, in the future, MRIP should operate as a hybrid program, with overall program management, budgeting and research and development work coordinated centrally through OST, and survey implementation and operations managed regionally, designed to meet individual regions' needs and priorities. The workshop resulted in establishment of seven MRIP [Regional Implementation Teams](#): Atlantic, Caribbean, Gulf, Atlantic HMSs, Pacific, Alaska, and Pacific Islands. The established FINs were identified to serve as the teams for the Atlantic, Gulf and Pacific regions. Ad hoc teams were established for the remaining regions.

Subsequent to the workshop, the MRIP Operations Team (OT) and ESC developed and adopted the *MRIP Implementation Funding Process* (Appendix I). The Funding Process document incorporated national guidelines for the prioritization of NMFS' investments in implementation of new survey methods as developed at the workshop:

"MRIP has established National guidelines for the prioritization of NMFS' investments in implementation of new survey methods. Specifically, funding priority will be based upon the extent to which surveys, alone or in combination with other surveys being implemented in a region:

- Utilize MRIP-certified survey designs or methodologies;
- Achieve MRIP standards for survey coverage and basic data elements, as well as any future standards adopted by the [program](http://www.st.nmfs.noaa.gov/Assets/recreational/pdf/National_Standards_for_Survey_Coverage_and_Data_Elements.pdf) (http://www.st.nmfs.noaa.gov/Assets/recreational/pdf/National_Standards_for_Survey_Coverage_and_Data_Elements.pdf);
- Provide recreational (or non-commercial) catch estimates for fisheries managed under Magnuson-Stevens Act (MSA)—including Atlantic HMS—or jointly by the states and NMFS that are sufficient to
 - Contribute to reliable stock assessments;

Commented [GW3]: MRIP requested comment: Does this sufficiently include state roles for a report to Congress?

Commented [GW4]: Potential to include a table of priorities from each regional plan. Atlantic priorities (2017-22) are:
1 – Improve Precision
2 – Develop Comprehensive for-Hire reporting program
2 (tied) – Improved release and discard data
4 – Develop biological sampling program separate from MRIP general survey
5 - Improved spatial resolution and technical guidance for post-stratification of MRIP estimates
6 – Improved timeliness of catch estimates

- Support development of acceptable biological catch recommendations, annual catch limits (ACLs), and accountability measures that meet MSA requirements; and
- Support development of recreational regulations that minimize triggering of accountability measures.
- Allow reasonably precise tracking of recreational catch against ACLs.”

The document further provides that each Regional Implementation Team is responsible for identifying regional needs and developing MRIP [Regional Implementation Plans](#) to implement improved data collection designs that address both regional and national needs. Specifically, the plans are to include:

- Descriptions of regional needs for recreational fishing statistics, including needs for coverage, resolution, precision, and timeliness of survey estimates;
- A baseline assessment of current data collection programs, including the extent to which current programs satisfy needs and identification of data collection gaps;
- Recommendations and justification for a sequential, prioritized approach for implementing improved methods that address national and regional needs that are currently unmet;
- A proposed process for combining statistics derived from multiple sources¹; and
- Estimated costs, overall and for individual survey components.

In summary, it is NMFS’ expectation that future investment in state and other partner recreational catch and effort data collection and estimation programs will be based on needs and priorities identified through the MRIP regional implementation planning process.

As of December, 2019, MRIP Regional Implementation Plans have been developed and approved for each region except Alaska, for which a plan is in development by the regional partners. In addition, MRIP has adopted the following MRIP Regional Implementation Plan update schedule:

1. Full updates:
 - a. To consist of a complete, objective re-visitation of the region’s data needs, preferred survey methods, and priorities for expansion and improvement, informed by the updated goals and objectives of the MRIP Strategic Plan;
 - b. At least every fifth year, one year following updates to the MRIP Strategic Plan; OR
 - c. If and when the Regional Implementation Team determines that there has been a significant change in priorities.
2. “Addendums” to address new or revised national priorities or opportunities: scheduled as requested by MRIP’s ESC.

Commented [GW5]: Note: ACCSP will review the Atlantic Implementation Plan in 2020-2021 through Committees.

¹ For example, regions may implement data collections that are specific to a sector or species. Implementation plans should describe how information generated from these sources will be integrated with more generalized data collections to either supplement or replace alternative estimates.

- a. These updates would not modify existing plan content, but simply add or revise projects, surveys in use, or priorities based on the revised national priorities and opportunities.
 - b. In general, there should be a payoff to the Regional Implementation Team to justify the effort to prepare the addendum.
3. Abbreviated or partial updates to address revised Regional Implementation Team preferences for data collection methods, priorities, new or revised funding, etc.
- a. These updates would be primarily self-generated by the Regional Implementation Teams to address significant changes in a part of the regional program.
 - i. For example, if a Regional Implementation Plan had identified a sample based survey as the standard/preferred design for for-hire mode, but the Regional Implementation Team decided to change over to a mandatory logbook as its preferred design, but not to change other priorities or methods, a partial update would be required.

Several of the initial MRIP Regional Implementation Plans identified expansion of current state sampling effort as a priority to: (1) restore sampling to a level conducted previously that has been cut back due to long term level funding of the state program; (2) a desire to increase survey coverage to include areas, fisheries, or time periods not sufficiently covered at present; or (3) to increase sample size to improve precision or other properties of the catch estimates. To assist in determining how to prioritize such needs, MRIP developed the *Methodology for ranking partner proposals for increasing sample size or scope of current regional survey(s)* (Appendix II).

V. Strategic Plan

The MRIP [Strategic Plan](#), adopted in 2017, incorporated and built on the Regional Implementation Plan process for identifying regional needs and priorities. Strategic Plan Goal 5, Operate Collaboratively, states that it is MRIP’s goal to, “Maintain effective collaborations with state, interstate, regional, and national partners for cost effective and responsive recreational data collection and catch estimation.” Under Goal 5, several strategies and tactics address the MRIP Regional Planning process, and expansion of collaborative work with states:

Insert Goal 5 Strategies & Tactics Table

VI. Opportunities to Improve State-Federal Partnership State Data Collection Programs

In consultation with the MRIP Regional Implementation Teams through the [MRIP Regional Implementation Council](#), NMFS identified the following measures that provide potential opportunities to improve the state-federal partnerships for recreational catch and effort data collection, building on the current FIN and state CAs, and the Regional Implementation Plan process in which both the states and NMFS play pivotal roles. Collectively, these measures constitute the best practices for implementing and administering state programs.

Commented [GW6]: How evaluate the “accuracy” of state provided data –intended to evaluate and address the process and points of interaction (vice for species x in state y)

Commented [G7]: Note: This section will be more fully developed following consultation with Regional Implementation Council and State Partners

A. State-Federal Program Administration: Measures to improve the performance of the state-federal recreational data collection partnerships under the current FIN and CA programs in place may include the following:

- Assure that FINs have current Strategic Plans or equivalent policy-level measures in place that reflect priorities of MRIP Regional Implementation Plans.
- Assure that FIN governing documents make clear the roles of each partner in data collection, estimation, information management, quality assurance and quality control, and data confidentiality.
- Streamline annual funding distribution to FINs under five-year CAs by moving funds during the first quarter of each Fiscal Year, as possible.
- Compile and publish an inventory of survey improvement needs, including estimated cost, from MRIP Regional Implementation Plans.
- Establish formal MOA to establish cooperative statistics programs among all partners in non-FIN regions (or add states and territories to current FINs, e.g. add Hawaii to RecFIN).
- Data sharing agreements to protect the confidentiality of raw data prior to quality control and estimate generation. Support prioritization of direct electronic sharing of data sets and survey deliverables in compatible formats to NOAA, and partner access to MRIP estimates.

Commented [GW8]: Note: Current Atlantic plan would benefit by adding consensus solutions and cost estimates.

B. State-Conducted Catch and Effort Surveys: Measures to improve the quality of data provided by state survey contributions include the following:

- Implement the provisions of the MRIP Data Standard.
- Establish regional goals for estimate precision and coverage and expand data collection to address them.
- Comprehensive Quality Assurance/Quality Control (QA/QC) measures.
- Where MRIP general surveys do not meet more rigorous or timely needs for catch estimates, evaluate implementation of certified specialized survey designs to supplement the general survey.
- Assure that state surveys address priority needs as reflected in MRIP Regional Implementation Plans.
- Assure that state surveys meet the MRIP Preliminary Standards for Recreational Survey Coverage and Basic Data Elements.
- Assure that all components of state-conducted surveys have been certified consistent with NMFS [Policy Directive 04-114](#).

Commented [GW9]: Re-ordered from broad to more specific scope for MRIP consideration.

Commented [G10]: Note: Add Data Standard as an Appendix when adopted.

Commented [GW11R10]: Precision standards may include not publishing data higher than a cutoff PSE (TBD).

C. State Saltwater Angler Registries: Data quality for registry data can be expressed in two ways: as completeness of the registry, and as the degree to which the database is error-free and free of non-angler entries.

With respect to completeness, the following can be undertaken to improve the state registry data:

- Timeliness of submission: Exempted states are required to submit their registry updates at least annually in January. In addition, those states in which the MRIP Fishing Effort Survey is conducted (Maine through Mississippi) have been asked to submit updated current license holder lists electronically each month to assure the survey performs as designed. Most states have met this request; some have not. [Timely submission allows](#)

for adjustment of the related FHTS, LPTS, and APAIS sampling frames.

- State license exceptions: Many states provide exceptions to license or registration requirements for certain anglers. The fewer such exceptions, the more complete the database.
- Non-compliant anglers and for-hire vessel operators: Non-compliance with state licensing and registration requirements is a major source of incompleteness of the state registries. Improving compliance through more effective education and enforcement is an important measure necessary to significantly improve the completeness of state registries.
-

With respect to the reduction of error rates and non-angler entries in the state databases, the following measures would be helpful:

- Reduce or eliminate inclusion of saltwater privileges in state combination licenses. Also, eliminate general fishing licenses or require a saltwater stamp or endorsement for general fishing license holders who wish to fish in salt water. These measures will reduce the large number of persons who purchase combination licenses or general fishing licenses to cover desired privileges, but do not fish in saltwater.
- Add QA/QC measures states can do to reduce error rates in registry databases.

Commented [G12]: To be developed with advice from ST 6.

Specific components of required Reports to Congress:

- Inventory and explanation of any use of information collected by such State programs and by the Secretary. Compile from results of pending customer satisfaction survey.
- Priorities for improving recreational fishing data collection. Compile from current summary of Regional Implementation Plan and national priorities.
- Description of the estimated accuracy of state registry information and the information from each State program that is used to assist in completing surveys or evaluating effects of conservation and management measures.
- Describe measures by which accuracy and completeness of registry data will be described, including: extent of license exemptions; address error/returned mail rates; performance in database screening, etc. For FES states, consider reporting on (1) percent of persons in non-matched frame (those that do not have licenses) who reported fishing; (2) the rate at which NSAR addresses match to the address frame by state and sub-state, which provides a measure of errors in the registry addresses.
- Describe measures by which accuracy of state components of qualifying regional surveys will be evaluated, including: use of certified survey designs/degree to which state surveys meet certification ToR; state use of QA/QC; state survey conformity with MRIP Data Standard.

Commented [GW13]: Note: State partnerships components should be noted that will support each bullet.

Appendix I MRIP Implementation Funding Process

To address MRIP’s focus on implementation, the ESC charged the MRIP OT with the “development of recommendations for NMFS/MRIP to make additional investments in survey implementation and operations” of recreational survey methods. The goals of this process are to 1) support implementation of certified methods that satisfy the *minimum* needs for management and science, and result in regional survey programs that achieve at least the *minimum* MRIP standards for coverage, resolution, and data elements, and 2) establish a consistent, priority-based foundation for investment of available funds for data collections that exceed minimum needs.

Implementation funds will be allotted from “new” MRIP funding, as current funding allocations (e.g. FIN funding) will likely remain level. Additionally, funding will not be used to replace existing partner funds for recreational fisheries data collection.

National Guidelines

MRIP has established national guidelines for the prioritization of NMFS’ investments in implementation of new survey methods. Specifically, funding priority will be based upon the extent to which surveys, alone or in combination with other surveys, are being implemented in a region:

- Utilize MRIP-certified² survey designs or methodologies;
- Achieve MRIP standards for survey coverage and basic data elements, as well as any future standards adopted by the program (http://www.st.nmfs.noaa.gov/Assets/recreational/pdf/National_Standards_for_Survey_Coverage_and_Data_Elements.pdf);
- Provide recreational (or non-commercial) catch estimates for fisheries managed under MSRA—including Atlantic HMS—or jointly by the states and NMFS that are sufficient to
 - Contribute to reliable stock assessments;
 - Support development of acceptable biological catch recommendations, annual catch limits (ACLs), and accountability measures that meet MSRA requirements; and
 - Support development of recreational regulations that minimize triggering of accountability measures.
 - Allow reasonably precise tracking of recreational catch against ACLs

² MRIP certification is granted after the proposed method has undergone MRIP-led internal and external peer review and has been determined to be a statistically sound and credible method for estimating catch and effort data.

Regional Planning

Each Regional Implementation Team³ is responsible for identifying regional needs and developing a plan to implement improved data collection designs that address both regional and national needs. Regional implementation plans, which will be reviewed and approved by the OT and ESC, will provide estimated implementation costs, and will reflect consensus among partners within a region with respect to regional needs and implementation priorities.

Regional implementation plans will include:

- Descriptions of regional needs for recreational fishing statistics, including needs for coverage, resolution, precision and timeliness of survey estimates;
- A baseline assessment of current data collection programs, including the extent to which current programs satisfy needs and identification of data collection gaps;
- Recommendations and justification for a sequential, prioritized approach for implementing improved methods that address national and regional needs that are currently unmet;
- A proposed process for combining statistics derived from multiple sources⁴;
- Estimated costs, overall and for individual survey components.

Each year, NMFS OST will review Regional Implementation Plans and establish agency funding priorities across regional programs. OST will develop metrics, based on the above national guidelines and subject to ESC review and approval, for assessing the Regional Implementation Plans and setting OST priorities. To the extent possible, funding for improved survey methods will be permanent, and funded survey components will not be subjected to prioritization and evaluation in subsequent years. Evaluation and prioritization in subsequent years will be limited to unfunded data collections described in the implementation plans. Exceptions will be made in the event of reduced and/or insufficient funding to cover the costs of approved data collections and/or changes to regional priorities, which will be reassessed at a minimum of every five years, coincidental to NMFS' science program review cycle⁵. Funding may also be reallocated, if it is determined by the ESC or OST that expenditures are inconsistent with the approaches described in the Regional Implementation Plans.

³ The MRIP ESC determined that regional FINs and their equivalents will serve as the MRIP Regional Implementation Teams (<http://www.st.nmfs.noaa.gov/Assets/recreational/pdf/2013-2014%20Implementation%20Plan%20Update.pdf>)

⁴ For example, regions may implement data collections that are specific to a sector or species. Implementation plans should describe how information generated from these sources will be integrated with more generalized data collections to either supplement or replace alternative estimates.

⁵ <http://www.st.nmfs.noaa.gov/science-program-review/index>

Program Reporting

Regional implementation Teams are expected to submit annual reports describing progress in executing Regional Implementation Plans. Annual reports will describe MRIP data collection activities, document expenditures, and assess the extent to which regional goals and needs for recreational fisheries statistics have been satisfied. For regional partnerships currently funded through a NMFS grant (e.g., ACCSP, FIN, Pacific RecFIN), MRIP program updates can be incorporated into existing reporting requirements (e.g., annual grant reports).

Appendix II Methodology for ranking partner proposals for increasing sample size or scope of current regional survey(s):

- Scope of applicable projects:
 - Expansions of existing surveys to assess partner needs for general survey:
 - Sampling levels (i.e. to increase the number of samples broadly to improve precision of estimates generally, or for a selected component of the fishery, such as a rare event species group or the offshore fisheries); and/or
 - Coverage (i.e. adding sampling to include catch of invertebrates, sampling in Waves not currently sampled, and expanding geographic coverage to include tidal rivers upstream of current sampling).
 - New surveys that replace components of current general surveys, but only to the extent that sampling levels/coverage exceeds the current survey.
- Initial screening questions (must answer yes to all for a proposal to be eligible to be ranked and considered for funding):
 - Does the project or survey expansion meet the objectives of the Regional Implementation Plan as determined by the applicable Regional Implementation Team?
 - Is the survey proposed for expansion MRIP certified? If not, is there a plan in progress and on track to achieve certification?
 - Does the requested increase fully describe the current sampling baseline, and the estimated cost of the proposed enhancement?
 - Does the request include specific measures of improvement to be achieved?
 - Project narratives should discuss the potential for improvements promised by a proposed project to be offset by reductions in data quality elsewhere. (For example, will the benefits of efforts to increase the timeliness of estimates by going to monthly waves be offset by reductions in precision due to lower sample size per estimate?)
- Criteria for ranking proposals:
 - Determine whether, and if so to what extent, the proposed sampling level relates to specific survey objectives (High (H)/Medium (M)/Low (L)).

- Quantify the increment of improvement the proposed expansion would achieve for one or more of the following (scoring is additive) with respect to recreationally significant managed species or species groups:
 - If the proposal is to increase sample size to improve overall survey precision, then include a quantitative assessment of the expected improvement in Percent Standard Error (PSE) or other measure of precision (H = achieving annual PSE of 30% for targeted managed species; M = achieving annual PSE of 50% for targeted managed species; L = reduction of lesser magnitude).
 - If the proposal is to extend the survey's coverage in time or space, then estimate the proportion of catch that will be added to the overall estimate (> 15% = H; 5-15% = M; <5% = L) derived from the expanded survey, as compared to the current condition.
 - If the proposal is to add targeted sampling to improve precision of a species or species group, then include an assessment of the expected improvement in the PSE or other measure of precision. (H = achieving annual PSE of 30% for targeted species; M = achieving annual PSE of 50% for targeted species; L = reduction of lesser magnitude)
- Determine whether a proposed expansion will address specific findings of a fisheries stock assessment or assessments that have determined that the properties of current estimates fail to fully meet assessment requirements. If this criterion is part of the project justification, the proposal must include a specific characterization of the scientific uncertainty it will address and the likelihood of success in doing so, including addressing the questions:
 - Will proposed expansion fully or partially resolve the deficiency? (Fully = H; Partially = M; Not = L)
 - Will it address deficiencies for a single or multiple species? (Multiple = H; Single = M; None = L)
- Determine whether a proposed expansion will result in a quantifiable reduction in management uncertainty associated with a fishery's ACL reduction to an Annual Catch Target or "buffer".
 - Proportionate reduction in the size of the buffer. Include current baseline, estimated reduction in size of buffer, and basis for the estimated reduction. (H/M/L)
 - Number of recreationally-significant managed fisheries for which management uncertainty is reduced (fisheries may be single species or species groups, when managed as such). (H/M/L)
- Importance of the fishery(ies) for which the targeted specified improvements will be achieved, as measured by:
 - The economic importance of the targeted fishery(ies) to the region (H/M/L based on how targeted fisheries compare to others in the region), using an

initial proxy⁶ for economic importance (see footnote) for the targeted fisheries and seasons⁷:

- Estimates of number of directed fishing trips for targeted species (H = 5% or greater of total trips in project period/region; M = 3-5% of trips; L = less than 3% of trips).
- The vulnerability of the targeted fishery(ies) to overfishing (H/M/L based on the status of the targeted stock(s): (H = exceeding overfished or overfishing threshold; M = exceeding overfished or overfishing target; L = not exceeding overfished or overfishing indicators).
- The contribution of the recreational fishery to the stock status using percent recreational and commercial mortality (H = > 50%; M = 30-50%; L = < 30%).
- The extent to which the expansion would disrupt ongoing data collection efforts. i.e. the ease of implementation. (H = proposals that would require minimal effort to implement, e.g., sample size increases within framework of existing survey; M = proposals that would require moderate effort, e.g. proposed work might be new but would be closely integrated within framework of existing surveys - minimizing transition and calibration efforts; L= proposals that would require extensive effort to implement, e.g., separate surveys intended to replace or be completely independent of existing survey framework - requiring considerable transition and calibration efforts).
- Cost effectiveness, measured as score from above divided by total cost

Appendix III State Program Information Required for Report to Congress

(1) Estimated accuracy of state registry information and the information from each State program that is used to assist in completing surveys or evaluating effects of conservation and management measures;

(a) Registry data

- Error rates for names and addresses in state registry databases;
- The presence of one or more major exceptions to state saltwater licensing requirements;
- The timeliness of state license database submission to NMFS for annual and monthly (where relevant) submission; and

⁶ For future development: work with economists to develop a direct indicator of economic benefit, e.g. level of expenditures, employment, or other available economic indicators associated with targeted fisheries.

⁷ This comparison could be based on current directed effort, or historic directed effort patterns, if it has been reduced in recent years due to management restrictions implemented to address overfishing. For seasonally restricted fisheries, the comparison could also focus on directed effort proportions during that seasonal period, if the proposed project will only run during the season.

- License non-compliance rates as measured by the proxy: proportion of persons who report fishing to the FES who are not matched in the state license database.

(b) Survey data

- Conduct of non-certified surveys; and
- Degree to which MRIP standards are met. Including standards for coverage and data gaps.

(2) Priorities for improving recreational fishing data collection;

- This will be derived by compiling the priorities from MRIP Regional Implementation Plans as of the beginning of FY21.

(3) Explanation of any use of information collected by such state programs and by the Secretary

- This information will be derived from the MRIP Communications and Education Team's ongoing customer satisfaction survey, results of which are pending as of Dec. 2019.

Appendix IV

Hold for FIN governing docs?

Appendix V

Hold for RecFIN governing docs?

Atlantic States Marine Fisheries Commission

Tautog Management Board

May 5, 2020
1:45 - 2:45 p.m.
Webinar

Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

1. Welcome/Call to Order (*W. Hyatt*) 1:45 p.m.
2. Board Consent 1:45 p.m.
 - Approval of Agenda
 - Approval of Proceedings from October 2019
3. Consider Approval of Rhode Island Conservation Equivalency Proposal 1:50 p.m.
(*K. Rootes-Murdy*) **Final Action**
 - Plan Review Team Report
 - Technical Committee Report
 - Law Enforcement Committee Report
 - Advisory Panel Report
4. Other Business 2:35 p.m.
5. Public Comment 2:40 p.m.
6. Adjourn 2:45 p.m.

MEETING OVERVIEW

Tautog Management Board Webinar

May 5, 2020

1:45 - 2:45 p.m.

Chair: Bill Hyatt (CT) Assumed Chairmanship: 11/19	Technical Committee Chair: Coly Ares (RI)	Law Enforcement Committee Representative: Jason Snellbaker (NJ)
Vice-Chair: VACANT	Advisory Panel Chair: VACANT	Previous Board Meeting: October 2019
Voting Members: MA, RI, CT, NY, NJ, DE, MD, VA, NMFS, USFWS (10 votes)		

Public Comment – For items not on the agenda, public comment will be taken at the end of the meeting. Individuals that wish to speak at this time should use the webinar raise your hand function and the Board Chair will let you know when to speak. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance, the Board Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from October 2019

3. Consider Approval of Rhode Island Conservation Equivalency Proposal (1:50-2:35 p.m.) Final Action
Background <ul style="list-style-type: none"> • In February, Rhode Island submitted a conservation equivalency (CE) proposal to allow a higher bag limit for the party/charter sector starting in October. (Briefing Materials) • The Plan Review Team (PRT), Technical Committee (TC), Law Enforcement Committee (LEC), and Advisory Panel (AP) all reviewed the proposal in March and April. (Briefing Materials)
Presentations <ul style="list-style-type: none"> • Review of Rhode Island CE proposal by K. Rootes-Murdy • Review of reports from the PRT, TC, LEC, and AP by K. Rootes-Murdy
Board Actions for consideration <ul style="list-style-type: none"> • Approval of the Rhode Island CE proposal

4. Other Business (2:35-2:40 p.m.)

5. Public Comment (2:40-2:45 p.m.)

6. Adjourn

Tautog 2020 Tasks

Activity Level: Medium

Committee Overlap Score: High (Menhaden, BERP, Summer Flounder, Scup, and Black Sea Bass)

Current Committee Tasks:

- TC – Evaluate biological sampling requirements (assess the feasibility of adding pelvic spines as an acceptable ageing structure)
- TC – May 1, 2020: compliance reports due
- 2020: Begin work on 2021 Stock Assessment Update and evaluating revision to MRIP data

TC Members: Alexa Kretsch (VA), Coly Ares (Chair, RI), Linda Barry (NJ), Sandra Dumais (NY), Scott Newlin (DE), David Ellis (CT), Craig Weedon (Vice-Chair, MD), Sam Truesdell (MA)

**DRAFT PROCEEDINGS OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
TAUTOG MANAGEMENT BOARD**

Wentworth by the Sea
New Castle, New Hampshire
October 28, 2019

These minutes are draft and subject to approval by the Tautog Management Board.
The Board will review the minutes during its next meeting

Draft Proceedings of the Tautog Management Board Meeting
October 2019

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Adjournment.....	6

These minutes are draft and subject to approval by the Tautog Management Board.
The Board will review the minutes during its next meeting

INDEX OF MOTIONS

1. **Approval of agenda** by consent (Page 1).
2. **Approval of proceedings** from August 2019 by consent (Page 1).
3. **Move to adjourn** by consent (Page 6).

Draft Proceedings of the Tautog Management Board Meeting
October 2019

ATTENDANCE

Board Members

Dan McKiernan, MA, proxy for D. Pierce (AA)	Tom Fote, NJ (GA)
Raymond Kane, MA (GA)	Adam Nowalsky, NJ, proxy for Sen. Andrzejczak (LA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	John Clark, DE, proxy for D. Saveikis (AA)
Jason McNamee, RI (AA)	Roy Miller, DE (GA)
David Borden, RI (GA)	Mike Luisi, MD, proxy for B. Anderson (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Russell Dize, MD (GA)
Justin Davis, CT (AA)	Phil Langley, MD, proxy for Del. Stein (LA)
Bill Hyatt, CT (GA)	Steve Bowman, VA (AA)
Sen. Craig Miner, CT (LA)	Pat Geer, VA, Administrative proxy
Maureen Davidson, NY, proxy for J. Gilmore (AA)	Bryan Plumlee, VA (GA)
John McMurray, NY, proxy for Sen. Kaminsky (LA)	Peter Burns, NMFS
Joe Cimino, NJ (AA)	Mike Millard, USFWS

(AA = Administrative Appointee; GA = Governor Appointee; LA = Legislative Appointee)

Ex-Officio Members

Staff

Robert Beal	Katie Drew
Toni Kerns	Maya Drzewicki
Kirby Rootes-Murdy	

Guests

Leah Baumwell, PEW Trusts	Steve Murphey, NC DMF
David Frulla, Kelley, Drye & Warren	Andrew Peterson, Bluefin Data
Shaun Gehen, Gehen Law	Story Reed, MA DMF
Jim Gilmore, NY (AA)	James Rogers, Richmond, VA
Zack Greenberg, PEW Trusts	Melissa Smith, ME DMR
Jon Hare, NOAA	Kevin Staples, NE Regional Ocean Council
Jeff Kaelin, Lund's Fisheries	Pam Thames, NOAA
Arnold Leo, E. Hampton, NY	Bob Vanasse, Washington, DC
Tom Lilly, Salisbury, MD	Megan Ware, ME DMR
Conor McManus, RI DRM	Renee Zobel, NH F&G
Drew Minkiewicz, Kelley, Drye & Warren	

These minutes are draft and subject to approval by the Tautog Management Board.
The Board will review the minutes during its next meeting.

Draft Proceedings of the Tautog Management Board Meeting
October 2019

The Tautog Management Board of the Atlantic States Marine Fisheries Commission convened in the Wentworth Ballroom of the Wentworth by the Sea Hotel, New Castle, New Hampshire; Monday, October 28, 2019, and was called to order at 10:45 a.m. by Chairman Daniel McKiernan.

CALL TO ORDER

CHAIRMAN DANIEL MCKIERNAN: Good morning, I'm the proxy for David Pierce. I know you've all enjoyed giving David a sendoff for this great retirement tour, not unlike David Ortiz's retirement tour from one ballpark to another. Thank you for that.

APPROVAL OF AGENDA

CHAIRMAN MCKIERNAN: Today we have a brief meeting, primarily to go over the Tautog Tagging Reports, and the plans for each jurisdiction to implement. First the Approval of the Agenda, is there any requested change to today's agenda? Seeing none, it's considered approval.

APPROVAL OF PROCEEDINGS

CHAIRMAN MCKIERNAN: Second, the proceedings from the August, 2019, are there any requested changes to the minutes of that meeting? Seeing none, we'll consider those approved.

PUBLIC COMMENT

CHAIRMAN MCKIERNAN: Next is there anyone who would like to speak to the Board on any items not on the agenda? I don't think anyone has signed up, so I'm assuming no.

PROGRESS REPORT ON THE COMMERCIAL HARVEST TAGGING PROGRAM

CHAIRMAN MCKIERNAN: All right, let's get into the meat of the discussion today, it's a Progress Report on the Commercial Harvest Tagging Program, with a possible action, and I'll turn it over to Kirby.

MR. KIRBY ROOTES-MURDY: I have a brief presentation for you all today. Just give a little bit of background, an update on the tag orders, an update on state implementation based on what the states have responded back, and after those two points this Board can consider management action if they think it's necessary.

In terms of background, as you guys are all very much aware, in October of last year the Board postponed implementation of the tagging program until January 1, 2020. Over the last year there was an effort to pull together some draft implementation guidelines, which this Board discussed at the last Board meeting in August.

Following that August meeting there was a request for states to indicate whether they could implement the tagging program by January of 2020, as well as outline how many tags and how many tag applicators were needed, in order to prosecute this tagging program next year. An update on the tag orders, I want to say first thank you to all the states to getting that information to staff in September, it was very helpful.

We've been working with National Tag and Band over the last month and a half to try to finalize those orders, and get them completed. They were placed earlier this month, and are currently being processed. We're anticipating the tags and applicators will be delivered to the states by the end of November or the beginning of December, and if anything changes on that front we will let you guys know. I'm not sure if any of you had seen up until now what these tags will look like, and I thought it would be helpful for this Board to better understand what the tags on the fish would look like in 2020. This is an example that we have been working with, with National Band and Tag. As you can see at the top, on the far left it has the year.

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Underneath the year we have the state abbreviation, and then we have on this slide it's one of the initial prototypes we had, five digits in addition to an alpha-numeric beginning indicator. What we've decided to do is drop one of these digits, so you have four numbers in addition to a letter, and the combination of letters through the entire alphabet and those four digits, can get up to approximately 260,000 unique tag IDs for a state in a given year.

Looking at this image on the screen right now, just imagine it with that scrunched four removed. That is what the tag will look like next year, and the one that you should be receiving, as I said hopefully in about a month's time. In terms of the state implementation of this program, as we requested following the August meeting, states got back to us and outlined what their plan is for 2020.

A number of states are going through the process right now of implementing those regulations so that starting January 1; the regulations reflect a tagging program that the state will implement. A few states though will not be implementing the program as of January 1. That is Connecticut, New York, New Jersey, and Maryland.

In some instances these states aren't able to get the tagging program implemented by January 1, due to the timing of when their commercial fishery begins. For Connecticut and New York it has been communicated to staff that this alternative date is to reflect the end of one commercial fishing season, and implementing it at the beginning of their fishing season in 2020.

For other states, it is due to challenges in terms of implementing these regulations, because they don't currently either have the rulemaking process to allow them to do it, or challenges in terms of identifying participants in the fishery in implementing this new program. That's for New Jersey and Maryland.

Now outside of the management unit, which is Massachusetts through Virginia, the states of Pennsylvania and North Carolina were also of interest to this Board, in terms of the tagging program. Pennsylvania has a commercial fish market, in which tautog are sold live. They have been going through a process to determine if they would be able to enforce the tagging requirements that you all are implementing next year.

I have not received word back yet from Pennsylvania that they intend to enforce that tag requirement in their fish markets. The other state is North Carolina. They have low levels of landings over the last few years, in most years their landings have been at most 100 pounds. Due to the low level of landings they've decided to not implement the tagging program.

Again, they are not a part of the management unit, and are therefore not required to do so. But in speaking with the North Carolina Commissioners, they have indicated that they will communicate to their fishermen that this will present challenges for those fish that are caught and landed in North Carolina, if they are hoping to sell them out of state to those states that have implemented the tagging program. For the Board's consideration today, based on this update, if there is interest in specifying any additional requirements for the 2020 tagging program you can do so, but as I said before there is no action that's required as of now. With that I'll take any questions. Thank you.

CHAIRMAN MCKIERNAN: Tom Fote.

MR. THOMAS P. FOTE: I have two, one is does North Carolina get a, oh they're not sitting at the table. Does North Carolina get an influx of tautog from other states that come in for their live market? In Pennsylvania we've always had a problem also with striped bass, because there is no paperwork trail that goes there, and we know if there are fish that are illegally poached

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that wind up in the Pennsylvania market, when it comes to striped bass. I know tautog is the same thing.

We're looking at if they come from our markets are they going to basically be required to carry the tag? Otherwise it winds up any fish in North Carolina or Pennsylvania becomes open season on where you can ship fish that are legally caught, and it creates a market that might not have been there before.

MR. ROOTES-MURDY: Thank you for the question, Tom. I am probably not the best person to speak to North Carolina's commercial fishery, but I will say that we do have in the room Chris Batsavage, Commissioner from North Carolina, and he may be able to speak to some of your questions about how the tautog market in North Carolina currently is, and if there is any concerns about changes in that market demand.

MR. CHRIS BATSAVAGE: In terms of requiring the fishermen to tag tautog in North Carolina, as Kirby mentioned the landings are really low, they're scattered over multiple dealers, multiple fishermen, and multiple counties. Trying to identify the fishermen and how many tags we need would be a challenge.

As Kirby mentioned, we're going to communicate with the dealers and fishermen that any tautog landed commercially in North Carolina can't get shipped north, they're going to have to go somewhere else. Now to Tom Fote's question about the live fish markets in North Carolina, or any fish markets that might purchase tautog from northern states.

We haven't discussed that but we can touch base with ASMFC staff, as far as just what our marine patrol and other inspectors can do, as far as ensuring that we don't see an influx of untagged tautog being sold in our state. In other words, the ones coming from the northern states should have tags from those

states, but we can follow up with you in the coming weeks about that question.

CHAIRMAN McKIERNAN: John Clark.

MR. JOHN CLARK: Thanks for the presentation, Kirby. I had a question about the tag applicators. Because Delaware has the possession limit for commercial fisheries the same as the recreational and we have a bunch of commercial hook and line fishermen. When we did the sign up we had a bunch of people sign up, because even though they've never targeted tog in the past, they didn't want to be left out. We figured what we would do is we can supply tags to them, but we're not buying the applicators, we're telling the fishermen if they want to participate it's up to them to buy the applicator.

But looking at the tag itself, I'm just wondering can it be effectively used. I think you've said, Kirby that pliers probably wouldn't work on this. But is it one of those things where we should require everybody in the fishery to get the actual applicator? Because if we're silent on that I'm sure some will get the tags and just try to use pliers regardless.

MR. ROOTES-MURDY: Yes thanks for the question, John. It's the pleasure of the Board on what you all want to do in terms of requiring what gear to purchase. But I will say that based on our communication with National Band and Tag, and their development of this tag. They have an applicator that is specific to helping get this tag onto the fish.

It is from our understanding the best method to putting the tag on the fish. Trying other ways may create a situation where you break the tag, or it doesn't click and actually hold on the fish, and then that can create problems obviously in terms of a tag getting off when the fish is in the market. Those are just things to consider.

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As you and I know, we've communicated back and forth on getting a link available that we would circulate to this Board, so that in other instances where states are not planning to purchase applicators for their fishermen, but would like to have them purchase it through National Band and Tag. There will be a link that they can go to that outlines what the specifications are, how much they cost, and we would make that available to you all soon.

CHAIRMAN McKIERNAN: John, if I could comment. Our staff helped field test the tag and the applicators, and we had another question earlier in the week about the fact that the tag appears to be bigger than what was first tested. What we discovered was the smaller tag worked fairly well, but the smaller tag applicator was made of materials that would not have held up in the elements.

It was the larger tag and the larger tag applicator, specifically the larger tag applicator that was made of aluminum, and is a stronger tool, and would hold up to salt water. Furthermore, this larger tag does allow more information, in terms of the smaller fonts and more characters. That's why the larger tag was chosen.

From my own experience, I've used the applicator and it works well. It's a little tricky; you have to practice a little bit. But I couldn't imagine using an off-the-shelf set of pliers to do this. I think it would just fly out of the tool. The way this works you sort of snap it in and then you close it. It's a well-designed tool for its use.

MR. CLARK: It sounds like we wouldn't really have to require it, we could just pretty much state in the letter that the only way to really fasten these tags is to use the applicator.

CHAIRMAN McKIERNAN: The only way to do it effectively, we recommend, and I think the applicator costs like \$25.00. Are there any other questions on this? Jay McNamee.

DR. JASON McNAMEE: Kirby, I was wondering a little bit about Pennsylvania. The North Carolina piece of this, I guess, gives me less concern, but Pennsylvania is, kind of in that you know portions of it are in that kind of metro area there. I have concern about tautog ending up in their markets without tags.

You had it up there, it didn't sink in. Do they have a rule that won't allow them? They have not determined that yet. I guess the comment that I will make is I think that is really important. I'm not asking them to tag tautog, or any of that. But a rule requiring tautog to have tags in their markets I think is critical to make this program work.

CHAIRMAN McKIERNAN: Jay, would you like to make maybe a consensus recommendation or a motion that this Board request Pennsylvania adopts the requirements for fish in commerce to bear tags, as opposed to the issuance of tags to commercial fishermen?

DR. McNAMEE: Yes. I hadn't thought about it up until the moment I read the state report in the material. I hesitate to get that official yet. Maybe we could talk with the folks from Pennsylvania first, and maybe it would help them if we did something like that. But I just don't want to go there yet.

CHAIRMAN McKIERNAN: Bob Beal, would you like to comment?

EXECUTIVE DIRECTOR ROBERT E. BEAL: Since Pennsylvania representatives are not here, I would suggest maybe bringing something forward to the Policy Board with the Full Commission in the room. As Jason was saying, have that discussion there. We can let them know ahead of time so they're not blindsided at the Policy Board.

I'm not sure what provisions, or how heavy of a lift it would be for Pennsylvania to adopt a rule that says you know all tautog commercially sold

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into Pennsylvania had to have tags in place, and remain in place throughout the chain of custody, or something along those lines. Obviously they have those for striped bass and some others now, but how hard is it to add a species? I don't know, but the Policy Board is probably a good spot to do that.

CHAIRMAN McKIERNAN: Kirby, something comes to mind for me as we go into the new year, some states have open fisheries and some do not, and there may be some fish in commerce that are going to be end tagged, and some of our states, mine included, are going to have codified regulations that mandate a tag.

Maybe at the end of the calendar year staff could prepare a memo for all of the delegations and for the State Director specifically, to advise them on which states might still be putting untagged fish in commerce. There could be advice given to law enforcement within those states to go easy or not enforce that rule until we get a universal standard. It sounds like that may be the April or July. Just something to think about that as each of us comes forward with these rules on our own schedule, we have the interstate commerce issues that we need to accommodate. Are there any thoughts on that? All right great idea, Dan, so anything else? Jay.

DR. McNAMEE: Great idea! Kind of along with that I was wondering, again a question for Kirby. We've got, I think there is a hard date in the FMP, and so we've got some states that are a little bit behind. Are we just going to rely on the, what it the PRTs to say yes they weren't in January 1, but they were in before the fishery started so they're okay. Is that kind of the process we're doing, or do we need to do something more deliberative than that?

MR. ROOTES-MURDY: Again it's the pleasure of this Board on what action you want to take. As I outlined, not all states are going to have this implemented by January 1, which was the motion that was passed by the Board. In a

number of those instances it's a state is trying to implement the regulations before their season starts.

But, there are some states that are implementing it either midyear or not quite lining up with the beginning of their season. Obviously it's been noted there are a number of challenges in implementing this new program. Whether the Board wants to consider that in light of how the motion was crafted and passed before, it's at your guys' discretion.

CHAIRMAN McKIERNAN: Jay, go ahead.

DR. McNAMEE: I would be more inclined to keep it as currently constructed, just to kind of keep the pressure on. I would rather not, so this is our second thing today that we've kind of delayed once and we're on our potentially second round of delays. I think it makes sense to keep the existing January 1 date on there, with some leniency from the Board, you know when it comes to the review for compliance. That would be my preference to not do anything at this point.

CHAIRMAN McKIERNAN: Raymond.

MR. RAYMOND W. KANE: Yes, a question Dan. You brought the ICC. Moving forward with this FMP we understand North Carolina, you know 100 pounds of fish. I don't know how many fish that is in units. But with Pennsylvania, when you start talking about the ICC, so buyers in New York will be able to ship to Pennsylvania. How would those fish in Pennsylvania if they're not tagged be sold in all the states that are comprised in the FMP? How could they possibly ship fish out of the state of Pennsylvania to a state that is part of the FMP tagging fish?

CHAIRMAN McKIERNAN: Good question, Ray. I guess the first question is how would those fish get into Pennsylvania, because all the participating states are going to have a tagging

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requirement, so they would already have violated their in-state rules? If they came into Massachusetts and were shipped to Philly, you would already have a violation in Massachusetts for having untagged fish.

I think we just want to shore up the Pennsylvania problem by just having them adopt a rule that says all tautog for sale must bear a tag consistent with the interstate plan. But I think as long as every state has its rule about harvest, and then there is an opportunity to constrain that.

ADJOURNMENT

CHAIRMAN McKIERNAN: All right, anything else? All right is there any other business to come before the Board today? Seeing none, the Board is adjourned. Thank you.

(Whereupon the meeting adjourned at
11:10 a.m. on October 28, 2019)

Rhode Island Tautog Party and Charter Proposal

Introduction

The state of Rhode Island (RI) is submitting a conservation equivalency (CE) proposal in the interest of party and charter industry in RI.

An update stock assessment was completed and approved for management use in 2016. This assessment placed Massachusetts (MA) and RI in a single management region, MARI. The assessment found the MARI region was not overfished and overfishing is not occurring. Other regions within the management area were overfished and experiencing overfishing, therefore, an amendment was drafted to consider management to reduce fishing mortality and harvest in those areas as required, as well as implement a commercial tautog tagging program to reduce illegal harvest.

Amendment 1 of the tautog fishery management plan was approved in October 2017. This amendment created management measures for the MARI region, including setting new recreational management for each state. Since MARI region is not overfished, and overfishing is not occurring, the goal when setting recreational regulations was to align MA and RI recreational regulations as closely as possible for consistency within the management region. The amendment does allow for changes to the management measures, it does require the changes be approved by the Board and indicates states should agree with any changes to the measures. Any changes should also attempt to keep the regions regulations consistent when possible. While the amendment established similar recreational regulations in both states, there is an inconsistency, namely MA has a 1 fish bag limit during the RI spawning closure (June – July). It is on this difference RI is basing a conservation equivalency proposal for the party and charter industry.

Prior to the amendment, the RI recreational measures allowed for a 6 fish bag limit in the fall season (October 15 – December 31) and a 10 fish/vessel limit. The party and charter industry is exempt from the 10 fish vessel limit due to mandatory reporting requirements. The vessel exemption and bag limit combination were a feature the party and charter industry used to market fall tautog trips to perspective customers. Under the new recreational measures, the 6 fish bag limit has been reduced to 5 fish, and the party and charter fleet is still exempt from the 10 fish/vessel limit due to mandatory reporting requirements. The reduction in bag limit has impacted the industry's ability to competitively market trips in the fall season. The number of trips targeting tautog by the industry has shown a decline from 2018, the first year under the amendment to 2019 (Table 5). From 2014-2017 the number of tautog trips taken by the industry was variable ranging from ~400 trips to ~4,000 trips but was over 2,000 trips annually in the most recent years. Total trips in 2018 totaled 1,530, a slight decrease, however there has been a large decrease in 2019 to only 443 trips.

The party and charter industry also primarily only targets and harvests tautog during the fall season. From 2014-2019 there were 3 years (2016, 2017, 2019) that harvested tautog outside

of the fall season, 75 trips (0.75% of all trips) total across the three years. Due to this, the decreased bag size impacted the party and charter industry disproportionately to the rest of the recreational community as the private recreational sector harvests tautog year-round.

Between the seasonality of the party and charter industry resulting in higher impacts from the reduced bag limit, and the decrease in trips taken, there is an economic impact to the industry that needs to be addressed. A small inconsistency to MARI recreational regulations should be considered to help the RI party and charter industry. It is important to note that the MARI recreational regulations are already inconsistent due to the MA open season for all recreational fishermen against the aim of the amendment. The amendment also indicates any proposed management changes should prevent the shift of fishing effort into area with more liberal regulations. The proposed regulations would impact a significantly smaller user group than the existing inconsistency (MA open season). Due to this, any potential shift in fishing effort would be minimal, as only RI licensed party and charter vessels would be allowed the 6 fish limit.

The party and charter industry is a small percentage of the total RI recreational catch, ranging from <1% to 4% of RI’s total recreational harvest from 2014-2019 (Table 1), therefore a small increase in their harvest would not have a significant impact on RI’s total recreational harvest.

The impact on fishing mortality (F) is also likely to be minimal. Since the MARI region was not overfishing, no action was needed per the amendment to lower F (0.23) as it was below both the target (0.28) and the threshold (0.49). The proposed regulations would likely not result in overfishing, as the proposed regulations are still more conservative than the regulations prior to amendment 1 while F was below the target and threshold. The regulations prior to the amendment allowed all recreational anglers in RI a 6 fish/person limit.

It is requested that this change be made with no end date. RI will continue to monitor the recreational tautog landings and investigate any significant increases in recreational harvest. If the recreational harvest numbers increase to a level that impacts the stock, new regulations will be considered and enacted as required. In addition, RI party and charter industry continues to have mandatory reporting, and in fact has been increased in the past year to require electronic submission of all trips within 48 hours of the trip.

Summary of Proposed Measures

Current Recreational Fishery Regulations MARI Region

Size Limit (inches)	Possession Limits (number of fish/person/day)	Open Seasons
16"	3 fish (up to 10/private vessel)	March 1 – May 31 Aug 1 – October 14
	1 (Massachusetts)	June 1 – July 31
	0 (Rhode Island)	
	5 fish (up to 10/private vessel)	Oct 15 – Dec 31

Proposed Recreational Fishery Regulations MARI Region

Size Limit (inches)	Possession Limits (number of fish/person/day)	Open Seasons
16"	3 fish (up to 10/private vessel)	March 1 – May 31 Aug 1 – October 14
	1 (Massachusetts)	June 1 – July 31
	0 (Rhode Island)	
	5 fish (up to 10/private vessel Massachusetts)	Oct 15 – Dec 31
	5 fish private sector (up to 10/private vessel Rhode Island)	
	6 fish Party/Charter (Rhode Island)	

RI Recreational Fishery Proposal

RI conducted an analysis comparing the MA harvest during the 1 fish bag limit season during RI’s spawning closure (Jun 1 – Jul 31) to the anticipated increase in harvest if RI’s party and charter industry was allowed a 6 fish bag limit in the fall seasons (Oct 15- Dec 31).

- Our proposal uses final 2014-2018 MRIP data and preliminary 2019 MRIP data. The preliminary data is not finalized and is only included as a reference to support the 2018 harvest under the new regulations promulgated in accordance with amendment 1 to the tautog fishery management plan.
- State specific landings for MA and RI were generated from the raw MRIP data.
- MA total landings in 2018 for the 1 fish season were calculated (114 fish), however the PSE for the season were high (Wave 3 PSE 57.3, wave 4 PSE 66.3) due to low intercepts, as there were only 2 intercepts of tautog. Preliminarily 2019 data shows a harvest of 318 fish during the closed season. Due to the uncertainty in the 2018 data, the average harvest from 2014-2017 assuming 100% compliance with a 1 fish bag limit was calculated (6,228 fish) to estimate what harvest could have been if the 1 fish limit was in effect from 2014-2017. This value is likely a higher estimate of potential harvest. A summary of the data is available in table 2.
- RI average party and charter landings for the fall season were calculated for 2014-2017 under the prior regulation of a 6 fish bag limit (5,456 fish). The total party and charter harvest for the fall 2018 was calculated to be 2,280 fish, and preliminary 2019 data shows a harvest of 1,482 fish during the fall. This puts an anticipated increase in RI party and charter fall harvest to 3,176 fish (based on 2018 harvest), within the calculated harvest range (114 – 6,228 fish) for the MA 1 fish season during RI’s closure. The potential harvest increase based on 2018 landings accounts for <1% of RI’s total recreational harvest in 2018 (330,373 fish). A summary of the data is available in table 3.
- Number of trips taken for RI party and charter industry were generated from the MRIP data query tool and analyzed to see how the amendment impacted in ability for captains to market their trips. While 2018 showed a small decrease in trips, 2019 showed a large

decrease in party and charter tautog trips taken. A summary of the data is available in table 5.

Timeline for Implementation

If approved the technical committee and board, RI would move forward with a spring/summer public hearing process for implementation of late summer/early fall, in time for the new bag limit to effective in October 2020.

Table 1: Total RI Recreational Harvest (in numbers and percent) from 2014-2019. 2019 data is preliminary

Mode	2014	2015	2016	2017	2018	2019
RI Total Recreational Harvest	238,596	295,674	343,781	140,778	330,373	365,967
Party/Charter Harvest	1,952	3,250	12,752	4,648	2,281	1,506
Party/Charter Percent	0.82%	1.19%	3.71%	3.30%	0.69%	0.41%

Table 2: Summary of Massachusetts Data Used for Analysis (June-July MRIP Data)

Year	Number of Fish	Number of Positive Intercepts	Total Number of Intercepts
2019	318	4	3107
2018	114	2	2537
2017	9411	3	2081
2016	2079	5	2013
2015	3859	9	2543
2014	9563	7	2228

Table 3: Summary of Rhode Island Data Used for Analysis (Oct 15 – Dec 31 MRIP Data)

Year	Number of Fish	Number of Positive Intercepts	Total Number of Intercepts	Intercepts at Possession Limit
2019	1482	81	131	23
2018	2280	72	136	27
2017	4534	66	192	9
2016	12388	69	128	13
2015	3519	27	67	2
2014	1382	19	68	4

Table 4: Count of Massachusetts tautog trips during waves 3 and 4 (May – August). Number of trips represents the number of trips targeting tautog or trips where tautog were harvested. 2019 data is preliminary.

Year	Wave	Number of Trips	PSE
2019	3 (May/June)	46,293	49.2
	4 (July/Aug)	6,379	86
2018	3 (May/June)	36,240	54
	4 (July/Aug)	1,547	77.7
2017	3 (May/June)	141,769	83.9
	4 (July/Aug)	no data	-
2016	3 (May/June)	13,581	55.8
	4 (July/Aug)	79	56.2
2015	3 (May/June)	7,951	42.4
	4 (July/Aug)	44	63.2
2014	3 (May/June)	38,560	573
	4 (July/Aug)	46	66.5

Table 5: Count of Rhode Island party and charter tautog trips by wave. Number of trips represents the number of trips targeting tautog or trips where tautog were harvested. 2019 data is preliminary.

Year	Wave	Number of Trips	PSE
2019	3 (May/June)	8	3.5
	5 (Sept/Oct)	195	55.5
	6 (Nov/Dec)	240	14
2018	5 (Sept/Oct)	403	55.1
	6 (Nov/Dec)	1,127	81.8
2017	3 (Mar/Apr)	37	-
	5 (Sept/Oct)	579	37.5
	6 (Nov/Dec)	1,383	25.5
2016	3 (Mar/Apr)	7	-
	4 (Jul/Aug)	23	-
	5 (Sept/Oct)	2,625	55.4
	6 (Nov/Dec)	1,787	25.6
2015	5 (Sept/Oct)	510	57.9
	6 (Nov/Dec)	577	-
2014	5 (Sept/Oct)	437	-
	6 (Nov/Dec)	no data	-



Atlantic States Marine Fisheries Commission

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MEMORANDUM

April 15, 2020

To: Tautog Management Board
From: Kirby Rootes-Murdy, Senior FMP Coordinator
RE: PRT Review of Rhode Island 2020 Conservation Equivalency Proposal

This memorandum serves as a summary of the review undertaken by the Tautog Plan Review Team (PRT) of the Rhode Island Conservation Equivalency (CE) Proposal. The proposal outlines a request for a separate bag limit by fishing mode, specifically a seasonally higher bag limit for the Party/Charter sector to be implemented in fall 2020.

Overall the PRT found that the proposed measures will increase harvest compared to current recreational measures as outlined in Amendment 1. The proposal also did not address all of the information as outlined in the Commission's CE Guidance Document. Given this, most of the PRT viewed the proposal as a change to the MARI regional measures rather than a conservation equivalency proposal.

The PRT requested feedback from the Technical Committee, Advisory Panel, and the Commission's Law Enforcement Committee on the proposal. Summaries of each group's review are included in the subsequent pages.

M20-43



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MEMORANDUM

March 24, 2020

Tautog Plan Review Team Meeting Summary

Attendees: Kirby Rootes-Murdy (Staff; Chair) Coly Ares (RI), Lindy Barry (NJ), Sabrina Lovell (NOAA), Nichola Meserve (MA), Bill Hyatt (CT; Board Chair)

Public: Mike Waine (ASA)

The Commission's Tautog Plan Review Team (PRT) met via conference call on Monday, March 23 to review a Conservation Equivalency Proposal from Rhode Island (RI) for the Party/Charter sector. The following is a summary of the group's discussion.

Call Summary and Recommendations

Review of Conservation Equivalency Policy

ASMFC Staff provided an overview of the Commission's Conservation Equivalency (CE) Policy, highlighting criteria the proposal should be evaluated against by the PRT; process for a CE proposal to be considered; and which committees beyond the PRT could provide feedback on a CE proposal.

Relevant criteria for evaluating the proposal are the following:

- 1. Rationale: Why or how an alternate management program is needed in the state.**
- 2. Description of how the alternative management program meets all relevant FMP objectives and management measures (FMP standards, targets, and reference points).**
- 3. Description of: a) available datasets used in the analysis and data collection method, including sample size and coefficient of variation; b) limitations of data and any data aggregation or pooling; c) the length of time the state is requesting conservation equivalency and a review schedule for the length of the program**
- 4. Each proposal must justify any deviations from the conservation equivalency procedures detailed in the FMP.**
- 5. Include a plan describing the monitoring schedule, reporting requirements and documentation process of evaluating the impacts of the conservation equivalency measures.**

Additionally ASMFC Staff highlighted specific guidance for CE proposals and regional management program revisions as outlined in the Tautog FMP (Amendment 1). Relevant

sections are included below (language specific to changing measures bolded):

4.2.1 Procedure to Develop Regional Management Measures (pg 68)

Compatible regulations between adjacent states are desirable to prevent the shift of fishing effort to areas with more liberal regulations, or to an area with an open season. If a region is considering consistent measures across for all states within a region then a regional working group will be developed to discuss appropriate alternatives. A regional working group consists of representatives from each member state within the region. It is recommended that the regional working group decisions are made by consensus.

If a state within a region wants to implement different management measures than those within the region, the general procedure within *Section 4.11, Conservation Equivalency* will be followed. It is recommended that the state convene the regional working group to discuss and review the proposed management measures.

All modifications to management measures (e.g., bag limit, minimum size, seasonal closures, quota, etc.) will be reviewed by the TC and approved by the Management Board (Board). Once approved by the Board, the management measures can be implemented.

4.2.2 Massachusetts-Rhode Island (pg 68)

Historically, tautog management measures in MARI have been state-specific. In response to the 2016 stock assessment update, managers proposed regional management options for the public to consider, and final measures were approved by the Board (Table 14). **If the regional management measures are modified at a future date, all states will agree to the new regulations prior to regional implementation** (See Section 4.2.1)

4.11 Alternative State/Regional Management Regimes/Management Program Equivalency (pg 78)

Once approved by the Board, states are required to obtain prior approval from the Board of any changes to their management program for which a compliance requirement is in effect. Other measures must be reported to the Board but may be implemented without prior Board approval. **A state can request permission to implement an alternative to any mandatory compliance measure only if that state can show to the Board's satisfaction that its alternative proposal will have the same conservation value as the measure contained in this amendment or any addenda prepared under Adaptive Management (Section 4.12). States submitting alternative proposals must demonstrate that the proposed action will not contribute to overfishing of the resource. States may submit alternative region/state proposals under this section following the procedures outlined in the Commission's Conservation Equivalency Policy and Technical Guidance Document.**

Rhode Island Proposal

Coly Ares (Rhode Island DEM Staff) presented the Rhode Island proposal. The proposal outlined a request to allow for a separate bag limit by fishing mode, specifically a seasonally higher bag limit for the Party/Charter sector. The requested revision is highlighted in the summary of current and proposed regulations below.

Summary of Proposed Measures

Current Recreational Fishery Regulations in the MARI Region

Size Limit (inches)	Possession Limits (number of fish/person/day)	Open Seasons
16"	MA & RI: 3 fish (up to 10/private vessel)	March 1 – May 31 Aug 1 – October 14
	MA: 1 fish	June 1 – July 31
	RI: 0 fish	
	MA & RI: 5 fish (up to 10/private vessel)	Oct 15 – Dec 31

Proposed Recreational Fishery Regulations in the MARI Region

Size Limit (inches)	Possession Limits (number of fish/person/day)	Open Seasons
16"	MA & RI: 3 fish (up to 10/private vessel)	March 1 – May 31 Aug 1 – October 14
	MA: 1 fish	June 1 – July 31
	RI: 0 fish	
	MA: 5 fish (up to 10/private vessel)	Oct 15 – Dec 31
	RI private/shore: 5 fish (up to 10/private vessel)	
	RI party/charter: 6 fish	

The rationale cited for the proposal is that the RI Party/Charter sector has been negatively impacted by the measures implemented under Amendment 1, specifically the sector’s ability to competitively market fishing trips during the fall season. Prior to implementation of Amendment 1, RI recreational measures allowed for a 6 fish bag limit for the Party/Charter sector in the fall season. Additionally, the proposal indicates the Party/Charter sector makes up a small percentage of the total RI recreational catch, ranging from <1% to 4% of RI’s total recreational harvest from 2014-2018.

Analysis

Using 2014-2017 MRIP data, the RI proposal outlines that average landings for the RI Party/Charter sector during the fall season under the previous 6 fish bag limit regulation was 5,456 fish; with the current regulation in place, 2018 fall harvest for the Party/Charter sector was 2,280 fish. Based on this information, the proposal indicates the anticipated increase in the Party/Charter fall harvest could be approximately 3,176 fish (difference between avg 2014-2017 harvest and 2018 harvest), and that this increase would be less than 1% of RI’s total recreational harvest in 2018 (330,373 fish).

The proposal does not include another regulatory revision in RI meant to offset this projected harvest increase. The proposal compares the projected harvest increase in RI with estimates of the harvest occurring in Massachusetts during June/July, when MA is at a 1-fish limit and the RI fishery closed. These estimates range from 114 fish in 2018 (when the 1-fish limit was in place) and an assumed average harvest were a 1-fish limit in place during 2014-2017 (when a 3-fish limit was in effect) of 6,228 fish.

PRT Review

The PRT considered the proposal and evaluated it against the standard criteria to be included in CE proposals (see below):

1. Rationale: Why or how an alternate management program is needed in the state.

The PRT found that while the rationale was outlined, the proposal lacked additional information to support the need for the proposed measures. For example, information on how the number of tautog fishing trips has changed (increased or decreased) since the implementation of the measures under Amendment 1 could improve the rationale.

2. Description of how the alternative management program meets all relevant FMP objectives and management measures (FMP standards, targets, and reference points).

The PRT found that the proposal did not include a description of how the proposed measures would achieve the FMP goals and objectives. Specifically, the proposal appeared to go against one of the objectives of the FMP and the intention of regional management measures:

- Section 2.3 Objectives (Amendment 1, pg 49), an objective of the FMP is to *'adopt compatible measures among states within a regional management unit'*.
- Section 4.2.1 Procedure to Develop Regional Management Measures (Amendment 1, pg 68) it states that *'compatible regulations between adjacent states are desired to prevent the shift of fishing effort to areas with more liberal regulations or to an area with an open season'*.

3. Description of: a) available datasets used in the analysis and data collection method, including sample size and coefficient of variation; b) limitations of data and any data aggregation or pooling; c) the length of time the state is requesting conservation equivalency and a review schedule for the length of the program

The PRT indicated that while information on the datasets used were included, as well as limitations of the data (specifically the likely variability and range of potential harvest due to high PSEs), preliminary data from the 2019 fishing season should have been used in the analysis. The PRT indicated that two years of data under the same measures would have been more helpful to evaluate the impacts, rather than relying only on 2018 data.

Lastly the proposal did not indicate an end date for the proposed measures; RI DEM staff noted that the measures, if implemented, would remain in place until otherwise modified by the Board. As the measures would be a component of annual recreational measures, the state would evaluate them annually similar to other fishing regulations.

4. Each proposal must justify any deviations from the conservation equivalency procedures detailed in the FMP.

The PRT indicated that the proposed measures are a deviation from traditional conservation equivalency measures in that they do not result in a projected harvest that is conservation

neutral (i.e. the same harvest level as the current measures). The proposal indicates that while minimal, recreational harvest would likely increase. The proposed addition of an increased bag limit during the fall season was not offset with a reduction in the season length; increase in the size limit; or reduction in the bag limit elsewhere during the fishing season. The PRT noted that the proposal would benefit from analysis that evaluated the impact of the proposed measures on the regional Fishing Mortality rate (F) as an alternative to the change in harvest. Given the MARI region was not experiencing overfishing or overfished based on the SPR reference points in the 2016 Stock Assessment update, an evaluation of whether the measures impact the regional F may strengthen the proposal's argument for the proposed measures.

5. Include a plan describing the monitoring schedule, reporting requirements and documentation process of evaluating the impacts of the conservation equivalency measures.

Similar to PRT comments relative to item #4 above, no additional information was included on the monitoring schedule, new or different reporting requirements, or process for evaluating the impacts of the proposed measures after implementation.

Summary and Recommendations

Based on the PRT's review of the proposal, a number of suggested edits and additions were offered to RI DEM Staff on how to improve the proposal. The PRT recommended that the Technical Committee (TC), Law Enforcement Committee (LEC), and Advisory Panel (AP) all review the proposal and provide feedback for the Board's consideration of the proposal. RI DEM Staff will revise the proposal to incorporate feedback from the PRT and the revised proposal will be made available prior to the reviews by the TC, LEC, and AP. Specific to the LEC review of the proposal, the PRT noted the LEC should comment on how enforceable the proposed split mode bag limit could be in shared waterbodies of MA and RI.

Overall, a majority of PRT members expressed concern that the proposal does not meet the traditional definition of a Conservation Equivalency proposal, as the proposed measures based on the presented analysis will increase harvest. Additionally, in its current form the proposal did not address all of the relevant information outlined in the Commission's CE Guidance document as noted above. Given this, most of the PRT viewed the proposal as a change to the MARI regional recreational measures rather than a conservation equivalency proposal. It was noted that a regional working group of MA and RI representatives had not yet met to review any changes to the regional regulations (as recommended in Amendment 1, Section 4.2.1) nor had all states in the region agreed to the new regulations (as specified in Amendment 1, Section 4.2.2).

The PRT also noted concern on whether the proposed change in measures could pose issues for the upcoming stock assessment update in 2021, which will use a 3-year average of data (2018-2020) to evaluate against the previous assessment. Changing measures during the third year of implementation may pose issues for evaluating the impact of regulations on Tautog in the MARI region. The PRT noted that the TC should consider this concern in their review of the proposal.



Atlantic States Marine Fisheries Commission

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MEMORANDUM

April 8, 2020

Tautog Technical Committee Meeting Summary

Attendees: Coly Ares (RI; Chair), Sam Truesdale (MA), Dave Ellis (CT), Sandy Dumais (NY), Lindy Barry (NJ), Alexei Sharov (MD), Alexa Kretsch (VA)

Staff: Kirby Rootes-Murdy and Katie Drew

The Commission's Tautog Technical Committee (TC) met via conference call on Tuesday, April 7 to review a Conservation Equivalency Proposal from Rhode Island (RI) for the Party/Charter sector and discuss current timeline of the next stock assessment update. The following is a summary of the group's discussion.

Summary

Overview of Conservation Equivalency Policy and Rhode Island Proposal

ASMFC Staff provided an overview of the Commission's Conservation Equivalency (CE) Policy, highlighting criteria the proposal should be evaluated against by the PRT; process for a CE proposal to be considered; and which committees beyond the PRT could provide feedback on a CE proposal.

Next, ASMFC Staff presented the Rhode Island proposal. The proposal outlined a request to allow for a separate bag limit by fishing mode, specifically a seasonally higher bag limit for the Party/Charter sector. The requested revision is highlighted in the summary of current and proposed regulations below.

Summary of Proposed Measures

Current Recreational Fishery Regulations in the MARI Region

Size Limit (inches)	Possession Limits (number of fish/person/day)	Open Seasons
16"	MA & RI: 3 fish (up to 10/private vessel)	March 1 – May 31 Aug 1 – October 14
	MA: 1 fish	June 1 – July 31
	RI: 0 fish	
	MA & RI: 5 fish (up to 10/private vessel)	Oct 15 – Dec 31

Proposed Recreational Fishery Regulations in the MARI Region

Size Limit (inches)	Possession Limits (number of fish/person/day)	Open Seasons
16"	MA & RI: 3 fish (up to 10/private vessel)	March 1 – May 31 Aug 1 – October 14
	MA: 1 fish	June 1 – July 31
	RI: 0 fish	
	MA: 5 fish (up to 10/private vessel)	Oct 15 – Dec 31
	RI private/shore: 5 fish (up to 10/private vessel)	
RI party/charter: 6 fish		

The rationale cited for the proposal is that the RI Party/Charter sector has been negatively impacted by the measures implemented under Amendment 1, specifically the sector’s ability to competitively market fishing trips during the fall season. Prior to implementation of Amendment 1, RI recreational measures allowed for a 6 fish bag limit for the Party/Charter sector in the fall season. Additionally, the proposal indicates the Party/Charter sector makes up a small percentage of the total RI recreational catch, ranging from <1% to 4% of RI’s total recreational harvest from 2014-2019.

Updated Analysis

Using a combination of final 2014-2018 and preliminary 2019 data from the Marine Recreational Information Program (MRIP), the RI proposal outlines that average landings for the RI Party/Charter sector during the fall season in 2014-2017 with the previous 6 fish bag limit regulation was 5,456 fish; with the current regulation in place, 2018 fall harvest for the Party/Charter sector was 2,280 fish and preliminary fall 2019 data shows a harvest of 1,482 fish. Based on this information, the proposal indicates the anticipated increase in the Party/Charter fall harvest could be approximately 3,176 fish (difference between avg 2014-2017 harvest and 2018 harvest), and that this increase would be less than 1% of RI’s total recreational harvest in 2018 (330,373 fish).

Additionally, the proposal compares the projected harvest increase in RI with estimates of the harvest occurring in Massachusetts during June/July, when MA is at a 1-fish limit and the RI fishery closed. These estimates range from 114 fish in 2018 to 318 fish based on preliminary 2019 data (in both years a 1-fish limit was in place). Due to uncertainty with data in 2018, the average harvest from 2014-2017 assuming 100% compliance with a 1 fish bag limit was calculated (6,228 fish) to estimate what harvest could have been if the 1 fish limit was in effect from 2014-2017.

Regarding the impacts of the proposed measures on the resource at the regional level, the proposal highlights that the regulatory change will likely have a minimal impact on the regional fishing mortality (F). Since the MARI region was not experiencing overfishing, no action was needed per Amendment 1 to lower F (0.23) as it was below the target (0.28) and threshold (0.49) on the 2016 SPR reference points.

Lastly, the proposal does not include another regulatory revision in RI meant to offset this projected harvest increase. If approved, the measures would be implemented this year.

TC Review of RI Proposal

In evaluating the analysis outlined in the proposal, it was pointed out that mandatory reporting is a requirement of the Party/Charter sector and a question was raised as to why this data wasn't used. RI staff indicated that the requirement has only been in place for 1 year and that it only provides trip level reporting for effort and harvest (no discards/live releases).

It was highlighted that in considering whether any additional data should have been analyzed, a comparison of Massachusetts Party/Charter trips to Rhode Island Party/Charter trips may have been helpful; in the revised analysis, total MA recreational trips targeting Tautog during June-July were compared against Rhode total recreational trips during October 15-October 31.

In discussing the potential impacts, the TC provided feedback on changes to harvest and potential regional impacts. Specific to how the proposed measures will increase harvest, TC members disagreed on the extent to which a 1 fish bag limit may increase participation and effort in the RI Party/Charter sector. It was noted that when similar differences in bag limits were implemented between New York, Connecticut, and Rhode Island, that these changes had affected not only angler behavior but also in which states Party/Charter boats based their operations. In particular, if the proposed measures were to be implemented there would be a 3 fish bag limit difference between RI, CT, and NY. One TC member highlighted that this discrepancy in measures could be a significant reason for people to shift effort out of the Long Island Sound to RI during the fall season. If this were to happen, it could result in an economic impact on CT and NY Party/Charter businesses.

That being said, there was concerns raised about how much changes in harvest could be tied specifically to regulatory changes and normal inter-annual variability. The fact that anglers could target other species at the same time, such as black sea bass and summer flounder, may potentially increase effort, but it's unclear if that would ultimately result in significantly higher harvest. As noted by TC in previous analysis, MRIP data on Tautog is highly variable, with PSEs varying significantly year to year. One TC member expressed skepticism that a 1 fish bag limit increase would not significantly motivate participants on Party/Charter boats to increase harvest.

Specific to the potential impact of the regulatory change to the regional F, the TC was in agreement that given the stock is considered to not be experiencing overfishing nor is overfished at the regional level based on the 2016 SPR reference points, the proposed regulatory change does not pose a significant threat to changing the stock status. In considering the potential change to regulations for the next stock assessment update and whether this would complicate analysis of the 3 year average of (F) it was highlighted that given the current challenges in conducting the MRIP survey due to work disruptions from COVID-19 this spring, data from 2020 will be difficult to evaluate overall and that the regulatory change will likely have a less significant impact on assessment than the disruptions to data collection this year.

Conclusions

Overall, the TC agreed that the analysis was acceptable and that the proposal contained enough information to effectively evaluate it. As mentioned, there was discussion about the extent to which harvest would increase under the proposed measures and that while the analysis was appropriate, it is

difficult to predict how accurate the estimated increase in harvest will be given the high PSEs associated with Tautog harvest. This is further compounded by adjusting measures at the fishing mode level and evaluating data at that scale, which increases the uncertainty in the estimates, ultimately making it difficult predict the changes in harvest.

A number of TC members noted they did not see the proposal as truly 'conservation equivalency' given there was not corresponding adjustments to season length, size limit, or bag limit at other points in the season to offset the likely harvest increase. Given this, the group was in agreement that the proposal was not 'conservation neutral'.

Discussion of the Assessment Update in light of current events

Next, the TC discussed the timing of the Assessment Update and whether the current COVID-19 pandemic is affecting fishery dependent and independent data collection. Overall, the states indicated that with the exception of the commercial tagging program, many of the fishery independent surveys will be carried out at some point this year, but that many spring survey schedules have already been adjusted; more details can be found below. A number of states are still attempting to carry out ageing work as well. The biggest impact so far appears to be the collection of MRIP data, as staff at the state level across the coast are currently not allowed to intercept anglers or boats. This work disruption will likely have a significant impact on data from 2020, though the extent is unknown currently. Additionally, data from 2019 will likely not be available by May 2020, which will affect the timeline for data submission. In spite of the potential issues with MRIP data in 2020 and work challenges due COVID-19, the group was in agreement with maintaining the current plan for the assessment update to be completed in 2021, with data through 2020. ASMFC Staff will develop an assessment timeline and plan to circulate it in the summer, including a revised date for when data would need to be submitted.

Regarding potential SAS membership, the following TC members have indicated they will participate as SAS members for the 2021 Assessment Update:

- Sam Truesdell (MA)
- Coly Ares (RI; TC Chair)
- Lindy Barry (NJ)
- Alexei Sharov (MD)

Staff: Katie Drew and Kirby Rootes-Murdy

David Ellis indicated that Jacob Kasper (UCONN)- who participated in the previous assessment- may be available and interested in being a part of the assessment update. ASMFC staff will follow up with him to verify.

State Updates on Current Data Collection and Tagging Programs

MA: no MRIP update, no FI indices been cancelled, but nothing confirmed; no update on commercial tagging

RI: not enforcing tagging requirement until May 1; tags issued by mail; MRIP is still running; surveys are still going forward; commercial landings for other species completely tanked

CT: no MRIP sampling, LISTS cancelled for April, likely May; implemented tagging program with mail-out tag distribution; no surveys for another month

NY: tagging program suspended; still accepting orders; MRIP suspended; no FD sampling; FI sampling on hold; P/C industry non-essential, but P/R still can go; closed until April

NJ: tagging implemented in Jan, tags already distributed; no MRIP sampling; FI & FD sampling on hold; expect landings to remain low with lockdown

MD: FD tautog sampling completed; MRIP suspended; FI fieldwork suspended

VA: tagging program implemented; considering suspending enforcement of program; no MRIP sampling, no FD sampling; monitoring effort at dealers, sites; interest in acquiring tags, but questions about where/who they'd sell to



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MEMORANDUM

April 13, 2020

To: Tautog Management Board
From: Kirby Rootes-Murdy, Senior FMP Coordinator
RE: Law Enforcement Committee Comments on Rhode Island Conservation Equivalency Proposal

In preparation of the Tautog Management Board's consideration of the Rhode Island Conservation Equivalency Proposal in May 2020, the Law Enforcement Committee (LEC) reviewed the proposal via email in April. LEC member re-affirmed summary points made in the previous LEC memo from January 2020 regarding differing regulations by fishing mode and enforcement of shared water bodies or neighboring states. Summary points from that memo are included again below.

Differing Regulations by Mode

- The more divided recreational fishing modes are (for-hire vs private), the more difficult it is to adequately enforce any restrictions.
- A single size and bag limit for all recreational anglers is preferred to ensure the greatest enforceability on the water, dockside or on land.
- Creating separate size or bag limits for the for-hire and private mode presents significant additional enforcement challenges at marinas or dockside where the two types of anglers are likely to co-mingle.
- For a field officer making observations from land, having sector-specific regulations is difficult to enforce because officers often don't know if a boat offshore is private or for-hire.

Enforcement of Shared Water Bodies or Neighboring States

- Enforcement is not an issue, but compliance in closely adjoining states would be greatly enhanced if the regulations are consistent. Different regulations between two neighboring states (e.g., NY and CT) presents special enforcement challenges, and are often confusing to anglers.
- Officers tend to enforce strict possession, i.e., anglers are held to the regulations in force at the location where they are stopped by an officer.
- Catching a fish in one state's waters and traveling through another poses problems in possession enforcement.
- Consistency of regulations for shared water bodies is important for enforcement, e.g. consistency within the Chesapeake Bay among the jurisdictions of MD, VA, PRFC and DC would greatly enhance enforceability and compliance.

M20-42



Atlantic States Marine Fisheries Commission

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MEMORANDUM

April 13, 2020

To: Tautog Management Board
From: Kirby Rootes-Murdy, Senior FMP Coordinator
RE: Advisory Panel Comments on Rhode Island Conservation Equivalency Proposal

In preparation of the Tautog Management Board's consideration of the Rhode Island Conservation Equivalency (CE) Proposal in May 2020, Tautog Advisory Panel members provided the following comments via email in April. Two were opposed to the proposal and one expressed concerns more specific to commercial management.

Gregory Jackson (DE): Although this proposal doesn't currently effect DE, I do not support it. I am opposed to different limits for the Charter/Party sector and the recreational sector and I don't want to see this setting a precedent for a similar proposal in DE. Additionally, as pointed out by the PRT, it fails to meet the definition of CE by a reduction in season or larger size limits for the Charter/Party sector. The PRT pointed out it fails to meet other measures required by the Tautog FMP.

Jack Conway (CT): I'm against the concept (the Rhode Island CE proposal), the PRT comments are "spot on". I don't think a 1 fish change to the bag limit will really generate more business and the issue of course is that it will increase landings. In addition, the for-hire fleet in CT and NY will likely want some regulatory relief as well.

Jim Dawson (VA): Protecting the spawning stock is imperative. The "mandatory reporting" is ONLY as good as the enforcement that we all cannot see as to how much these individuals have been checked at the docks etc. to ensure that the call-in actually is working. When unchecked, are they actually reporting? This is the unknown we deal with as I personally see within the black sea bass February opening in Virginia, we HAVE a LOT of illegal fishing going on; law enforcement is not there. I also am seeing hooks and fresh bait coming from these fish as a commercial fisherman understanding that pressures are in fact being placed on ALL species because the people are just not all being "honest". No offense to anyone, being a mathematician, it is another factor that MUST enter the equation of "unreported" tautog being caught.

We also should consider each region if we are considering just one! Why isn't each region being allowed to adjust its particular fisheries much in the same way? Here in Virginia, we have commercially lost our complete fishery due specifically to over-regulation based from old data 1988-1993 that did not consider the hook and line fishermen and ONLY used data from a trawler poundage within those dates. With now over 20 years of VTR data we could review our region's fisheries in the southern regions to allow us to fish once again. Currently, our fisheries management has put us completely out of business in more ways that I could expand on, but my personal number will explain themselves quite well.

Fairness and equality should be for all. So, as long as we consider everyone up and down the coast, I have no problems if fisheries considers everyone involved and not just some.

M20-41

Atlantic States Marine Fisheries Commission

Atlantic Striped Bass Management Board

*May 5, 2020
3:00 – 4:00 p.m.
Webinar*

Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

- | | |
|--|-----------|
| 1. Welcome/Call to Order (<i>D. Borden</i>) | 3:00 p.m. |
| 2. Board Consent | 3:00 p.m. |
| • Approval of Agenda | |
| • Approval of Proceedings from February 2020 | |
| 3. Review and Discuss Predicted Fishery Performance in 2020 Based on Final Addendum VI Measures and New Stock Projections with Updated Data (<i>K. Drew</i>) | 3:05 p.m. |
| 4. Consider Forming a Workgroup to Provide Advice Concerning High Priority Issues and Next Steps for Management (<i>D. Borden</i>) | 3:40 p.m. |
| 5. Other Business | 3:50 p.m. |
| 6. Public Comment | 3:55 p.m. |
| 7. Adjourn | 4:00 p.m. |

MEETING OVERVIEW
Atlantic Striped Bass Management Board Webinar

May 5, 2020
3:00 – 4:00 p.m.
Arlington, Virginia

Chair: David Borden (RI) Assumed Chairmanship: 02/20	Technical Committee Chair: Nicole Lengyel (RI)	Law Enforcement Committee Rep: Kurt Blanchard (RI)
Vice Chair: Vacant	Advisory Panel Chair: Louis Bassano (NJ)	Previous Board Meeting: February 4, 2020
Voting Members: ME, NH, MA, RI, CT, NY, NJ, PA, DE, MD, DC, PRFC, VA, NC, NMFS, USFWS (16 votes)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from February 2020

Public Comment – At the beginning of the meeting, public comment will be taken on items not on the agenda. Individuals that wish to speak at this time must sign-in at the beginning of the meeting. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance, the Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

3. Review and Discuss Predicted Fishery Performance in 2020 Based on Final Addendum VI Measures and New Stock Projections with Updated Data (3:05-3:40 p.m.)

Background

- Addendum VI was approved in October 2019. The Addendum reduces all state commercial quotas by 18%, and implements a 1 fish at 28” to less than 35” recreational slot limit for ocean fisheries and a 1 fish at 18” minimum size limit for Chesapeake Bay recreational fisheries. The Addendum also requires the mandatory use of circle hooks when fishing with bait to reduce discard mortality in the recreational sector.
- States could submit alternative regulations through conservation equivalency (CE) to achieve an 18% reduction in total removals relative to 2017 levels.
- State implementation plans, including CE proposals, were reviewed and approved by the Board at the Spring meeting.
- The Board tasked the TC to review the implementation plans and determine the predicted fishery performance.

Presentations

- Review of Technical Committee Report Dr. Katie Drew (**Supplemental Materials**)

Board Actions for Consideration

- None

4. Consider Forming a Workgroup to Provide Advice Concerning High Priority Issues and Next Steps for Management (2:50 p.m. – 3:00 p.m.)

Background

- The Board has discussed next steps for striped bass management.
- The Board could consider a workgroup to outline all possible management next steps

Board Actions for Consideration

- None

5. Other Business

6. Public Comment

7. Adjourn

**DRAFT PROCEEDINGS OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
ATLANTIC STRIPED BASS MANAGEMENT BOARD**

The Westin Crystal City
Arlington, Virginia
February 4, 2020

These minutes are draft and subject to approval by the Atlantic Striped Bass Management Board.
The Board will review the minutes during its next meeting.

Draft Proceedings of the Atlantic Striped Bass Management Board Meeting
February 2020

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Adjournment..... 79

These minutes are draft and subject to approval by the Atlantic Striped Bass Management Board.
The Board will review the minutes during its next meeting.

INDEX OF MOTIONS

1. **Approval of agenda** by consent (Page 1).
2. **Move to approve proceedings from October 2019** by consent (Page 1).
3. **Main Motion**
Move that state implementation of the Addendum VI conservation equivalency proposals approved today be contingent upon a Technical Committee analysis documenting that the combined effect of the states' selected measures is at least a projected 18% reduction from 2017 total removals. Failure to achieve a projected 18% reduction shall result in mandatory implementation of the Addendum VI management measures.

States will advise ASMFC of their selected conservation equivalency measures by March 6. The Board will be advised of the results of the Technical Committee's analysis by March 13. The implementation deadline for fishery regulations remains April 1 (Page 25). Motion by Dan McKiernan; second by Ritchie White.

Motion to Substitute

Move to substitute to approve the conservation equivalency plans and implementation plans as approved by the Technical Committee (Page 27). Motion by John Clark; second by Mike Luisi. Motion failed (4 in favor, 12 opposed) (Page 34).

Main Motion

Move that state implementation of the Addendum VI conservation equivalency proposals approved today be contingent upon a Technical Committee analysis documenting that the combined effect of the states' selected measures is at least a projected 18% reduction from 2017 total removals. Failure to achieve a projected 18% reduction shall result in mandatory implementation of the Addendum VI management measures.

States will advise ASMFC of their selected conservation equivalency measures by March 6. The Board will be advised of the results of the Technical Committee's analysis by March 13. The implementation deadline for fishery regulations remains April 1.

4. **Motion to Table**
Move to table the motion (Page 34). Motion by Ritchie White; second by Pat Keliher. Motion carried (Page 34).

Revisit Tabled Motion (Page 38)

Move that state implementation of the Addendum VI conservation equivalency proposals approved today be contingent upon a Technical Committee analysis documenting that the combined effect of the states' selected measures is at least a projected 18% reduction from 2017 total removals. Failure to achieve a projected 18% reduction shall result in mandatory implementation of the Addendum VI management measures.

States will advise ASMFC of their selected conservation equivalency measures by March 6. The Board will be advised of the results of the Technical Committee's analysis by March 13. The implementation deadline for fishery regulations remains April 1.

INDEX OF MOTIONS (continued)

5. **Motion to Substitute**

Motion to substitute to approve the Addendum VI recreational measures for the coast and the Chesapeake bay/producer areas (Hudson and Delaware estuaries) conservation equivalency measures as perfected today (Page 43) . Motion by Roy Miller; second by Pat Keliher. Motion split.

6. **Motion to Split**

Move to split the question to take up the coastal measures separately from the Chesapeake Bay and producer area measures (Page 46). Motion by Mike Luisi; second by Pat Geer. Motion adopted by unanimous consensus (Page 47)

7. **Move to postpone indefinitely all previous motions** (Page 48). Motion by Dennis Abbott; second by Sen. Miramant. Motion approved by Board consent (Page 49)

At this point in the meeting, the Board proceeded to consider implementation plans and conservation equivalency proposals on a state-by-state basis:

8. **The Board approved state implementation plans and conservation equivalency proposals for ME, NH, MA** (Page 49); **CT** (Page 50); **PA and DE** (Page 63); **DC, PRFC, VA** (Page 66); **and NC** (Page 67) **by unanimous consent:**

9. **Move to approve the Rhode Island conservation equivalency proposals** (Page 50). Motion by Jason McNamee; second by Adam Nowalsky. Motion carried (Page 50).

10. **Move to approve New York's NY-1, NYD-1, NYH-1 options under recreational measures, and NY-D2 under commercial measures** (Page 38). Motion by Justin Davis; second by Rep. Peake. Motion carried (Page 41).

11. **Move to approve New Jersey's option R3 and R6 options under recreational measures and the suite of commercial options** (Page 54). Motion by Adam Nowalsky; second by John Clark. Motion Fails (Page 55).

12. **Move to approve New Jersey's option R3 and the suite of commercial options** (Page 55). Motion by Pat Keliher; second by Dennis Abbott. Motion carried (Page 58).

13. **Move to reconsider the Rhode Island vote** (Page 58). Motion by Sen. Miramant; second by Dennis Abbott. Motion fails for lack of two-thirds majority (6 in favor, 7 opposed, 2 abstentions) (Page 62).

14. **Move to approve Maryland's MD-1, MD-2d, MD-3a, MD-4 options for recreational and commercial fisheries in the ocean and Chesapeake Bay** (Page 64). Motion by Mike Luisi; second by John Clark. Motion carried (Page 66).

15. **Move to approve a slot limit for New Jersey to develop one conservation equivalency option that would achieve at least an 18% reduction with a maximum slot size limit of no more than 40", pending Technical Committee approval** (Page 67). Motion by Adam Nowalsky; second by Emerson Hasbrouck. Motion carried (Page 69).

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INDEX OF MOTIONS (Continued)

16. **Move to approve as part of New York State’s conservation equivalency option to have an opt-in slot limit for the for-hire fishery 30”-40”**, monitored by license, pending Technical Committee approval (Page 69). Motion by Jim Gilmore; second by Mike Luisi. Motion failed (Page 71).
17. **Move to approve the RI-CT-NY regional proposal Option B** (Page 71). Motion by Jason McNamee; second by Dennis Abbott. Motion failed (Page 71).
18. **Move that states submit implementation plans for circle hook requirements by August 15, 2020 and Board approval at 2020 Annual Meeting** (Page 72). Motion by Jason McNamee; second by Raymond Kane. Motion carried (Page 73).
19. **Move to task the Plan Review Team to review state reductions in the Fishery Management Plan Review of the 2020 fishing year. If a state is below their predicted target reduction, the Board may direct a state to modify measures for the next fishing year to achieve the target reduction** (Page 73). Motion by Pat Keliher; second by Emerson Hasbrouck. Motion postponed.
20. **Move to postpone to the Spring Meeting** (Page 75). Motion by Mike Luisi; second by Marty Gary. Motion carried (Page 77).
21. **Move to adjourn** by consent (Page 79).

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ATTENDANCE

Board Members

Patrick Keliher, ME (AA)	Russ Allen, NJ, proxy for T. Fote (GA)
Steve Train, ME (GA)	Adam Nowalsky, NJ, proxy for Asm. Houghtaling (LA)
Sen. David Miramant, ME (LA)	Kris Kuhn, PA, proxy for T. Schaeffer (AA)
Cheri Patterson, NH (AA)	Loren Lustig, PA (GA)
Ritchie White, NH (GA)	John Clark, DE, proxy for D. Saveikis (AA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Roy Miller, DE (GA)
Dan McKiernan, MA (AA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Raymond Kane, MA (GA)	Mike Luisi, MD, proxy for B. Anderson (AA)
Rep. Sarah Peake, MA (LA)	Russell Dize, MD (GA)
Jason McNamee, RI (AA)	Phil Langley, MD, proxy for Del. Stein (LA)
David Borden, RI (GA)	Pat Geer, VA, proxy for S. Bowman (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Bryan Plumlee, VA (GA)
Justin Davis, CT (AA)	Chris Batsavage, NC, proxy for S. Murphey (AA)
Bill Hyatt, CT (GA)	Jerry Mannen, NC (GA)
Jim Gilmore, NY (AA)	Marty Gary, PRFC
Emerson Hasbrouck, NY (GA)	Derek Orner, NMFS
John McMurray, NY, proxy for Sen. Kaminsky (LA)	Mike Millard, USFWS
Joe Cimino, NJ (AA)	

(AA = Administrative Appointee; GA = Governor Appointee; LA = Legislative Appointee)

Ex-Officio Members

Nicole Lengyel, Technical Committee Chair

Staff

Robert Beal	Katie Drew
Toni Kerns	Maya Drzewicki
Max Appelman	

Guests

Bill Anderson, MD DNR	Jeff Kaelin, Lund's Fisheries
Robert T. Brown, MWA	Aaron Kornbluth PEW Trusts
Victoria M. Brown, MWA	Charles Lynch, NOAA
Allison Colden, CBF	Stew Michels, DE DFW
Jeff Deem, VMRC	Robert Newberry, DFA
Kelly Denit, NMFS	Patrick Paquette, MSBA
Greg DiDomenico, GSSA	Jake Smuck, CBF
Peter Fallon, ASG	David Sikorski, CCA
Tony Friedrich, ASGA	Tawn Tipsword, Deale, MD
William Gee, MCBA	Mike Waine, ASA
Pam Lyons Gromen, Wild Oceans	Lowell Whitney, USFWS
Peter Himchak, Omega Protein	Rene Zobel, NH FGD

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The Atlantic Striped Bass Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia; Wednesday, February 5, 2020, and was called to order at 10:30 a.m. by Chairman David V. Borden.

CALL TO ORDER

APPROVAL OF PROCEEDINGS

CHAIRMAN DAVID V. BORDEN: Proceedings from the October Board meeting have been distributed. Are there any comments, additions, deletions to those? I see no hands up. Are there any objections to approving those as submitted? They are approved by consensus.

APPROVAL OF AGENDA

CHAIRMAN BORDEN: We have an agenda that got distributed. Are there any additions, deletions to the agenda? Emerson.

MR. EMERSON C. HASBROUCK: I have two quick items, just announcements that I would like to make at the end under new business.

CHAIRMAN BORDEN: Do you want to tell us what those are so that we know? What are the subjects?

MR. HASBROUCK: One is an educational program for recreational fishermen to reduce discard mortality, and the other is a letter from Arnold Leo.

CHAIRMAN BORDEN: Thank you. Are there any other additions on the agenda? Under Other Business, I would like to have a brief discussion of the Amendment, just to make sure that everyone is clear where we're going after this action. Are there any other items? If not, I'm going to take the items in the order that they appear in the agenda.

PUBLIC COMMENT

CHAIRMAN BORDEN: As we normally do, we afford the public an opportunity to comment.

We had two individuals who signed up to comment. Now I want to be clear here that the comments that you offer have to be on items that are not on the agenda. In other words, this is items that are not on the agenda, because we're going to move through the agenda and you'll have hopefully with the attendance we have, hopefully I'll be able to take some comments from the audience as the proceedings go along.

Okay, so I've got two comments. If you could come up to the microphone at the corner there Robert Newberry and Robert Brown, those are the only two that submitted statements of interest in commenting. Captain Newberry, if you could please limit your comments to approximately a minute.

MR. ROBERT NEWBERRY: That shouldn't be a problem, Mr. Chairman. Mr. Chairman, thank you. My name is Captain Robert Newberry; I'm Chairman of Delmarva Fisheries Association. I'm not going to directly comment on issues that are on the agenda, but what I would like to do is thank the ASMFC for putting all the meetings forward that we had in Maryland, to get to where we are today, also to our Department of Natural Resources, for the many meetings that we had both with recreational, commercial, and the for-hire industry.

I mean, we've taken some long steps. There have been many, many meetings that we've had over the past year, and it's been hard for all of us to come to certain agreements. But I think we finally have, and the one thing I kind of wanted to clear the air a little bit on. We have heard that the recreational are still a little bit upset that they're not being heard.

But every meeting, and it is probably over 15 meetings I've been to with the Department of

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Natural Resources in Maryland, our recreational people have been there. I think the Department; working with ASMFC has done a fantastic job. I just want to thank you for the time and the effort that ASMFC put into all the public comments, not only in Maryland but up and down the coast. Thank you very much.

CHAIRMAN BORDEN: Thank you very much. Mr. Brown.

MR. ROBERT T. BROWN: Chair and members of this Committee, Robert T. Brown, President of the Maryland Watermen's Association. I would also like to thank you for all the consideration that you've given all the people, and all the different entities of the fishing industry. We have had a very hard time again to make tough decisions. My main comment is on commercial fishermen. I've been fishing; I started back in the sixties.

As of the last couple springs, and especially this spring, the number of large rockfish, I'm talking 46 to 50 some inches long that we have been catching in my haul seine. I'm fishing primarily for gizzard shad, which is a bait fish that we send down to Louisiana for crawfish bait, which we are releasing. I've made a couple hauls this spring, and the amount of these large fish, I probably had close to 2,500 pounds one day.

I had to just drop the net and let it go. I had 1,500 another day, I had to drop and let it go, and this is up at the head of the places not in the mainstream in the rivers, way up in the waters like they're probably only a third of a mile wide at the most. Some places are not that wide. But I just want to make you aware the number of large fish that we are catching, I have not seen since I was a teenager back in high school. Thank you very much.

CHAIRMAN BORDEN: Thank you very much. Anyone else in the audience, if not we'll come back to the table? Bob Beal.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Just a quick comment. Since we are able to start a little bit early, a couple of the states aren't here. I think Delaware is in transit. They are still trying to get here. PRFC, I don't think I see Marty down there. I think it is fine to go ahead and start.

But we may need to give some deference to those folks, or others that may be showing up for public comment, you know the understanding that we are showing up 45 minutes early, and they may need to give them a little bit of ability to catch up once they get here. They may have some follow up questions. I just want to put that on the record that we need to make sure we get all those folks accommodated.

CHAIRMAN BORDEN: Given Bob's comment, it actually is a good segue into my next comment, in terms of the process that I would like to follow. We basically have three major presentations you're going to hear today. I would like to go through all of those and allow the staff to fully flesh out the different items. Then once we finish that then we will go back and take questions on it, and that will allow additional time for some of these other states to come back to the table. Yes, Cheri.

MS. CHERI PATTERSON: This also might be a good time to have Other Business by Emerson brought up too.

**CONSIDER ADDENDUM VI STATE
IMPLEMENTATION PLANS AND
CONSERVATION EQUIVALENCY PROPOSALS**

CHAIRMAN BORDEN: All right, so I think what I would like to do is to start with the presentations. As I said, you're going to hear three presentations today. One is on a summary by Max of Addendum VI. Nicole Costa is going to provide the Technical Committee comments, and then we'll hear I think from Max

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again on the enforcement report, unless Kurt attends the meeting.

REVIEW OF IMPLEMENTATION PLANS AND CONSERVATION EQUIVALENCY PROPOSALS

CHAIRMAN BORDEN: Max, if you could run through the summary. There is a summary document in the material you got that I think he is going to follow.

MR. MAX APPELMAN: Yes, we have a few presentations for you. This is an outline of all of it. I am going to start with a very brief review of Addendum VI, and then move right into proposed measures for 2020. I am going to transition to Nichole, who will walk through the Technical Committee report, and then bring it back to me for the Law Enforcement Committee report. Then at that point I believe we'll open up for questions.

Quickly, just a reminder, the Board approved Addendum VI back in October of 2019. The Addendum aims to address overfishing, and to reduce F to the target in 2020 based on projections. It calls for an 18 percent reduction in total removals. For the commercial sector all state quotas are reduced by 18 percent.

In the ocean the recreational fishery is constrained by a 1 fish at 28-35 inch slot. In Chesapeake Bay the recreational fishery is constrained to 1 fish at 18 inch minimum size. Of course states can submit for a conservation equivalency, CE, to implement different measures. Those proposals must demonstrate at least an 18 percent reduction at the state level. Recreational and commercial removals combined must equate to an 18 percent reduction.

Lastly, the Addendum implements a circle hook requirement for the recreational sector when fishing with bait, to address dead releases. As far as our timeline, states were required to submit implementation plans and CE proposals

at the end of November of last year. It took a few meetings for the TC to fully vet those proposals.

There was an in-person workshop in December, and then we had a conference call in January. Also in January the LEC reviewed CE proposals to provide comment on enforceability. Today the Board will review and consider approving those proposals, and then states are required to implement regulations by April 1 of 2020. However, the circle hook provisions that has a separate timeline for January 1 of 2021. Next I was going to walk through all the proposed measures for 2020. I'm essentially looking at the tables that were included in the TC memo, which was provided in supplemental materials.

That is an updated table from what was included in briefing materials, so I just want to make note of that. If you want to follow along that might be helpful. There are a lot of options on the table, so I wanted to take a minute and just sort of summarize the proposals. First you know, most states did submit CE.

Some of those state's proposals included several different options. The first takeaway is that there is potential for coastwide, or at least some regional consistency. But there is also potential for disparate measures, different regulations in the ocean and in Chesapeake Bay. Regarding the measures themselves, they primarily include combinations of bag limit, size limits, and season closures.

A few of the options include a unique no-targeting provision, so closed season and also putting in a requirement that anglers cannot target striped bass. Then there are a few sector-specific or mode-specific measures as well. Of note, only proposed measures that were accepted by the TC based on technical merit are provided in those tables.

Some states did include other options that didn't make it through the TC vetting process,

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and so they are not included in those tables. Then also, I just wanted to make a point that the combination of proposed commercial and recreational options by state, also meet that required 18 percent reduction.

I have them parsed out by recreational and commercial, but it should be known that as a state implementation plan those all collectively meet the reduction required in each state implementation plan. Then lastly, the circle hook component does not count towards any of these calculated reductions, it is merely a conservation benefit of the Addendum. There is no credit given towards these measures with the circle hooks.

Okay so I'm going to start with the recreational measures. Again, just following through those tables in the TC memo, I tried to use the same numbering as what the states used in their implementation plans, to hopefully make for easy cross referencing. I did have to remove the column labeled other, to get all this to fit clearly on the slide.

Also I want to highlight that the predicted reduction column, there is a calculated percent reduction there for all the CE options. If a state is proposing the Addendum VI measure there was no calculation needed. I'm going to try to move through these pretty quickly. I'm just going to hit the highlights; we can always circle back for questions once we get through all the presentations.

For Maine, New Hampshire, and Massachusetts pretty straightforward, they are all proposing the Addendum VI measure, one fish 28 inch to 35 inch slot limit. Rhode Island is proposing three options, the first being the Addendum VI measure, the second is a 32-40 inch slot limit for all modes, and the third option, Option C is two separate slot options, a 32-40 inch for the private and shore modes, and a 30-40 inch slot for the for-hire sector. That is what those acronyms stand for. You'll see that repeated in

some of these slides. Rhode Island and Connecticut also in tandem with New York have submitted a regional proposal. I'll get into that in a few slides as well.

These are the options submitted for New York and its ocean fishery. There is a suite of options here, the first series is slot limits, including the Addendum VI measure, and then a number of others with a 28, 30, and 32 inch minimums. Option 7 is actually a combined slot and trophy fish option.

Options 8 and 9 are minimum sizes, and then Option 10 is specific to the for-hire sector. It's essentially any of Option 1 through 9, plus a 31 inch minimum for the for-hire sector. Seasons here, they're mostly the May 1 through November season, But Option 5 and 9 would keep the current longer season, mid-April to mid-December, and then Options 1 and 3 are also being considered under both seasons.

Yes, so I wanted to highlight that all these calculated reductions on the left hand side there, those do account for removals from the Hudson River and the Delaware River. Next I'm going to show you the Hudson River and Delaware River options for New York. You can see the percent reduction on their own is less than 18 percent, but when you combine any of these options with any of the options on the previous table it does meet that 18 percent reduction.

These are smaller slot sizes for the Hudson River. The main difference is the season, and then the second option there is a combined slot and trophy option. Then for the Delaware River portion in New York that is proposed to have the Addendum VI measure. Here is the regional proposal for Rhode Island, Connecticut, and New York.

Of course the intent here is to have regulatory consistency, primarily for Long Island Sound and around Block Island is my understanding. The

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idea here is if the states pursued one of these options all states would implement that measure, and again these predicted reductions account for Hudson River and Delaware River removals in New York.

Those specific regional options would still be on the table for New York. Very similar to Rhode Island's actually, there are two options. One includes the Addendum VI measure, a 30-40 inch slot for all modes, and then a split option 30-40 inch slot for the private and shore mode, and a 28-37 inch slot for the for-hire sector.

Moving to New Jersey and Pennsylvania, so first with Jersey again also submitting a suite of options here, the first two I'll focus on those two, were developed a little differently than what was put forward in the TC criteria, although the methods were approved or accepted by the TC. These are smaller slot options, which were developed through a spawner-per-recruit analysis.

Because of those methods it actually changes the percent reduction that those measures need to achieve. To do that some additional closures are being proposed to see those reductions through. Then the other four options R-3 through R-6 followed the TC criteria. I will note that R-6 here up on the slide is provided for Board consideration, but it was not submitted in time for Technical Committee review. We include it here with the caveat that it did follow the same methods as Option R-5, which was vetted by the TC and accepted based on technical merit. Same methods there, but the TC didn't have an opportunity to comment on that option specifically.

For Pennsylvania, proposing to implement the Addendum VI measure year round, and then for a two month period there would be a smaller slot limit, 21-24 inches that achieves a 19 percent reduction there. Delaware actually submitted two separate proposals, the first one

here the recreational Option 1 actually is combined with commercial Option 1.

It is an 18 percent reduction to both sectors, so here for the recreational side that equates to a 28 inch to 38 inch slot limit, and then the second option is a smaller reduction to the commercial sector, and a 20 percent reduction to the recreational side to take up that remaining balance. That actually results in the Addendum VI measure 28-35 inch.

Under both of these Delaware is proposing to implement the 20-25 inch slot during July and August for Delaware Bay, River, and tributaries. Those removals are accounted for in the Options 1 and 2. For Maryland in the ocean proposing the Addendum VI measure and these are all the options being considered for Maryland's recreational Chesapeake Bay fishery.

There are four options here, all of them include a spring trophy season, 35 inch minimum from May 1 to May 15, and then the summer/fall fishery is a 2-fish and 19 inch minimum, essentially status quo is my understanding, where only 1 fish can be greater than 28 inches. Then in order to achieve the required reductions, the options propose season closures from January to April, also reducing the bag limit to 1-fish and 19 inches during August. That applies to Options A through C, also, no harvest for charter captains and crew.

There is an additional no-targeting provision to meet those required reductions during parts of the winter and summer closures, depending on which option you're looking at. The fourth option in this table is a little different, it's a mode-specific option, whether it be 1-fish, 19 inches for the private and shore modes, and a 2-fish and 19 inch minimum with that 1-fish over 28 inches for the for-hire sector.

Moving on to DC and PRFC, DC is implementing the Addendum VI measure for Chesapeake Bay,

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1-fish at 18 inches. For PRFC it's some similarities with Maryland's proposal. You have the spring trophy option, 35 inch minimum from May 1 to May 15, and then the summer/fall season options are all at 2-fish at 20 inch minimum with varying season lengths, and the Option 1 here for PRFC does also have that no-targeting provision during the July and August closure.

Virginia's proposal essentially demonstrated what percent reduction they would achieve under their status quo measures. That results in a 23.4 percent reduction, and so the commercial part of the proposal makes up the balance there. These options are what are implemented right now for Virginia, the ocean 28-36, and the Bay is 20-36 inches. North Carolina is proposing to implement the Addendum VI measures. Jumping now to the commercial sector, remember that Maine, New Hampshire, Connecticut, Pennsylvania, and DC don't have commercial fisheries here, nor do they allocate any quota to the recreational sector. New Jersey similarly, no commercial fishery; however the proposal does include reallocation of quota to a recreational bonus program. In years past Connecticut fell under this category as well, but the state has decided to discontinue its bonus program going forward.

For Massachusetts there are a number of different quota options, they are all based on an 18 percent reduction in quota. The difference in pounds is based on the size limit that is chosen, and they all apply to the hook and line fishery. For Rhode Island it is an 18 percent reduction as well, and you can see how that breaks out based on their measures for the different gear types.

Similar to Massachusetts, New York is also proposing a few different quota options. They are all tied to an 18 percent reduction in quota. The poundage varies, depending on the size of the fish that is selected here. This is the bonus program for New Jersey, again no commercial

fishery but proposing to reallocate that quota to a recreational bonus program.

Note here that the reductions in that proposal are achieved entirely through the primary recreational fishery measures here. The quota is not reduced. All those reductions are calculated through the primary recreational measure. The quotas vary by option based on the size limit that is selected.

We do have some unique tradeoffs here for Options C-1 and C-2, depending on which recreational option is chosen in combination with that you have a different quota tied to it, particularly for R-6 from a previous table. That was the 33 inch minimum. That would be associated with an 18 percent reduction quota, so that is in the parentheses under C-1 and C-2.

Then Option C-4 through C-7 are essentially the same thing, it's just varying levels of trophy permits that would be issued for those options. Keep in mind that this program behaves sort of the same way as the commercial fisheries do; there is a limited number of permits issued to ensure the quota is not exceeded.

For Delaware, again as I was mentioning, Delaware Option 1 here is tied to Option 1 for their recreational proposal. It's an 18 percent reduction in quota, and then Option 2 is a 1.8 percent reduction in quota, and you can see how it all plays out with the different gear types. For Maryland in the ocean, proposing a 1.8 percent reduction.

Virginia again, this was based on whatever additional reductions needed to be calculated based on the recreational measures that are in place. It is a 9.8 percent reduction for the ocean fishery, and then North Carolina is proposing an 18 percent reduction for their fishery. For Chesapeake Bay, Maryland, and PRFC proposing a 1.8 percent reduction there and you can see how the quota shakes out amongst the gear types as well.

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Then for Virginia's Chesapeake Bay quota it is a 7.7 percent reduction. Then my one slide here on the circle hook provisions, again this is a requirement for recreationally fishing for striped bass with bait. The timeline for implementation is different than the other requirements it is January 1, 2021. Now because of that there really wasn't much information provided in the implementation plans for a thorough vetting. States generally explained the various scoping processes that they would pursue, the types of education programs that they would try to create, the different outreach materials that they would be putting together, how to get the word out. But as far as concrete draft regulatory language that was really not enough time for them to put that together. Because of that the TC is actually requesting that states resubmit implementation plans for the circle hook provisions later in 2020.

I have a proposed date up there, August. I think it would be helpful for the Board to specify a submission deadline by the end of this meeting. I propose August, merely because we could have this brought back to the Board in October for final consideration at the annual meeting. Of course I leave it up to you guys to decide if that is an appropriate timeline or not.

TECHNICAL COMMITTEE REPORT

MR. MAX APPELMAN: We're going to immediately shift into the Technical Committee report, just a few slides there, and then a few slides for the LEC.

MS. NICOLE LENGYEL COSTA: I'm going to give the technical review of state implementation plans and conservation equivalency proposals, and as Max just went through all the state-specific options, these are going to be more general caveats assumptions that the TC discussed, as well as a few specific comments that the TC had on proposals.

In general there is a high level of uncertainty in that the percent reductions calculated due to changes in angler behavior or effort, size structure and distribution of the population, and these changes are difficult to account for and cannot be accurately quantified. There is greater certainty in the percent reductions for simple measures, such as bag and size limits relative to more complex measures, including slot limits, trophy fish options, and sector-specific regulations.

The predicted 18 percent coastwide reduction may be different after accounting for CE measures. The expected percent reduction with CE proposals cannot be evaluated until all jurisdictions implement 2020 management measures, and this is due to the fact that states submitted so many different CE options.

We would have to know what their final option was before we could evaluate what the coastwide projected reduction would be. As Max pointed out earlier, there is potential for no recreational regulatory consistency along the coast, or within Chesapeake Bay with conservation equivalency. Enforcement of the proposed regulations needs to be considered, in particular the interpretation of the slot limit, and the potential to have differing regulations in neighboring states and within the Chesapeake Bay.

Most states have yet to develop circle hook regulations as just discussed, and so states should resubmit their plans prior to 2021 for circle hook provisions to be evaluated. The TC supports closed seasons to reduce effort and discard mortality; however predicted savings are highly uncertain due to current data limitations.

Determining a reasonable assumption to predict expected savings under a no-targeting provision remains a challenge. With closed seasons and a no-targeting provision, the question becomes what will happen to all the

trips where striped bass were previously caught and released. The assumption that all of these trips will cease to exist, and therefore all those fish will be saved is mostly likely unrealistic. However, it is also unrealistic to assume all of the releases will still occur. Reality is somewhere in the middle, and the TC was challenged in providing guidance on this assumption, as we cannot predict angler behavior and effort. There was also some question regarding the implementation of these no-targeting provisions with the closed seasons.

I believe the target implementation date is April 1, and some of these no-targeting provisions may need more time to go through the regulatory process, and so if they're not implemented in time we may not actually see the savings from these measures in 2020. The TC supports the use of SPR based calculations in conservation equivalency proposals, and has accepted proposals using this methodology.

However, it should be noted that although technically sound, several of these proposals result in commercial quota increases relative to a state's Addendum VI quota. The Board has previously seen proposals where states are taking quota reductions through SPR analysis to have a reduced minimum size, and here we're seeing the opposite where increasing the minimum size through SPR they are actually getting a quota increase. Although technically sound, we just wanted to point that out to the Board, and that's all I have.

LAW ENFORCEMENT COMMITTEE REPORT

MR. APPELMAN: Okay just a couple more slides here. I'll be giving the LEC report on behalf of Kurt; who is the Striped Bass representative from the LEC. They met in January to comment on the enforceability of the CE proposals for striped bass and bluefish. There was a memo provided in supplemental materials, and I've pulled a few notable comments from that memo that are particularly for striped bass.

I'll go through a couple of those. The first is that simple measures are preferred to ensure greatest compliance and enforceability. This was that the LEC sort of continued that slot limits are certainly enforceable, but it could lead to unintentional violations, noncompliance that may increase in regions that have not previously been managed through a slot limit.

That transition, sort of an educational component there, you may see some unintentional violations. The second comment is about sector specific measures that that can create enforcement and compliance challenges. A particular comment came about for enforcement officers that are onshore, and trying to discern whether a boat offshore is private or for-hire that that can be very difficult, also creates unintended challenges where these two groups of anglers come together at docks, at marinas, and areas like that.

The third comment here is that different regulations between neighboring states and in adjoining waters present special enforcement challenges. They can often be very confusing to anglers. The LEC continued that it is not so much an enforcement issue, but it is a compliance issue often. Officers tend to just enforce strict possession, so wherever that angler is intercepted those are the measures that they are held to.

But inconsistent regulations tend to create confusion. It can lead to other unintentional violations, increase noncompliance. Anglers moving to different locales for better or more ideal regulatory conditions, and things like that. Another comment about the no-targeting provision, essentially the LEC stated that unless there is a very clear definition for not targeting striped bass that this provision is essentially impossible to enforce, and they continued that it may be particularly difficult to define no targeting for a specific species, when anglers use the same or very similar methods to target different species. Then the last comment here

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is with that in mind. Officers may not prioritize enforcement of certain regulations if they know it is not enforceable and cannot stand in court. That wraps up our presentations, so thank you Mr. Chair. We're happy to take any questions on any of that material.

CHAIRMAN BORDEN: Thank you very much all. What I would like to do is to start with questions, and we'll just work through the same reports in the same order, so questions for Max on his presentation, any questions? Mike.

MR. MICHAEL LUISI: I would like to clarify a couple of numbers that were in Max's report regarding the table for Maryland's Chesapeake Bay if that is okay to put that on the record, some discrepancies between. Max, I don't know if you can bring up the Chesapeake Bay recreational table.

CHAIRMAN BORDEN: While he's doing this let me encourage everybody. This is a time for questions and clarifications, just the way Mike is proposing it. Keep your comments to yourself until we get to the comment portion.

MR. LUISI: Okay, so just a couple quick things I just want to make sure that is clear for the record. I noticed that the other states all put in the provision in their implementation plans and their conservation equivalency proposals that would include the option available to the state through Addendum VI.

We did not include that in our table, but I would like to just make the point that the Addendum VI option for the recreational fishery in Chesapeake Bay, which is a 1-fish at 18 inch minimum size limit, is certainly one that we are considering. It is on the table for discussion, and we plan to bring that before our stakeholders and our public while we go through the regulatory process for making those changes.

Secondly, I would like to point out that the table that you have on the screen right now is Maryland's first submission. The Technical Committee went through a number of revisions throughout the process of finalizing these tables, and so there are just some very slight differences in these.

There is one difference in the open season for Option 4. The August 16 date should be August 15, which is an extra day for the closure period during August. Under Option 2 and under Option, I'm sorry 2B and 2D, the percent reduction as calculated based on the modifications that our staff made based on TC comments equates to a 20.8 percent reduction, rather than a 20.6 and a 20.7. That is all Mr. Chairman, thank you.

CHAIRMAN BORDEN: Other questions, Dan then John.

MR. DANIEL McKIERNAN: I've got a question for Nicole. In your presentation you mentioned that there was a problem with how states interpret a slot limit. What was meant by that?

MS. LENGYEL COSTA: I wouldn't say it was a problem, it's just I think there might be a misperception of the 28 to less than 35 was inclusive of 35, and that goes for most of the slot options. I think there may be some confusion that that upper bound is not actually included. Being clear about that to stakeholders is something that is going to require some education and outreach.

CHAIRMAN BORDEN: I have John.

MR. JOHN G. McMURRAY: Max, as you showed there are different percent reductions for each conservation equivalency measure in the chart. Do we have an estimated percent reduction from high to low? Worst case scenario and best case scenario of what those reductions might add up to on a coastal level?

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MR. APPELMAN: No, we didn't do that calculation. As Nicole pointed out they kind of looked and said there are a whole mess of options out here, and we didn't do the work to figure out what the lower and upper bound would be.

CHAIRMAN BORDEN: John, follow?

MR. McMURRAY: We really won't know until after the states have their final measures in place. I think I understand that part of it. But I would just ask you, maybe you can give me an answer or maybe you can't. There is a pretty good chance, or there at least is a chance that it will add up to significantly less than the 18 percent requirement, correct?

MR. APPELMAN: There are scenarios that are less than and above that 18 percent.

CHAIRMAN BORDEN: John Clark.

MR. JOHN CLARK: Sorry for being late. I didn't realize we were starting 45 minutes early. I just had a question for the part I came in on for Nicole about the statement for the commercial fisheries, where they used SPR that it actually was increasing their quota. Now if the quota is based on the landings in pounds how does this get increased?

MS. LENGYEL COSTA: In doing a spawning potential analysis it is basically saying that by increasing your minimum size you can increase your level of removals taken from the fishery, and maintain the same spawning potential. We've seen it; you missed that part of the presentation.

But we've seen it previously with proposals where you're decreasing your minimum size you take a quota reduction. On the converse now, we are seeing where you increase your minimum size you can take a slight quota increase. It's all about maintaining that same

spawning potential under the two different minimum sizes.

CHAIRMAN BORDEN: John, follow up.

MR. CLARK: Yes if I could just follow up. I mean for most states we're having to monitor our quota in real time. Certain states that are doing this are actually, we're kind of guesstimating what they're actually going to be landing commercially. Once again I'm sorry for being here late.

But this is from a state that we had our summer slot fishery dinged, even though we pointed out that our fish were being double counted, and now we are double counting those fish, and then to see that other commercial fisheries are going to be allowed to proceed with really a quota increase and low accountability is not good.

CHAIRMAN BORDEN: Emerson.

MR. HASBROUCK: My question was very similar to the question that John McMurray raised. The Technical Committee really has no guidance for us as to whether or not these measures, when put in place, any of the long lists of options that we have here. When they're put in place there is no guidance, we have no idea what we're going to get coastwide relative to the 18 percent reduction. That is what I'm hearing that is Part 1, so just please verify that. Then the second part of that question is so then how are we to proceed?

MR. APPELMAN: I'll take a stab at that. Yes, you know the states submitted a number of proposals and it is the Technical Committee's responsibility to review the technical merit of those options. Do the methods check out, does the data check out? It just so happens that there is a lot on the table.

It would have been a big lift to calculate what the percent reduction would be under all the

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different combinations of measures. The TC didn't have the time or effort to do that. As far as it really goes back to the Board as a policy decision on how they want to handle all these options that are on the table.

CHAIRMAN BORDEN: I've got Ritchie White.

MR. G. RITCHIE WHITE: To follow up on Emerson's. Would it not be the case then that the one set of regulations that we do have in front of us that would guarantee that kind of mortality, lowering the mortality, is the 28-35 that the Technical Committee would agree brings us to where we're supposed to be, is that correct?

MR. APPELMAN: Yes given the uncertainties in the analysis. I mean they were developed to achieve that reduction on a coastwide scale or regional scale. We have a different measure for the Bay, but yes.

CHAIRMAN BORDEN: All right I have Ray Kane and then Pat Keliher.

MR. RAYMOND W. KANE: A question for Nicole. On Slide 2, the way I'm reading your Slide 2 is the Technical Committee doesn't really feel good about having all these CE proposals put forth. They are not confident. They cannot make a confident decision on what will and will not work to achieve 18 percent reduction. I would suggest that the states that have submitted a conundrum of CE proposals, they come back with one proposal that the Technical Committee can look at and say, yes we will achieve 18 percent reduction, as opposed. I mean this is a conundrum. It is a conundrum for the Technical Committee, which I respect.

I think they've got a lot of good minds on it. Yes we as a voting body have to do something with this today, and we're hearing from our own Technical Committee that we're not sure. We're not sure if we're going to achieve 18 percent reduction. I don't know how we go

about that Mr. Chairman, but these states have to come forward with a CE that will be approved by the Technical Committee that we can vote on.

CHAIRMAN BORDEN: I've got Joe Cimino and then Marty.

MR. JOE CIMINO: I think it's important to remind the Board that we never saw the state-by-state reductions from this coastwide measure that we're speaking about, and that is kind of unfortunate. None of the New England states would achieve an 18 percent reduction under this coastwide measure.

Only one state in New England even gets above 10 percent. I think the conservation equivalency options that are up here actually put many of the states at a higher target, instead of depending on what is on paper, a 43 percent reduction for New Jersey's fishery under the one coastwide measure that was voted on.

CHAIRMAN BORDEN: I'm going to correct what I said before. I've got Pat Keliher, Marty and then Cheri. Pat.

MR. PATRICK C. KELIHER: I'll try not to go into a comment about conservations equivalencies, because I have been a supporter over the years. Seeing more than 50 of them in a document is concerning. But the Technical Committee memo in particular, I think it says a lot and there are some things that it doesn't say that give me some concern as well. I'm just wondering if Max and Nicole could expand on what impacts to the stock assessment could there be as a result of varying measures between the states.

CHAIRMAN BORDEN: Nicole.

MS. LENGYEL COSTA: As previously discussed, I think the big concern we're hearing around the table is the 18 percent reduction. It was

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projected by the Technical Committee that we needed an 18 percent reduction in 2020 to bring F back down below the target in 2020, to address the overfishing status.

With all of these conservation equivalencies on the table, all the uncertainties, all the caveats and assumptions being made, and because as previously pointed out by Commissioner Cimino, we did not see the specific reductions that the coastwide measure would meet for each individual state. Some states, where we're going to be taking larger than 18 percent if implemented to coastwide measure, and some states would be taking less than 18 percent. Now we're kind of all over the board with conservation equivalency proposals, with everyone just having to meet the 18 percent. Some who were previously going to achieve less than 18 percent with the coastwide measure are now just meeting 18 percent, so they're actually increasing their reduction. But on the flip side we also have some that were projected to exceed the 18 percent under the coastwide measure, and now with conservation equivalency are just meeting 18 percent.

It's very uncertain calculating the reductions that we would achieve with all the different measures. As Max pointed out it was a big undertaking that the TC was already hard pressed for time in just reviewing all of these proposals and getting comments together. As far as the impact on the stock and the stock assessment, it is going to impact our ability to reduce F back down to the target in 2020 if we can't meet that 18 percent.

It's just addressing the overfishing status; the overfished is something that the Board had planned to take up with the Amendment later on in the year. It nearly just impacts our ability to reduce F back down to the target and address overfishing. If we don't meet the 18 percent we might not bring F back down to the target.

CHAIRMAN BORDEN: Pat do you want to follow up?

MR. KELIHER: This is directed at Max with that better fleshing out of the uncertainty around this question. The current addendum I don't believe allows for any, if these fail. The language has changed from one document to this most recent, but I don't believe that we would even have the ability to allow for a payback as I'm reading the changes now. Unless you can correct me, I mean I think we're going to have to tread very cautiously to ensure that what we do put on the table succeeds.

CHAIRMAN BORDEN: The next one on the list is Marty.

MR. MARTIN GARY: A question would be for Max relative to the Law Enforcement Committee, and possibly Nicole to add her thoughts related to TC comments on targeting. PRFC has conservation equivalency proposals that were approved by the TC that include both targeting provisions and non-targeting. Assuming Board approval those will have a deliberation with our commission to decide one way or the other. What I heard was from the Law Enforcement Committee pretty strong wording, impossible to enforce, and then from the TC uncertainty.

That is the same feedback we have received from our law enforcement officers. But also we've had discussions at our commission about analogous to speed limits you state a regulation or law. You put it out and you expect people to abide by it. I'm just wondering if you can provide any clarity to those discussions, Max of the Law Enforcement Committee on how much of a problem that really is, in terms of enforcing that.

I mean they're saying impossible. What are the ramifications for that and how does it feed, Nicole, perhaps into that uncertainty component that you mentioned. Is there

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anything you can provide? I'm looking to potentially take back to our Commission for our decision making process.

MR. APPELMAN: It's a good question, Marty. I will say that unfortunately there weren't any law enforcement officers from the Bay area on that call. But the comment was that if you can't define "no targeting striped bass" using specific gear types, terminal tackle, and certain baits. If you can't define what that is, in the eyes of the court it is impossible to enforce.

CHAIRMAN BORDEN: I'm going to take one speaker out of turn here. Mike's got his hand up, and since there is a lot of discussion that relates to his state. If you want to offer a comment to answer the question, go ahead.

MR. LUISI: To Marty's point and to Max's clarification that there wasn't anybody from Maryland on the Law Enforcement Committee. I did want to provide some comment to Marty's point that might help Marty. In Maryland we do have a definition for targeting. That definition reads that a person may not catch, harass, harm, pursue, hunt, shoot, wound or attempt to catch striped bass in certain spawning rivers and certain areas of the Chesapeake Bay during certain times of the year. That rule has been on our books for a long time.

Tickets are written, and they are prosecuted in court. While the Law Enforcement Committee has made the point that they are literally unenforceable, I would have to argue that depending on the definition that you have in your state, and the intent of the officers to find people targeting striped bass, they are prosecuted in Maryland. I would have to oppose the point from the Law Enforcement Committee that it is unenforceable, because in our state it is. That hopefully will help Marty in his discussions with folks in the Potomac River.

CHAIRMAN BORDEN: All right I've got Nicole wanted to follow up on Marty's point, and then I'm going to go back to the list. I've got Cheri, Justin, and then Dan and I've got four or five other people after that.

MS. LENGYEL COSTA: Just to address the second part of that previous question, how the Law Enforcement Committee's comments tie into the uncertainty raised by the TC in achieving the 18 percent. We discussed this briefly, and I would say that for proposals that are relying heavily on those no-targeting provisions in order to achieve their 18 percent or 20 percent whatever reduction they've calculated is necessary under Addendum VI.

If you're relying largely on these provisions, then we could have greater uncertainty there. If you're relying less on those uncertainties and relying more on other measures, such as bags and size limits, there might be less uncertainty. But it is difficult to quantify.

CHAIRMAN BORDEN: I've got Cheri.

MS. PATTERSON: I would like to defer my position on the list so that Toni can answer a question in regards to Pat, and then I'll pick it up.

CHAIRMAN BORDEN: Toni, you've been volunteered.

MS. TONI KERNS: I just wanted to note, Pat had brought up accountability in a sense, and he had used the word paybacks. I'm not going to use the word payback, but I think the Board does have the opportunity to hold states accountable to what is in their plans by stating as they approve these, or don't approve conservation equivalency that there is accountability, and you would just need to define what that accountability means. It could be to the percentage or harvest numbers that are in the state's conservation equivalency proposals; it can be dependent on whether or

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not you meet the coastwide reduction or don't meet the coastwide reduction that is required. It is within your ability to do that today.

MR. APPELMAN: I just wanted to add that our FMP review process, whenever there is a new measure in place we review that. After a full year of implementation we bring it back to the Board and they see that in our annual FMP review. There is opportunity there as well to enforce any accountability the Board has stated.

MS. PATTERSON: This is a question and answer period not comment period. Along the thread that there has been this discussion about OLEs concerns on aspects of enforcement. When the assessment is conducted, is there some effort to move Law Enforcement uncertainty into these percentage reductions?

I'm also looking at one of the general comments from OLE, indicating that officers issue more warnings and citations following a change in regulations. That first year I would think you might never achieve an 18 percent reduction, if you consider that aspect of things. Does the TC consider that at all?

DR. KATIE DREW: What the TC can provide the Board. There is an element of risk to it. We can't really quantify what the likely noncompliance will be. We did when we calculated these plans. These do include sort of an assumption of noncompliance that we're assuming that there is going to be a certain amount of people who are not going to comply with these regulations, and that sort of the same people who didn't comply last year with those old regulations are still not somehow going to magically fall back in line.

There is an assumption that noncompliance will happen, and that calculation is included in these reductions, so when you come down to that 18 percent that does include some allowance for noncompliant harvest within the calculations.

Obviously we can't predict what the noncompliance is going to be like.

In some cases you would expect it to actually be better in a year where regulation changes, because there is more of an effort to explain these new regulations. There is more outreach, and people might know about it more. On the other hand, there is also if you've been fishing the same way for years.

You may not be fully onboard with that and become noncompliant accidentally. What is that percentage? I don't think we've ever looked at the difference between a year with a regulation change versus a non-regulation change. But the recent average of noncompliance is included in these calculations.

The regulations are sort of a little bit more conservative than they would be if you assumed that everybody just magically fell in line with the new regulations. I think there is also room if the Board wanted to pursue this in the future, to direct the Technical Committee to be more conservative when you're setting the percent reduction that you need. Right now we said this is the amount of harvest that we'll have a 50 percent chance of achieving the F target next year if you want to account for potential uncertainty in that actual compliance.

Then maybe you need a slightly higher reduction that you have a higher probability of achieving the F target, to allow you some slippage in those calculations. But a noncompliance estimate is included in these reductions. Is that enough? It's unclear. We'll have to see, again that relates back to angler behavior and trying to predict that in the next year.

CHAIRMAN BORDEN: All right, follow up, Cheri?

MS. PATTERSON: Yes thank you for that clarification. The second question I had was have we ever looked at state-specific reductions

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before on a historic basis, or have we always just looked at the coastwide percentage reductions?

DR. DREW: For striped bass the last two at least have definitely been on the coastwide that we present a set of measures that achieves that reduction on the coastwide, and the Board has considered that. To my knowledge we have never gone state by state. We certainly have for other species, but for striped bass it's always been a single coastwide measure.

CHAIRMAN BORDEN: All right I have Justin and Dan, and then Mike.

DR. JUSTIN DAVIS: This is a question for Nicole and Dr. Drew. In the Technical Committee memo to the Board, the Technical Committee stressed that predicted savings from a no-targeting provision are highly uncertain due to current data limitations. I'm wondering if you can expand on that a little bit of what are the data limitations, what are the inherent uncertainties there?

I'm also curious whether those present just an issue on the front end of sort of assessing what kind of reduction you'll get out of a potential measure, or whether it might also apply to the assessing whether the measure of achieved what it was supposed to, given that I can imagine if you enact a regulation saying that it is illegal to target striped bass.

Anglers being intercepted by MRIP might have a disincentive to report that they caught striped bass, because they weren't supposed to be targeting them. I'm wondering, MRIP data and the discard estimates that come from MRIP would presumably be the way you would find out if that measure achieved what it was supposed to. I'm wondering if it creates issues there with assessment.

MS. LENGYEL COSTA: As far as the TCs thoughts on this. I would say the data limitations we're

trying to predict angler behavior and effort, which is something that we cannot do. If for example, we had had a state who implemented a no-targeting provision for a year, we could then look back between the previous year and the year they implemented that and see what kind of impacts that had on the previously released fish. That is the big question is when you have a closed season, and you have a no-targeting provision.

Those people going out and who have previously caught and released striped bass, what is going to happen to those previously released fish that have some level of mortality? Are all those trips going to cease? Are some of them going to occur, and which ones? As previously discussed, if you're going out and you're targeting another species but you're using similar gear that is still going to encounter striped bass.

You're still going to have some level of releases. But you can't assume that every release is still going to happen, and you can't assume that every fish will be saved either. That is where the data limitations fall is we just can't predict angler behavior and effort. We don't have anything on the books that are ready to show us that this has been implemented, and this is the impact it had. As far as MRIP and the anglers introducing some bias in the interview process, I can't say what will happen there, but I can say that we are relying on MRIP data for these analyses.

DR. DREW: To add to that. I do think though that the no-targeting provision, the major assumption behind them is that there will be a reduction in effort. That is there will be a reduction in number of trips, regardless of whether they claim they're targeting striped bass or not, you should see a percent reduction in number of trips that correlates to what these have.

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In a way it's actually an easier way to test the accountability of these measures than to just say whether or not you saw the correct reduction in number of fish. But we should be able to go back and check and see is, did you see this percent reduction in total number of trips, regardless of whether they caught striped bass or not that you are predicting from this analysis?

CHAIRMAN BORDEN: All right next one on the list is Dan.

MR. McKIERNAN: This is a question for Nicole and maybe Katie as well. Given that we see at the state level substantial variability in recreational catches between years without rule changes, and we attribute those changes to MRIP sampling error and year class strength. My question is, how precise are the estimates of each state's projected reductions under the uniform rules?

Is the variability among the impacts by state MRIP noise, sampling error, interannual variability, and would you recommend the individual states pay less attention to those projected reductions? Because I'm sensing that some states see, are they above the 18 percent bar or below, and if they're above, well they're going to try to torque the rules to get down to the 18 percent.

But I'm wondering if the projected changes, or projected impacts are kind of ephemeral or just illusionary, in terms of the real impacts, and if they're just sampling error. Could you explain how some of our states apparently don't? I've got to see a big change as a result of this, and others seem to be really concerned about big impacts.

CHAIRMAN BORDEN: Katie. Let me just qualify before. Staff has total flexibility to flip the football in any direction at the table. They're all staff, and I would point out that Bob Beal will

award all of the staff members that work for other agencies with a big Christmas bonus.

DR. DREW: Yes that's why we do this, the big bucks. It's a good question, and I would say there are two components. For sure there is sampling variability in MRIP, and the PSEs, you know the precision of these estimates vary from state to state. However, the bigger driver here is predominantly the differences in how much of your harvest you keep versus how much of it you release. These measures, size limits, bag limits, they really only focus on how much of that harvest you are not taking any more.

If your fishery has a fairly large component of catch that is harvested, by doing a small bag limit or a small size limit change you actually get a big reduction in harvest, and your overall percent reduction is greater. For states that have a very high proportion of their catch that is released, tweaking the bag or the size limit analysis makes a small impact on the harvest, and doesn't change the overall dead discards.

Some of the states at the most northern range are 50 to 90 percent of their dead removals is releases. Making a small amount of change to your harvest, if your fishery is 90 percent dead releases, does not make a big change in your overall percent reduction in total removals. Whereas a state that harvests more of the striped bass that they catch, a small bag or size limit change can have a bigger impact on your total removals.

MR. McKIERNAN: To follow up, David. Great answer, but my question is, you talk about different release rates. Is that a reflection of angler ethic, or access to harvestable size fish?

DR. DREW: That's a good question. The problem is we don't have a ton of data on the size of fish that are released alive. In some cases it is a choice of angler ethics that they would prefer to release more of these fish. However, there is also the fact that we're

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operating under a 1-bag limit. If you go out, you have access to this fish, you catch 1 fish, are you done for the day, or do you enjoy the catch and release experience?

I think that is one of the big variables that we don't have a good handle on across the states, is the ethic really different? Is the approach really different? Is it access to fish? Is it the enjoyment of the trip, or catch-per-unit effort? What is it that is driving some of these differences? I don't think we have a good grasp on that along the coast. We can just see the final pattern.

CHAIRMAN BORDEN: Mike Luisi. Mike passes, okay, Emerson you're up.

MR. HASBROUCK: My question was very similar to Dr. Davis's question so it has been answered, thank you.

CHAIRMAN BORDEN: John McMurray.

MR. McMURRAY: I think we're getting to the level of beating a dead horse with the no-target closures, but I also think this question is important to answer, so I'm going to go ahead and ask it anyway. I don't think Cheri's question was officially answered. I think what she was getting at that we all understand that there are compliance estimates.

But in this case, speaking from a practical perspective, hypothetically one of my boats gets boarded in the Susquehanna, we're large-mouth fishing, we're not striper fishing, it's essentially the same gear. My question is, you have your straight up average compliance rate, but was that increased at all given the enforcement difficulty of this? I also question that some of these were based on a 9 percent discard mortality rate, when clearly the science shows that there is a lower discard mortality in the winter months that Maryland is proposing to close and then higher mortality in the summer months. Was that accounted for all or

was it straight up 9 percent? Those are two questions.

CHAIRMAN BORDEN: Nicole.

MS. LENGYEL COSTA: For the last part, for the release mortality the TC in their TC criteria memo stipulated it was 9 percent for all proposals, and as you said it can vary during different times of the year. It largely depends on angler behavior as well. There are a lot of variables accounting into release mortality rate.

The TC just defined it as 9 percent. Then as far as the noncompliance rate. As Katie pointed out earlier, we used the average over the two years that we looked at as our noncompliance rate. We did not increase that by any amount to account for the comments from the Law Enforcement Committee.

CHAIRMAN BORDEN: Follow up John, no. I've got Roy next.

MR. ROY W. MILLER: It's been my observation over the past several weeks that there is an expectation; at least among some members of the public that there will be the accountability measures will include payback provisions or something analogous to that. I wanted to get that nailed down today, so there aren't any erroneous expectations as a result of the action we're taking today, specifically with regard to commercial, and also recreational. Now we all know that we have not had any accountability for recreational overages in this plan in the past.

We have had accountability for commercial overages. But I wanted to see if there is any difference in expectations among members of this Board in that regard, particularly what happens if we find out that we exceeded 18 percent greatly on the coast, or if we exceeded 18 percent greatly recreationally among any of the member states? What are the expectations? I was wondering if as a follow up

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to Toni's comments, or perhaps Max or Nicole could enlighten us all.

CHAIRMAN BORDEN: That actually was a concept that I wrote down when Toni made the original point. My suggestion is we continue with the questions, but before we break for lunch I want to have a discussion of that and make a suggestion on how to handle that. Is that all right with you? Okay so the next person I have on the list is Mike Millard.

MR. MIKE MILLARD: A question for Nicole or Katie perhaps. I would like to take one more crack at the first bullet up there on the slide about where the CEs might land, with respect to the 18 percent. I understand that it will be different. That means it could be higher or lower, and I understand that we can't pinpoint that. But I guess I'm curious if there is any evidence or any sense, by those of you who noodled around in the data a little more, which side of that 18 is more likely, or is it just we have no idea which side of that 18 we would land on?

MR. APPELMAN: I think unless some members around this table are in a position to shed some light on which option their state is leaning towards, maybe we could hone in on where we fall on that line. But unless that happens, again the combinations are almost endless, so we don't know.

CHAIRMAN BORDEN: All right do we have any other questions? None at this point, so I have no further questions on any of the reports then, is that correct? Let's go back to the point that Toni raised, and Roy just raised, because I think there is some merit in getting a dialogue going on that before the actual break, which is the subject of accountability.

One of the things that I was going to suggest on my talking points for the meeting was that when we come back from the lunch break, if someone wants to make a motion that is a

cross-cutting motion that applies to all of the proposals, or all of the proposals on the coast, or all of the proposals for the producer areas. That is the appropriate time to do that. In your case, Roy, if you want accountability to be right up front and have clear instructions on how that is going to be handled for all of the proposals that we're going to discuss.

That would be the appropriate time to do that. That is background. What I would suggest here is for different members here to talk directly to Roy's point and Toni's point about should there be accountability, and how should you handle that? Should there be payback provisions in the plan? We'll then all have the benefit of some dialogue before we go to lunch. Everybody can continue the discussion over lunch, and then we'll come back and take that up again, in terms of cross-cutting provisions. I've got our former Chair.

MR. JAMES J. GILMORE: See Pat, he skipped you before, because now that you're Chairman you get no respect. David, I think that's a good idea, but I wanted to throw one suggestion out for maybe a lunchtime discussion too. We've got two big issues, obviously the accountability measures is one of them that we're going to have to talk about.

But secondly, going back to the whole issue about the 49 options we have, and I'll get into that later as to the details of why New York had so many. But I came to this meeting today ready to narrow that down to, here is what New York wants to do. I think if maybe some discussions during lunch about, if people are on the fence right now.

I mean I've gone through two meetings, 300 people in one, 40 in another, a survey with 1,500 responders, coordination with our neighboring states, thousands of e-mails, and then our Council meeting or whatever. I'm done. I'm ready to say this is what New York

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wants to do. I would hope that most of the states would have to do that.

If we have to have some discussion at lunchtime that might be a real important thing to do, and say I don't have nine options, I have one. But I will say I need conservation equivalency to kind of tweak the measures a little bit. I would hope that maybe during lunchtime we can talk about that and come back, and then maybe shorten that list of 49 down to a handful, just a suggestion.

CHAIRMAN BORDEN: Jason.

DR. JASON McNAMEE: Just to make sure, we can make comments on accountability now? Okay thank you. There was a lot of, the accountability idea first came across my inbox. I started seeing e-mails with this notion, and that sort of picked up steam as we got closer to the meeting. I was thinking about it.

I really like the concept, but this is not a trivial decision, and so I would be really extremely hesitant to make it today. The reason for that is what we're talking about, in the case of striped bass, is accountability to a statistical sampling program, specifically MRIP. I think that would be an extremely difficult situation to put a state in, and that would be to hold them accountable to a point estimate from a statistical survey.

I think there are ideas of how we could build accountability; it could be some envelope of risk around what your point estimate is. You know you shouldn't be above 20 percent or 30 percent. I think there are ways that we can craft a really decent accountability program, but I don't think we can do that today.

CHAIRMAN BORDEN: Mike Luisi.

MR. LUISI: I would agree with Jason in that I think we would be mistaken as a Board, if we were to find ourselves reviewing MRIP landings data for 2020 and comparing those data points

to each state's 2017 landings, to determine whether or not a state was successful in its attempt at trying to reduce overall mortality in an effort to recover the stock.

We went through that already once before under Addendum IV, and I know particularly because Maryland was on the hot seat, because we had a 2011 year class that was showing up and recruiting to our fishery, and it created catch estimates that were much higher than what we had in previous years. Given the uncertainty around the MRIP estimates, I just think we would be at fault as a Board if we find ourselves a year from now looking at those point estimates, and pointing fingers to states to say you were successful, and you weren't.

You have to take further reductions and you don't. I look at this Board, we as a Board I believe need to take every action we need to, to turn this stock around. I think that if I were to evaluate whether or not we as states are successful in our attempt at addressing the problems that are in this addendum.

In Addendum VI, I think we find ourselves successful if at the next assessment update, if we've reduced fishing mortality and spawning stock biomass has either slowed its decline or even turned around to some degree. I think we could look at each other and say we were successful in our attempts.

I don't know that there is a state around this table that is trying to take advantage of conservation equivalency at this time, so that they can squeeze every last fish out of the ocean or out of the Bay. I think we're all making sincere attempts at making those reductions. I hope that success down the road, if we're talking accountability that it is our successful attempt as a Board, as member states, as a joint body along the east coast. We were successful in making those attempts, and not that states are either failures or successful in the objectives of the Addendum.

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CHAIRMAN BORDEN: I've got David and then Justin.

SENATOR DAVID MIRAMANT: I think he meant me is that the David? Good. The follow up on that is that when the Technical Committee is reviewing an addendum that we've decided, it seems like they would have more time for all considerations than a conservation equivalent. Maybe not, but you can answer that.

The other part is that we're seeing climate change effects in our fisheries in Maine, because of such a rapidly warming body of water at the Gulf of Maine, as well as acidification that affects species exoskeletons, species that need to uptake calcium. How does the Technical Committee add that to say a historical means of cutting off a fishery, reducing a fishery, the suggestions that are made, this percent, this number of fish or the whole range that you put out?

Then take in that new piece of, well now this is also affecting it, so say the northern shrimp. We shut it off, but we're not seeing recovery and may not for a while, because the climate change part is affecting the recovery. Is that an extra not quantifiable that you throw on as a percentage when you make a recommendation? If it's not, should it be? Would you have the same ability for a conservation equivalent with the less time that you have to look at it, compared to the whole Board's suggestion for an addendum? I'll repeat anything if I got too rambling.

CHAIRMAN BORDEN: Katie.

DR. DREW: I think you know the question about climate change is certainly a relevant one. I think for a lot of these species, including striped bass, we don't fully understand the consequences of climate change. Is it changing availability? Is it changing recruitment success, things like that? It is very hard to predict.

For northern shrimp we have a pretty good idea of what warming water temperature means for the population, and that is all bad things. For striped bass, is this increasing the availability of the same population to your waters, and making it harder to predict how many fish are going to be available to your anglers?

It's one possibility. I guess the question is we have not done anything to add any additional buffer or uncertainty related specifically to climate change. We tried to reduce some of that variability by focusing on the most recent set of years, or the closest most representative set of years, in order to predict a few years into the future. In terms of our long term plan to rebuild striped bass that is certainly where more uncertainty is going to come in.

But I do think it's up to the Board to evaluate the risk level and to evaluate what probability they want these regulations to achieve. In terms of is this going to be more successful, less successful for the population is also separate from the question of, is this going to be more successful or less successful for the fishery in achieving the reductions that we want? Does that 18 percent translate into the correct amount that we need for the population, versus does this bag and size limit analysis get us to 18 percent, are two sort of separate questions.

But I think both of them have room for the Board to consider additional risk and additional buffering. The TC can provide some guidance on some of that information, but for certain things like the effects of climate change, we don't know what the correct buffer on that would be. I don't know if that answers your question. But certainly having more time to discuss all of this and review all of this would also be key in developing better recommendations from the TC.

CHAIRMAN BORDEN: David, follow up?

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SENATOR MIRAMANT: Yes thank you. That is a good answer to that part. I guess knowing that and maybe a comment when you're giving us information that that has been considered, or it's not necessary to consider it because there is not a change, or that if you have a coastwide fishery. But then Maine is part of that coastwide, and we're warming more quickly, how that is taken into consideration to the degree that you feel like you should.

All those would be helpful, knowing what we're voting on or discussing, and if someone comes up with a conservation equivalent that you don't feel like you had enough time to say look at all those factors for that specific, because theirs is going to be for a specific region, to make sure you have the whole picture for us to decide from. That would be my request.

DR. DREW: I mean we can certainly take that. You know when we develop these in the future. I would say, you know the conservation equivalency is really focused on sort of short term immediate changes, and so that is less likely to be impacted than the long term, how is the spawning stock going to recover under these scenarios?

I think we have some more confidence in saying, 2020 is probably going to be more like these sort of reference years that we're looking at, most recent, most recent set of regulations, similar size structure to what we think is going to happen in 2020, and so probably more similar environmental conditions, so there is more confidence there. But the longer term projections are really where the climate change uncertainty is going to come into play.

CHAIRMAN BORDEN: All right, just so everyone knows, we intend to break at 12:15, so right now I have seven individuals on the list. I'll just read off the list. If you want to speak before lunch time, please raise your hand. I'll put your name on a list. But then at 12:15 we're going to try to call it quits, get some lunch, and then

come back. I've got Justin, Ritchie, Chris, Pat, John McMurray, Joe, and then Brian. Is there anyone else who wants to speak before lunch? If not, I'll take the names in which I call them off. Justin.

DR. DAVIS: I'll start out by saying that I generally agree with what Jason said, for the Board to move towards crafting accountability provisions today around the table, I mean I think that is sort of a big jump to take, given that they weren't in the Addendum, there wasn't an opportunity for public comment, and I think we would really have to think carefully about how to do it, given the overwhelmingly recreational nature of this fishery.

I think I also agree with what Mike said, that the way we'll judge whether we were successful is coming back a couple years from now, and seeing if we achieve the necessary reductions. However, I feel that is kind of contingent on us sticking with a coastwide management program. I think if we all stay together as a coastwide management program with consistency, then we can as a group decide whether we met our goal down the road. I think if states want to move in the direction of adopting conservation equivalency, they're using MRIP data with all its warts to basically prove that those measures are going to achieve the necessary conservation.

I think states therefore then have to be okay with using those same data to determine whether or not they met their goals. I think the decision today about whether to move towards accountability should be downstream of the decisions about conservation equivalency, because I think whichever way we go there really, to me, will play into how important it is today to decide on accountability.

CHAIRMAN BORDEN: Next I've got Ritchie White.

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MR. WHITE: It seems pretty clear, and my guess is everybody around the table will agree that the conservation equivalency is going off the rails. The amount of proposals we have is really crazy. Historically conservation equivalency was used, and this is a number of years ago, for very minor tweaks for options that were approved in the public document.

It wasn't going way outside the approval of regulations that we're seeing now. I'm getting a ton of e-mails from my constituents saying, how could you possibly approve a 24-inch size harvest? We had no chance to comment on that. It was the same thing on various other parts of this. This is all done without public input up and down the coast. States have had some public input individually on their options, but the overall public has not been able to comment on these.

That is not how this Commission does business. We have to change this process. I think that that needs to be a part of the Amendment, to rein in conservation equivalency on striped bass, where you obviously have this policy for all our species. But I think this is not working for striped bass now, and we have to put some very strict sidebars on how we use it in the future.

CHAIRMAN BORDEN: Chris.

MR. CHRIS BATSAVAGE: I listened to the comments today. I think we jumped ahead of ourselves, as far as getting these implementation plans in place in regards to accountability, because I think from the Law Enforcement report, it appears that that first year with major regulatory changes is a bit of a phase-in, in terms of how things are enforced, and making sure people understand what's going on, as far as what they can and can't do.

I see this accountability kind of cutting across a lot of ASMFC species. If this was a jointly managed species with one of the councils, we

would have no choice but to be accountable, for instance with bluefish we'll talk about later on today. I do support talking more, either this meeting or future meetings about looking at some sort of management uncertainty or buffer, as Katie Drew mentioned.

To implement for a conservation equivalency for striped bass or some of these other species, to account for variations and availability or year class strength, or variable MRIP estimates, because I think we put forth these conservation equivalency proposals for this meeting today without talking about that in advance. To now kind of set accountability measures based on what we have in front of us today, I don't know if we would see 49, 50 proposals if we had some management uncertainty buffers and other things in place ahead of time. Just the order of things is a little concerning, but that doesn't mean that somewhere down the line we all need to be held accountable.

CHAIRMAN BORDEN: Pat.

MR. PATRICK C. KELIHER: First Mr. Chairman, I would like to thank Toni for telling me I was wrong on the record. As the newly appointed Chairman of the Commission it is always nice to be told that you're wrong. But actually the clarity around her point is very helpful from, she didn't like that terminology payback component, I understand that.

I think Dr. McNamee and Dr. Davis made some really good points. But I want to put a finer point on what Justin said. If we do have a consistent coastwide approach, we don't need to have a conversation around this. It is when you start to err in the side of the extremes, in some cases, as Ritchie brought up that I think we start to raise questions, and questions are raised.

Mike said that we would be doing a disservice to the Board, paraphrasing but I think that is what he said. I think we would be doing a

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disservice to the stock and the recovery and to our constituents, if we don't at least consider some type of approach if we go in the direction of multiple conservation equivalencies.

CHAIRMAN BORDEN: Pat, I would make the observation that your honeymoon is over. John.

MR. McMURRAY: I think the elephant in the room is that some states clearly take advantage of the conservation equivalency program. Certainly there are other states that use it appropriately. If the proposal is really equivalent to the measures in the management plan, then there shouldn't be an overage.

If the measures don't work, then I think it's only right that at the very least those measures be changed as soon as possible. I don't think that is unreasonable. I understand that the science may not be good to do that at the state level, and the surveys are, well they are surveys. But if that is the case, then they also shouldn't be used for conservation equivalency proposals. I don't understand how it is different one way or the other.

CHAIRMAN BORDEN: Joe Cimino.

MR. JOE CIMINO: I am against having the discussion now for the same reasons that Jason brought up. But since then a lot of good discussion has happened. I think that even with a coastwide measure, if that is the way the Board went, we would still need some accountability. We would need to be talking about course corrections.

I think that is the most important thing for this stock, especially if all we're talking about is comparing it to harvest levels a few years ago. I mean if you look at the MRIP numbers, and I'm not going to ask the Chair of the TC right now, but if there was any discussion on this. But harvest levels are coming down, I mean we're looking at probably a coastwide reduction of 50 percent from 2017 to the preliminary 2019

estimate, and that doesn't mean we deserve a pat on the back. There are reasons for that. You know we get a lot of theories on both the size of the stock, but also on movement of the stock have changed.

I think that as we move forward. I keep pushing hope for the start of an amendment process. We need the TCs input and the PDTs input on what appropriate measures mean for the stock that we're working with. I was heartened to hear Dr. Drew talk about predictions based on the stock, and where the stock is and what we expect recruitment to be, over just using a terminal year that may not always be relevant.

CHAIRMAN BORDEN: Bryan, you're up, anyone else?

MR. J. BRYAN PLUMLEE: I simply as the GA wanted to point out that I thought the leadership of our Agency, staff within the Agency has done a very good job. We adopted emergency regulations last August that went through our fall Chesapeake Bay season. Those regulations have been in place now on our coast season. We've had them in place for six months. We provided a pretty specific number on the predicted reduction, 23.4.

I think in our instance the leadership has done a great job of trying to put forward a CE that everyone can take a look at and put it in place, even though there was a lot of resistance from anglers and watermen at the time. We've really hurt our trophy season, our captains are not happy with a lot of these regulations, and we hear about it quite frequently, but they've taken them on and they've been in place now for quite a while. I hope they do get the approval that they need.

CHAIRMAN BORDEN: Dennis.

MR. DENNIS ABBOTT: I've sat here all morning wondering when I should open my big mouth. As you recall, I wasn't really in favor of

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conservation equivalency, and I thank John McMurray for being on my side on that issue. But the Board decided that conservation equivalency was the way to go.

At the previous meetings we adopted 28 to 35. New Hampshire came to the table at that time, listening to our constituents wanting a 36 inch size limit, but the Board pretty much unanimously supported 28 to 35. It strikes me that even though everyone voted for that they were all sitting in the background with their pencil and paper, figuring out what their conservation equivalency proposals would be at the next meeting.

Here we are talking about all kinds of measures that aren't things, as Ritchie said that went out to the public. I don't think it's the right way to manage, and for the reasons that I don't support conservation equivalency as we're doing it, it is fair to go out to the public and tell them what you may do or may not do.

It strikes me also that why did we go out to public comment and say we'll have a 36 inch minimum size, or we'll have this slot, when the majority of the states are not abiding by that? No one can tell me that any of these conservation equivalency proposals is intended to do anything but advantage their states, and to take as many fish as they can by keeping within the regulations. Conservation equivalency as it is presently being utilized; it's creating a system that is un-favored by the general public.

Most of the fishermen you talk to don't like and really won't like what we've come up with today with all these different proposals. It's creating an unfair system. I don't think in the long run that it will improve the fishery. I know it's not going to change anyone's mind, and I may be preaching a little bit.

But I don't think we should be doing what we are doing now. It's not what the public wants

us to do. Oh, one further thing. As I was sitting here thinking, going back to what we approved at the last meeting. Here we are, we're all sitting around the table, we voted for 28-35. Picture us all, each of us with a fishing rod in our hand, and in front of us is the pond with all the fish.

New Jersey is going to go off and catch 24 inch fish in one of their proposals. Other states are going to catch bigger fish. Some of us are stuck in the middle with a slot. The 24 inch fish won't become legal to us. The ones that we saved within the slot are going to move over and be caught by other people. It just isn't right.

CHAIRMAN BORDEN: Anyone else at the table before we break? Okay, so we're going to break for at least a half hour, maybe 31 minutes. When we come back, what I would like to do is to take up the concepts that have just been discussed. If in fact someone wants to make a motion, and I'm just citing this as an example.

If someone wants to make a motion where we don't have any CE proposals, they should do that after lunch, or if they want to make a proposal on accountability measures that they think this Addendum should be governed by, do that after lunch, because shortly after we reconvene, my intent is to start dealing with the individual state proposals, and we need to all have a common understanding of what the rules are. Keep that in mind, half hour break.

(Whereupon a lunch break was taken.)

**CONSIDER APPROVAL OF STATE
IMPLEMENTATION PLANS AND
CONSERVATION EQUIVALENCY PROPOSALS**

CHAIRMAN BORDEN: If you would please have a seat and we'll reconvene. I thought I would offer one last opportunity. Does anyone have comments or questions on anything that took place this morning? No hands up. As I

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indicated my preference before we broke is that I think this is the appropriate time.

If anyone here at the table wants to make a motion, cross-cutting motion that would apply to anything we're going to deal with, then make your motion and we'll vote it up or down, whatever the result is. If in fact we don't get to any kind of cross-cutting motion that kind of sets the framework for how we deal with the next phase.

Then it would be my intent to move to the individual state proposals, and go through those one by one, and deal with them hopefully on a consensus basis if possible. I want to emphasize, if anybody wants to make a cross-cutting motion do it up front, so everybody knows what the rules are, okay. Dan.

MR. McKIERNAN: I have a motion that I gave to staff over lunch. My motion, shall I read it into the record and then discuss it? Okay. **Move that the state implementation of the Addendum VI conservation equivalency proposals approved today be contingent upon a TC or Technical Committee analysis documenting that the combined effect of the state's selected measures is at least a projected 18 percent reduction from 2017 total removals.**

Failure to achieve a cumulative 18 percent reduction shall result in mandatory implementation of the Addendum VI management measures. States will advise the ASMFC of their selected conservation equivalency measures by March 6. The Board will be advised of the results of the TCs analysis by March 13. The implementation deadline for the fisheries regulations remains April 1.

CHAIRMAN BORDEN: All right so I have a motion. Do we have a second, seconded by Ritchie White, discussion on the motion? Any discussion, yes David.

SENATOR MIRAMANT: Sorry if this is already clear to everyone else. The failure to achieve a cumulative 18 percent reduction, failure to achieve it by analysis or the actual fishing of it, how long until they have to go back to the Addendum?

CHAIRMAN BORDEN: Dan.

MR. McKIERNAN: **What I should have written is failure to achieve a projected 18 percent reduction as calculated by the TC.**

CHAIRMAN BORDEN: Dan, you're perfecting your motion. Ritchie White, are you accepting that perfection? If so it has been perfected, other questions, Justin.

DR. JUSTIN DAVIS: Just I guess kind of a process question. The way this would work is that each state would advise the Commission whether they were going to implement either the Addendum VI standard measure or some other measure by March 6. The TC will do an analysis to see if all those measures together will get us to 18 percent?

If they don't will there then be some opportunity for conversation? I can imagine if we get pretty close that some states might be willing to adjust their measures slightly to get us to 18 percent. But then also, I guess what I'm concerned here is that if all the states decide what they want to implement, and then that doesn't get us to 18 percent, how will we decide who gets the opportunity to change or how that will be handled?

CHAIRMAN BORDEN: Dan.

MR. McKIERNAN: Well, my concern and I apologize to the TC for creating these deadlines without talking to anybody. But my concern is that it is going to be so late in the season and the rulemaking process. I can't imagine an iterative process where we keep going back and

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forth to get new rules. My thinking was to do it in a one-shot deal.

CHAIRMAN BORDEN: Roy, and then Mike.

MR. MILLER: I would like to make sure I understand the motion, if Dan or Ritchie would clarify for me. If we exceed the 18 percent reduction the statement says failure to achieve a projected 18 percent reduction shall result in mandatory implementation of the Addendum VI measures. That means to me there will be no conservation equivalency permitted at that point. Was that the intent?

MR. McKIERNAN: Yes.

MR. MILLER: If I may, Mr. Chairman.

CHAIRMAN BORDEN: Certainly.

MR. MILLER: I would have to say that I can't support the motion. I was thinking that something more appropriate would be that we would be dealing with compliance measures in Amendment 7, and that that would give some specification toward how compliance would be measured against the Plan measures, and that if we go over 18 percent.

I mean it is pretty obvious with commercial if there is an overage of the 18 percent, and commercial goes over their allocations, then that is pretty easy to calculate a payback of pound for pound. With recreational it is much more difficult. I can't support a motion that takes conservation equivalency off the table.

CHAIRMAN BORDEN: Mike Luisi.

MR. LUISI: I have to agree with Roy Miller. While I understand the first part of the motion, and I understand the need and the desire for achieving the percent reductions that we are all striving for, my first concern is the fallback provision to the Addendum VI measures. I made many comments throughout the

development of Addendum VI, and the Chesapeake Bay option that was selected by the Board at 1-fish at 18 inches.

At 1-fish at 18 inch minimum size in Chesapeake Bay would put our for-hire fleet out of business, and we've heard that time and time again. We would be faced with a fallback, in the event that we don't meet the 18 percent reduction to something that we as a state would not be able to implement, due to the economic impact and the social impact it would have on our for-hire fleet. With that I can't support the motion.

CHAIRMAN BORDEN: Ritchie White and then Jim Gilmore.

MR. WHITE: Kind of further answer to Roy's question. If this happens, it's not conservation equivalent. If you don't get the 18 percent reduction, then the conservation equivalent proposals are not conservation equivalent. That is what this is getting at.

CHAIRMAN BORDEN: Jim Gilmore.

MR. GILMORE: Well good segue. Ritchie, and I agree with both Roy and Mike, it's that we're going to take a larger hit because we're a larger harvester. We're in the 20 something percent reductions. We're going to add that in, and again if we get to each state I'm willing to tell exactly what we're going to do.

But this gives me the risk right now, even if I throw in 20 something percent. I need conservation equivalency under that for the Hudson and a commercial tweak, which are tweaks. This essentially takes it off the table. I don't have conservation equivalency at all. I understand what Dan is trying to do, and it's trying to simplify this. But with the risk of losing conservation equivalency altogether, I can't support the motion.

CHAIRMAN BORDEN: All right I have Pat, Jason, and Justin.

oMR. KELIHER: I certainly agree with the

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MR. KELIHER: I certainly agree with the overarching intent here. Mr. Gilmore brings up a point that in previous conversations with him on this tweaking, kind of the original intent of conservation equivalencies that I would want to try to make sure we would maintain in any motion. I think it's for the same reason that Roy has brought up from a Delaware perspective that tweaking and that flexibility is removed.

A question I would like to propose to the Chair is from a timeframe, this March timeframe. Would that even give jurisdictions the time to ensure that they have these changes in place for implementation for April 1? I mean if you've got to go through rulemaking, based on all conversations we've had around the table about timeframe of rulemaking in the past, we certainly are going to be hamstringing states to be able to meet the compliance date.

CHAIRMAN BORDEN: I can't answer that but I express a personal view that March 6 is probably already backed up, because that pushes you right up against the deadline, where I'm sure some of the states down in the Mid-Atlantic will already have fisheries operating, or whatever. They can speak to that point individually if they want. But I think it's problematic, the date is problematic. I've got Jason.

DR. McNAMEE: I think this is a pretty clever motion. I'm not quite sure what to make of it yet, but I have a pragmatic question for either Max, Nicole, or Katie, and that is; it seems straightforward what the motion is asking for. But I think when you get back in front of your computer these things get less straightforward. My question is; is this something that the TC can even analyze? If you get a specific CE from a state and you kind of cobble those altogether, they will be weighted based on the harvest. Is it that straightforward?

DR. DREW: Yes that is certainly how I see it. I do think just in terms of timing there probably isn't time for a very thorough TC review. This would be something that staff would do and could disseminate to the TC for a quick look. But it is certainly not something that the TC is going to have a ton of time to weigh in on with this timeframe.

CHAIRMAN BORDEN: Justin, pass. I'm having difficulty reading my own handwriting. Dennis, would you like to bail me out?

MR. ABBOTT: To Jim's comments a little bit ago, and also to Roy's. Getting back to the basis of having conservation equivalency, I think there was an understanding some years ago, use Maine as an example. Maine came forward and we approved a 20-26 inch slot. That was for a biological reason.

I think that Jim's comment about the Hudson has a biological basis, and I think the same in Delaware. Those things to me are legitimate conservation equivalency. Not to pick on anybody, but a lot of these I view as a means of increasing harvest, and on paper meeting the 18 percent. Again, I think that for biological purposes conservation equivalency works. But having 40 or 50 proposals is way beyond, just way beyond.

CHAIRMAN BORDEN: John Clark.

MR. CLARK: I understand the consternation with conservation equivalencies, it has been expressed here. But all the states that submitted conservation equivalency proposals did so at the directive of the Board at the last meeting. **Therefore, I would like to move to substitute that the Board approve the conservation equivalency proposals as reviewed by the TC and presented today. If I can get a second on that I would follow up.**

CHAIRMAN BORDEN: Is there a second, seconded by Mike Luisi, John?

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MR. CLARK: Yes, as I said. I think the conservation equivalency discussion we've had is a good one, but as Roy pointed out I think that is something we need to tackle under Amendment 7. All states with Addendum VI went into the conservation equivalency process based on what was approved. I think all these proposals, whether you like them or dislike them.

The TC has said overall that they followed the protocols that were given to the states, and that they will meet the 18 percent for those states. I understand that taken as a whole there is some concern about that. But we did what we were asked to do, and I think this is the time just to approve these, get these in place, and then under Amendment 7 we can tackle all these other issues.

CHAIRMAN BORDEN: Mike, do you want to follow up as the seconder?

MR. LUISI: Well to John's point. We've had conservation equivalency as a topic of discussion over the past year. It has been decided by this Board, I think it was at our August meeting that we would be allowed to use conservation equivalency moving forward, after the Addendum was finalized.

States went back to their respective regions and talked with stakeholders to devise what they felt was going to be the best attempt at achieving the outcomes that are expected through Addendum VI. Something that just doesn't sit well with me, it's been brought up a number of times, and I have yet to see the analysis. But when you take the coastwide approach, and you apply that measure to the states, there are varying degrees of reductions by each individual state, depending on their harvest. I think Jim Gilmore kind of mentioned that as a large harvester state. You're taking a disproportionate reduction if applying the coastwide approach. I have yet to see the analysis.

But, I haven't once heard one of the states who may fall below the desired level of reduction, maybe a 5 or 9 or 10, 11 percent reduction as it applies to the coastwide level ever mention that they would be considering to do more, to try to advance their measures to meet the 18 percent reduction required.

It was determined by this Board months ago that we could use conservation equivalency. We need conservation equivalency. We cannot implement measures that Addendum VI suggested for our Chesapeake Bay. Again that is why I support the overall approach. I think Amendment 7 will be the time when we can have a good conversation about conservation equivalency moving forward. Today is just not the day to take it off the table.

MR. APPELMAN: Just a point of clarification for the maker and seconder. Would you be willing to make a friendly to include implementation plans in this as well? Some states did not submit conservation equivalency, and I feel like you're trying to encompass all the measures that were in that table into one motion. Maybe I'm wrong, I don't know.

MR. CLARK: Yes, I think it was to include all the conservation equivalency proposals, but you're suggesting just to put an implementation date in?

MR. APPELMAN: No, no, no, no. I mean that some states submitted implementation plans with no conservation equivalency proposals. Would they be included here? Could we include the term implementation proposals, John?

MR. CLARK: Sure thank you.

CHAIRMAN BORDEN: All right Mike, is that perfection agreed to? We have a perfected motion on the table. I had Steve Train.

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MR. STEPHEN TRAIN: I look at these two motions, well now the substitute. If we do not reach a cumulative 18 percent, which state has to make up the difference? We're not going to do anything, there is nothing in it. There is no backstop like the original motion. If these combinations of conservation equivalencies don't get there, we don't know what they're going to do. We haven't done our job, and we don't have a backstop on the substitute motion. I understand the concept, but it just leaves I think too much risk. We don't know what the sum total is going to be of these.

CHAIRMAN BORDEN: Cheri.

MS. PATTERSON: Yes, I agree. I have the same concern that was just echoed. I also have a question. Some of these conservation equivalency plans have actually not been approved by the TC, is that correct? According to this those would not be considered in this motion. Again, my overall comment is the concern that I just echoed. But I also have that question.

CHAIRMAN BORDEN: All right I have, oh you want.

MR. APPELMAN: Yes. My read of the motion is that this would only approve all the options that were presented in the table in the TC memo. All other options that didn't make that table would be not approved here.

CHAIRMAN BORDEN: All right I have John McMurray and then Russ Allen.

MR. McMURRAY: I don't support the substitute. I understand that the main motion is problematic, but really what choice do we have? We painted ourselves into the corner with conservation equivalency. If states do what is laid out on these CE proposals, in all likelihood we will not achieve the 18 percent reduction. In that essentially we would willfully not be meeting the Addendum VI reductions,

and is the Board okay with that? I don't think that the public is.

CHAIRMAN BORDEN: I've got Russ Allen and then Adam.

MR. RUSS ALLEN: I appreciate all the concerns around this table on conservation equivalency. I've been working with conservation equivalency for striped bass since, let me bring back my Tom Fote memories and go back to Amendment 6 when it was adopted in 2003. We've been doing this every year.

This is the first time this major conversation has come up, which is great, because we should be having these kinds of conversations. The way things have been done in the past. I know at one point I put together maybe 15 or 20 options to take to the Technical Committee, but we really approve the methodology.

I think that is what is key here is we approve the methodology of how the Technical Committee goes about their business and says we think this is good. This isn't good. The difference here is we're doing it in such a short timeframe. We used to do that go to the Technical Committee, take it out to our constituents first, look that stuff over, then come back to the Board with here are the two options that we're going to do.

This is a little different, because we're doing it so quickly. People that haven't been doing this for a long time can sense that there is a problem here. But as I said, 2003 was Amendment 6, and we haven't even started Amendment 7 yet really. That is where we should be going with conservation equivalency, accountability. It should have been done five or ten years ago when we really were thinking about it, but we didn't do it. I am definitely in favor of this motion that John and Mike have put up there.

CHAIRMAN BORDEN: Adam.

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MR. ADAM NOWALSKY: What strikes me is that I think we've got a level of confidence here that when we put all of the CE proposals; the number for the coast is probably going to come in less than 18 percent. I think we've got a pretty high confidence level of that. I think we also have a very high confidence level that the number for the coast is not going to be 8 percent; it's going to be some small number below 18 percent.

The purpose of what we're doing here is to provide conservation for the stock. When I look at coastwide landings from 2017 to '18, and then preliminary '19 numbers that are down over 50 percent since 2017, to sit here and quibble about is our coastwide reduction 18 or 17 or 16, to provide states flexibility.

I understand some of us may not have been around the table with striped bass CE proposals. But I can assure you that this Commission as a whole, when you look at some of the other species boards, Summer Flounder, Black Sea Bass is no stranger to developing large suites of CE proposals, designed to try to meet some number.

This is in no way inconsistent with actions of this Commission as a whole, in terms of what this means to the resource when you look at the reductions that are already occurring in harvest for the health of the resource. It provides me a very high level of confidence that this is an interim measure, until we can tackle a lot of the other concerns voiced around the table as part of the Amendment 7 process.

CHAIRMAN BORDEN: Jason then Dan.

DR. McNAMEE: Just a couple of quick things to something Mike Luisi said earlier. The Rhode Island conservation equivalency is higher. We were with the coastwide we would have been about a 14 percent reduction, and so whether it was the regional or the Rhode Island specific ones, you know it goes up. But the point of

saying that is just to kind of hit home the point that Rhode Island taking a little bit more is not going to subsidize any of those states to the south.

I agree with Adam, and of course I haven't done the math, but I'm almost certain that we with the conservation equivalencies, because everybody didn't do a conservation equivalency that we won't meet that goal of 18 percent. I just wanted to get that on the table. But I also wanted to say that I won't support this motion, because it gives a blanket approval. I wanted to have further discussion on one of the CEs, and so for that reason I won't be supporting this motion.

CHAIRMAN BORDEN: Dan and then Justin.

MR. McKIERNAN: Yes just for the record. I don't believe the will of the Board back in October was to cap reductions on a state-by-state basis to 18 percent. The will of the Board was to create a series of regulations, or I think more consistent regulations to achieve an 18 percent reduction coastwide.

CHAIRMAN BORDEN: Justin.

DR. DAVIS: Unfortunately I can't support this motion. I don't fault any one state for pursuing conservation equivalency, and Connecticut did it too. I think states have good motives. I wouldn't go so far as to impugning one's motives of why they're pursuing conservation equivalency.

I think people are trying to do what's best for their fishery, while also providing conservation. I'm just concerned that when we look at where this is leading us that any one state's decisions are made in good faith, but that overall it's leading us away from sort of a coastwide management program that I think is really viewed, you know pretty positively by the public.

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I don't think the public wants to see us move away from that. I think it's just really telling looking at that initial presentation we had today that it took 15 minutes and a dozen slides to go through all the options. It looks like we're contemplating taking one of our sort of simplest management programs and turning it into one of our most complex. I think by doing that we're steering right into the weakness of the MRIP data.

We've all had conversations around this table about how when you start chopping MRIP data down to the state and the wave and the mode level, you get issues with precision and reliability, and we're playing right into that by moving this management program towards patchwork regulations, where we're formulating those regulations and assessing their performance using MRIP data at those sort of lower levels of resolution.

I have concerns around that and just whether we're buying ourselves trouble for down the road, but making this program more complex. When we come back to this table in the future and there is opportunity for hopefully liberalization or we have to take further reductions. I think how we do that is going to become more complicated if we move away from a coastwide program.

Just this uncertainty about whether we're going to hit the target for the Addendum by introducing conservation equivalency or so. There are some proposals that I could absolutely support some of the minor tweaks that have been talked about earlier. But this sort of blanket motion to just provide approval for all CE proposals, I unfortunately can't support that.

CHAIRMAN BORDEN: Jim Gilmore.

MR. GILMORE: I for the most part can't support the motion, because it doesn't fix that 18 percent issue. I know, I saw the pained look on

Nicole's face before trying to calculate the incredible number of combinations would be ridiculous. However, I think if this one goes down, it fails. Where we're going to go is individual states, and we're going to have to go around the table.

One suggestion to maybe salvage this is that I could support this if actually each one of the states went around and essentially declared what they were going to be doing, because again if you came to this table and you have no idea. That is pretty surprising. I'll go first if we get to this point. What New York plans to do, it comes down to one set of combinations not 15. Either we can vote this down and try that or we can go around and start discussing what we actually plan to do in our states.

CHAIRMAN BORDEN: I've got Dennis and then Pat and then Emerson, anyone else?

MR. ABBOTT: Just a point of clarification. A comment was made that we decided at the August meeting to allow conservation equivalency. My recollection in August was that I made a motion not to allow it. But am I not correct that in any fisheries management plan conservation equivalency is always an option. Am I correct in my thinking?

CHAIRMAN BORDEN: I believe the answer is yes, but I'm going to defer to Bob.

EXECUTIVE DIRECTOR BEAL: You're correct, Mr. Chairman. The answer is yes, unless that FMP specifies areas that do not allow conservation equivalency. There are a couple in lobster and a couple others.

CHAIRMAN BORDEN: Pat and then Emerson.

MR. KELIHER: Are you sure you got the order right, Mr. Chairman? Am I next?

CHAIRMAN BORDEN: I have to call on the big Poobah.

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MR. KELIHER: At a recent public hearing just held last week in Maine on our regulation to go to 28-35 inches. I attended to just listen in to understand kind of where our constituents in Maine are. Frankly it wasn't even a conversation about our regulation, it was a long drawn out conversation, very editorialized about the failures of this body.

You know we're all as managers used to hearing about concerns as it pertains to things that people don't like. But in this case and quite possibly coming in as the sitting Chair, it certainly hit home much more than it has in the past. There were tremendous oppositions to CEs, the intent of how they're being used, failures of the Board across the spectrum.

The fact that we need to be in a rebuilding mode, and we're not moving in that direction, the points that have just been brought up that we will not achieve the 18 percent reduction, and a question from Mr. Luisi, are state's willing to do more? I can tell you the people in that public hearing in the state of Maine were willing to do much more, including moratorium conversations, which just kind of shocked me.

I think those are coming up based on their concerns that we're not going to do the right thing for the species, and to stop overfishing. On top of that spending time this weekend, I'm going to say it on the record, but Mr. Abbott was probably right, and I probably should have voted to support his motion when it was made in regards to CEs for overfished stocks.

But we do have two memos, one from the Technical Committee, and one from the Law Enforcement Committee that raises many, many red flags for many of the conservation equivalencies that have been proposed. Based on all that information, in particular the two memos, and the public sentiment that I received back home in Maine. I will not be able to support the motion.

CHAIRMAN BORDEN: All right I'll take Emerson, anyone else after that? I'm sensing we've kind of finalized our positions around the table. After Emerson I'm going to allow everybody to have a one minute break. Don't leave your seat, and then we'll take a vote. Emerson.

MR. HASBROUCK: I cannot support this motion either, because I'm not ready to approve this whole laundry list of, whatever it is 47, 49, 50 conservation equivalency proposals. Based on the Technical Committee memo, the Law Enforcement memo, public input, I don't think that all of those on that list are appropriate.

I might be willing to revisit a similar motion, once we've discussed the particulars on that long list, and maybe whittle that list down. Then also, I cannot support the original motion either, because we do need to have some conservation equivalency in some of the cases on a state-by-state issue. I can't support either one, and with that I would call the question.

CHAIRMAN BORDEN: Mike, and then Dennis. Then I am going to call the question.

MR. LUISI: To Emerson and Jim's point. I think that well I know that some of the provisions in the conservation equivalency proposal that Maryland submitted have come under question. I haven't had the opportunity to comment directly to some of the questions that were asked earlier. I would like to have that opportunity at some point. But I also on Jim's line of thinking, I think that we would be in the position to whittle down our options in the Chesapeake Bay to something more manageable. We had four options; I think we could limit that.

I would hope that by hearing that out that there might be some more confidence in the options that we would take to the public, and reduce that level of uncertainty associated with the targeting provisions that a lot of people around the table had questions for. I'm going to

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support this motion, but I hope that depending on how it goes there will be an opportunity to follow along the lines of Jim Gilmore, and maybe have states identify what their preferred alternatives would be in that event.

CHAIRMAN BORDEN: Dennis.

MR. ABBOTT: Agreeing with Emerson, not really liking the motion that is before us and seeing the flaws in the underlying motion. But also seeing the importance of the decision we're being asked to make today, both from a financial aspect for everyone involved in striped bass fishing, and the importance of it all.

It really puts us in a position of making I think hasty, I'll call it a hasty decision. Might I not have the suggestion, where I've heard comments from others that whittle down? I would be of a mind to say that we should recess this issue until later in the week, and ask the states to come back with a proposal that we could act on. I think everyone might be happy with that. But asking us on the one hand to approve 49 or 50 really goes to what I've been preaching for a few months now. Is that not something that we could consider?

CHAIRMAN BORDEN: My preference here would be to do one minute caucus, vote on the motion, and vote it up or down. Then if by chance it fails then we'll have a discussion of what the next step is at that point. Are there any objections to handling it that way? If not, one minute caucus. We've already had a roll call, so this is going to be by roll call. I'm going to read the motion so that it's clear on the record. Move to substitute to approve the conservation equivalency plans and implementation plans as approved by the Technical Committee, motion by Mr. Clark, seconded by Mr. Luisi. Max, please read the roll.

MR. APPELMAN: Maine.

MR. KELIHER: No.

MR. APPELMAN: New Hampshire.

MR. WHITE: No.

MR. APPELMAN: Massachusetts.

MR. KANE: No.

MR. APPELMAN: Rhode Island.

MR. ERIC REID: No.

MR. APPELMAN: Connecticut.

DR. DAVIS: No.

MR. APPELMAN: New York.

MR. GILMORE: No.

MR. APPELMAN: New Jersey.

MR. CIMINO: Yes.

MR. APPELMAN: Pennsylvania.

MR. ANDREW SHIELS: No.

MR. APPELMAN: Delaware:

MR. CLARK: Yes.

MR. APPELMAN: Maryland.

MR. LUISI: Yes.

MR. APPELMAN: District of Columbia.

MR. BRYAN KING: No.

MR. APPELMAN: Potomac River Fisheries Commission.

MR. MARTY GARY: Yes.

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MR. APPELMAN: Virginia.

MR. PAT GEER: No.

MR. APPELMAN: North Carolina.

MR. BATSAVAGE: No.

MR. APPELMAN: National Marine Fisheries Service.

MR. DEREK ORNER: No.

MR. APPELMAN: U.S. Fish and Wildlife Service.

MR. MILLARD: No.

CHAIRMAN BORDEN: **The motion fails 12 to 4.** We're back to the main motion, and I guess my question is did individuals want to deal with the underlying motion, or would you prefer to just quickly go around the table and have states identify whether or not they have a preferred option, so that everyone would know what they're voting on? What is the preference? I'm giving you two options, deal with the underlying motion or go around the table, Ritchie.

MR. WHITE: I think where we have this motion on the floor we have to deal with it. I'll make a motion to table until a time certain, until we have the chance for the states to go around the table, and then to try to whittle down this list.

CHAIRMAN BORDEN: **We have a motion to table by Pat Keliher. It's non-debatable. Is there any objection to a motion to table? Motion table passes then by consensus.** In terms of process, let's start. Chris, would you like to be the first state, since you didn't suggest any options, I believe? Would you like to comment on any aspect of what you had proposed? Chris.

MR. BATSAVAGE: North Carolina has already moved forward with a coastwide measure of 28

to less than 35 inches. We put that in place on January 1st.

CHAIRMAN BORDEN: Virginia.

MR. PAT GEER: Yes, we've already put our actions. We did our regulations back in August, so these have already been in play for our fall season. The commercial regulations went into effect January 1, so our conservation plan has already been implemented and is being used. I did see a mistake in one of the tables. It says to the recreational fishing regulations it has, we are 20 to 28 inch slot limit from 5/16 to June 15th, and then it's 20-36 from 10/4 to 12/31, so we have two size slots in there.

CHAIRMAN BORDEN: All right, let's deal with PRFC, Marty.

MR. GARY: Our Commission met in December, and at that time we passed a motion to advance four proposals for consideration to the Technical Committee, all of which were passed. But we haven't met since then. We've had fairly spirited debates within our eight member Commission, a couple of the Commissioners still are strong advocates for the coastwide default.

We had hoped to emerge from this meeting knowing that one or all of our conservation equivalency measures that the TC passed would be passed for their consideration at the March meeting. Now I'm kind of pigeonholed into a situation where I'm asked to whittle this down. I think I can whittle a little bit, but to be fair to our Commissioners, I think they would still want the coastwide default measure to still be an option for consideration at their March 6 meeting.

Our first two conservation equivalency measures, as I had noted before when I took the microphone, are very similar. They focus on a summer closure. One prohibits targeting and the other allows it. That would be Option 1 and 2 of our conservation equivalency measures. I

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strongly believe that their discussion will focus on those three, but I have a hard time getting it down beyond. I can get it down from five, I think to three, but I can't really take it any further. Otherwise I'm doing a disservice to our process at PRFC, if that makes sense.

CHAIRMAN BORDEN: Bryan. D.C.

MR. KING: At least we're going with the TC recommendation. We did have a meeting in D.C. The consensus was 1 at 18 for us.

CHAIRMAN BORDEN: Maryland.

MR. LUISI: We're broken into two groups. We've got our ocean fishery, which we are planning to at the end of this meeting; we plan to implement through Public Notice Authority the 28 to 35 inch minimum at 1 fish for the year for our ocean fishery. In Chesapeake Bay, we have worked up four different options.

As Max mentioned when he presented this earlier, Options 2A, 2B, and 2C have a baseline where private anglers and charterboat, the for-hire fleet, would be at a 19 inch minimum size with a 2-fish bag limit. As Max mentioned that is consistent with what we have right now in place. The Option Maryland 2D deviates from that standard of a 2-fish bag limit, and it applies a 1-fish bag limit to the private sector, and a 2-fish bag limit for the for-hire fleet.

There have been a number of comments around the table as part of the Technical Committee memo, as well as Commissioner's comments and concerns regarding how Maryland is going to achieve their reduction through season closures, which include a no-targeting provision. The no-targeting provision is our attempt to address a major concern that we have in our state during the summer months with dead discards that occur as a result of the fishery operating in the months of July and August. Nicole mentioned earlier that no targeting, while there is some uncertainty to it,

that uncertainty is decreased as different assumptions are made.

I didn't have a whole lot of time to think about how to propose this. But the Maryland 2D option, with a 19 inch minimum size with a 1-fish bag limit for the private angler is very close. It's actually more conservative than the 1 at 18 inch option that was part of the Addendum VI plan, because it's a higher size limit for the private angler.

The private angler makes up a majority of the angling effort, when compared to the charterboat fleet in Maryland. That is the one that we've been focused on in our state, working with our stakeholders, working with our industry at trying to preserve what I've mentioned before as a need for having more than a 1-fish bag limit in the for-hire sector.

We would be willing at this time to remove Options 2A, 2B, and 2C from consideration, given that those options are much more reliant on the no-targeting provision to account for the reductions in mortality, because the bag limits and the minimum sizes stay the same throughout the year is what we currently have.

Option 2D, because we're dropping the bag limit on a vast majority of the effort to 1-fish, we've essentially accomplished our desired reduction just by doing that. It's the no-targeting provisions that allow for some extra credit, if you want to call it that, to allow the charterboat fleet the extra fish.

I believe that our 2D option is much less reliant on the no-targeting provisions of the closures, to achieve our desired reductions, which is why those closures are actually a little smaller as well. To help move this along, again Maryland would support the removal of 2A, 2B, and 2C leaving in 2D as our conservation equivalency alternative, and we would take that to the public along with the 1 at 18 inch option that was part of Addendum VI.

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CHAIRMAN BORDEN: Pennsylvania.

DR. TIMOTHY D. SCHAEFFER: Yes, Pennsylvania is prepared to move forward with the proposed regulations as of April 1st, which is the 28 to less than 35 in the non-tidal portion of the Delaware. Also with a non-circle hook recommendation when fishing with bait in that portion. In the Delaware, we're also prepared to have that regulation in effect during the time period of the year, except during the spring spawning period, which we currently have a slot limit from 21 to 24 inches.

We're proposing to reduce that upper end of the slot, which that fishery is primarily a male fishery. Our analysis of previous year's data since 2015, it showed it was reduced mortality on the large spawning females. This would be again a circle hook requirement when fishing with bait in the estuary portion of Pennsylvania.

CHAIRMAN BORDEN: Delaware, John.

MR. CLARK: I thought we were getting skipped there. We have two similar options that were both approved by the Technical Committee. The only real difference between the two is the first proposal we have a 3 inch larger size limit for the recreational fishery than in the second option, and the second option reduces the commercial quota by 1.8 percent, while the first option reduces it by the full 18 percent. We covered both bases there.

Our Advisory Council on finfish or tidal fin fisheries has recommended the option that has proportional reductions between the two fisheries. But we have to go to a public hearing process for our regulations, so we would ask for the Board to, given the similarity of the two, we hope that both can be approved right now. The analysis we did and the TC concurred, shows they are both very similar in the reductions.

CHAIRMAN BORDEN: Joe, New Jersey.

MR. CIMINO: There were five options approved by the TC, or at least it originally looked like five, one of which is simply Addendum VI. I'm not sure that that needs to count as one of our options. The 35 inch minimum was kept alive in our conservation equivalency proposal, because we heard from a lot of the public at our public hearings that that is what they wanted. Now since that has been dropped out of Addendum VI, we're hearing quite a bit that that is no longer the case.

But we haven't had time. Our Marine Fisheries Council is scheduled to meet and make a decision on this February 13, with the assumption that the Board was going to be making decisions today. I can't speak to whether or not there is still interest in that from the public. We have an option up there that I don't think anyone wants to see go away.

It speaks against a lot of the accusations that all these CE proposals are an attempt to do less, because one of the options up there is a 28 to 34 inch slot, to address the fact that many folks did want to do more. There are two other options, R1 and R2 there that are very similar. I could say that the wider slot the less conservative of 24 to 29 can be taken off the table. But I really don't feel comfortable doing anything else without going back out to the public.

CHAIRMAN BORDEN: Jim, New York.

MR. GILMORE: This again, if you remember four years ago. I think we're all trying to get, if we could get a consistent measure along the coast would be the best thing for the fishery, because it's easier and it's the biggest chunk of this. New York, in terms of all the options up there, what we're going to propose to do first, under the coastal fishery, take Addendum VI, measure, the 28 to 35.

For the Delaware we would implement the same, the 28 through 35 based upon the

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Addendum. The commercial fishery, if it's up there we would essentially go with the one option which would be a 26 to 38 slot, which actually decreases the harvest by about 20,000 pounds. The Hudson River, which is a male fishery, and as Dennis had noted before we have very good data on it, these are just a male fishery that essentially we're not targeting any of the large females.

We keep the 18 to 28 inch slot. We would eliminate the trophy fish, and essentially keep the season as it is. But I'll get back to that in a second. Essentially those are the proposals, and pretty much what New York is going to go with. There were a couple of options, in case we weren't going to cut close to the 18 percent reduction.

First off, on the Hudson we could actually reduce the season somewhat from 30 to 60 days if that was going to help out missing the target. Secondly, and this was from both our staff and our Council was very clear about this that a delayed opening in Raritan Bay would actually help out. Not much of this is quantifiable, but there are a large number of spawning fish that come up, and if we essentially delay the opening of that fishery it would let them pass through.

But that would be conditioned on the fact that New Jersey would have to agree with that and not open their fishery until May 1. Again, the previous things I said already hits that reduction and most of them are in the 20 plus percentage points for New York. But again, we have a couple of extra things that I think may help out. The last point too, and we haven't decided on this yet was on our for-hire group had suggested a 31 inch minimum size.

Since that is such a small group, we're looking at maybe a licensing for that. But we haven't decided if we're going to do that or not. But that was evaluated by the TC, and that still would meet the reductions. That may help out

with our sort of regional thing we were trying to do with Long Island Sound. But again that is something we're not, well we're looking at it right now but we're not proposing it at this point. That's what we've got.

CHAIRMAN BORDEN: Justin, Connecticut.

DR. DAVIS: Connecticut's preference all along has been to implement the 28 to 35 inch slot. The only conservation equivalency options available to us were the regional proposals that were put together with New York and Rhode Island. Implementation of any of those was contingent on all three states implementing one of them, given New York's stated intent to implement the 28 to 35 slot. That precludes us from implementing any conservation equivalency, so we would implement the 28 to 35 slot.

CHAIRMAN BORDEN: Jason.

DR. McNAMEE: I'll answer the question, but then before I yield the microphone I have a quick question, if you'll give me the indulgence. Just like Dr. Davis just said, the regional B was our preferred, but that needs to be a region to work, so that is off the table. I'm assuming 28 to 35 is still an option that I'm not kind of putting Rhode Island into a definite proposal here.

I mean I think the coastwide option would be a viable option for us. All of that being said, choosing one of our CE proposals, it would be that Rhode Island C, which was the split mode option. Then my question is, I'm not entirely clear why we're doing this, so if we could answer that question. I think maybe it is to do the calculation to see if we're meeting 18 percent, but I'm not sure.

CHAIRMAN BORDEN: To answer your question. The only reason I agreed to do this is because about five members of the Board suggested they wanted to have everyone have an

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opportunity to talk at the microphone, and identify whether or not they had preferences or could eliminate some of the options. Some of you have done that others have not so there isn't a lot of clarity on where we go at this point, so Massachusetts.

MR. McKIERNAN: Yes Massachusetts intends to adopt the coastwide measure of 28 to 35, and on the commercial side take a cut of the commercial quota, but at the same time increase the minimum size to 35 inches, resulting in a commercial quota of 735,240 pounds.

CHAIRMAN BORDEN: New Hampshire, Cheri.

MS. PATTERSON: New Hampshire has implemented the coastwide measure of 28 inch to less than 35 inch slot limit, and instituted a mandatory non-offset circle hook, and we have had no commercial quota so there is no change there. I just want clarification with Pennsylvania, non-circle hook or are you trying to say non offset circle hook?

DR. SCHAEFFER: Non-offset circle hook.

MS. PATTERSON: Thank you.

CHAIRMAN BORDEN: Maine.

MR. KELIHER: The state of Maine has already gone through rulemaking. We've held two public hearings for the 28-35 inch measure within the Addendum, and it should be finalized by Advisory Committee in the middle of March.

CHAIRMAN BORDEN: Okay, so thank you all. We've done this. We went around the table. My conclusion from that effort is we simplified what was on the table, but we have not clarified all the preferences. In other words there are still options that are in play, so I think and the technical people here can correct this if it's wrong.

We're still not in a position where they can analyze this mix of options, which I think is part of the intent is to have some assurance that we're going to meet the target. You can't do that if there are still a broad number of combinations of options. If somebody disagrees with that they can speak up.

It helped, but it didn't get us quite as far as what I think the individuals that suggested it might have wanted. **If there is no disagreement with that view what I would suggest is we go back to the tabled motion, which was tabled until this time, so I think it is automatically off the table, Bob. All right so the tabled motion is back on the table, comments on the tabled motion, on the motion I should say. Joe.**

MR. CIMINO: It was alluded to earlier, but as a state we wouldn't be able to act quickly enough after this review to have measures in place. I think you know quibbling over percentage points versus having the public have some understanding of what they're being asked before the season starts. I really do respect Dan's motion, and trying to get the type of answer we're supposed to be making a decision on as a Board. But I think now time is of the essence, and for one I couldn't, as a state we wouldn't have the process in place to do this that late in the game, and second I just think it's more important to make a decision now, and let the public know what is being asked of them.

CHAIRMAN BORDEN: Adam, did you have your hand up, no? Okay, sorry about that, Mike and then Justin.

MR. LUISI: I did fail to mention, and if you would just indulge me for one second. I just wanted to get it on the record that the state of Maryland, we have taken a proactive approach well before now to put regulations in place through what we would propose in our conservation equivalency for our trophy fishery this spring.

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I just wanted the Board to be aware that following this meeting we plan to implement new rules for our spring fishery, which would reduce harvest and reduce targeting of fish in April. We would eliminate the fishery in April. No trolling would be allowed in the Bay, and we would also have a later start date for the trophy season, cutting it back from three plus weeks to just two weeks. That is the first thing I just wanted to put on the record.

The second point is that I disagree that going around the table didn't provide some bit of clarity, for me at least on the coast. I should have kept better record, but most states here said that they were planning to implement the 28 to 35 inch limit on the coast. Almost everybody, with the exception perhaps of New Jersey and then New York, most people said they would do that.

I find it very hard to believe that if we allow for the conservation equivalency and maybe in one state that the uncertainty that already surrounds the measures, even at a coastwide level. If everybody implemented the coastwide rule, there is still uncertainty as to whether or not we're going to achieve our desired reduction.

To me knowing that all but maybe one state are planning to implement that coastwide measure, it provides a lot more certainty in my mind that we're working to try to achieve a coastwide measure. There are reasons why certain states may not be able to implement that measure, but it's not that we're all over the board here.

We're really altogether in this with maybe one or two exceptions. I do disagree that that exercise was not valuable. I think it was valuable, and I think knowing now what the states have committed to should provide some level of comfort, hopefully that conservation equivalency can still be a tool that we use in going forward.

I'll just say I cannot support the motion for the reasons I've mentioned earlier, and before we vote on this motion if it appears that this may be supported, I would ask for an allowance to perhaps make a substitute motion to separate the coast from the Chesapeake Bay. But I'll hold off on that to hear what others have to say around the table.

CHAIRMAN BORDEN: Justin.

DR. DAVIS: Building on what Mike just said. After hearing everybody go around the table. I'm a little bit more bullish on the potential success of this approach than I was prior to that, because there is so much consistency up and down the coast, in terms of what people are planning on implementing.

I'm wondering if states were sitting around the table who are concerned about the timeline, could comment on whether there is any possibility here to move that timeline up, given that a lot of states just said they are pretty certain about what they want to do, and it's only February 4. We've got 12 weeks until April 1.

I wonder if moving this up by some number of weeks, providing a little bit more space for if we can't get to that 18 percent right away, of figuring out how to get there, then still having enough time for folks to implement their measures by April 1. I'm wondering if there is any possibility there.

CHAIRMAN BORDEN: Dan.

MR. MCKIERNAN: Consistent with Mike Luisi's comments and this is a question I guess for Nicole or Katie. Is it possible to tease out just the coastal fisheries, in terms of meeting the target, and if so would an amendment of this motion make sense, just to deal with the coastal recreational fisheries?

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CHAIRMAN BORDEN: Whether or not you want to amend the motion is really up to the Board, not up to me. I've got Bryan next.

MR. KING: I was just going to ask the maker of the motion intended that the fallback position to the mandatory implementation was only for the states that failed to achieve the 18 percent, or for all? It may have been said earlier, but I've lost the thread since the motion was made.

CHAIRMAN BORDEN: What I've recognized, Bryan is I can't listen to two people at the same time. Would you mind?

MR. KING: I was just asking Dan if he intended the motion to mean that if a state failed to meet the 18 percent that that state would fall back to the mandatory implementation, as opposed to all states, since that was not clarified specifically. I couldn't recall from the time that it had been made initially.

MR. McKIERNAN: Yes, my intent was that the 18 percent standard would be judged among all states combined, not each individual state. Otherwise, what you have is an 18 percent ceiling on conservation, and that is not going to get us to where we need to go.

CHAIRMAN BORDEN: Steve Train.

MR. TRAIN: Not that I want to muddy the waters any longer, but it seems like most of the states are not quite at this problem. We just heard that. This going around was helpful. My question is, especially after listening to Mike and Jim. It sounds like some of their projections are going to actually be more like a 20 percent cut. Maybe the Technical Committee could tell us. If we change that on the conservation equivalency numbers from 18 to 20, would there be a very low risk of going under 18 when that happened? I mean maybe we just throw a different number in there and we can push this through no problem. It sounds like some of them have already got those numbers.

DR. DREW: Well to be clear, several of them meet a 20 percent reduction, because they need it for the state overall, so it's a 20 percent cut in your recreational numbers so that the commercial side takes a lower cut on the quota side. It's true that some of the states do meet a 20 percent overall, or even slightly higher. But we would have to go back and look and see which proposal is tied to a commercial proposal, or a different regional proposal that is making up some of that difference.

CHAIRMAN BORDEN: All right so let me just offer this. I've got five people on the list, Ritchie, Cheri, Jason, Eric, and one other. I'm going to go through that list. Then I'm going to ask whether or not anybody wants to make a motion to amend or substitute at that point, Ritchie.

MR. WHITE: We heard that New Jersey was unable to meet this time schedule, so my question is, is there any other state that would not be able to meet this time schedule? Then I would like to have a follow up.

CHAIRMAN BORDEN: Any other state? John.

MR. CLARK: We're already proceeding with an emergency regulation, just because our process takes so long. Then we are going to, it's complicated but if both options were approved we would go to our regulatory hearing with both options, and get public input yet again on that. But yes we won't be able to change things as of March 6. We've already had to move ahead, just to get things in place, because our commercial season opens next week. You know time is of the essence here, and I think we're just really run around in circles here.

CHAIRMAN BORDEN: Ritchie, you said you had a follow up?

MR. WHITE: Yes, if there are no other states. Is Mike?

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MR. LUISI: Yes Ritchie, we would be fine with our coastal regulations, which are Chesapeake Bay regulations. That would cause, any delay at this point, we're on a very tight timeline to turn those rules around in time to have seasonal closures this summer. That is our intent. Any delay is going to be a bump in the road for us to try to get those provisions in place in time.

CHAIRMAN BORDEN: Follow up.

MR. WHITE: Based on three states not being able to meet this deadline, and then thinking about if we went ahead and the states did not implement anything in time, the mortality that that might inflict on the population, you know while they are trying to get stuff in place. I'm going to withdraw my support for this motion so we can move on here.

CHAIRMAN BORDEN: Cheri and then Jason, I've got David too.

MS. PATTERSON: Yes, I'm not going to support the motion for the same reason that Ritchie indicated. But I also just wanted to throw something out there. If this April 1st deadline is an issue, based on our concerns as to whether these CE proposals are actually going to achieve a coastwide 18 percent reduction, then I might move to have us reconsider that aspect of the motion to the Addendum, to move that date to our next meeting, which is May 4.

CHAIRMAN BORDEN: Let me suggest this that there are four or five of you around the table that have different ideas on how to proceed here. I would like to declare a five minute recess. This will allow you to get together with anybody you want to talk to here, and then we're going to come back and I'm going to return to the list, and go down the people. The next individuals I have on the list are Jason and then David, Eric Reid, five minute break.

(Whereupon a recess was taken.)

CHAIRMAN BORDEN: All right if everybody would have a seat please, we're going to start again. When we last broke, let me just clarify this. This is not a motion. I did not agree that this was a motion because of the way it was framed. If Cheri wants to make that at a slightly later date that is fine. That is her prerogative. But at this point for the point of clarity that is not a motion.

I've got two people I'm going to ask to finish commenting, and then my understanding is there is another motion, either a perfected motion or a substitute motion that I think Roy wants to make or suggest. Jason, my understanding is you are deferring to Eric, and I've got David. Those are the two comments.

MR. REID: I just have a question. This motion says CE proposals approved today, and I just want to understand what that means. We had the exercise, we went around the table and certain states eliminated a few things, and Mr. Gary might have removed Options 3 and 4 under his thing, but he didn't seem too comfortable about it, but he left three. Mr. Luisi eliminated three and a few other people eliminated x, y, and z.

My question is, what are we actually approving? Are we going to go back through the oral record and take the black line and wipe out the ones that people were removing, and then approve what is left or are we just going to approve the whole suite of all these options, and then see? When you play with stud poker you get three cards on the table and you've got the two in the bank. I want to see all the cards before we approve anything, so that is my question. What are we actually looking to approve, an amended list or the entire list?

CHAIRMAN BORDEN: My suggestion is, unless there is disagreement from the Board that if a state said on the record, it will be part of the record that they wanted to or were willing to remove specific items that those items would

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not be part of the list. Is there any objection to that? No objection, does that answer your question? David.

SENATOR MIRAMANT: Well, two things. The first time it was going to be that if they are trying to have a conservation equivalency and we've talked about 18 percent. Then that state that is presenting it will certainly do the numbers to say it's at least going to achieve 18 percent before, and if it's close then it should be raised a little so that it is not close so that when the TC gets it, it will come up to 18 percent.

We didn't say 18 percent, but if it's a little bit under it's okay. We didn't say that. I don't remember saying that or voting on that motion, so 18 percent. If there are vagaries on achieving it build in a buffer, because we already aren't taking into account some of the things I already mentioned. The next is, did we agree on 18 percent coastwide, or each state achieves 18 percent somehow? I've heard both, and those are different.

CHAIRMAN BORDEN: Max.

MR. APPELMAN: Yes just so to remind the Board. Back in October when this Addendum was approved, there was a motion to allow states to submit conservation equivalency, and it was specified that those proposals when submitting conservation equivalency must meet an 18 percent reduction at the state level, recreational and commercial combined. While the Addendum does aim to achieve F target in 2020, and projections indicate that it takes an 18 percent reduction total removals to get there.

The Board was very clear that if a state came forward with CE, it only needed to propose an 18 percent reduction at the state level. I also wanted to plug in that it is my understanding that as we did that exercise states went around the room. I don't think any state came out and

said this is the option we're going with. As of right now I think all the options in that table are still on the table. Nothing has really been crossed off that list yet.

CHAIRMAN BORDEN: Eric, would you like a follow?

MR. REID: Allow me to retort. Well Max, I think the Chairman gave me different advice. Maybe I have to default to the new Chairman sitting over there from Maine, and he could help me out a little bit. But somebody has got to give me a definitive answer on what we're doing here.

CHAIRMAN BORDEN: Well the Commission Chairman always has the right to overrule any other Commissioner in this process, as far as I'm concerned. But for purposes of clarity, if a state, there were some states that said they would eliminate Option A, B, C. That is pretty clear to me. If they said that and it was clear those options are off the table. Now Mr. Keliher or our esteemed Executive Director would like to disagree with that interpretation, I encourage them to do so.

MR. REID: Well some states said that they would use Alternative 1A. By inference they've eliminated everything else, would you agree with that as well that if it was not inferred as to stay in it should come out?

CHAIRMAN BORDEN: Yes. Jim Gilmore.

MR. GILMORE: To put a point on that. I picked one, and everyone else is eliminated for New York, so if that clarifies it we are removing all the other options other than the ones I had reported out on.

CHAIRMAN BORDEN: With those clarifications, Roy do you have an alternative, or may I suggest a way out of this mess?

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MR. MILLER: I have a motion to substitute. I'll have to speak slowly, as I did not get a chance to get this wording to staff. The motion to substitute would say as follows. Approve the Addendum VI recreational measures for the coast, and the Chesapeake Bay/producer area (Hudson and Delaware estuaries) conservation equivalency measures as perfected today.

CHAIRMAN BORDEN: All right so that is a motion to substitute, second, seconded by Pat Keliher, discussion. Dan.

MR. McKIERNAN: I think it needs to be clarified whether the conservation equivalency measures are Bay only or were they part of the coast as well?

MR. MILLER: May I?

CHAIRMAN BORDEN: Roy.

MR. MILLER: My intent was that those conservation equivalency measures would refer to the producer areas, the bays and the estuaries.

MR. BORDEN: Roy, is it also your intent if this motion were to pass that we would then take up a similar motion for commercial?

MR. MILLER: Yes that was my intent.

MR. BORDEN: Okay, Max.

MR. APPELMAN: Yes, I just wanted to add that for some states the recreational options are tied to the commercial options, so you can't really approve just the recreational, unless you loop in the commercial options for some of these state proposals.

CHAIRMAN BORDEN: My suggestion on how to, Max raised a valid concern. My suggestion is that we deal with this motion, deal with the remnant commercial motion, and then make an overarching motion that would approve the two

of them as perfected by whatever actions were taken. Justin.

DR. DAVIS: I just want to make sure I'm clear. If this motion were to pass that would mean that all states would have to implement the 28 to 35 inch slot for their ocean fishery?

CHAIRMAN BORDEN: Roy, to that point.

MR. MILLER: That was my intent.

CHAIRMAN BORDEN: Russ.

MR. ALLEN: I don't even know how to start on this one. Roy, you just took us right out of the game. I don't understand why you would do that. It doesn't allow us to have any chance for conservation equivalency that this Board is allowing other states to do. That is not something I've ever seen one of these boards do.

CHAIRMAN BORDEN: Pat, excuse me.

MR. GEER: In Virginia we have our conservation plan for the ocean is 28 to 36 inches with a shorter season. Most of the states have a year round season, ours is only, it is about 75 days. We put those actions; all of the actions we put in together were a combination looking at commercial.

Our recreational reductions were 23 percent, and we took a commercial reduction of 9.7 percent to cover the rest of the 18 overall removals. I'm probably not going to be able to support this. We've already put our actions into play; we've already put those regulations into effect. I don't want to argue over 1 inch, but we've already put them into play.

CHAIRMAN BORDEN: Anyone else, Justin and then Jim.

DR. DAVIS: Sorry, just another clarification, the statement at the end there about measures as

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perfected today would mean that for the Chesapeake Bay and producer areas states would be limited to those proposals that they stated on the record today that they are interested in pursuing, and would not be able to implement the proposals they weeded out.

MR. MILLER: That was my intent.

CHAIRMAN BORDEN: Jim.

MR. GILMORE: Well, following up on that. A clarification point then, I said what New York intends to do, but there were three sort of optional things. One of them was that we could actually increase maybe the percentage by a seasonal closure on the Hudson, secondly a delayed opening on Raritan Bay, and then lastly a licensing system for one of our smaller sectors. Would they all be off the table now, or is that something we could still propose?

CHAIRMAN BORDEN: Roy, to that point.

MR. MILLER: Would you repeat the question, please?

MR. GILMORE: Yes, Roy. Before when I had put out the measures for New York, I pretty much laid the floor, things out we were definitely doing, but there were three optional things. The first was we were considering on the Hudson even reducing the season by 30 to 60 days, but we hadn't decided on that yet. The second point was that we were hoping to delay the opening in the fishery in Raritan Bay until May 1, to protect the spawners if Jersey would agree to do that. Then lastly, we were proposing a licensing for our Montauk guys, a small for-hire guys that they would have a 31 inch size under a licensing system. I essentially had stated those before, but if this motion passes, are they now off the table that we couldn't do any of that?

MR. MILLER: I'll give you my opinion, Jim. My opinion would be that they are not off the table

that they would be considered above and beyond the requirements, and therefore up to the state to institute if they saw so fit.

CHAIRMAN BORDEN: Mike.

MR. LUISI: I'm really torn by this motion, because it includes two different ways of handling the problem. While I fully support the second half of the motion, I mean I certainly need this Commission and this Board to support the use of conservation equivalency in the Chesapeake Bay. It's very difficult to turn right around and in the same breath take that ability away from another state that has a desire to use that on the coast.

While I understand that there is a desire to have consistency throughout the entire coast on the recreational side, I'm struggling with how out of one side of my mouth I'm asking for conservation equivalency, and the other side I'm telling a state that they don't deserve it, or they should just fall in line, because I'm just challenged by that.

I'm not sure what to do here. I would look to you, Mr. Chairman for some advice as to perhaps if we're getting to the point where we're going in two different directions, maybe we split the question. We take up the coastal issue without having the Chesapeake Bay and producer area conservation equivalency proposals linked into that or lumped into that. But I'm going to wait and maybe hear a few other comments before I may consider a motion to split the question.

CHAIRMAN BORDEN: Maker of the motion is always free to separate those things out as a perfected motion, if the seconder and Board agree with that perfection. Roy.

MR. MILLER: Mr. Chair, having heard New Jersey's comments, and having sympathy for those comments as stated. I'm wondering if I proposed to tweak this wording a little bit if this

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would be acceptable to the seconder of the motion. I would add the following verbiage is what I was thinking about. After the word recreational measures and the Technical Committee approve conservation equivalency measures. I would add that to the motion, Technical Committee conservation equivalency measures.

CHAIRMAN BORDEN: I would like a minute to talk to staff, please. All right I've been getting advice from the staff. I would like Max to provide everyone with the same input.

MR. APPELMAN: I'm just trying to think this through. I'm looking at the motion. It's my understanding that there are a couple states that this becomes really challenging the way their implementation plan was submitted to us. Not to throw states under the bus, but Delaware and Virginia stand out to me. Virginia didn't even have the coastwide measure for the ocean in their implementation plan, so if they were required to put that in for the coast, then all the quotas attached to their implementation plan are invalid, they have to redo those calculations. I don't even think there is a commercial option in their plan that works. Delaware same thing, their recreational options are tied to the commercial options.

I don't know what happens there if you approve just the recreational measures and don't include the commercial options for them as well. New Jersey has got this bonus program. How those measures shake out with this motion it is really unclear to me. I understand where we're trying to go with this, but it's a little more complicated than what it looks like.

CHAIRMAN BORDEN: Roy, you were suggesting a perfection, do you still want to proceed with a perfection of the motion? Roy.

MR. MILLER: I think that I may be able to accommodate Max's reservations with another add on at the end of this sentence after today.

If we added, and the commercial measures for coastal and inland areas as perfected today.

MR. CLARK: We're back to the substitute motion.

CHAIRMAN BORDEN: Pat Keliher. I think he is saying that doesn't solve the problem. Pat Keliher.

MR. KELIHER: Mr. Chairman, as the seconder in all due respect to Roy, I would not agree to those additions.

CHAIRMAN BORDEN: Okay, so Pat.

MR. KELIHER: Mr. Chairman, if I may ask a question of New Jersey through the Chair. There are a couple of your conservation equivalencies that have been raised within my constituent base back home, and that I'm trying to deal with that become very problematic, from as they have called it a fairness issue up and down the coast. Would New Jersey be willing to remove New Jersey's R1 and R2 from consideration as part of this motion?

CHAIRMAN BORDEN: Adam.

MR. NOWALSKY: Having some conversation over here. I think I could take it a step further and say that given the conversation we've had about what all the states need, in terms of options. From what I've heard so far on the coastal fishery, Virginia needs some flexibility from the 28 to less than 35 option, they have a 28 to less than 36 with some seasons attached. They need that flexibility.

I think if New Jersey could leave here today with the 27 to less than 35 option, and the 1-fish at 33 inch option that is on the slides that Max presented that follows the same methodology as the 1 at 35, and results in a 20 percent reduction for the state, which is greater than what we agreed to at the annual meeting. I think New Jersey could work with that position

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for getting us out of here in the coastal waters fishery today. I think those would be the exceptions from what I've heard so far. If we could go home with those two options, and give Virginia that option. I think we've got something we can potentially move forward with.

CHAIRMAN BORDEN: Joe.

MR. CIMINO: Just a follow up and reminder that the 33 and greater proposal. That proposal goes in conjunction with an 18 percent cut in the commercial quota. That option does not have any interplay.

CHAIRMAN BORDEN: Dennis.

MR. ABBOTT: The conservation equivalency measures as perfected today. We went around the table and the various states came up with some perfections, but is that on paper now? I really would like to see a list of all of that. I really can't remember what you did and what we have. This is buying a pig in a poke, and I don't want to buy a pig in a poke. But I do understand where you're trying to go. But I think we ought to have a clear understanding of what is before us.

CHAIRMAN BORDEN: I agree with Dennis' sentiment, I have some of the same concerns. It might be simpler, in terms of handling this motion to make a motion to postpone it just temporarily, while New Jersey and Virginia or somebody else around the table to put together another motion that deals with those two issues, then this motion would come back on the table and we deal with this motion. Does that make sense? Does anyone object to doing that?

MR. MCKIERNAN: Yes, I would like to argue some of New York's proposals to have a differential for-hire slot limit, and splitting out a mode with a special permit for select for-hire vessels. I think those are problematic.

MR. BORDEN: You're suggesting that that be part of the discussion with New Jersey and Virginia. Okay. Mike.

MR. LUISI: If we're going to pause for a moment and try to move in a different direction, I would ask that I think it's going to be simpler in the long run if we separate the coastal fishery from the Chesapeake Bay fishery, and we take that up in two different actions. It's clear that combining the two.

Chesapeake Bay would then fall in line with however the coastal fishery wants to operate, and I would prefer, if the motion isn't made to separate the two, I would make the motion. But I would like to offer that as a consideration for folks as they're thinking about how they want to move forward.

CHAIRMAN BORDEN: For the sake of clarity, would you like to make that motion.

MR. LUISI: Move to split the question.

CHAIRMAN BORDEN: Then state what your intent is so that it is clearly part of the record.

MR. LUISI: The intent would be that we would take up the action to approve the Addendum VI coastal recreational measures as one action that could be amended, and then we would take up an action to approve the Chesapeake Bay and producer areas, including the Hudson and Delaware Bay conservation equivalency proposals as perfected today through that exercise that we went through.

CHAIRMAN BORDEN: Can I suggest this, having had a lot of experience with quagmires like this at the Council level. It might be just simpler if it's acceptable to the Board to ask the maker of the motion to substitute and the seconder, simply withdraw their motion, and then start over again and build a new motion that separates the two of them. Pat Keliher.

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MR. KELIHER: Mr. Chairman, I'm not necessarily opposed to what you just brought up. However, I think the motion that is on the table could be perfected with the information that both Adam brought up in references to both Virginia and to the issues that Dan brought up around New York. I think another five minutes recess that takes 10 or 12 minutes may be in order.

CHAIRMAN BORDEN: We have a motion to split the question into two parts, and what we are splitting is a motion to substitute, okay? Is everybody clear on that? Is there a second to this motion? Mike Luisi made the motion, is it seconded? Okay.

MR. LUISI: Pat seconded the motion, Pat Geer. I just wanted to also point out that in the motion that I made to split the question, I referred to Chesapeake Bay measures, but also in Roy's language the producer areas as well, the Hudson, the Delaware as he captured that in his motion. The intent was to take the two questions. Let's have the debate over coast and then let's have the discussion over Chesapeake Bay and other producer areas.

CHAIRMAN BORDEN: All right so you have a motion to split. Is there any discussion on the motion to split? Dennis.

MR. ABBOTT: I hate to bog things down. However, Roy made what he considered a friendly addition to the main motion that is not up there now. I did hear the seconder say he couldn't agree to it. The seconder not agreeing to it means that it can't be into that main motion. Am I not correct in that assumption? It was taken out. Then I'm not listening carefully enough.

CHAIRMAN BORDEN: All right, Roy to that point.

MR. MILLER: To that point I believe, I don't want to speak for Pat Keliher, but I believe what

he was objecting to was the add-on I made at the end to incorporate commercial measures. By withdrawing a second that also eliminated the wording I made to the recreational measures. That wording was, and the TC approved conservation equivalency measures for the coast.

CHAIRMAN BORDEN: All right, so you have a motion to split the question. Does anyone want to speak to this point? If no I'm going to ask whether or not there are any objections. Does anyone want to speak? Justin.

DR. DAVIS: Just a question about process here. I think we're three motions deep at this point. There is a main motion, which was the one that was Cheri's motion that was on the board before our earlier recess. Then we had a motion to substitute from Roy. Now we have essentially a motion to modify that motion to substitute.

CHAIRMAN BORDEN: Motion to split.

DR. DAVIS: Motion to split. If we move to split, and essentially one of the splits passes but the other doesn't, the one that passes becomes part of the substitute motion, but the other one doesn't? I'm just not clear on how that would work.

CHAIRMAN BORDEN: We're going to cross that bridge when we get to it. Let's hope we don't fall off the bridge. **Do I have any objections to the motion to split the question? It's all right. Then it is adopted by consensus.** Now you have the opportunity to perfect what your intent is. For instance on the coast we had a number of suggestions to kind of tailor make the part of the motion that deals with the coast. Does someone care to make a motion on that? Ritchie.

MR. WHITE: No, I don't. But I would suggest though to get to a final point where we can have a motion like that I suggest five minute

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recess. Everybody stay in place, have staff go around to each state, and let's get down on paper like Dennis suggested the changes, so then we can put it up on the board as to what everybody has agreed to.

CHAIRMAN BORDEN: We can do that if that is the will of the Board, but I think we're going to plow the same part of the field we went through about an hour ago if we do that. My suggestion is take a five minute break. One group crafts the motion relative to the coast, and includes the comments that have been made here, as far as dealing with New York, Virginia, New Jersey. Then another group crafts the motion to deal with the other half. Is there any objection to doing that? Five minutes.

(Whereupon a recess was taken.)

CHAIRMAN BORDEN: All right, I've had a couple of suggestions in terms of process. Obviously we've got a whole series of motions, motions to amend, split motions and so forth. We can continue down this road, and essentially try to craft individual motions, and then go back and perfect them.

That is a bit of a challenging task from the discussion that I listened to. There were a number of individuals that kind of want to tailor make those motions, and I think that might be a fairly complicated process. The other way forward here would basically be to make a motion to table, if we can do this, Bob, all of these motions and then start over with one end of the geographic range or another.

Take every state up individually, and vote the proposals up or down. Now I guess my question is does somebody have another way forward, an option without getting into the details, and if they don't then which of those two would individuals prefer to follow? Are there any comments?

MR. TRAIN: At this point, as long as this has taken, and I'm not sure it's going to get any quicker trying what we're trying. I like the state-by-state, but my suggestion would be if the state's plan doesn't pass to move on and get down to which ones haven't passed at the end and go back to them.

CHAIRMAN BORDEN: Okay, other comments on that concept. Bob, do we have the right to make a motion to table not only this, but the underlying motion all at once, or do we have to do it separately?

EXECUTIVE DIRECTOR BEAL: I think you can do them all at once. You know there needs to be clear understandings by all the Board members you have the motion to, I would say postpone indefinitely all previous motions. The intent there is to essentially clear the slate so that the Board can start over, start working your way up or down the coast, whichever way you choose. I think you can do that. Just do a voice vote if there is no objection, and then you can carry on by the state-by-state approach.

CHAIRMAN BORDEN: All right so does anyone object to postponing these motions indefinitely, and then with this understanding if that motion passes then we're going to start with Maine, and we're going to sequentially move every state down the coast, take the proposal and vote it up or down, hopefully do it by consensus. Is there any objection? Dennis, would you like to make a motion to postpone?

MR. ABBOTT: Just clarification. **Yes, I'll make a motion to postpone indefinitely the previous motions that were on the board. Just beyond that I would like to ask that each of the states, there will be no discussion there will be simply an up and down vote with whatever the states say. Is that correct?**

CHAIRMAN BORDEN: I think you're going to end up with some discussion on the actions, but as everyone around the table knows, we've had

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a lengthy discussion of most of the pros and cons of these. I would hope that it wouldn't be repetitive.

MR. ABBOTT: Further comment, just to lighten the air a little bit is next time you chair a meeting, I would like to ask Bob to invite Colette to sit beside you.

CHAIRMAN BORDEN: Thank you, Dennis. I'll remember to bring my bow and arrow to the next meeting. **Okay, Dennis has made a motion to postpone indefinitely all previous motions, is there a second to that. Second by David, is there any discussion on it, any objections to this motion, one objection so the motion carries? Let's move to Maine. Comments on the proposal by the state of Maine, any further comments, you've already had an opportunity.** Yes.

MR. ORNER: From the Agency perspective, if we go state by state, my understanding is that each of those conservation equivalency proposals and management measures would reach an 18 percent reduction. The issue would be when they are combined along the state, which from the Agency perspective I wouldn't be able to agree to that so I would be abstaining from each of the state by state discussions.

CHAIRMAN BORDEN: Okay. **Are there any other comments on that? We're going to start with the state of Maine, comments on the state of Maine proposal. Are there any comments, any objections to the proposal submitted by the state of Maine? No objections, it's approved by unanimous agreement.**

New Hampshire, are there any comments on the state of New Hampshire proposal? Are there any hands up, no hands up? Is there any objection to approving it as submitted? It stands approved. The next proposal is Massachusetts, are there any comments on the Massachusetts proposal? Adam.

MR. NOWALSKY: Just so the record is clear. This pertains only to recreational or are you taking recreational and commercial at once as we go through these?

CHAIRMAN BORDEN: To expedite the discussions, my intent to take both at the same time. Are there any comments on the Massachusetts proposal? Are there any objections to approving the Mass proposal as submitted? Eric Reid.

MR. REID: It's my understanding that the commercial proposal for Massachusetts is MA-2C2A? That's correct? Okay, thank you.

CHAIRMAN BORDEN: Are there any objections to approving the Mass proposal? If I only end up with like two hands that are going to go up, I'm basically going to say it's approved by consensus, and I'm going to note the people that have objected to it, okay? If somebody doesn't like that process they are always free to make a motion. Is everybody clear on this?

The Massachusetts proposal has been approved by consent. Connecticut proposal, excuse me we're skipping over Rhode Island. **Smallest state, but Rhode Island proposal, is there any comments on the Rhode Island proposal?** Justin.

DR. DAVIS: I'll just return to earlier comments I made about my thought that coastwide consistency is really important, and in our region, Rhode Island, Connecticut, and New York, I think it is particularly important to have regional consistency. Fishermen who leave from Connecticut often fish in all three states waters in one trip. Having differing regulations for striped bass among the three states could create enforcement challenges.

It tends to confuse anglers, creates perceptions of unfairness. I would be opposed to implementation of Rhode Island's conservation

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equivalency proposals, other than 28 to 35 inches, because as I've mentioned earlier that is what Connecticut is going to implement, and implementation of something other than that would create regional inconsistency, which would be problematic.

CHAIRMAN BORDEN: Any other comments, Dan.

MR. McKIERNAN: I agree with Justin Davis. For enforcement and compliance challenges we would prefer there not be a conservation equivalency on that matter.

CHAIRMAN BORDEN: Are there any other comments or objections? Ritchie.

MR. WHITE: Agree with the previous two speakers.

CHAIRMAN BORDEN: All right so we've got three individuals that are disagreeing with this. Does someone care to make a motion? Does anyone care to make a motion on this to accept the proposal or reject it? Jason.

DR. McNAMEE: This feels awkward. Can I make a motion to approve the Rhode Island Conservation equivalencies? Okay, I will make a motion to approve the Rhode Island Conservation Equivalency Proposals.

CHAIRMAN BORDEN: Do I have a second? Seconded by Adam, is there any discussion on the motion? Jason.

DR. McNAMEE: I appreciate the comments from both Connecticut and Massachusetts; don't disagree with the issues with not having consistency. However, you know we have heard some nuances coming out of New York, so I have some concern that there is going to be some inconsistency, and this gives us some additional flexibility to be able to adjust, if need be, depending on what our neighbors end up doing.

CHAIRMAN BORDEN: Other comments, any other comments, are you ready for the question? All in favor signify by saying aye. Do you need a caucus? Okay, no caucus requested, could I see a show of hands please? All those in favor signify by raising a hand. Keep your hands up, please, nine.

Opposed, four opposed. Are there any abstentions or null votes? Two abstentions, null votes, motion carries. Okay, so next proposal is Connecticut. Comments on the Connecticut proposal, any comments? All right any objection to approving the Connecticut proposal by consent? No objection, the Connecticut proposal is approved by consent. New York, comments. Justin.

DR. DAVIS: First just a question for clarification. The proposal we're approving today is the one that Jim Gilmore outlined earlier, right, excluding all the other proposals that were in the document?

MR. GILMORE: Yes.

CHAIRMAN BORDEN: Any other comments? Mike.

MR. LUISI: I think for purposes of clarity, I think it would be helpful for New York if you could identify one of the 50 options that you put forward by number, so that it is clear that what we're approving is not the full range, but the ones Jim that you had spoken to earlier.

MR. GILMORE: Okay, let me do it by just option number. NY-1, well actually NY-8 we're leaving that in there because that one again, we hadn't decided on it, but that was the 31 minimum, so NY-1, NY-8. Delaware was NYD-1. Oh, NYH-1 for the Hudson, but again we might shorten the season on that and commercial was NY-D2.

MR. APPELMAN: Jim, I think you might be looking at an old version of those tables. There

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is an updated table in the TC memo that is kind of the up-to-date version.

MR. GILMORE: Max, do you know the correct?

MR. APPELMAN: Yes, pay attention up on the screen.

MR. GILMORE: Okay, so let's start again. NYH-1, hold on a second. Go back to the beginning, Max. Can you go back?

MR. APPELMAN: NYH-1, yes. There is only one option for the Delaware River in this proposal. I'm assuming you're going with that one, and then you have Option NY-1 on this table, 28-35, and you're also holding onto NY-10, which is a separate minimum size, 31 inches for the for-hire segment.

MR. GILMORE: For the for-hire that would be under a license system, and did you get commercial? Yes, it was NY-D2, the 26 to less than 38, which would give us a 640,000 pound harvest down from 795,000.

CHAIRMAN BORDEN: Jim, we need to make sure this is done right, and I'm not questioning your memory, but Max is going to pull up the modified version so you'll have the actual numbers. Dan, while we're doing this?

MR. McKIERNAN: Yes while we're waiting, if I could take the time to speak in opposition of a special licensing program for a segment of the for-hire fleet with a 31 inch minimum size. We did this or something similar to this with our black sea bass fishery about 10 or 12 years ago. You know the conservation of sea bass became too much for our for-hire fleet to bear.

They begged for us to do a special permitting program. After two years we abandoned it, because the data collection system is completely incompatible with MRIP, and what happens is you may have a tally that comes off these logbooks or this special reporting from a

permit. But what happens when it doesn't line up with MRIP? Frankly, you could find the MRIP or the data coming off the boat may exceed your MRIP estimates for the entire sector, and you won't know what to do with it, because of all the noise in MRIP.

I just think it's a bad idea to be splitting these modes. It's a terrible idea to be licensing a special subset of them, and we've been there, we've done that we won't go back there. I urge the Commission not to approve it. I also think that the Policy Board or the Executive Committee ought to be dealing with this on a larger level.

CHAIRMAN BORDEN: Justin.

DR. DAVIS: I'll join Dan in opposing Proposal NY-10. My concerns are both general. I don't like any proposal here that is giving a state access to a portion of the stock that the majority of other states won't have access to. The management philosophy behind that 28 to 35 inch slot is to leave the large fish alone, leave them in the water. Essentially providing access to those larger fish for any one state, I don't think is fair.

I also share Dan's concerns about accountability and the data collection aspect of it. I talked earlier about regional consistency, if New York boats have that special license, we're going to have New York for-hire boats fishing right next to Connecticut boats, able to keep a whole different size class of fish that the Connecticut boats can't keep, and Rhode Island would probably be in the same boat. I just don't feel like that is an equitable solution to what we're trying to do, and I can't support that proposal.

CHAIRMAN BORDEN: Jim, do you want to go through? Have we got the numbers up? No.

MR. APPELMAN: I'm sure it's hard to read up there, and I've tried to take my version of the complete table, and cross off the options that

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some states have said that they're not pursuing any more. Up until we get to New York ocean, Option N-1, and then in the other column there.

I have the 1 at 31 inches for the for-hire sector, because I couldn't quickly delete just a couple of rows, because of how the cells are merged together, you know Excel, Word, whoever you want to curse at. This is the best we have right now as a complete, condensed modified version of the table.

CHAIRMAN BORDEN: All right Jim, is that consistent with what you want?

MR. GILMORE: Yes, I've just got to double check, Delaware.

MR. APPELMAN: I would say that there are two Hudson River options that you are no longer considering that are still on this table that are hard to delete quickly.

CHAIRMAN BORDEN: Comments on this?

MR. WILLIAM HYATT: I would just follow up on what Justin said, and dealing specifically with NY-10, the action that pertains to the 31 inch minimum length for the for-hire fleet. I think I've overheard discussion that that is largely there as a placeholder. It is clearly a problem for Connecticut.

It divides Long Island Sound between what the for-hire vessels could do out of New York, and what they could do out of Connecticut. Given that I think I heard that it was largely there as a placeholder, I would ask if there was any way in which New York would consider removing that from the list of options that they're putting forward.

CHAIRMAN BORDEN: Jim.

MR. GILMORE: This really boils down to Montauk. That is where the request came from. I don't think I can legally sit here and say

I'm going to restrict it to Montauk; it has to be for the for-hire. If this is going to be a problem in getting the rest of them approved. Well, why don't we vote it up or down?

Again, the idea was to have the Montauk fishermen, because of a unique part of it, and they were like 7 percent of the harvest, a small group that we were going to try to do by license. I understand Dan's concerns, but again we were going to give it a shot, and we still haven't decided, because we haven't sat with the fishermen yet. I would leave it in. If it turns out that it does get voted down then we'll consider removing it.

DR. DAVIS: Are you ready for a motion?

CHAIRMAN BORDEN: Certainly.

DR. DAVIS: Perhaps staff could help me word this, but essentially I would like the motion to read: Approve New York's proposals with the exception of NY-10.

CHAIRMAN BORDEN: Motion then made by Justin, seconded by Sarah. Is there discussion on the motion? Cheri.

MS. PATTERSON: Yes, I just have a need for clarity, Jim. NYD, you were saying -2 at 26 to 38 inches. Are you now saying it is just going to be NYD-1 at 28 to 35?

MR. GILMORE: It was, and I'm just trying to make sure I've got the numbers straight. Essentially what we wanted was the commercial was going to be 26 to 38. I believe currently on the plan that is NY-D2.

CHAIRMAN BORDEN: Are there any other comments? Dan.

MR. MCKIERNAN: Yes just for the record. I don't want to beat up this MRIP issues, but when the MRIP samplers go to those Montauk boats that have a 31 inch size limit, they're

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going to be measuring a whole bunch of fish that are noncompliant with the rest of New York's rules, and you're not going to be able to tease that out. An MRIP sampler can't be told, oh look I have a special permit, so what? They're not going to change their sampling strategies, so it's really a nightmare. I do endorse the motion.

CHAIRMAN BORDEN: Justin.

DR. DAVIS: Yes I just want to be clear that my motion was not to approve all of New York's conservation equivalency measures with the exception of NY-10; it was to approve the specific measures that New York had put forward just now. I can't list off all the numbers.

MR. GILMORE: Just a comment, and New York finds itself sort of wedged in between New England and New Jersey, and this comes up quite a lot. We're trying to get consistency. Everybody goes for 28 to 35, we have that. Remember, Rhode Island is trying to tweak a little bit about going to a higher number. I think Jersey is going to try to do that. I'm not going to lose a lot of sleep if I don't get this, but remember if we're going to get consistency then we have to have consistent comments about it. We've got states on either side of New York right now that are going for a higher number, and if we really want to stay with the 28 to 35 to make it coastally consistent, then we've got to really be consistent with how we're commenting.

CHAIRMAN BORDEN: Mike.

MR. LUISI: I'll make this brief. Fundamentally, and I'll agree with folks from across the table. I just have a fundamental problem with the fact that if most of the states implement a slot limit, only to have a minimum size limit for another group, they're going to be fishing on the fish that we've saved under the slot.

While I can see there being a 31 inch minimum with some maximum. If the slot limits are slightly different it's not as problematic to me, it's just having a minimum size and allowing those largest fish that we're trying to protect be harvested. I'll support the motion on the floor.

CHAIRMAN BORDEN: Are there any other comments on the motion? Are you ready for the question, caucus, one minute caucus? Are you ready for the question? All those in favor of the motion signify by raising your hand, hold it up, please. All opposed, 2 opposed. Are there any abstentions, 2 abstentions, null votes, no null votes, Motion carries? The next state is New Jersey, any comments on the proposal by New Jersey?

MR. McMURRAY: New Jersey's proposal, the 28 to 35 inches of course is good. It's a 40 percent reduction, and that was the coastal recommendation. But the 1-fish over 33 inches that adds up to a 20 percent reduction, and that certainly won't help us get to that 18 percent total that we're striving for.

Not only that but it negates the benefit of a slot limit, we're allowing those fish to swim across New York Harbor, those 35 plus inch fish, and get harvested in New Jersey. The entire purpose of that slot limit, as I understand it, is to protect those older, larger fish. The only way that slot works is to have some coastal consistency, and 1 over 33 inches does not work in that respect.

CHAIRMAN BORDEN: Other comments, Adam and then Joe.

MR. NOWALSKY: I'll let Joe offer the specific range of options. I think he's willing to whittle the list down here. This Board approved Options for Rhode Island just a couple minutes ago that include 35 inch, 36 inch, 37, 38, 39 inch fish. All those fish are over the 35 inches that Mr. McMurray just referred to. I believe it is the intention of this Board to approve

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Virginia's proposal that includes fish over 35 inches.

When we had discussion a short period of time ago about how we would try to proceed, New Jersey offered concession to whittle the list down significantly. We offered what we thought we needed to move forward, got a lot of nods of heads around the table, and we would appreciate the Board's working with us here at this point, and I'll turn the microphone over to Joe for the specific options we would like considered here.

CHAIRMAN BORDEN: Joe and then Justin.

MR. CIMINO: I think John spoke to what we had been talking about in sidebar. But just to make it clear and on the record, New Jersey is no longer proposing R-1 and R-2, the two smaller slot limits as a main option. We're really talking about the Addendum VI option, and having a 33 inch minimum as the only options put forward for New Jersey's recreational fishery, leaving all our commercial options that would then be kicked over to a bonus program on the table as well.

I share the many concerns I've heard with saving large fish. But I also don't see how that falls to New Jersey to be the state that carries the coast for a single coastwide measure. I think, you know Adam spoke to the 33 inches. Other states are going to be allowed to harvest to 40 inches. We do have incredible staff in New Jersey that actually looked at the '16, '17 harvest, and about 80 percent of that harvest is in 33 to 40 inch fish in those years. I think it is still a reasonable option.

CHAIRMAN BORDEN: Other comments. Justin.

DR. DAVIS: I'll start off by saying I'm absolutely sensitive to New Jersey's predicament here that they're facing a substantial reduction under the coastwide measure, and can understand why they're looking to pursue conservation

equivalency, and find a way to do conservation that doesn't put such a huge burden on their fishery.

However, to stay consistent with the comments I've made earlier, I'm philosophically opposed to any measure that is giving one state access to a size class of fish, or portion of the stock that the majority of the other states are not getting access to. As was just noted, we did vote five minutes ago to give Rhode Island access to larger fish.

I voted against that. I think it was a mistake. I am just to stay consistent here, I can't support a 33 inch minimum length limit for New Jersey, and give New Jersey anglers access to a portion of the stock that the rest of the coast is looking to conserve.

CHAIRMAN BORDEN: All right we've got a couple of different opinions here. I would like a motion, Adam.

MR. NOWALSKY: Move to approve options R-3, R-6 and the suite of commercial options.

CHAIRMAN BORDEN: Could I have a second. Seconded by John Clark, discussion, is there any discussion? Excuse me.

MR. ABBOTT: Can we go back and see what those are?

CHAIRMAN BORDEN: What do you mean go back, Dennis? They are part of the document, correct? You're going to have to open your computer. Discussion on it, Steve Train.

MR. TRAIN: My discussion kind of ties back to one of our earlier votes with Rhode Island. I saw the options, but if I remember right, Jason said that he liked the options on there, but he intended to bring in compliance with the neighboring states if possible too, and I haven't heard that from New Jersey in these options.

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CHAIRMAN BORDEN: Other comments, Mike, and then John.

MR. LUISI: Consistent with my previous comments, I can't support the motion. I was weighing a little bit more the Rhode Island alternatives. However, there is a bracket there. There is some upward bound that will keep those largest fish that we're protecting free from being harvested. With just a simple minimum size I can't support this. Although I highly support the flexibility added in with conservation equivalency, I can't support the proposal as the motion stands.

CHAIRMAN BORDEN: John McMurray and then Emerson.

MR. McMURRAY: Believe it or not I was going to say something very similar to what Mike said. Rhode Island caps harvest at 40 inches, the New Jersey proposal does not. I hope that Rhode Island understands the need for coastal consistency when push comes to shove.

CHAIRMAN BORDEN: Emerson.

MR. HASBROUCK: We have the recreational measures up here on the screen, but New Jersey is also proposing seven different commercial measures, which turn those fish into recreational fish. I think we should put those up on the screen as well, so people understand what it is that New Jersey is asking for here.

CHAIRMAN BORDEN: Other comments on the motion. Are there any other comments? Are you ready for the question, caucus, does anyone want a caucus? All right so take one minute. **Are you ready for the question? All those in favor signify by raising your hand. Please leave your hand up, hands up please.**

All right all those in favor raise your right hand, please, three in favor. Opposed, eight opposed. Abstentions, three abstentions,

John, null votes, okay we've got two. The motion fails. Okay, so an unusual event. Does someone care to make another motion? David. You're all right. Does somebody want to speak to the point, David?

SENATOR MIRAMANT: I'm sorry I was out of order.

CHAIRMAN BORDEN: Okay, Dan.

MR. McKIERNAN: Can we continue down the coast and then come back?

CHAIRMAN BORDEN: We can certainly do that if that is what the preference of the Board is. Let me ask one last time. Does anybody want to make another motion here? If not, we'll come back. Joe.

MR. CIMINO: Yes, I would. Specifically this leaves us with no option to deal with the commercial quota that is allocated to us. I wish there was some discussion on the opposition of the CE proposal for the commercial options to help guide a motion.

CHAIRMAN BORDEN: Does anybody want to make a motion at this point? If they don't want to make a motion I'm going to move along. Pat.

MR. KELIHER: For New Jersey I would move to approve Option R-3, and the suite of commercial options.

CHAIRMAN BORDEN: Is there a second, seconded by Dennis Abbott, discussion on the motion. Russ.

MR ALLEN: That literally is basically the same things that Roy proposed an hour or whenever it was before. I don't know why you're not giving us a chance to have some of these options get through. We're basically sitting here as a state being forced regulation down our throat without any say in the matter.

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CHAIRMAN BORDEN: Emerson.

MR. HASBROUCK: I have a couple of questions for New Jersey if that is possible.

CHAIRMAN BORDEN: Go ahead.

MR. HASBROUCK: On the commercial proposals, I'm looking for instance at, pick one, C-5, right that you may implement a 24 to 28 inch slot or 1-fish greater than 43 inches, and similarly with C-6, 1-fish at 24 to 29.

CHAIRMAN BORDEN: Joe is waving at you, Emerson.

MR. CIMINO: Just that those options are similar, and this is a matter of the table I guess, versus the actual proposal. What we're suggesting here is to split the commercial quota to say 24 to 28, which is what our current bonus program is, and allow some portion of that fishery to still exist as it does.

On the flip side, we're also proposing to take some small percentage of the commercial quota and say put that towards 500 or 1,000 tags that could be used on a fish greater than 43 inches. It would be first come first serve basis. There are reporting requirements. We don't believe that we can get to sampling requirements, but our intent would be to sample this fishery as heavily as possible, but no more than 500 or 1,000 tags that would be allowed for individuals.

CHAIRMAN BORDEN: Emerson.

MR. HASBROUCK: That would be 500 tags, for instance in addition to the smaller slot, in addition to the 24 to 29 slot for instance.

CHAIRMAN BORDEN: Justin and then Mike.

DR. DAVIS: Just to clarify, because this is commercial quota essentially, in the column on the table here where it says quota in pounds, any of the projected amount of harvest that

would occur in these bonus programs reflects an 18 percent reduction from the previous quota that was used for the bonus program?

CHAIRMAN BORDEN: Joe.

MR. CIMINO: The 24 to 28 inch fish required, I guess you would say a penalty from, gosh how far back, Addendum IV, yes. Is that right, Max Addendum's IV quota? The 215,000 pound quota that we're discussing has that yield per recruit analysis penalty from the original quota allocations.

We are not proposing any additional cuts to this commercial quota, because our recreational fishery is now tied to a 43 percent cut, and our commercial quota is so small that roughly 18.7, 19 percent at a recreational reduction would have covered the commercial cut as well. That is where we are at right now.

CHAIRMAN BORDEN: Can we have the motion up on the board, please? All right, comments on the motion, Dennis?

MR. ABBOTT: As much as I don't want to agree with Adam, I do agree with Adam in the fact that what we do for one we kind of have to do for another. If that involves going back to the vote we took on Rhode Island, I would consider making a motion to reconsider. But I won't at this point.

The previous vote that we took was 3-8, and it really indicates that the Board is quite satisfied, or is wanting a consistent size limit, and that being 28 to 35. Dr. Davis brought that up some time ago, and I think in my morning comments where I said we're all fishing in the same pond, and we would all like to have the same opportunities. I don't want to give those opportunities away. At this point I would support the motion by Mr. Keliher.

CHAIRMAN BORDEN: Okay thanks, Dennis. Are there any other comments here, yes, Ritchie?

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MR. WHITE: I just want to confirm that this commercial is a quota and it's a cap, so once you reach that poundage the fishery is shut down. Is that correct?

MR. CIMINO: Actually using average weights we don't allocate more tags than would allow us to go over the quota, so the number of tags that goes out is already set at that quota level.

MR. WHITE: Follow up, Mr. Chair.

MR. BORDEN: Go ahead, Ritch.

MR. WHITE: Not being happy with the size, catching these small fish, I support this because it isn't open-ended and it is tied to the commercial quota. I'll support this.

CHAIRMAN BORDEN: All right, any other discussion? Are you ready for a vote on this? If you are caucus, one minute caucus. Eric.

MR. REID: I just have one question. If you look at the options C-4 through C-7, it is 215,000 pounds more or less, but it is 1-fish per permit. You get one permit, you get one fish, and there is going to be 500 permits or 1,000 permits. Is that correct, it's one and done?

CHAIRMAN BORDEN: Joe.

MR. CIMINO: Well the idea behind it is it would be first come first served for the greater than 43 inch fish. I guess there is a potential for another person to report that one tag used, and ask for a second tag before 500 tags go out the door.

CHAIRMAN BORDEN: Max.

MR. APPELMAN: I just wanted to add on. It is my understanding that it's a permit system for all the fish caught under this quota, so you would need a permit for the 24-28 inch fish as well, but there is a finite number on the trophy, which equates to a finite number on the other

permits that are available. It is a tag-based permitting system for all fish harvested under this program.

MR. REID: A permit is not necessarily a tag. There is more than one tag associated with a permit? If there is one fish per tag, then the average weight of a fish at 1,000 tags is 215 pounds, so New Jersey is actually overstating. That is what I'm trying to figure out in my head.

MR. APPELMAN: No, there are two separate permits. You require a permit, and you have to identify 43 inch or greater permit or a 24-28 inch permit, and as soon as you use that you then apply for another. It is 1-fish per permit, separate permits for each catch category, and there is a finite number on the trophy, 500 or 1,000 depending on the option chosen here. Is that right, Joe?

MR. CIMINO: Yes.

CHAIRMAN BORDEN: Emerson.

MR. HASBROUCK: Then how are those smaller fish then restricted, 24 to 28 inches? I understand that they have to get a permit, but it seems to me like that is an open-ended harvest.

CHAIRMAN BORDEN: Someone from New Jersey want to respond to that? Adam.

MR. NOWALSKY: New Jersey takes the average weight of the 24 to 28 inch fish, and takes our commercial quota listed here, divides it by that number, and that is the maximum number of permits that are given out to harvest the 24 to less than 28 inch fish. With the options that include the greater than 43 inch fish also, New Jersey is proposing an additional 500 or 1,000 trophy tags for those fish.

CHAIRMAN BORDEN: Emerson.

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MR. HASBROUCK: If I'm understanding New Jersey then, if I'm a recreational angler in New Jersey, and I obtain a special permit to allow me to catch fish in a 24 to 28 inch slot, it is one and done? I would catch one fish and then I have to turn in my permit?

MR. NOWALSKY: The number of total tags available for the season is predetermined, based on the total quota divided by the average weight of those fish. As long as all of those permits have not yet been allocated, then that angler is eligible to apply for another tag. If there is, give me a rough number, so if there are 1,000 tags out there or 1,000 eligible tags, 500 have been claimed, you use one of them, you can then apply to the state for another tag up until 1,000 total have been issued, or whatever the number is.

CHAIRMAN BORDEN: Mike.

MR. LUISI: I'll pass, Mr. Chairman.

CHAIRMAN BORDEN: Anyone else here? Are you ready for the question, do you want to caucus on this? We have a motion; the motion is to approve Option R-3 and the suite of commercial measures, by Mr. Keliher and Dennis Abbot, so one minute caucus. All right, are you ready for the question? Mike.

MR. LUISI: Can I just ask one quick question of New Jersey to Joe? I really hate to put you guys in a spot where all the options that you're talking about and analyzed go away. But did you do any analysis at all at increasing the upper size limit to something a little more closely aligned with what Rhode Island did? Like I said, I was concerned about that but I have less of concern. I just don't know if that as something that you took a look at all, Joe.

MR. CIMINO: Not previously. Like I said, we just really quickly looked at how much of our harvest from that timeframe, like literally just now. How much of our harvest in that timeframe would have been 40 or less. I think it

is like 78 percent of our harvest would have fallen in that range. But no, it wasn't something we've analyzed.

CHAIRMAN BORDEN: All right all those in favor of the motion, please signify by raising your hand. All opposed, are there any abstentions, 2 abstentions, any null votes, the motion carries. David.

SENATOR MIRAMANT: I would like to make a motion to reconsider the vote on Rhode Island, please. I would speak to it if you would like.

CHAIRMAN BORDEN: My suggestion is we do that at the end, in other words go through all of the states, because then we're going to have to go back and possibly revisit other issues.

SENATOR MIRAMANT: The only reason, I'll just say, it sounds like it is causing consternation about making the next votes for equity and other reasons that are going to confuse and cloud all these other votes, when it has already been raised that it is like, why did we do that? I'm worried that it is going to make a mess, and then we'll have to go back and reconsider a whole bunch of them if we reconsider this one, and it goes a different way.

CHAIRMAN BORDEN: I'm happy to do whatever the pleasure of the Board is. Do you want to go back and reconsider this? Does anyone other than Dennis want to speak? Justin.

DR. DAVIS: I'm just trying to clarify, was the motion seconded?

CHAIRMAN BORDEN: We have a motion to reconsider, seconded by Mr. Abbott, is that correct? Dennis, would you like to speak?

MR. ABBOTT: Yes, I fully agree with Senator Miramant. I think if we continue down this path, I can foresee in the future that relaying groundwork for a state to object to our decisions, because we treated one state unfairly over another. I think that is not where we want

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to be. That's why I think it's wise to reconsider our action on the Rhode Island issue.

CHAIRMAN BORDEN: A question for Bob Beal. Is there any procedural reason we should or should not deal with this at this point?

EXECUTIVE DIRECTOR BEAL: The order of dealing with this is up to the Board. It can be done now or toward the end as you suggested.

CHAIRMAN BORDEN: I'll rule it as a valid motion then, discussion on the motion, Justin.

DR. DAVIS: I spoke earlier the first time around when we considered the Rhode Island proposals about the reason that I didn't support them, so I won't reiterate that here. But I just do think in light of the fact we just took a tough vote to essentially ask New Jersey to take a big reduction, because we did not want to give them to access to fish outside of that 28 to 35 inch slot limit. I think is inherently unfair to allow another state access, just because we took the vote earlier, so I would be strongly in favor of this motion.

CHAIRMAN BORDEN: Adam.

MR. NOWALSKY: I would like those that intend to vote in favor of this motion, and then ultimately to vote in favor of Rhode Island only having the 28 to 35 option. I would like to know what people intend to do with Virginia. They have no other option, other than to have a fish greater than 35 inches. If the statement this Board intends to make, no state shall have a fish as part of their recreational program other than between 28 and 35 inches. What do you all intend to do about Virginia?

CHAIRMAN BORDEN: Are there any comments to that point, or any further points to be made on the motion? Mike, do you have your hand up?

MR. LUISI: I guess so. I think given Virginia's situation with a maximum size limit just an inch over what was being presented as a coastwide option, and my comments already regarding Rhode Island. I mean I gave it thought as we debated whether or not a few inches over the maximum size limit implemented on the coast would be appropriate.

I also need to say that for our recreational fishery, for our trophy season in Chesapeake Bay that minimum size limit of 35 inches is what we intend to implement. But that is our two week season in the spring. I think given Adam's question, I would stand behind my original vote to support Rhode Island and Virginia, just given that there is a bracket, it is capped at a certain maximum size, and those largest of fish would be protected.

CHAIRMAN BORDEN: Loren.

MR. LOREN W. LUSTIG: A question for Virginia. Did you tell us, Sir that the 28 to 36 inch had already been approved in and indeed implemented for this year?

MR. GEER: Yes it has. It was approved in August, so we were very proactive in this whole process.

MR. LUSTIG: How could you possibly deal with this effectively other than some emergency measure?

MR. GEER: Can you repeat that second part again?

MR. LUSTIG: If it's already been approved and implemented that would require some really amazing gymnastics, in terms of the procedure throughout the rest of the year.

MR. GEER: Exactly. We were very proactive. We started this process back in February, when we first met after the stock assessment, and we had nine meetings with our Advisory Committee, we had multiple public hearings

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about this. We were in constant touch with the TC and ASMFC staff about what we were doing.

We put our proposals in in advance, saying what do you think about this? Do you think this will pass? We felt very confident when the TC met December 17 and 18, or 16 and 17 that our proposal was going to pass. We're talking about one inch. We didn't change our size limit at all for the ocean.

It would require a fair amount of work, because our recreational measures are tied with our commercial. We have a 23.7 percent reduction recreationally, and we made up for the 18 percent by taking less than the commercial. Any changes we do we have to go back and do all our calculations over again, both commercial and recreational.

CHAIRMAN BORDEN: All right any other comments, just Chris?

MR. BATSAVAGE: I would tend to go along the lines of what Mike Luisi said, and then that was where our objection was to just the minimum size limits from New Jersey. I mean we chose conservation equivalency right from the start, so we knew that there were going to be some inconsistent measures. To bring everyone in line is basically saying no conservation equivalency. I think just hypothetically, if New Jersey had some other measures like 32 to 38, or 30 to 36 or something like that I could support that if it showed it was going to meet the reduction, because it is kind of in the spirit.

I think we're all kind of thinking that either we have a slot limit of some sort, or we don't. That makes sense for the recreational side of things. I think to hem everyone in to 28 to 35 inches, or less than 35 inches is basically now saying; now we really don't like conservation equivalency. We didn't set real clear parameters when we started this, just due to the timeliness that we had to put all this in place. We're kind of doing this on the fly of course.

But I'm comfortable with at least some bounds in place, compared to the 49 or 50 options that we had to choose from this morning. I'm not in favor of reconsidering the Rhode Island vote. I just know that this isn't going to be a perfect scenario. We're just trying to really whittle this down and make some sense of this along the coast.

CHAIRMAN BORDEN: David, did you want to comment. Then I've got Jason, and then I'm going to offer a comment myself.

SENATOR MIRAMANT: Some of this discussion seems like a distraction from this part, because we are reconsidering Rhode Island, and that was about the discussion of fairness to neighbors, and an overall philosophy of size that needs to be considered, as far as I'm concerned, and being part of the system in Maine that would have to come up with something if you told us to make a change, and that was what the Board wanted.

Yes, we've had public hearings; we've done this and that. But if we need to protect fish in a certain way, we're going to go back and we're going to go through the process, and we're going to do it. It's nice when it is part of the regular procedures, and it is okay when it isn't if it comes to protecting the fisheries.

That is the most important thing here, and that is why to start clouding these other state's votes by well we did it for this one. Well maybe we didn't do the right thing for this one, and we just needed to consider that in the scope of some of the other things we were doing that just came a little out of order, but not to go too far down the order so we make a lot of wrong choices here. That is the thing. I think some of this is just confusing the issue. Who knows what will happen when we get to Virginia, because we're thinking of more ideas. Let's get to Virginia.

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CHAIRMAN BORDEN: Jason.

DR. McNAMEE: Just a couple of quick notes. You know when I made that motion for Rhode Island; it feels like a long time ago. We didn't know what was happening, in particular with New York. You know we had heard Jim earlier in the discussion talk about this potential option. Long story short, we've gotten more clarity on that now. I understand why this is happening. But the one thing that folks haven't considered yet with regard to the Rhode Island options is Rhode Island under the coastwide option; we're looking at about a 14 percent reduction. With our conservation equivalencies they are all over 18 percent, so we're actually taking more conservation with our conservation equivalencies. I just wanted to make sure that people understand that aspect to the Rhode Island proposals.

CHAIRMAN BORDEN: Are there any other comments? If not, Bob Beal. I just want to make sure I understand the rules correctly. Since it is a vote for reconsideration within the same meeting it is two-thirds vote of the voting members, and abstentions don't count. Is that correct?

EXECUTIVE DIRECTOR BEAL: Abstentions count, except if they're from federal services. A number of years ago the Commission came up with a unique rule that applies to these situations. If you want to amend or rescind a previous action it takes a two-thirds majority vote of all the voting members. Even though D.C. left the room, they still count as a voting member.

If a federal service abstains they don't count, sort of in the denominator of that calculation, whether it is two-thirds vote or not. This Board has a total of 16 votes if everybody is here and everybody votes. If the two federal services were to abstain, and I don't know if they will, then you're down to 14 votes. Of the 14 votes,

to get two-thirds majority you will need 10 votes in favor for this to pass.

CHAIRMAN BORDEN: All right, everyone clear on the rules? Is there any disagreement with that? One minute caucus and then we're going to vote. We're going to vote. I've asked Max to do a roll call, so it is very clear on the record how every state votes on this. If for some reason that I can't anticipate, somebody wants to go back and reconsider there is a record to go on, as to who voted which way. Max if you could call the roll please.

MR. APPELMAN: Thanks, working again north to south, Maine.

MR. KELIHER: Yes.

MR. APPELMAN: New Hampshire.

MS. PATTERSON: Yes.

MR. APPELMAN: Massachusetts.

MR. KANE: Yes.

MR. APPELMAN: Rhode Island.

MR. REID: No.

MR. APPELMAN: Connecticut.

DR. DAVIS: Yes.

MR. APPELMAN: New York.

MR. GILMORE: Yes.

MR. APPELMAN: New Jersey.

MR. NOWALSKY: No.

MR. APPELMAN: Pennsylvania.

DR. SCHAEFFER: Yes.

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MR. APPELMAN: Delaware.

MR. CLARK: No.

MR. APPELMAN: Maryland.

MR. LUISI: No.

MR. APPELMAN: D.C., PRFC.

MR. GARY: No.

MR. APPELMAN: Virginia.

MR. GEER: No.

MR. APPELMAN: North Carolina.

MR. BATSAVAGE: No.

MR. APPELMAN: National Marine Fisheries Service.

MR. ORNER: Abstain.

MR. APPELMAN: U.S. Fish and Wildlife Service.

MR. MILLARD: Abstain.

CHAIRMAN BORDEN: The motion does not pass. All right so we're going to keep moving. Adam.

MR. NOWALSKY: Given the conversation that just occurred, a general consensus earlier that there is at least acknowledgement by this Board that the reduction New Jersey is taking is much larger than other states. New Jersey is interested in having the flexibility to go back, craft a slot limit with a maximum size limit not to exceed the same 40 inches that we just used for Rhode Island. I would like some direction from staff and leadership about what motion could be made to give us that flexibility, and to get something back very short term in the interest of fairness, based on what we just did

for Rhode Island, and what we intend to do for Virginia.

CHAIRMAN BORDEN: Let me ask this. How long will it take the state of New Jersey to do that? Joe.

MR. CIMINO: Well we could do it in about ten minutes and have it submitted, but we have our Advisory Committee meeting tomorrow night, so I think to give our staff good thorough time to run through the options, and ask our advisors if they are truly interested in this. We could still have it in by the end of the week.

CHAIRMAN BORDEN: Okay. Max, do you want to provide guidance?

MR. APPELMAN: Thinking on the fly here with you. If it was the purview of the Board to allow Jersey to submit a proposal for TC review that met the circumstances that you just laid out. We would probably need a Board to approve that via e-mail. I don't think we'll have an in-person meeting for that before the April 1st implementation deadline. A motion to that effect would be what I would recommend. Katie is saying that some language about approving such a measure pending TC review.

CHAIRMAN BORDEN: Ritchie.

MR. WHITE: Rhode Island's is approved, so I don't know if any of those options would fit what you're thinking about. But those are already approved.

CHAIRMAN BORDEN: Adam.

MR. NOWALSKY: Nothing we have on paper is presently approved, but given what we've learned here today, again in consideration of the discussion that an upper size limit is what the Board is looking for, and in consideration of the Board's willingness to work with New Jersey, we would like to bring something back that meets TC approval. I think the question for

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the Board Chair right now is would he like a motion now or would he like to finish getting through the states and then make one at the end.

CHAIRMAN BORDEN: Actually I would prefer a motion now, only because then we don't have to come back, at least hopefully.

MR. NOWALSKY: Is your preference to reconsider New Jersey's motion or just make a new motion?

MR. APPELMAN: If it is okay to interject, I would recommend give us some time to craft a motion that is quick and we can just continue on with the states and come back to it once we have a motion prepared.

CHAIRMAN BORDEN: All right, next jurisdiction on the list is Pennsylvania. Are there any comments on Pennsylvania? Jim.

MR. GILMORE: Just if you're going to do that and we're backing up, then I would want to add New York, we'll put a 30 to 40 in also, so we're being consistent, if you can throw that into the motion.

CHAIRMAN BORDEN: My suggestion is you broaden the language. It's not just New York and New Jersey. If there is some other state that wants to do what is being considered here, then let's either authorize it or narrow it down, whatever the intent is. Pennsylvania, comments on Pennsylvania. **Is there any objection to approving Pennsylvania as submitted? No objections, approved by consensus.**

Delaware, any comments on Delaware, are there any objections to approving Delaware by consensus? No objections, it stands approved. Maryland. Are there any comments on Maryland? We've had a lot of comments I would point out on Maryland. Are there any objections to approving Maryland as

submitted? Max asked me whether or not we were approving the entire proposal, and it is my intent, as I said before to deal with the entire proposal, the Maryland proposal. Are there any comments? Jason.

DR. McNAMEE: Just a comment, depending on the response. Well, I'll make my comment. Mike there was, or through the Chair. There was a lot of discussion about the non-targeting, and so I know the math. I mean you guys did the best you could with the data available, I understand all of that. I think the Technical Committee did as well as they could, again given the data limitations.

But they are underlying the no targeting aspect of your proposal as an assumption. I'm wondering, I think the assumption that you made for your preferred option was at the higher end of the range of possibilities of, I think it was something on the order of 76 percent of decrease in discards. It runs the gambit, but I mean there is also a possibility that discards could increase.

I guess what I was wondering is if the state of Maryland would be willing to take a more risk-averse proportion. You know you go from, I think on the high end it was actually not what you chose, but on the high end it was 80, and then you had potentially a 10 percent increase. I was wondering if the state of Maryland would be willing to make an assumption that splits the difference. That would be a more risk-averse approach to that aspect of the proposal.

CHAIRMAN BORDEN: Mike.

MR. LUISI: Jason, I think where I was able to agree to a compromise here was to suggest that Maryland would remove Options 2A, 2B, and 2C from consideration, because those options are very heavily dependent on the closures and the no-targeting aspects of the proposal. The Option 2D, which is the fourth in the list there, there is a bag limit reduction for the private

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sector down to 1-fish, which is what is prescribed by Addendum VI.

We would leave our minimum size higher than the prescribed Addendum VI option; we would stay at 19 inches. We would go to the private sector for 1-fish. In some sense that is getting very close to what the Addendum VI option would prescribe for us for our reduction. Under this scenario, the charterboat fishery fishing throughout the year, and following all season closures, would be at a 2-fish bag limit. I will say that the charterboats would not. Part of the enforceability of this action was having different bag limits between the two sectors. One of the things that is going to help with that is that we have a state-of-the-art electronic reporting system that requires a halting component in the morning and in the evening, whether leaving the dock or returning to the dock.

Any charterboat that would want to partake in a 2-fish bag limit for their clients would need to be part of that electronic reporting system, which is fed directly to our enforcement agency, so they can see who is going out and coming back with intent on more than 1-fish for their client. The charterboat industry is a small component to Maryland's overall mortality, as it relates to the private sector.

I guess to getting to your question, Jason. Instead of making a slight tweak to the assumption, I think we could eliminate a lot of the concern regarding how much the no-targeting provision plays into our reductions, by eliminating those with the 2-fish bag limit for all sectors. We find ourselves in a position where under Option 2D, where we've removed the weight. I guess you want to call it the weight of that no-targeting provision. I think at that point we would leave well enough alone, and we would hope that the Board would support that 2D option.

CHAIRMAN BORDEN: Jason. Cheri.

MS. PATTERSON: I just want to get this up on the board. MD-1, MD-2d, and under the commercial you're looking for the MD-3a, and the MD-3a is only providing a 1.8 percent reduction.

MR. LUISI: MD-3a, and MD-4a.

MS. PATTERSON: I've got the old one.

MR. LUISI: One is on the coast and one is in the Bay. We have already moved forward with the distribution of the quota with a 1.8 percent reduction, which requires our state to take more than an 18 percent reduction on the recreational fishery. As you'll see, we've achieved.

Our goal in our recreational fishery was to achieve a 20.6 percent reduction, and all of our options, achieve that. What I'm suggesting is we already planned to implement the coastwide measure MD-1. What I would move to approve would be MD-1 and MD-2d on the recreational side, and the commercial fishery modifications, if you need a motion, Mr. Chairman.

MR. BORDEN: Please make it as a motion, Mike.

MR. LUISI: Okay I move to approve MD-1, MD-2d, MD-3a, and MD-4a.

MR. BORDEN: Do I have a second, seconded by John Clark? Wait until we get the motion up on the board, please. Does anyone want to comment in the interim? Pat.

MR. KELIHER: Just some clarity around MD-2d. That is Chesapeake Bay, there is a 35 inch minimum size associated with that within the Bay. Is that the trophy fishery?

MR. LUISI: Yes, Pat that is the trophy fishery. It was suggested under the Addendum option for the purposes of information. The Addendum

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suggested that we not modify. If we were to go forward with just the Addendum option, which is the 1-fish at 18 inches, it suggested that there be no additional modifications needed to our trophy season or our trophy minimum sizes limit. We are suggesting through this action that we delay the start of the trophy season.

It varies each year, but it could be between two weeks and seven days. We're suggesting we delay that season to May 1, and we're also as part of this alternative, we are considering eliminating the catch and release and trolling during the month of April, which leads into that spawning period, to give the fish a break from being caught during that time, so it is in addition to what Addendum VI was suggesting.

CHAIRMAN BORDEN: Steve Train.

MR. TRAIN: With the great appreciation that you're going to put a lot of limits on it, it still doesn't have a cap. We just went around and around with two other states on whether they were going to have a cap size on their trophy fish, and they agreed to them, and this one doesn't. We're trying to be consistent. I can't support this if the trophy is unlimited on the top end.

CHAIRMAN BORDEN: David, did you have your hand up? I saw it move, okay twitch. Does anyone else on that side of the table, anyone over here? Adam.

MR. NOWALSKY: This is the one proposal that gains benefit. I'm not sure what adjective to use before benefit, slight, significant. I would like some clarity to know how much of the contribution to the reduction is coming from those two months of no targeting. Is it 5 percent? Is it 2 percent, because that is unique? If we're talking about level playing field, this is a proposal that utilizes something else that no other state is utilizing, and I would like to know the magnitude of that.

CHAIRMAN BORDEN: Mike, response.

MR. LUISI: What I'll say is that the combination of the no-targeting provisions prior to the start of the trophy season, which would be a two week season beginning in May, contributes about around 5 percent altogether. The delay plus the no targeting gets us to around 5 percent of our total 20 percent reduction. I will make the point that if we were to go to a slot limit, let's say for the trophy fishery, there would be many, many, many more fish harvested, given the size distribution of those fish moving into the Bay to spawn.

If there is a thought that we would go to a slot to be consistent with that of the coastal fishery, it would be much worse, as far as our interaction and our harvest of fish. The trophy fishery in Maryland has been in place for many years. We've talked about it a number of times before, and it's a very, very small contributor to the overall harvest and mortality associated with those migratory fish along the coast. It's two weeks long; it's access for our fishermen to a resource that they don't have available to them the rest of the year. It's very small, as far as its contribution to mortality.

CHAIRMAN BORDEN: All right we've had a lot of discussion about this proposal and elements of it throughout the day. Could we have the proposal up on the board, the motion? We have a motion on the board. Are there any questions or comments pro or con that haven't been made? In other words, please don't be repetitive. Dan.

MR. MCKIERNAN: Yes, just for the record. When we voted last meeting to reduce both sectors by 18 percent, we thought that was real. It really kind of surprises us that states can ignore the outcome of that vote and manipulate the rules to favor the commercial sector over the recreational sector. But that is an internal issue for the state of Maryland, so be it. But just for the record, I think that that

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shouldn't have been allowed. No one communicated to us that you didn't have to comply with that particular rule, and I think it's a little disturbing.

CHAIRMAN BORDEN: I just want to verify. John Clark, you were the seconder on this motion is that correct? Yes thank you. Is there any further discussion on it? Are you ready for the question, one minute caucus? I'm going to give everybody one more minute, since there are still a number of people talking. **All right, are you ready for the question? All those in favor, signify by raising your right hand. Hold it up, please, opposed, abstentions, 2 abstentions, null votes, no null votes. The motion carries 10 to 3 to 2.** John.

MR. McMURRAY: I don't intend to open up a can of worms here, but it seems to me that we started to have the discussion on accountability, and then we didn't make any decisions. We just moved on. Frankly I looked at this proposal, and it seems like a lot of smoke and mirrors, particularly the no-target closures. I'm wondering what happens if there is another massive overage like we saw in 2015. Is the Board okay with that or is there going to be some sort of change required?

CHAIRMAN BORDEN: I think Toni Kerns spoke to this before. Toni, do you want to rephrase or restate your advice on this issue, accountability?

MS. KERNS: The Board can decide if they want to add accountability. I would suggest if you're going to put accountability on for all state proposals or not. But as it stands right now, as it is in the plan, what we will do is review in the FMP reviews and say, these states met it, these states didn't.

But, there is no corrective course of action through that. If you want a corrective course of action then the Board will need to do that at some point today. I would suggest getting

through all of your plans, and then decide if you want to have accountability or not.

CHAIRMAN BORDEN: All right so next group to discuss is the Potomac River Fishery Commission, any comments on that? Any objection to approving their proposal as submitted? No objections, proposal stands approved by unanimous consent.

District of Columbia, any comments, is there any objections to approving it as submitted, approved by consensus?

Virginia is next. Comments on the Virginia proposal, any comments?

MR. GEER: I'll make a couple of comments. We have the proposed at 28 to 36, because the 36 matches up with our maximum size in the Bay as well. We've had no coastal harvest, according to MRIP, for the last five years, and in 2017 we only had 98 fish. We're not talking about a large fishery here. We've also removed our trophy season that we had with fish larger than 36 inches, so it's a small fishery. We wanted to be consistent with what we have in the Bay for our maximum size for the fall season. That is the reason why we proposed the 36 inch. I hope you consider it favorably.

CHAIRMAN BORDEN: Adam.

MR. NOWALSKY: These options were put in place last August, but the document that the TC approved late last year still had the note about considering 1-fish per person per year greater than 36. What is the status of that moving forward; given the other discussions we've had here?

MR. GEER: We are moving forward with that this year coming up. It's going to be similar to the New Jersey program, where it will be a limited number of individual tags. Instead of a trophy fish it will be a bonus fishery, where one

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tag per person per year for fish larger than 36 inches. It will be very limited.

CHAIRMAN BORDEN: Cheri.

MS. PATTERSON: I have a question in regards to no direct targeting during closed season, or the closed period. Mike had indicated that their law enforcement and court systems do accommodate for non-targeting regulations. I know our state does not; it's really hard for our law enforcement to be able to prove targeting scenarios. How is PRFC in regards to their law enforcement and court system to have that go through?

MR. GEER: Do you mean Virginia?

MS. PATTERSON: Oh I'm sorry, yes thank you.

MR. GEER: We don't have any regulations on targeting. We don't have them in place. We don't have as long as season as they do in Maryland. If the season is open we know people are targeting. The rest of the year they are moving on to other species. Maryland it's a much longer season that what we have recreationally.

CHAIRMAN BORDEN: Are there any other questions? I've asked the same question for every other state, any objections to approving this as submitted? Are there any objections? There are no objections, so the proposal is approved as submitted.

The last one on the list, last but not the least I would point out is North Carolina.

Are there any comments on North Carolina? Any objections to approving North Carolina as proposed? North Carolina stands approved by consensus. Okay so we've gone through the actual proposals. We have to go back to New Jersey, and I think Adam, you're going to make this motion, or who on the New Jersey delegation is going to make the motion?

MR. NOWALSKY: I'm pretty sure staff has something that is not New Jersey specific. Give me a moment to read it to myself, before I read it into the record. There was conversation about not making this New Jersey specific, so what has staff come up with that makes this New Jersey specific now, or are you planning for something additional for other states?

CHAIRMAN BORDEN: I would hope that if there are other states that want to do the same thing that we include them in this language, or broaden the language, one of the two. We don't want to do this five times. Toni.

MS. KERNS: Mr. Chairman, the only other state that said they wanted to do something else was New York, and it was specific for their for-hire fishery, so I crafted two separate motions for that.

CHAIRMAN BORDEN: All right this is a motion by Adam, seconded by.

MR. NOWALSKY: Would you like me to make the motion?

CHAIRMAN BORDEN: I read your lips.

MR. NOWALSKY: Move to approve a slot limit for New Jersey to develop one conservation equivalency option that would achieve at least an 18 percent reduction, with a maximum slot limit size of no more than 40 inches, pending Technical Committee approval.

CHAIRMAN BORDEN: Seconded by Emerson. Discussion on the motion. Justin.

DR. DAVIS: I'm having a little bit of trouble with the first line of the motion. It seems like it should read something more like move to allow New Jersey the option to develop one conservation equivalency option. Then I'm wondering if we need some time certain, some deadlines in here to ensure that the option is

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submitted in time to allow for TC review, and ultimately Board approval ahead of the implementation deadline.

CHAIRMAN BORDEN: I guess my read is if it's approved it's allowed.

MS. KERNS: What I heard the Board say that they were shooting to do was approve something pending TC approval. You're allowing New Jersey to do this as long as the TC is okay with it. It would not come back to the Board. Therefore that was how this was crafted. If the Board would like to review it and approve it, then we can do that. We would have to do that through an e-mail vote.

CHAIRMAN BORDEN: Max.

MR. APPELMAN: I was just going to agree with Justin. I think the "to develop" part kind of makes it a little strange to me. It should be something like move to approve one conservation equivalency option for New Jersey that achieves at least...pending TC approval. Is that kind of where you were going with that?

CHAIRMAN BORDEN: Dennis.

MR. ABBOTT: Cannot the Technical Committee tell us right now what the minimum size would have to be with a maximum of 40?

DR. DREW: Not without looking at New Jersey specific data right now.

CHAIRMAN BORDEN: All right so you have a motion. Are there any changes, modifications to the motion, Adam?

MR. NOWALSKY: Just to address Justin's other concern. We do intend to submit this by close of business on Friday, if it's sufficient just to have that on the record. If you need that as part of the motion, feel free to add it.

CHAIRMAN BORDEN: I don't think it's necessary to add it to the motion. Are there any objections to Adam's interpretation standing? That is the standing rule then. Justin.

DR. DAVIS: I'll just state for the record that while I agree with giving New Jersey this opportunity to revisit conservation equivalency. I am not comfortable with essentially approving this without seeing what the option actually will be, given that we spent a lot of time today going through everybody's CE proposals, and doing state-by-state approvals, and subjecting them to Board scrutiny.

We have no idea what the bottom end of a slot will be if the top end is 40 inches. The way this is worded it actually doesn't limit them to the maximum size limit being 40 inches, so we would essentially be providing a priori for approval for an option we haven't seen yet, so I wouldn't be comfortable with that.

CHAIRMAN BORDEN: Russ.

MR. ALLEN: Right off the top I can tell you, you know we're going back and forth with staff, yes this is my staff almost. It's been that long. But we have at least a 30 to less than 40 is a 20 percent reduction right off the top. It wouldn't be any lower than 30 inches, or something like 28 to 38 were the two we were looking at, somewhere in that range.

They are very similar. As Joe has mentioned, you know we have an Advisors meeting tomorrow night, get that approved through them and we can come back with that and have it ready to go. But Joe's staff is still working on these options to make sure that the Technical Committee has what they need.

CHAIRMAN BORDEN: John McMurray.

MR. McMURRAY: I'm still a little concerned about the 18 percent portion of this. I think to achieve the 18 percent reduction, New Jersey

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needed to achieve somewhere upwards of 40 percent. I feel like we're losing sight of the fact that our goal here with this Addendum is to achieve an 18 percent reduction on a coastal level. I understand that we need to be fair amongst states. I understand there needs to be some equity in our decision making process here. But I also think we need to really focus on the goal here. I would like the Board to kind of reconfirm that that is where we're heading here. We are trying to achieve an 18 percent reduction along the coast. We seem to be moving away from that.

CHAIRMAN BORDEN: Ritchie.

MR. WHITE: This implementation date would not change with this motion.

CHAIRMAN BORDEN: That is correct. Are there any other comments on this? Do you need a caucus on this? Yes, caucus, a one minute caucus. Are you ready for the question? All those in favor of the motion signify by raising your hand. All opposed, any abstentions, 2 abstentions, any null votes, no null votes, 9-4-2, the motion carries. Jim Gilmore, do you want to address the New York situation? I understand you have a motion.

MR. GILMORE: Yes actually, Toni has a motion to put up. Just to clarify, there was a comment that we were trying to put up a 30-40, which was already approved. It's not a 30-40 option. What we're doing is we wanted to do the 28-35, which was our first option under the recreational coastwide.

Also that was analyzed was that 31 plus size fish that was opposed. **We would like to do a 30-40 that would simply be for the for-hire sector, as an adjustment or whatever to that.** We're still going with the 28-35, but we would allow through some permit or licensing or whatever a 30-40 inch for the for-hire sector.

CHAIRMAN BORDEN: Is that the motion, Jim?

MR. GILMORE: Yes, Mr. Chairman.

CHAIRMAN BORDEN: All right do I have a second to that motion? Does anyone want to second it at the table? I ask one more time, is there a second?

MR. LUISI: I'll second for discussion.

CHAIRMAN BORDEN: Mike Luisi. Discussion on the motion? Dan.

MR. McKIERNAN: I think the motion is not reflective of Jim's comments. He talked about this being for a portion of the for-hire fishery that are permitted, am I right?

CHAIRMAN BORDEN: Jim.

MR. GILMORE: Say that again, Dan.

MR. McKIERNAN: I think you said, Jim that this proposal would only be for a subset of your for-hire fishery.

MR. GILMORE: Initially, again I don't know the legal bounds of this. The only one that expressed an interest in this was the Montauk for-hire industry. I don't believe the rest of the state wants to do this. That is something we have to evaluate. That's why we're undecided whether we're going to do it or not. I just want to have the option, since now I've got 30-40 inch options on either side of me. I've got Rhode Island and I've got New Jersey. I want to just have this option to make sure we can keep consistency between our neighboring states.

CHAIRMAN BORDEN: Other discussion, Justin.

DR. DAVIS: I'm opposed to this motion for reasons that I've iterated multiple times today. Regional consistency between New York, Rhode Island, and Connecticut is really important in my mind. Essentially, if New York was to adopt this and Rhode Island was to adopt one of their

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conservation equivalency proposals, Connecticut has no option to come into alignment with those two states, because our only option was the regional proposals, which cannot fly unless all three states implement one of those.

Essentially, if New York were to move forward with this, we would have a situation where Connecticut anglers on for-hire vessels would be fishing right next to Rhode Island and New York boats, and would not have access to the same size class of fish, and Connecticut would have no way to remedy that. I'm opposed to the motion.

CHAIRMAN BORDEN: Jason.

DR. McNAMEE: Actually I think I would be out of order, so I'll yield.

CHAIRMAN BORDEN: Anyone else on the motion? Emerson.

MR. HASBROUCK: At one of the meetings that was held in New York, where a larger minimum size was being discussed for a portion of the for-hire industry. All those fishermen who fish in Long Island, the for-hire vessels that fish in Long Island Sound, including those from Orient, said that they would not opt into this. They are not interested in participating in a 31 inch minimum, or a 30-40 inch slot size. They are sticking with the 28 to 35.

CHAIRMAN BORDEN: Dan.

MR. McKIERNAN: I'll repeat what I mentioned earlier. To preserve the integrity of MRIP, I don't think it's appropriate to have a subset of the for-hire fishery to have special permits and different rules, because I don't believe the MRIP data can tease that out or treat that class of vessels separate. Please, I would suggest we don't approve this.

CHAIRMAN BORDEN: Justin.

DR. DAVIS: Just to follow up on what Emerson just said. The wording of this motion does not make it clear that what is being proposed is an opt in for some portion of the for-hire industry that essentially if this were approved, the New York for-hire industry would have an option of either the 30-40 inch or the 28-35 inch. If that is the intent, I would like to see the wording of the motion reflect that.

CHAIRMAN BORDEN: Jim.

MR. GILMORE: We can add that in very clearly. The idea was that they would be the for-hire fishery that it would either be a 30-40 inch or a 28-35 opt in, monitored by a licensing program. In a sense they have to choose one. They either choose the 28-35 inch slot, or they choose the 30-40. They cannot do both. **If they go with the 30-40 inch slot, they essentially have to do that by license, and we essentially have logbooks and permits that would have to track that.** They do have to opt in for an either/or.

CHAIRMAN BORDEN: Are there any other comments on this? The language has been modified. Mike is the modification all right with the seconder?

MR. LUISI: Sure.

CHAIRMAN BORDEN: Are there any other comments, any objections to this motion? Two objections, we've had discussion on the motion. We perfected the motion. We're to the point where I'm ready to call the question on the motion. Are you ready to vote on this motion at this point? Is everyone ready to vote on the motion?

Let's vote on it, since I already know we have a couple people that want to vote no. All those in favor of the motion signify by raising your hand. Five yeses, noes, 5 noes, abstentions, 2 abstentions, null votes, well 1 null vote, we had

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two guys from the same state voting the same way, right? No?

Just so that nobody thinks there is a game here, we end up with a tie vote. **But it does not appear that everyone voted. If you would, everyone in favor of this motion, raise your right hand and hold the hand up. I know it's getting late. Five in favor, no votes raise your hand, 5 noes, abstentions, 4 abstentions, 1 null, the motion fails.** All right, Jason.

DR. McNAMEE: Based on what Justin said earlier about the predicament with Connecticut, which may or may not now be solved, given that. I think I will still move forward. **I would like to make a motion to approve the Rhode Island, Connecticut, and New York Regional Proposal B.**

CHAIRMAN BORDEN: We have a motion. Is there a second to that and we'll get it up on the board? Does someone want to second that Option B.? Dennis. Discussion on this motion, Jason.

DR. McNAMEE: I sort of alluded to it with the motion, but the idea here was to potentially bring back an option to Connecticut to maintain consistency between Rhode Island, Connecticut and New York, and I think given the failure of New York's last motion, this might be something helpful for them as well. It's not just a for-hire option, but it is that 30-40 inch slot.

CHAIRMAN BORDEN: Dennis, do you want to comment as the seconder, no, anyone else around the table, Justin and then Joe?

DR. DAVIS: I'm actually going to speak in opposition to this motion. I feel like at this point I spent a lot of time discussing the different proposals. It's apparent at this point that I think New York and Connecticut would like to move forward with the 28 to 35 slot, which would preclude implementation of this proposal, so I'm against the motion.

CHAIRMAN BORDEN: Joe.

MR. CIMINO: Well I was speaking in favor of it; going back to something that Jason had said earlier that you know Connecticut and Rhode Island are two states under the coastwide measure that don't achieve an 18 percent reduction. This gets the region to an 18 percent reduction, and further New Jersey is now considering a 30-40 inch slot as well, and it would have had a true regional approach to it.

CHAIRMAN BORDEN: Are there any other comments on the motion? Dan.

MR. McKIERNAN: Yes, I would be opposed to this motion. It's not a true regional approach if my neighbors are adopting different rules than we. We have anglers that come from Worcester County that go down to the central part of the state that fish out of Connecticut. We have anglers that fish in Rhode Island. We have boats going back and forth between the two states.

I can't suspend or revoke a permit from any of those anglers if they are noncompliant in our waters, especially coming from out of state, because they don't have permits in Massachusetts. I have a real problem when we have these neighboring state we accommodate those anglers and those vessels, to say you don't need a permit in Massachusetts. But I'm really fearful of the lack of compliance with the Massachusetts rules if this were enacted.

CHAIRMAN BORDEN: Are there any other comments? Do you need a caucus on this, one minute, 30 seconds how about that? All right so the motion is to approve the Rhode Island, Connecticut, and New York Regional Proposal Option B by Jason McNamee, seconded by Mr. Abbott. All in favor raise your right hand, 5 in favor, no, 6 noes, any abstentions, 4 abstentions, any null votes? The motion fails.

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Okay, I think where we are we don't need an overarching motion to approve this, because we've gone through it in segments. Toni and Bob can correct that if I'm misstating it. I think we're down to the point where we need. There have been repetitive comments on the need for accountability, and we also need to deal with the circle hook issue. Then I think we're pretty much done. On the issue of circle hooks, Jason do you want to make a motion?

DR. McNAMEE: Sure. I'll wait for it to get up on the screen. I hope it's not one of those long ones. Okay that looks right. **I move that the state's submit implementation plans for circle hook requirements by August 15, 2020 and Board approval at the Annual Meeting 2020, so it sort of sets out the timeframe for us.**

CHAIRMAN BORDEN: Motion by Jason is there a second, seconded by Ray Kane? Discussion, Chris.

MR. BATSAVAGE: Our original plan was to try to get our circle hook regulations in place this spring, and have them in line with our coastal shark circle hook requirements that are required by July 1, so we have consistent language. I guess this motion doesn't preclude us from doing that. However, if they are not approved then we would have to change those in 2021. Is that correct?

MR. APPELMAN: I guess, yes. I mean the way they are submitted and vetted through the PRT, if they didn't pass through this Board; I guess you're right yes. However, we do have another comment about circle hook requirements, or how those regulations might look from the Technical Committee. Just plug that in real quick.

MS. LENGYEL COSTA: Yes, I just wanted to make the Board aware of a brief conversation the Technical Committee had at the in-person meeting, when reviewing conservation equivalency proposals and implementation

plans. The general comment was if any states are going forward with circle hook provisions, and having specific exemptions.

If it applies to a particular sector, or whatever the exemption is that they clearly identify what the exemption is, and what the impact of that exemption will be in terms of numbers of fish, what that equates to so that the Technical Committee has that information when judging these proposals.

CHAIRMAN BORDEN: Jim.

MR. GILMORE: Just a procedural question. I think the last meeting there was a motion that we would have them implemented by January 1 of 2021, and if we're not approving them to the Board meeting does that put any state in an issue where they're not going to be able to get their regulations done by the first of the year, because that is only six weeks. Some planning might be in order to make sure we hit the target.

CHAIRMAN BORDEN: Other comments, Pat.

MR. APPELMAN: Yes I will say that I just threw up a date to get the conversation going, so if this doesn't meet your processes, perhaps an earlier submission deadline is appropriate. Recognizing that the Board meeting would be August would be the next earliest one.

CHAIRMAN BORDEN: Justin.

DR. DAVIS: In Connecticut we're going to have to do this through a full regulations process, which can take six to eight months. I would think that you know at the time that implementation plans are due, at that point we would have already started our regulations process, and we would be well into it. It would be problematic for us if we found out in October that the Board wasn't going to approve what we were trying to do, because we would have no way to change course and get it done

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by the first of the year, if we had to start over again. I'm not sure how to resolve that.

MR. APPELMAN: Thanks for that. Just to bring it back. States were unable to submit regulatory language this time around with the implementation plan, so we have to be able to see that. The Board has to see that and check that off the list at some point. Now it is up to you guys to pick a date of when you think you can have draft language available for a full vetting, whether that be a few weeks from now or if you need time. You just need to make that clear and create a deadline that meets the January 1, 2021 implementation timeline.

CHAIRMAN BORDEN: Other comments on the motion, are there any other comments? Are there any objections to the motion? No objections, the motion stands approved as proposed. We've done a lot of discussion at this meeting about the need for accountability. I understand there is a motion that has been put forth by Mr. Keliher. Pat, do you want to discuss it?

MR. KELIHER: There have been a lot of conversations about accountability, some for some against. **I've crafted a motion that would give the Board some flexibility, but would remand to the Plan Review Team at least to review. That motion is to move to task the Plan Review Team to review state reductions in Fisheries Management Plan Review of the 2020 fishing year. If a state is below their predicted target reduction, the Board may direct a state to modify measures for the next fishing year to achieve the target reduction.**

CHAIRMAN BORDEN: Motion by Pat seconded by Emerson. Adam.

MR. NOWALSKY: My assumption is that this evaluation is going to be done based on MRIP, used to then evaluate the harvest of that state in numbers or pounds, and that data is not finalized until the springtime of the following

year. This Board would then meet to consider that information, maybe at the spring meeting if the information was finalized.

Then you're going to ask the states to change measures for that fishing year? Is that what these ask is here, thinking about what is the data we're going to use, when is it going to be available, and when are we going to be able to evaluate it as a Board?

CHAIRMAN BORDEN: Pat.

MR. KELIHER: I've got a screw loose over here, Mr. Chairman. No comments from Abbott, please. Adam, yes, I mean I think with all of the data associated with any state implementation, we would take a look at that. In talking to Toni about this, you would have a delay, because of the delay on the data side.

If we were to take action, the action would probably be two years, so it wouldn't be in the 2021 year, it would be the following year because of the delay on the data side. I would just say though. This gives us the flexibility to do something or nothing the way I've drafted it, just so we can keep it on the table in case something goes completely haywire.

CHAIRMAN BORDEN: I've got Jason McNamee, then Joe, and then Adam, then Dan, then Ritchie White.

DR. McNAMEE: I was first in the queue, thank you Mr. Chair. I'm not going to vote against accountability, but just to make a couple of quick comments. I may have misheard Adam. I think the way that I read this it's not just harvest; it would also be discards, because that was all accounted for in these. It's everything.

I think I would prefer that we hold off on this and do it more thoughtfully, because I think we can come up with some really good accountability measures that would account for the fact that we're using a statistical survey to

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have our accountability, and all of that sort of thing. But I also have, so I just wanted to make those comments.

I have a question as well. My assumption is this is directed at the conservation equivalency folks, but is that right? It doesn't say that. Should we also calculate the reductions that the folks doing the coastwide option were supposed to be getting, and are they accountable to those as well?

CHAIRMAN BORDEN: Pat.

MR. KELIHER: You're correct. The intent here was focused on the conservation equivalencies. We still have many conservation equivalencies after the exercise we just went through. Again, trying to leave some flexibility to the Board, I don't disagree with you, Jason as far as trying to do a better job in fine tuning and coming up with something. I still think that needs to be done. But I think we should have something on the table, in case we've completely missed one of these conservation equivalencies going forward, and leave the Board the option to make an adjustment or not in the future.

CHAIRMAN BORDEN: All right, I've got Adam next and then Joe.

MR. NOWALSKY: No, I'll defer to Joe, thank you.

MR. CIMINO: Follow up to what Jay was saying. That was where my question was focused as well. We didn't know what states that didn't put forward CE proposals reductions were, so there is no accountability there. I'm assuming that if a state doubles their harvest under the coastwide measure they are not going to be asked to look at their measures, at least by this motion.

The coastwide measures had again, going back to that idea that New Jersey on paper was taking a 43 percent reduction. On paper

Connecticut, under that coastwide measure is actually allowed to now harvest more pounds of fish than New Jersey. I do think that the coastwide measure needs to be as scrutinized, and have accountability as well if we're going to do this. Therefore, I would support Jay's idea that we take some time and think about how to do this.

CHAIRMAN BORDEN: We have John on the other side of the table.

MR. McMURRAY: I would support the motion. I think given the option between doing something or nothing, I would much rather do something at this meeting. I think the public demands it. It's not punitive. We're not asking for paybacks. I think this is entirely reasonable. The intent, if Pat didn't articulate it clearly I think is to prevent states from taking advantage of the conservation equivalency program. I don't think it should be punitive for states who are being asked to do what the plan tells it to do.

CHAIRMAN BORDEN: All right I've got Ritchie, you're next and then Mike Luisi.

MR. WHITE: Yes I would like to see conservation equivalency in here, so I would like this motion to say that it's just for states doing conservation equivalency.

CHAIRMAN BORDEN: Mike.

MR. LUISI: I'm going to agree with Jason and Joe. While I'm not at all speaking against accountability, we've just spent five or six hours debating issues on management that I think we could do a better job than putting a placeholder in for something that is going to happen two years from now.

If I heard the comment correctly, we wouldn't be making adjustments if our state is found to be not, I guess in compliance with the Addendum having made the necessary

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reductions. Changes would be made in 2022, did I hear that or 2021, 2022 I think is what I heard? I don't know why there is urgency.

I understand the point that the public wants there to be some form of accountability, and I support that wholeheartedly. I just don't agree that we're going to take a point estimate from MRIP and compare it to something that happened three or four years ago, and that is going to be the accountability measure, nor do I agree that a state that implements the Addendum prescribed measure gets a "get out of jail free card" from any of this.

There is as much uncertainty around the options in the Addendum as there are in the conservation equivalency options. Why should a state that just falls in line with the Addendum, why should their anglers get a "get out of jail free"? I don't agree with that. I think we could do a better job at being more creative, and really considering this. **I would make a motion to postpone this decision, and have a discussion at the spring meeting in May.**

CHAIRMAN BORDEN: All right is there a second, seconded by Marty? Motion to postpone, Bob, is a motion to postpone to a time certain debatable? Yes.

EXECUTIVE DIRECTOR BEAL: Only the time certain part is debatable.

CHAIRMAN BORDEN: Okay so you heard our Executive Director, any discussion on this, Adam, and then Dan?

MR. NOWALSKY: It would seem that this topic would be best suited during the development of the Amendment that we're talking about. What is our plan discussion time? I think we thought we were going to talk about it some today. I'm guessing that is probably not likely at this point. Would we expect to have those two discussions at the spring meeting? Would this motion be better tied to the Amendment itself?

CHAIRMAN BORDEN: Well actually you can do it both ways. There have been a number of references here today on the need to include a discussion about accountability and CE in any amendment that goes forward. I have not written down the number of times different Board members have made that suggestion. But there is nothing to stop the Board from taking this up at the Board meeting in the spring, and discussing it at that time also. It's really what the preference of the Board is on this. Mike.

MR. LUISI: Adam that was my intent. It's not to say that accountability isn't needed. I think that we would be better. I mean personally I've spent the last few months working on what we just went through, and the approval process for conservation equivalency proposals, and management by each state.

I would like to give some thought to accountability, and really spend some time thinking about how we as a Board as member states can move forward with a truly sound and robust accountability system for management of striped bass. I just don't think right now is the best time to have that discussion, given the hour of the day.

CHAIRMAN BORDEN: Anything further on this? Do you need a caucus on this? Does anyone need a caucus on this issue?

MR. APPELMAN: Sorry, I just re-snuck in some words in response to Ritchie's concern, a friendly we put it out there to include conservation equivalency measures. I just want to make sure the makers. But he is postponing a motion that we snuck in a friendly, so I want to just make sure the Board is aware.

CHAIRMAN BORDEN: Pat.

MR. KELIHER: Before I was able to ask for consideration of a friendly amendment the

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motion was made. I think you have to take those words out of that. Staff had included implemented of conservation equivalencies. Those words need to be removed from that motion.

CHAIRMAN BORDEN: Everyone is clear all you're doing is removing those specific words. The remainder of the motion is going to stay the same, the rest of the motion.

MR. KELIHER: That's correct.

CHAIRMAN BORDEN: That is what the intent is. Okay so we have a motion to postpone. Do you need a caucus on this, hopefully not? All those in favor of the motion to postpone raise your hand, all those opposed, no raise your hand, abstention, no, okay abstention, 2 abstentions, any null votes? The motion passes 10 to 3 to 2. I think we're through the Addendum VI, unless the staff can remind me. Is there anything that we've forgotten?

MR. APPELMAN: I'm going to look to Toni and Bob here. We have AP, but we can move that to an e-mail vote, in which case we're under Other Business, and we're going to push on that as well.

CHAIRMAN BORDEN: Okay, any other business. We're into the AP, no we can't adjourn. As much as I would love to adjourn, because I have to catch a plane, Emerson we agreed to give you two minutes.

MR. HASBROUCK: I can hold off until the spring meeting, Mr. Chairman.

CHAIRMAN BORDEN: Okay. My only question, and having chaired a six and a half or seven hour meeting that is horrendously chaotic, because of the way we handled the issue with 49 alternatives. To be blunt, on this one we should have had like a small subcommittee that would have sat down, and not made a single decision, but simply sorted through some of

this, so that we could make decisions based on a whole series of facts that we had at the time, instead of trying to do it on the fly, which is what we tried to do.

I guess my question is for the next meeting we're going to get into a really difficult issue, which is going to be the Amendment. We'll be into the details of that Amendment. Do we want to repeat this at the next meeting, and have kind of a free-for-all, or do we want to proceed with trying to have a small subcommittee sit down, workgroup, whatever you want to call it, sit down and try to work through some of these concepts, and then bring at least a straw man to us at the next meeting? What is the preference of the group? No preference. Dan.

MR. McKIERNAN: David, I like your idea to create a workgroup, and try to iron out the controversial issues in advance, so I would support that.

CHAIRMAN BORDEN: Are there any other comments on that suggestion? Okay, do I have any objections to that suggestion? Justin.

DR. DAVIS: I'm not clear on exactly what is being suggested, so there was some allusion to the Amendment that we're forming a workgroup to sort of.

CHAIRMAN BORDEN: Start to work through some of the issues that we would discuss at the next meeting. My assumption here and anybody can correct this if I'm wrong. We've agreed to start the development of a rebuilding program for striped bass, and if that is the case then somebody has got to start the work at some point. Toni. Now if the staff has a different way of doing that please speak up.

MS. KERNS: I don't necessarily have a different way of doing it, but I just want to remind the Board that you have a tabled motion to initiate an Amendment, so you actually haven't even

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initiated an Amendment yet. If we wanted to get together a working group of ideas to bring forward that is the prerogative of this Board.

But it would have been my thought that the Board would discuss different types of issues that then a working group could bring back to the Board in August of things to narrow down and hash out so that you're not doing it at the table, but that folks could come to the spring meeting with a set of ideas of the issues to include in an Amendment. Obviously if it's an Amendment it has a PID, and so you have some time to work through those things. If you wanted to have some e-mail conversations with each other about those issues beforehand, so that you do hash out some of these, then maybe that would help.

CHAIRMAN BORDEN: What is the preference of the Board? Pat.

MR. KELIHER: While I appreciate Toni's thoughts, I think your idea of a working group that starts to flesh out some of these issues beforehand would really be important. I mean we definitely need a broader conversation around CEs. We definitely need to have conversations around accountability issues.

I mean that's just two of many, many issues that are going to come up, and I think a little pre-conversation before the next Board meeting may help us put a strong motion on the table to give guidance on the development to the Plan Development Team to start fleshing out what that looks like.

CHAIRMAN BORDEN: Let me ask, any objections to doing that? Okay so I'll, yes Craig.

MR. CRAIG D. PUGH: I don't necessarily have an objection, but I would like to point out that there is a motion to amend to the amendment process. First we asked for the Amendment, and then there was a motion to amend that to

include revisit the allocations. That has not been voted on yet.

If that is the time now, I may be amendable to adding this accountability to that also. Mr. Reid and I made that motion, and it has not been voted on yet. But I would like that to be one of the issues that are visited through this amendment process. If it would simplify things to add accountability to that then I would offer that to Mr. Reid.

CHAIRMAN BORDEN: What Max is suggesting is that we send out an e-mail to the full group, basically ask for some suggestions to put together a small group, and proceed from that on that basis. Adam.

MR. NOWALSKY: I appreciate the effort. I recognize the position of the Chair of the Commission. But I really think in the interest of transparency, this first discussion should occur in a public forum, this meeting room is where it should occur, including having the opportunity for the public to give us some idea of what those issues are going to be. I think there is the potential for criticism from the public if we go off and have a group, even if there are efficiencies in doing so, of them coming back and saying well, it's behind closed doors.

They kind of worked up what we were going to work on, including the allocation issue, et cetera. I think we would be better served to formally initiate an Amendment. We have a tabled motion, have discussion about what we think we want, hear from the public, and then have a group to go out and work on how we're going to craft that in a PID. That is my opinion, Mr. Chairman.

CHAIRMAN BORDEN: We don't have a consensus on this and I'm not going to ask for a motion on it. We'll just take the issue up at the May meeting, and deal with the tabled motions or whatever from that basis. Okay? Is

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there any other business to come before us?
Roy.

MR. MILLER: Mr. Chairman, what we set up today was a system where some states have size limits from 28-35 inches, and some states have a higher slot. At what point will we have an opportunity to revisit that? I would like some advice, or is it to wait until we tackle Amendment 7 or would we have an opportunity annually to make adjustments to those size limits, either with an addendum or perhaps without an addendum? What are our capabilities in that regard?

MR. APPELMAN: Any state has the opportunity to resubmit conservation equivalency to pursue changes in their regulations. What the Board just did was approved measures for compliance with Addendum VI. I think the intent is that those would fly for 2020. We would revisit those in 2021 with final data, and the Board will have hopefully made some clear headway on accountability at that point.

MR. MILLER: Would those adjustments require an addendum, or would they just be annual adjustments?

MR. APPELMAN: Again, conservation equivalency a state would submit a proposal for TC review, vetting through the CE process.

CHAIRMAN BORDEN: Dan.

MR. McKIERNAN: Point of clarification. What were approved today were options, so those jurisdictions have yet to enact the final rules.

CHAIRMAN BORDEN: Any other business to come? Mike.

MR. LUISI: Just another quick clarification just to ask Max a question. When we take these options out to the public we had season dates and you know different things within our proposal. If a state is to modify, if we were to

modify or slide other season dates around based on public comment that we receive through the regulatory process. Max, what would be the best way to, as long as you still meet the goal?

We would be still reaching our goal, but I am thinking that our stakeholders may ask us to slide some of our seasons around a little bit within the wave. Would we need to resubmit a new implementation plan with the actual measures we're putting in place, or is that going to need Board approval, if we were to change the dates by two days in one direction or the other, based on a weekend or something like that if you can give some advice that would be great.

MR. APPELMAN: Off the top of my head, I think we've reached the point of no return with what has come through the TC to this point, and has now been given the blessing of the Board for you to take to your constituents. But yes, if it really came down to that it would have to go back to the process to prove that those calculations, those new season closure dates meet the reductions necessary. I don't know if that would make the April 1 deadline either. Please keep that in mind.

CHAIRMAN BORDEN: John. I'm about to end the meeting, I'll put everybody on notice. John.

MR. McMURRAY: Yes okay, I may have missed this, but is the TC going to get back to us on an estimation of a percent reduction coastwide, given the measures that we just approved state by state? I know that there are some options that states haven't been specific about yet. But we should still have an idea of what the total coastwide reduction is going to be.

DR. DREW: I think based on the motion that has been postponed there is the possibility you would see that in 2021. However, if the Board wishes to task the TC with that they can go ahead and do that. The TC would prefer that

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we wait until everybody has actually implemented something, given that we still have multiple different combinations of options on the board. But that is something that we could bring back to you at the May meeting, if everybody implements by April 1.

MR. McMURRAY: Just to clarify, you'll be able to tell us with some confidence in May, rather than making a gross estimate in the next few minutes.

DR. DREW: We can tell you the reductions on paper that would be expected, based on the implementation plans that everybody will implement April 1 at the May meeting.

CHAIRMAN BORDEN: Is there any other business? Dennis.

MR. ABBOTT: I'm kind of concerned about your wellbeing, and I note that you don't have a Vice-Chair, so when are we going to select a Vice-Chair, because I don't know if you'll survive two years the way it's been going.

ADJOURNMENT

CHAIRMAN BORDEN: Well, you never can tell who's going to go first, Dennis. We don't have a Vice-Chair, but we can put that on the agenda for the next meeting, how's that? Meeting is adjourned.

(Whereupon the meeting adjourned at
5:30 p.m. on February 4, 2020)

Atlantic States Marine Fisheries Commission

ASMFC Bluefish Management Board and Mid-Atlantic Fishery Management Council

May 6, 2020

10:00 a.m. – 12:00 p.m.

Webinar

Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

- | | |
|--|------------|
| 1. Welcome/Call to Order (<i>C. Batsavage, ASMFC/M. Luisi, MAFMC</i>) | 10:00 a.m. |
| 2. Board Consent | 10:00 a.m. |
| • Approval of Agenda | |
| • Approval of Proceedings from February 2020 | |
| 3. Review Public Comment Summary on Bluefish Allocation and Rebuilding Amendment Public Information and Scoping Document (<i>D. Colson Leaning, M. Seeley</i>) | 10:05 a.m. |
| • Public Comment Summary | |
| • Plan Development Team (PDT)/Fishery Management Action Team (FMAT) Report | |
| 4. Provide Guidance to PDT/FMAT on Bluefish Allocation and Rebuilding Draft Amendment (<i>C. Batsavage, ASMFC/M. Luisi, MAFMC</i>) | 10:45 a.m. |
| 5. Other Business | 11:50 a.m. |
| 6. Public Comment | 11:55 a.m. |
| 7. Adjourn | 12:00 p.m. |

MEETING OVERVIEW

**ASMFC Bluefish Management Board and Mid-Atlantic Fishery Management Council Webinar
May 6, 2020
10:00 a.m. – 12:00 p.m.**

Chair: Chris Batsavage (NC) Assumed Chairmanship: 12/19	Technical Committee Chair: Mike Celestino (NJ)	Law Enforcement Committee Representative: Rob Kersey (MD)
Vice Chair: Joe Cimino (NJ)	Advisory Panel Chair: Vacant	Previous Board Meeting: February 4, 2020
Voting Members: ME, NH, MA, RI, CT, NY, NJ, DE, MD, PRFC, VA, NC, SC, GA, FL, NMFS, USFWS (17)		

Public Comment – For items not on the agenda, public comment will be taken at the end of the meeting. Individuals that wish to speak at this time should use the webinar raise your hand function and the Board Chair will let you know when to speak. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance, the Board Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from February 2020

3. Review Public Comment Summary on the Bluefish Allocation and Rebuilding Amendment Public Information and Scoping Document (10:05-10:45 a.m.)

Background

- In December 2017, the Board and Council jointly initiated the development of an amendment to consider modifications to the fishery management plan’s goals and objectives, commercial/recreational allocations, commercial allocations to the states, the quota transfer processes, and any other issues pertinent to management of the fishery.
- The 2019 operational stock assessment indicated that the stock was overfished relative to the updated biological reference points. In response to the overfished designation, a rebuilding plan was incorporated into the amendment.
- The Council led a supplemental scoping process to gather public input on the inclusion of the rebuilding plan into the amendment. Council staff coordinated 11 scoping hearings between February 13 and March 4, 2020 and received in-person and written comments from 159 individual stakeholders. The Scoping Comment Summary Document provides an overview of public input received. **(Briefing Materials)**
- The Fishery Management Action Team (FMAT)/Plan Development Team (PDT) met in April to review scoping comments and provide recommendations on the scope of the Amendment. **(Supplemental Materials)**

Presentations

- Public Comment Summary & PDT/FMAT Report by M. Seeley & D. Colson Leaning

4. Provide Guidance to the PDT/FMAT for the Bluefish Allocation and Rebuilding Draft Amendment (10:45-11:50 a.m.)

Background

- The FMAT will reconvene following the meeting to develop a range of draft management alternatives to be considered for inclusion in the amendment. The Board and Council should also indicate if there are issues or approaches that should not be pursued further in this action.
- The Board and Council should provide guidance to the FMAT on the specific approaches to be considered for further analysis.

5. Other Business (11:50-11:55 a.m.)

6. Public comment (11:55 a.m. - 12:00 p.m.)

7. Adjourn

Bluefish Technical Committee Task List

Activity Level: Medium

Committee Overlap Score: Medium

Committee Task List

- Meets twice a year to recommend commercial and recreational measures
- Biological Monitoring Program requirement to collect a minimum of 100 bluefish to enhance age and length data used in stock assessments
- Annual state compliance reports are due May 1

TC Members

Michael Celestino (NJ DEP – Chair), Sam Truesdell (MA DMF – Vice-Chair), Amy Zimney (SC DNR), Sandra Dumais (NY DEC), Eric Durell (MD DNR), Jim Gartland (VA VIMS), Kurt Gottschall (CT DMF), BJ Hilton (GA DNR), Nicole Lengyel (RI DEM), Joseph Munyandorero (FL FWC) Lee Paramore (NC DENR), Melissa Smith (ME DMR), Kevin Sullivan (NH FGD), Richard Wong (DE DFW), Tony Wood (NEFSC), Matt Seely (MAFMC)

**DRAFT PROCEEDINGS OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
BLUEFISH MANAGEMENT BOARD**

**The Westin Crystal City
Arlington, Virginia
February 4, 2020**

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INDEX OF MOTIONS

1. **Approval of agenda by consent** (Page 1).
2. **Approval of proceedings of April 2018 by consent** (Page 1).
3. **Main Motion**
Move to prohibit the use of conservation equivalency for recreational bluefish management for 2020 with the exception of states that are accountable for less than 1% of the total coastwide harvest (Page 7). Motion by Nichola Meserve; second by Cheri Patterson. Motion substituted.
4. **Motion to Substitute**
Move to substitute to allow conservation equivalency for states that are accountable for less than 1% of the total coastwide harvest and to approve New Jersey's options 1, 2, and a modified 3 with a 6 fish bag limit (Page 11). Motion by Adam Nowalsky; second by Marty Gary. Motion carried (Page 11).

Main Motion as Substituted
Move to allow conservation equivalency for states that are accountable for less than 1% of the total coastwide harvest and to approve New Jersey's options 1, 2, and a modified 3 with a 6 fish bag limit. Motion carried (Page 11).
5. **Move to elect Joe Cimino as Vice Chair of the Bluefish Board** (Page 12). Motion by Russ Allen; second by Mike Luisi. Motion carried (Page 12).
6. **Adjourn by consent** (Page 13).

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ATTENDANCE

Board Members

Megan Ware, MA, proxy for P. Keliher (AA)	Stew Michels, DE, proxy for D. Saveikis (AA)
Sen. David Miramant, ME	Roy Miller, DE (GA)
Cheri Patterson, NH (AA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Nichola Meserve, MA	Phil Langley, MD, proxy for Del. Stein (LA)
Raymond Kane, MA (GA)	Mike Luisi, MD, proxy for B. Anderson (AA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Russell Dize, MD (GA)
Jason McNamee, RI (AA)	Pat Geer, VA, proxy for S. Bowman (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Chris Batsavage, NC, proxy for S. Murphey (AA)
Justin Davis, CT (AA)	Jerry Mannen, NC (GA)
Bill Hyatt, CT (GA)	Mel Bell, SC, proxy for R. Boyles (AA)
James Gilmore, NY (AA)	Doug Haymans, GA (AA)
John McMurray, NY, proxy for Sen. Kaminsky (LA)	Spud Woodward, GA (GA)
Emerson Hasbrouck, NY (GA)	Jim Estes, FL, proxy for J. McCawley (AA)
Joe Cimino, NJ (AA)	Marty Gary, PRFC
Russ Allen, NJ, proxy for T. Fote (GA)	Derek Orner, NMFS
Adam Nowalsky, NJ, proxy for Asm. Houghtaling (LA)	Mike Millard, USFWS

(AA = Administrative Appointee; GA = Governor Appointee; LA = Legislative Appointee)

Ex-Officio Members

Staff

Robert Beal
Toni Kerns
Maya Drzewicki

Katie Drew
Dustin Colson Leaning

Guests

Joseph Gordon, PEW Trusts

Chip Lynch, NOAA

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The Bluefish Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia; Tuesday, February 4, 2020, and was called to order at 6:00 o'clock p.m. by Chairman Chris Batsavage.

CALL TO ORDER

CHAIRMAN CHRIS BATSAVAGE: Okay, continuing on with the toothy critters portion of the ASMFC meeting. We'll roll right into the Bluefish Management Board. I want to welcome everyone. My name is Chris Batsavage; I'm the Administrative Proxy for North Carolina. I'll be serving as Chair for the Bluefish Board meeting.

APPROVAL OF AGENDA

CHAIRMAN BATSAVAGE: I'll start by the approval of the agenda. Does anyone have any modifications to the agenda? Okay, one that I would like to add if there is no objection is after we get through our action items is to just get a sense from the Board members of when they think they will be able to implement the 2020 recreational measures for bluefish in their states. If there is no objection to that we will just do that at the very end.

APPROVAL OF PROCEEDINGS

CHAIRMAN BATSAVAGE: Okay seeing none, approval of the minutes from April, 2018. Are there any changes or edits to those minutes? Seeing none, then those are approved. Next is public comment. Are there any members of the public that would like to speak on any topics that are not on the agenda for today?

CONSIDER APPROVAL OF CONSERVATION EQUIVALENCY PROPOSALS

CHAIRMAN BATSAVAGE: Seeing none, we'll move on to the first action item, which is Consider Approval of Conservation Equivalency Proposals, and I'll hand that over to Dustin Colson Leaning. Dustin.

MR. DUSTIN COLSON LEANING: Hi everyone, as Chris just said my name is Dustin. I am the Fishery Management Plan Coordinator for bluefish, and today I have a brief presentation on recreational bluefish proposals for the 2020 fishing season. I'll begin with some background information, and then discuss the Technical Committee review of bluefish proposals, followed by a summary of comments from the Law Enforcement Committee.

At the end we'll have time for questions before expedited Board discussion and action.

REVIEW OF CONSERVATION EQUIVALENCY PROPOSALS

MR. COLSON LEANING: In December the Board approved and the Council recommended a coastwide 3-fish bag limit for private and shore-based anglers and a 5-fish bag limit for the for-hire fishermen for the 2020 recreational bluefish season.

These measures would be applied in both state and federal waters. As a reminder the Commission's conservation equivalency or CE Policy allows states to submit alternative measures for state waters that achieve the same reduction in recreational landings that would have been achieved under the coastwide regulations. Following the December meeting the Bluefish Technical Committee or TC met via conference call on December 16, to set conservation equivalency criteria for state proposals. The following criteria were specified in the memo to the Board. I'll run through them quickly, but all reductions must be calculated in pounds of fish, as opposed to numbers of fish. Conservation equivalency analysis should use recreational data from 2016 to 2018. If the percent standard error or PSE values exceeded 50, then the data should be pooled across the three year timeframe. Seasonal closures need to be for an entire wave as well. The analysis should assume that noncompliant harvest will continue at the same level in 2020. Reductions in landings for

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multiple measures should be accounted for using the interaction equation that you see up on the slide.

Lastly, the memo provided state-by-state projected reductions under the coastwide regulations. States were required to demonstrate that proposed measures achieved equal or greater percent reductions than those presented in this table.

TECHNICAL COMMITTEE REPORT

MR. COLSON LEANING: Following the first TC meeting Rhode Island, Connecticut, New Jersey, and Georgia submitted proposals for conservationally equivalent measures.

However, last week Connecticut and Rhode Island decided to withdraw their regional bluefish CE proposal from Board consideration, so I have removed discussion of this proposal from my presentation. The TC met a second time via conference call on January 23 to review state proposals. The TC also recommended approval of the methodologies used to develop both Georgia and New Jersey's proposals.

Before discussing each state's proposal and the TC recommendation, I will share some general comments from the TC on the Conservation Equivalency Process as a whole. The TC maintains that there is a high level of uncertainty in the percent reductions calculated due to the effect of changes in angler behavior, the size and structure and distribution of the population as well. These changes are difficult to account for and cannot be accurately quantified. Additionally there is greater certainty in the percent reductions calculated for simple management measures, such as changes in bag limits or minimum size, and relatively more difficult for complex measures such as slot limits and sector-specific regulations.

Furthermore, through the course of evaluating proposals the TC discovered that when analyses were conducted on disaggregated MRIP modes,

for example splitting the private angler mode and the shore mode into separate modes, the expected reduction in harvest from the coastwide measures was less than anticipated from analyses in which the modes were left combined, as was the case in the coastwide measures.

The discrepancy appears related to differences in the scale of snapper fisheries, and the associated effect on average fish weight among modes and states. The table presented here provides the range of anticipated predicted reductions for states, resulting from various approaches.

The difference is especially dramatic in some states such as Rhode Island with prominent snapper fisheries. This is an important consideration for projecting 2020 harvest and for the future, when considering separate recreational measures by mode. First going into Georgia's proposal, its 2020 recreational bluefish fishery proposal is quite simple. The state proposes to keep its 2019 measures in place, which includes a 12 inch minimum size, and a 15-fish bag limit with the exception that it has a two month closure during the months of March and April.

The analysis indicates that Georgia's harvest would be reduced by 13.10 percent, which exceeds its reduction requirement according to the table of 8.13 percent. The TC has approved Georgia's proposal, but did want to highlight that the wave PSE values exceed 50 percent, even after pooling the data across three years. PSE is a measure of precision and MRIP specifies that large PSEs above 50 indicate the very imprecise estimate. It is important for the Board just to consider this from a risk analysis perspective.

Moving on to the New Jersey proposal, this proposal included eight options for the TC to consider. The options include adjustments to minimum size, a slot limit option, a bag limit

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option, and seasonal closures. All options meet or exceed New Jersey's specific required reduction of 27.68 percent. These are the options here. They are also listed with their corresponding projected reduction percentage.

The TC agreed that proposals methodology met the conservation equivalency criteria as specified in the guidance memo. However, a few TC members raised concern about Options 5 and 8, which maintain high bag limits. Their concern was that while the analysis does demonstrate that these options meet the required reductions in weight, the options may not produce a similar reduction percentage in numbers of fish.

As such, the TC suggested that the Board take into consideration the stocks overfished status when considering these two options from a risk analysis perspective. That being said, the TC still recommends approval of New Jersey's proposal for the 2020 recreational bluefish fishery on technical merit.

LAW ENFORCEMENT COMMITTEE REPORT

MR. COLSON LEANING: Now, moving into the LEC or the Law Enforcement Committee comments, the LEC also met on January 23rd, to review CE proposals for both the striped bass and bluefish fisheries. I'll focus on the input gathered that is pertinent to bluefish proposals, since you've already received a presentation from Max.

The LEC provided a few comments regarding regulation changes in general. First, any change to regulations required increased outreach effort and education, both of which take time to be successful. Second, frequent changes to regulations lower overall compliance, so consistency and simplicity in regulations is key. The LEC also shared that officers will usually issue more warnings than citations following a regulation change, so there is a phase-in process that should be considered as well. The LEC also provided the following feedback

specific to the proposed measures. Differing regulations by mode poses challenges for enforcement. The more divided recreational fishing modes are, the more difficult it is to adequately enforce any restrictions. This is especially true in marinas or at docks where for-hire and private and rental boat anglers congregate. New seasonal closures can increase unintentional noncompliance, so when they are implemented closures should remain in place for several years. If possible it is also better to implement one continuous closure rather than two or three separate closures, so that anglers are not caught off guard. The LEC also discussed the importance of consistency when implementing regulations in shared water bodies, or neighboring states to help reduce the confusion.

Officers will enforce strict possession limits at the location where anglers are stopped, which can lead to unintentional noncompliance if an angler is stopped in one area but was fishing in an adjacent jurisdiction with different regulations. Over all the LEC indicated that all regulations proposed are enforceable, but emphasized that consistency and simplicity in regulations is key in preventing noncompliance. With that I'll open it up to questions.

CHAIRMAN BATSAVAGE: Thanks for the presentation, Dustin. Before I get to the Board, I just had one clarifying question for you in your presentation, and maybe New Jersey could chime on this. I think it said that they had a 9 inch minimum size limit for their recreational fishery in 2019. Is that the case, or is that just for the commercial fishery? I know some of the CE proposals they have do not have a minimum size limit of 9 inches, or maybe Joe or someone from New Jersey had the answer to that.

MR. JOE CIMINO: Yes, and I guess I'm not sure where you saw that a minimum was in place.

CHAIRMAN BATSAVAGE: I think it was in Dustin's presentation.

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MR. COLSON LEANING: I'm looking here at the FMP Review, the 2018 fishing season, and in that document we have a 9 inch minimum size as the regulations for New Jersey for bluefish. Is that what you're referring to, whether that was the regulation that was in place previously?

CHAIRMAN BATSAVAGE: I just want to confirm that that was indeed the case, or is that just for the commercial fishery? I just wasn't aware that New Jersey had a minimum size limit for the recreational fishery already in place.

MR. CIMINO: Me either.

MR. COLSON LEANING: Excuse me. I was referring to the wrong column in the table. That is my mistake. You are correct that there is not a minimum size, so please strike that from my presentation on the recreational side, apologies there.

CHAIRMAN BATSAVAGE: No worries. Okay, I just wanted to make sure I guess everyone was clear on that, especially since it will kind play into New Jersey's proposal. Are there any questions, Nichola?

MS. NICHOLA MESERVE: A couple of questions for Dustin. The 28 percent reduction that we're trying to achieve for this year is based on the 2018 landings of 13.27 million pounds. I was wondering if you have an update on the 2019 landings, and how they are faring in comparison to 2018. The second part of the question is about the relative contribution of Georgia and New Jersey to the coastwide total harvest.

MR. COLSON LEANING: I can pull up a slide here with Maya's help. I have up here that if you look at Wave 1 through 5 landing you have 15.83 million pounds for 2019. Using 2018 as indicative of how much harvest occurs within the first waves to try to predict the total projected harvest, we have projected total

landings of 17.22 million pounds. Can you remind me again of your second question?

MS. MESERVE: The relative contribution of Georgia and New Jersey to the coastwide landings, just to get an idea of how their regulations will play into the scheme of the coastwide landings.

MR. COLSON LEANING: Yes, this is just looking at a three-year-average harvest. We've got about 25 percent for New Jersey, in terms of their contribution to the recreational fishery. Then Georgia is at 0.11.

CHAIRMAN BATSAVAGE: Jason McNamee.

DR. JASON McNAMEE: Nice job, Dustin. Thanks for the presentation and nice job with the extra slides too. My question, the Technical Committee kind of raised a couple of items about risk, and you know they kind of highlighted two of New Jersey's proposal, the one with the slot and then the one that split the modes.

They kind of talked about; my interpretation is there is this notion that those two increased a risk. Is there anything, did they offer anything in addition to just that kind of notion of increased risk due to the increased complexity of the regulations, or was there more to it than that?

MR. COLSON LEANING: I know that the first question that was asked is this something that - if you implement a really wide slot let's say for one of the options and you still maintain a high bag limit; some TC members were concerned that maybe just the time window of when we're projecting MRIP harvest from using 2016 to 2018 as a base reference years.

If that just happened to work out in such a way that you achieve a 27.68 reduction, or whether if you expanded the time window to ten years, whether the data wouldn't work out, and

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essentially asking if those years were anomalous. Looking to the data a little bit further it didn't appear that way. But there were some concerns from the TC perspective that when you break things down by state, by wave, by mode looking at length frequencies that the PSEs just kind of get higher and higher, and there is some concern that it's just paper math rather than an actuality.

CHAIRMAN BATSAVAGE: Further questions, Justin Davis.

DR. JUSTIN DAVIS: Dustin, I think you just told us that we would be looking at something like a 44 percent reduction from projected 2019 landings to meet the 2020 RHL. But I think we used 2018 right, as our metric for reduction, and we took about it was about a 30 percent reduction over all from 2018 landings, 2018 landings looked like they would be substantially less than what is projected for 2019. Is it fair to say that it's likely we were too conservative with the reduction that we were planning on taking to meet the 2020 RHL? As a follow up, what are the implications if we do exceed the 2020 RHL next year?

CHAIRMAN BATSAVAGE: Dustin.

MR. COLSON LEANING: This discussion came up at the Board meeting in October, and the Monitoring Committee had put forward a projected reduction using 2016 through 2018 as base years. 2018 was a surprisingly low year for the recreational fishery. The Board at the meeting seemed to indicate that we should use the most recent data to generate this projection.

I think the Monitoring Committee projected reduction was in the range of the high 30s, if my memory serves me. Now using this updated information about 2019, I think it's fair to say that a 28.56 percent reduction isn't going to cut it, using 2019 as a reference point. In terms of what are the implications? Without getting too

much in the weeds on the regulations, I will say that there is a pound-for-pound payback in the federal plan, and it's a joint plan.

But that is in the event that the stock is overfished, which it currently is, as well as in the event that a sector transfer is not to blame for any ACL overages. In terms of how the payback occurs, it's quite nuanced, so I don't know if I want to dive too deeply in there. But I would be happy to put the language up on the board if that helps.

CHAIRMAN BATSAVAGE: A question I have on that. It might be for NOAA Fisheries is just due to the timing of getting final MRIP estimates, would that pound-for-pound payback for the recreational fishery if we went over in 2020. Would that occur in 2021, or would it be in 2022? Derek Orner, I'll put you on the spot. I don't know if you have an answer for that.

MR. DEREK ORNER: I'm chatting with some of our folks up there in GARFO now on that. As soon as I get something I can let you know. I don't know off the top of my head.

CHAIRMAN BATSAVAGE: Jay, do you have something else?

DR. McNAMEE: Yes thank you, Mr. Chair. The question that Justin asked kind of made me wonder. Summer flounder we have conservation equivalency, it's how we do that fishery, and there is accountability built into it. In the case of bluefish that accountability does not exist. The accountability is way up the flow chart there. For instance, if New Jersey or Georgia blew past what their goal of what they're trying to do with their CE, it doesn't matter to them specifically, it matters to everyone. Is that correct?

MR. COLSON LEANING: That is my understanding, and I'm seeing Toni nod her head.

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CHAIRMAN BATSAVAGE: Justin.

DR. DAVIS: Dustin, could you also remind us. We're currently working on a rebuilding plan, which was triggered because the stock was declared overfished, and there is some date certain by which that rebuilding plan needs to be implemented. Which fishing year will we likely see implementation of the rebuilding plan?

MR. COLSON LEANING: The announcement from GARFO came in on November of 2019, so it starts a two-year countdown from that date as to when implementation of the plan would need to be, and then the stock needs to be rebuilt to the target level within ten years.

CHAIRMAN BATSAVAGE: Cheri Patterson.

MS. CHERI PATTERSON: NOAA Fisheries has a pound-for-pound payback system, whereas are we working with pounds here or are we working with numbers of fish? Quotas and pounds, thank you.

CHAIRMAN BATSAVAGE: Derek, did I see your hand earlier?

MR. ORNER: Yes, it is done in pounds, and the payback would be in 2022.

CHAIRMAN BATSAVAGE: Thank you for following up on that. Are there any other questions from the Board? Nichola.

MS. MESERVE: I guess it's really a question to the neighboring states. At the Striped Bass Board there was a lot of discussion about concerns about compliance and enforcement and equity between neighboring states with different regulations that resulted from CE. I'm wondering if any of the neighboring states have any input on whether they have similar concerns with bluefish as were expressed for striped bass.

CHAIRMAN BATSAVAGE: Are there any concerns from some of the states regarding these different regulations in shared waters? Jim Gilmore.

MR. JAMES J. GILMORE: I don't know if it's concern, because when I first looked at this I was like well, if you've got a high value species like black sea bass or fluke or whatever, or striped bass, and you can start seeing there is definitely competition. Bluefish doesn't seem to rise to that level, because when I saw the numbers going down to a 3-fish bag that was like that's great, because anything above that tends to end up in the garbage.

I'm kind of looking at this. I don't have a problem maybe with the other states are doing in terms of competition or whatever. I guess we can get to it. I have the same concern as the TC. It's like if you see they want to get a few more fish like up to 8-fish bag or something like that yes fine. Ten to 15 fish bag limits, somebody needs to explain to me why that makes any sense.

Again, I always have to tell and admit I'm a bi-state resident, so when I'm in Jersey you know it is the same fish we've got in New York. Maybe down south it's different, but when I go out. I mean I had a blitz last summer, and I saw boats taking a lot of fish, and I said what do you do with those? Most of them are probably throwing them in the garbage. I really kind of question that really, does a high bag limit like that make any sense, so if somebody can enlighten me that would be great?

CHAIRMAN BATSAVAGE: Joe Cimino.

MR. CIMINO: I didn't expect to find us in this position. The timing of this was actually a bigger challenge than striped bass. You know with striped bass we had three public hearings, and tried to craft some options. Here we didn't have time to do anything, but there was huge backlash, and it wasn't just in New Jersey.

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You know that decision that was made to do the 3-5 split was a big decision that the public should have had more input on. We tasked ourselves in Marine Fisheries Administration with coming up with some options that met these reductions, most of which as you see wipe away the 3-5 mode split, there are a couple that do still have that in there.

We honestly don't know if we would go out to our public and they would hate every one of these options. We were simply trying to do our best to put options forward, which we thought was the Board decision, and we certainly expected other states to be doing the same thing. I can't say that we're sitting here fighting for any of these, but the big thing for us was to get some options for our public that wiped away the mode split.

CHAIRMAN BATSAVAGE: Roy Miller.

MR. ROY W. MILLER: Just a follow up on Joe's comments. I presume all of your options would be statewide, am I correct in that? Joe is shaking his head yes. You haven't given any consideration to potential differences in Delaware Bay that kind of thing, the age old topic that we dealt with, with striped bass and summer flounder and so on.

CHAIRMAN BATSAVAGE: John McMurray.

MR. JOHN G. McMURRAY: Really my concerns are the same that we just went over and over again with striped bass, mostly consistency among states, consistent regulations. But also we're already taking an extraordinary risk by using 2018 harvest as a proxy for 2020 landings. CEs for bluefish would add to that uncertainty. Also from New York's perspective it would give New Jersey an advantage over adjacent states, particularly New York. I'm talking specifically about the party boat fleet, because frankly most people in the private angling community are okay with 3 fish.

CHAIRMAN BATSAVAGE: Are there any further questions or comments? I think we're getting to the point of taking action on these conservation equivalency proposals put forward. I guess we can try to do it in one motion, or address them individually, whatever the Board wants to do on this, as long as it doesn't take seven hours like striped bass. Nichola Meserve.

MS. MESERVE: We all have the questions of trying to set the groundwork for this, but I'm concerned that we're setting ourselves up for a difficult course correction in a year or two when we have a rebuilding plan being implemented, and also what are very likely to be pound-for-pound payback for overage this year. I don't think we're in a position where we want to be adding additional uncertainty to the projections at this time.

In 2019 we have the benefit of commercial underage to help with what Dustin showed was going to be an overage of the RHL in 2019. We're not going to be in the same position in 2020. The TC comments also talked about the uncertainty in angler behavior to the new bag changes, and I think that's especially so in a case with bluefish, where we've had a 15-fish limit since 2001. I think we would be in a better position of sticking with more coastwide measures and not depreciating the value of the 5 and 3 bag limits.

Particularly where one of the states is responsible for about a quarter of the landings and it has accountability for all of us. **With that I would move to prohibit the use of conservation equivalency in recreational bluefish management for 2020, with an exception for states that are accountable for less than 1 percent of the coastwide recreational harvest.**

CHAIRMAN BATSAVAGE: Go ahead and get that motion up on the board. Okay move to prohibit

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the use of conservation equivalency for bluefish management with the exception of states that are accountable for less than 1 percent of the total coastwide harvest. Motion by Nichola Meserve and second by Cheri Patterson; is there any discussion on the motion? Nichola.

MS. MESERVE: I just wanted to add in the word recreational in there somewhere, conservation equivalency for recreational bluefish management.

CHAIRMAN BATSAVAGE: Yes Cheri, I guess you're fine with that addition, okay. Justin Davis.

DR. DAVIS: Question for the maker of the motion. Is this just for 2020?

MS. MESERVE: Yes that was also part of the motion, thank you. In recreational bluefish management for 2020, meaning that it would be the Board's purview to reconsider where we are in 2021, if you want to allow CE then or not, so it would just be for one year.

CHAIRMAN BATSAVAGE: Okay Cheri, you're okay with that modification, okay further discussion, Jay McNamee.

DR. McNAMEE: I'm kind of thinking through this, and I think this is, I always get concerned about consistency in the things that I'm doing management wise. I like this motion and support it, and I'm trying to convince myself I'm not being completely inconsistent with what we just did for striped bass.

But I think the difference here is there is a higher authority with the accountability. The accountability for striped bass we had that discussion, but in this case we know there is accountability. There is going to be a pound-for-pound payback. It's going to affect all of us not just the states doing the CE, and we know we are kind of behind the curve here to begin

with, and so I think I'm going to support this motion.

CHAIRMAN BATSAVAGE: Roy Miller.

MR. MILLER: Mr. Chairman, reiterating the point I made earlier. We have concerns about setting ourselves up for differential regulations in Delaware Bay when we can avoid it. If a couple of the New Jersey proposals were implemented we would have a fair amount of differential in regulations in Delaware Bay, which of course is a shared border. I'm inclined to support the motion, because if there were a coastwide exceedance of the target reduction, I believe we would all have to pay back the following year, rather than just the state of New Jersey if they went over. If it was on a state-by-state basis then I would have no concerns about it. But if they are going to be more liberal, in terms of their size limits in Delaware Bay and shared waters, then that concerns me.

CHAIRMAN BATSAVAGE: Justin Davis.

DR. DAVIS: I generally support this motion. I have the same concerns that have been voiced around the table about the likely overage of the RHL that we're facing next year and the paybacks, and the rebuilding plan that is coming. I would note that New Jersey's proposal Number 2 as I look at it seems like it essentially would be more conservative than the standard coastwide option, because you're not allowing for a higher bag limit for the for-hire mode.

It seems like that would actually potentially add to conservation, unless I'm misunderstanding something, and New Jersey one of their stated reasons for pursuing conservation equivalency was to eliminate the mode split, because they got negative public feedback on that. I guess I'm a little hesitant to preclude them from pursuing that option if it's more conservative and also is something their public likes, because it's more simple and doesn't create more

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advantage for one sector. I wonder if New Jersey can just clarify that that is the case with Option 2.

CHAIRMAN BATSAVAGE: Joe.

MR. CIMINO: That is correct. I mean there is that possibility that members of our public and even our Council would reject this idea of the mode split to the extent that if their only option was to have both at 3 fish that we wanted that option there for them.

CHAIRMAN BATSAVAGE: Nichola.

MS. MESERVE: I'll look to staff to correct me if I'm wrong, but because that is a proposed measure that is more conservative than what is required the state does not need Board approval to implement that measure.

MR. COLSON LEANING: That's correct.

CHAIRMAN BATSAVAGE: Yes that was a good clarification. Mike Luisi.

MR. MICHAEL LUISI: I would like to be able to support New Jersey, and I think that it would be nice to be able for them to be able to go back and work with those stakeholders to try to find something that works for them. But as this table stands, I have grave concerns over some of the options in the proposal with the highest bag limits.

You know while those bag limits are probably not very likely to be attained. When you have high bag limits there is a probability for there to be really large estimates of catch. If by chance somebody comes home with a cooler full of fish, and is intercepted by one of the APAIS surveyors in the state. I think we're dancing around the point that there may be some form of a payback as there is going to be a payback, a pound-for-pound payback. We talked about this at our joint meeting in December when we

were talking about the recreational measures. We are also facing a rebuilding plan.

That is even going to be worse, as far as the reductions that are going to be necessary. At this point now, unless New Jersey is willing to take some of these options off the table that have the 15-fish bag limit, the 10-fish bag limit, even the 8-fish bag limit for all modes. I would be inclined to support the motion, given the concerns that I think could come as a result of having rules in place that have bag limits that high.

CHAIRMAN BATSAVAGE: Adam Nowalsky.

MR. ADAM NOWALSKY: As Joe mentioned, we haven't had a lot of time to get input from the public. But one thing that we've heard, we heard it in the last discussions was concerns about mode split. I think we would like to have the opportunity in New Jersey to have that conversation.

I would be inclined to look for inclusion of 2, 3, and 6 so that we could at least get that input from our public, given that we've heard that as a theme, and at least that would provide some sense of compatibility with, we're doing something for somebody so we're giving somebody a chance to consider things.

I would note that all of those options are more conservative than what would become the status quo option, Option Number 1 under that. I know it has been a long day already, but I'm going to **move to substitute to allow conservation equivalency for the states that are accountable for less than 1 percent of the total coastwide harvest, and to approve New Jersey's proposals 1, 2, 3, and 6.**

CHAIRMAN BATSAVAGE: Go ahead and get that up on the board. Adam, what is up on the board does that reflect your substitute motion?

MR. NOWALSKY: Yes, thank you Mr. Chairman.

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CHAIRMAN BATSAVAGE: Great, do we have a second, Craig Pugh.

MR. CRAIG D. PUGH: A second for discussion.

CHAIRMAN BATSAVAGE: Discussion on the motion. Justin Davis.

DR. DAVIS: I'm wondering if Adam can clarify his rationale for not including Option 4, which does away with the mode split, has a low bag limit, which one of the concerns that has been voiced around the table is a high bag limit, but including Option 3 which has that high 8-fish bag limit.

CHAIRMAN BATSAVAGE: Adam.

MR. NOWALSKY: Two words, well one word, snappers. Juvenile bluefish caught from piers, land. First fish for a lot of people, and to exclude that opportunity would be a no go at home.

MS. TONI KERNS: Mike Luisi.

MR. LUISI: I am looking at Option 3 and comparing it with Option 6. What I'm seeing is that if these are supposedly equivalent I'm challenged in understanding. With an 8-fish bag limit, based on the open season dates, there looks like to be a two month closure in the fall under an 8-fish bag limit.

But under the 5-fish bag limit there are two waves closed, both the spring and the fall. I almost feel like they should be reversed, where the larger bag limit should have more closures associated with them, and the lower bag limit should have less closure. I just wonder if somebody can explain how those two. The numbers aren't on the board, but I don't remember what they were in the proposal, but how they can be equivalent to one another.

CHAIRMAN BATSAVAGE: Joe.

MR. CIMINO: It's just how the numbers work. The wave closures have some high variability, but what we're offering with that bag limit of 8-fish is a closure in Wave 5, and there is just a greater reduction in a Wave-5 closure than there would be in the proposed Wave 2 and 6 closures for the 5-fish bag limit. Wave 5 happens to be our most consistent of the waves, I believe.

CHAIRMAN BATSAVAGE: Any further discussion on the motion? Do we need time to caucus, one minute to caucus? I'm sorry for the delay everyone. They just want to make sure that the numbers that we're going to take action on in New Jersey's proposal are indeed correct. We should have this wrapped up here pretty soon, thanks. Before we vote I would like to call on Adam Nowalsky, please.

MR. NOWALSKY: Thank you everyone. In reviewing this, I think Mike brought up a great point about the differences between Options 3 and 6. We've got some question about the validity of Option 6 right now as it was presented. As a result of that and with the intention of using Option 6, we were looking to get some benefit to the closed season in the bag limit.

It would be my intention at this point to withdraw the motion with the consent of the Board to substitute, and then bring forth a new motion that would include Options 1, 2, and a slightly modified 3 that would drop the bag limit from there so that we have an option. With the consent of the Board, Mr. Chairman, I would like to withdraw the motion and then be recognized to offer a new substitute.

CHAIRMAN BATSAVAGE: Okay any objection to what Adam is proposing? Okay.

MR. NOWALSKY: Okay, so the new motion will be move to substitute to allow conservation equivalency for states that are accountable for

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less than 1 percent of the total coastwide harvest, and to approve New Jersey's Options 1, 2, and a modified Option 3 with a 6-fish bag limit.

CHAIRMAN BATSAVAGE: Okay while staff gets that prepared can I get a second, seconder Marty Gary? Okay we have the new substitute motion up on the board, any discussion on the substitute motion? Nichola Meserve.

MS. MESERVE: I guess I'm just looking for some clarity as to whether this meets the reduction required. Was this reviewed by the Technical Committee? Is the table in both the New Jersey proposal and the TC Review of the New Jersey proposal wrong that just switched up the numbers? Like how certain are we that this modification is conservationally equivalent, having not had it reviewed by the Technical Committee?

CHAIRMAN BATSAVAGE: Joe.

MR. CIMINO: The option of concern has been completely dropped. Option 1 is the coastwide measure, 2 is 3-fish for all modes, and the new option that is out there is the approved seasonal closure of September 1 through October 31st, and it was 8-fish and we're bringing it down to 6. That was almost a 29 percent reduction originally, so we're building up from there as far as the percent savings.

CHAIRMAN BATSAVAGE: Further discussion on the motion, Mike.

MR. LUISI: The previous motion I was prepared to oppose, the 8-fish bag limit, it was just too much in my opinion. Six is better, and it's right on that line for, kind of going back and forth in my mind about, I think I can support that to give New Jersey an option moving forward with their stakeholders.

I don't think that when they get out to the public and the for-hire sector at least is going to

see. Instead of implementing the coastwide measure, the for-hire fleet I think is going to give you guys a little bit of grief over one additional fish in their bag, but then they close for two months. I think that is going to be problematic.

You know moving this forward when your for-hire fleet reaches out to you and provides comment. But I will support the motion to provide giving New Jersey some bit of flexibility. I don't think it's anything that is going to put us in any worse position than we might end up being in a few years anyway, under the rebuilding plan. I'll support the motion.

CHAIRMAN BATSAVAGE: Is there any more discussion, how about one minute to caucus, and actually one minute this time? Is the Board ready to vote? All those in favor of the substitute motion please raise your hand; okay 11 in favor, all those opposed, okay 5 opposed, any abstentions, null votes? Okay the motion to substitute passes and now becomes the main motion. I guess I should probably read that into the record at some point.

Now, the main motion is move to allow conservation equivalency for states that are accountable for less than 1 percent of the total coastwide harvest, and to approve New Jersey's Options 1, 2, and a modified 3 with a 6-fish bag limit. Is there a need to caucus for this or is the Board ready to vote? Okay if they are ready all in favor please raise your hand. Actually sorry, this is final action; it is a roll call vote. I guess I'll start by asking is there any opposition to the motion? Okay no opposition, any abstentions? Okay then the motion passes by unanimous consent.

ELECT VICE-CHAIR

CHAIRMAN BATSAVAGE: Next item on the agenda is to elect a Vice-Chair, because it is really no fun for me to be up here all by myself having all the fun. I would like to see if there is a motion for that. Russ Allen.

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MR. RUSS ALLEN: With great pleasure I offer up Joe Cimino to the Board as Vice-Chair.

CHAIRMAN BATSAVAGE: Any second to that motion, Mike Luisi, any opposition? I didn't think there would be. Well I guess Congratulations, Joe, thank you at least.

CHAIRMAN CIMINO: Godspeed to you, Mr. Chair.

CHAIRMAN BATSAVAGE: Yes I know I just started. Okay before we adjourn, I did mention at the beginning of the Board meeting that I just wanted to get a sense of when states think they will be able to implement their 2020 management measures, either through conservation equivalency or for most cases the coastwide measures.

Just as an FYI to the Board, North Carolina implemented the 3-fish, 5-fish bag limit on February 1st. I guess kind of working south to north, without spending too much time to get just a general sense of when state's think they'll be able to implement things. I'll start with Florida, Jim Estes.

MR. JIM ESTES: Our process is we have seven Commissioners that approve our rules, and they meet five times a year. They are going to be meeting in about two weeks I think, and the next time they meet is in May. The agenda is already set for February, and so we can bring this and plan to bring this to our Commission in May. Sometimes when there are technical issues and there are small things that we do, we can do a one-stop-shop where they approve it during the meeting.

This is a little bit bigger deal, because of the change in the bag limit that we're going to implement, and so we're going to have to go to the May meeting and then the July meeting, which means it will not be implemented until sometime in August, and we catch about a

quarter of the fish, so that is going to endanger I think the RHL.

CHAIRMAN BATSAVAGE: Thanks, that kind of brings in question just how successful we'll be in 2020, despite trying to base reductions on 2018, so I appreciate that. Georgia if I remember correctly, you're able to move pretty quickly after a conservation equivalency, but Doug I'll pass it over to you for any information on top of that.

MR. DOUG HAYMANS: You are correct. I'm trying to get it done by March 1.

CHAIRMAN BATSAVAGE: Thanks Doug, South Carolina, Mel.

MR. MEL BELL: In the same way we adopted the 15-fish bag limit, as soon as it becomes effective in federal waters it will become the law of the state of South Carolina.

CHAIRMAN BATSAVAGE: Thanks, and Dustin can you remind me, or maybe Derek would know. Is there a general sense of when the measures in federal waters will be implemented?

MR. COLSON LEANING: I've been told that they're working on it, and it says as soon as possible. Correct me if I'm wrong, but I believe they're putting it through as an emergency action.

MR. ORNER: Yes, I believe so. I don't have a date I can give you though.

CHAIRMAN BATSAVAGE: Thanks, I was just looking for a general timeline not a set date so that's good enough. Virginia.

MR. PAT GEER: It's on the agenda for our February 25th meeting, so it should be approved then.

CHAIRMAN BATSAVAGE: PRFC, Marty.

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MR. MARTIN GARY: We'll discuss Chris on our March 6 meeting, and should have it implemented within ten days of that.

CHAIRMAN BATSAVAGE: Maryland, Mike.

MR. LUISI: Via our Public Notice Authority, our rules for 3-fish and 5-fish the coastwide measure was effective on February 1st. We're up to speed.

CHAIRMAN BATSAVAGE: Delaware, Stew Michels.

MR. STEWART MICHELS: We just got some new authority granted to us, so we could probably do it pretty quickly once we get the process to implement that authority in place. It likely won't be before the Feds put in their regulations.

CHAIRMAN BATSAVAGE: New Jersey, Joe.

MR. CIMINO: We'll do this for April 1st with striped bass.

CHAIRMAN BATSAVAGE: New York, Jim Gilmore.

MR. GILMORE: We're doing an emergency rule, so we'll definitely have it done by April 1st, and before the fish show up even if Punxsutawney Phil is right.

CHAIRMAN BATSAVAGE: Connecticut, Justin Davis.

DR. DAVIS: I think on the outside we would definitely have it done by April 1st, but very good chance we would have it done sooner than that. It's well before there are any bluefish being caught in Connecticut, so no danger there.

CHAIRMAN BATSAVAGE: Rhode Island, Jay.

DR. McNAMEE: We are in process now, should have it fully implemented by April 1st.

CHAIRMAN BATSAVAGE: Massachusetts, Nichola.

MS. MESERVE: We have a state Commission meeting late in March, and then should have it in place by mid-April to early May.

CHAIRMAN BATSAVAGE: New Hampshire, Cheri.

MS. PATTERSON: Yes, we've already enacted the rule.

CHAIRMAN BATSAVAGE: State of Maine.

SENATOR DAVID MIRAMANT: Thanks that's why our motto is Dirigo, "I lead." We're already in compliance.

CHAIRMAN BATSAVAGE: All right we weren't the first, first in flight, but not first in bluefish conservation.

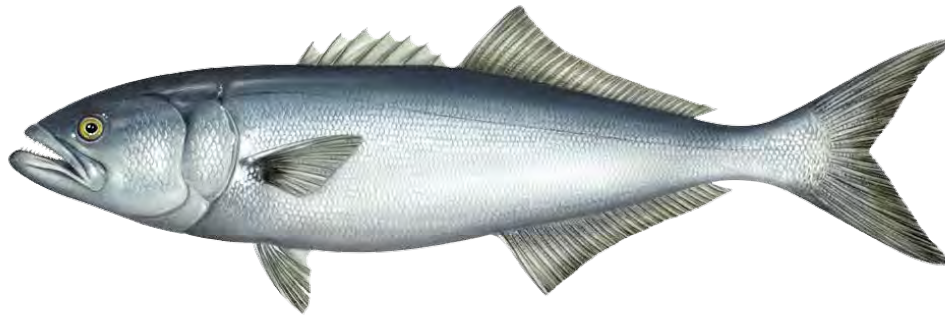
ADJOURNMENT

CHAIRMAN BATSAVAGE: Anyways, I appreciate everyone's indulgence on where you stand on getting these measures in place. Is there any other business to come before the Bluefish Board? If there is no objection then we are adjourned.

(Whereupon the meeting adjourned at 7:15 o'clock p.m. on February 4, 2020)

These minutes are draft and subject to approval by Bluefish Management Board.
The Board will review the minutes during its next meeting.

Bluefish Allocation and Rebuilding Amendment Scoping Comments Summary



March 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 SCOPING OVERVIEW

The Mid-Atlantic Fishery Management Council and the Atlantic States Marine Fisheries Commission have proposed to develop a Bluefish Allocation and Rebuilding Amendment. This amendment was initiated in order to review/revise the FMP goals and objectives, commercial/recreational allocations, commercial allocations to the states, the quota transfer processes, develop a rebuilding plan, and any other issues. Additional information and amendment documents are available at: <https://www.mafmc.org/actions/bluefish-allocation-amendment>.

The supplemental scoping process commenced from publication in the Federal Register on February 6, 2020 and continued through March 17, 2020 and included eleven public scoping hearings held from Massachusetts through Florida (Table 1). Scoping is the process of identifying issues, potential impacts, and reasonable alternatives associated with a particular management issue. It provides the first and best opportunity for the public to make suggestions or to raise issues and concerns before development of an amendment begins. No alternatives are set during the scoping process.

Table 1: Scoping hearing schedule.

Date	Time	Address
February 13, 2020	7:30-9:00 PM	Massachusetts Maritime Academy, Admiral's Hall, 101 Academy Drive, Buzzards Bay, MA 02532
February 18, 2020	6:00-8:00 PM	Ocean County Administration Building, Room 119, 101 Hooper Avenue, Toms River, New Jersey 08753
February 19, 2020	7:00-8:00 PM	Delaware Dept. of Natural Resources & Environmental Control Auditorium, Richardson & Robbins Building, 89 Kings Highway, Dover, Delaware 19901
February 25, 2020	4:45-6:00 PM	Berlin Library, 13 Harrison Ave. Berlin, MD 21811
February 26, 2020	7:30-9:00 PM	Rhode Island Division of Marine Fisheries, University of Rhode Island Bay Campus, Corless Auditorium, South Ferry Road, Narragansett, Rhode Island 02882
February 26, 2020	8:00-9:00 PM	Connecticut Department of Energy and Environmental Protection Marine Headquarters Boating Education Center (Rear Building), 333 Ferry Road, Old Lyme, CT 06371
February 27, 2020	6:00-7:30 PM	NC Division of Marine Fisheries Central District Office, 5285 Highway 70 West, Morehead City, North Carolina 28557
February 27, 2020	7:30-9:00 PM	Stony Brook University, School of Marine and Atmospheric Sciences (SOMAS), Room 120 Endeavour Hall; Stony Brook, NY 11794
March 2, 2020	6:00-8:00 PM	Merritt Island Service Center Complex, 2575 N. Courtenay Pkwy #205, Merritt Island, FL 32953
March 2, 2020	6:00-7:00 PM	Virginia Marine Resources Commission, 380 Fenwick Road Bldg 96 Fort Monroe, VA 23651
March 4, 2020	6:00-7:30 PM	Internet webinar: http://mafmc.adobeconnect.com/bf_allocation_rebuilding_scoping/ For audio-only access, dial 800-832-0736 and enter room number 5068609.

1.2 SUMMARY OF COMMENTS

This document summarizes the major themes of written and hearing comments (section 1), in addition to providing detailed scoping hearing summaries (section 2) and copies of all written comments received (section 3). Attendance across all hearings exceeded 208 individuals. Of the 208+ people, 75 individuals provided a total of 132 comments on the issues representing individuals and organizations from almost all states that had a hearing. A total of 141 written comments by 84 individuals were received via email, hand delivered, or mail on a variety of issues.

Table 2 summarizes major themes of the comments, with the corresponding number of comments received on each issue. This list reflects the most commonly raised themes for each general issue, and does not reflect all issues raised in the written comments. See section 3 for the full text of written comments.

Comments were received on all six issues, however, the most frequently discussed issues (as summarized in Table 2) were “other issues”, followed by the rebuilding plan, the quota transfer processes, the commercial and recreational allocations, the FMP goals and objectives, and the commercial allocations to the states. Trends identified within the comments pertaining to “other issues” are presented in Table 3. For the rebuilding plan, more comments supported a longer plan (up to ten years) rather than being as short as possible. Many individuals reasoned that a longer-term plan would be less disruptive to the current recreational measures than a short rebuilding plan. The public’s view of the transfer of quota from the recreational to the commercial sector was split. The majority of comments coming from the commercial sector approved of the process and the majority of comments coming from the recreational sector opposed it. Most people support state-to-state transfers and appreciate the ability to move quota, but many individuals stated they do not want to see this occur during the rebuilding plan. For sector allocations, many individuals support status quo or utilizing an updated time series. Most individuals would like to see the FMP goals and objectives revised to include an emphasis on environmental conditions and the importance of the snapper fishery. For commercial allocations to the states, comments were split between status quo and adjusting with an updated time series, but most of the northern states indicated they would like to see an increase in their quota (or at least no decrease).

Table 2: Summary of major written comment themes and number of comments received. Because most commenters addressed multiple issues, numbers do not add to total number of submitted written comments. Note: The percentages in the pie charts may not equal 100% due to rounding.

Issue 1: FMP Goals and Objectives	Number of comments
Supports status quo	3
Goals and objectives should be re-evaluated and/or revised	17
Supports maintaining one or more of the current objectives	4
Bait/Snapper fishery is important	7



Issue 2: Commercial/Recreational Allocation	Number of comments
Supports status quo	17
Increase commercial allocation	7
Decrease commercial allocation	3
Increase recreational allocation	2
Decrease recreational allocation	0
Use revised MRIP to update allocations/revise time series	5
New allocation suggestion	7



Issue 3: Commercial Allocations to the States	Number of comments
Supports status quo	11
Alter commercial allocations to the states	10



Issue 4: Quota Transfer Processes	Number of comments
Supports status quo transfer from recreational to commercial sector	10
Do not allow transfer from recreational to commercial sector	13
Supports status quo state-to-state transfers	14
Do not allow state-to-state transfers	3
New transfer suggestion	2



Table 3 Continued.

Issue 5: Rebuilding Plan	Number of comments
Stock should be rebuilt quickly	6
Stock should be rebuilt within a long time frame with minimal change to management measures	10
Supports constant harvest under the current ABC	1
Stock is affected by environment/further research is needed	7
Doubts the overfished status/stock status cyclical	9
Other	9



Issue 6: Other Issues	Number of comments
For-hire sector separation or allowance	11
Doubts MRIP data/greater transparency needed	8
Status quo bag limit	4
Increase bag limit	21
Decrease bag limit	1
Other	52



Table 3: Examples of comments that were provided by more than one individual under Issue 6-6 (Other Issues – “Other”).

Issue 6: Other Issues – “Other”
Add a minimum size limit
Identify the intrinsic value of fish left in the water
Emphasize the catch-and-release aspect of the fishery
Maximize abundance
Address the discard mortality assumption rates
Ecosystem based management
More research on stock dynamics needed
Close the fishery until it is rebuilt
Georgia DNR – <i>de minimis</i> request
General observations

1.3 SUMMARY OF PUBLIC SCOPING HEARINGS

The following section contains brief summaries of attendance and major comment themes at each of the eleven supplemental public scoping hearings (listed by date). For a more detailed record of hearing comments, see section 2.

Buzzards Bay, MA

Ten individuals provided public comment out of approximately 30 total attendees (some of the attendees did not plan on coming to the bluefish hearing, but stayed after the fluke, scup, black sea bass hearing). The majority of attendees represented the for-hire sector, but there were also several attendees representing the commercial sector. Many commenters expressed frustration with MRIP, citing a lack of transparency in how the estimates are generated and they doubted the credibility of the estimates. For-hire fishermen were supportive of sector separation, whereby the for-hire sector would obtain its own allocation. All those who commented on the rebuilding plan timeline were supportive of selecting the longest timeframe possible in order to prevent any major changes to recreational measures. A few individuals commented on reassessing the state-by-state commercial allocations and updating the percentages using a more recent timeframe.

Toms River, NJ

Approximately 20 people (including NJ staff) attended the hearing in Toms River, NJ and 14 provided public comments. In addition to their verbal comments, two fishermen provided written comments to Council staff. The attendees were a mix of recreational for-hire fishermen, private anglers, and commercial fishermen. Of those who offered comments, many spoke in favor of maintaining the current 83/17 allocation between the recreational and commercial sectors, respectively, and do support the quota transfer from recreational to commercial, when available.

Many attendees were concerned about the current recreational bag limit, which was recently reduced to 3 fish for private and shore anglers and 5 fish for for-hire anglers. They are concerned that the bag limit is going to continue to decline in the next few years, especially with the implementation of a rebuilding plan. The for-hire captains are very concerned with the implications these reductions will have on their businesses.

Of the commercial fishermen attendees, many did not want to see the state allocations changed because they are concerned New Jersey's allocation will decline. Support for the state-to-state transfers was split amongst attendees. Some fishermen appreciate the flexibility afforded to states in increasing their quota when needed while others feel that quota should not be shifted around the coast since bluefish migrate throughout the coastal waters.

Most attendees were in support of a 10-year rebuilding plan because it will have less of an impact on commercial quotas and recreational measures. If the rebuilding plan is longer, there is the potential to have higher ABCs. However, most anglers would still like to see improved data collection (in reference to MRIP) utilized in the stock assessments. In turn, this data ultimately drives the development of the rebuilding plan.

Dover, DE

Approximately 19 people (including staff) attended the hearing in Dover, DE and 7 provided public comments. The attendees were a mix of recreational and commercial fishermen. Of those who offered comments, many spoke in favor of maintaining the current 83/17 allocation between the recreational and commercial sectors, respectively. Individuals generally were in favor of status quo for the commercial allocations to the states because they are concerned that they may lose quota if the allocations are revisited. Additionally, most

attendees continue to support the ability to transfer quota from the recreational to commercial sector and the transfer of commercial quota between states.

Many attendees were concerned about the current recreational bag limit, which was recently reduced to 3 fish for private and shore anglers and 5 fish for for-hire anglers. They are concerned that the bag limit is going to continue to decline in the next few years, especially with the implementation of a rebuilding plan. The for-hire captains are very concerned with the implications these reductions will have on their businesses, especially since the number of for-hire vessels on the DE coast has drastically declined in recent years.

Almost all attendees expressed major concerns with the MRIP estimates and feel they should not be used in setting recreational quotas and management measures.

Berlin, MD

Approximately 17 people (including MD staff) attended the hearing in Berlin, MD and 4 provided public comments. There were representatives from the private recreational, for-hire, and commercial sectors. Much of the initial conversation revolved around the MRIP estimates. Most stakeholders in the room did not support the new estimates and think they should be revised (or different data sets used) prior to reallocating quota within the fishery. Stakeholders also questioned the change in stock status and 200,000 mt target that must be reached through the rebuilding plan.

Many anglers indicated that bluefish are caught mostly as bycatch or for bait. There is not much targeted effort since anglers and commercial fishermen prefer to target other (more palatable and lucrative) species. For allocations, commercial fishermen are concerned with losing quota and recreational anglers supported status quo.

Individuals supported revising the FMP goals and objectives to include the importance of environmental conditions and predation on bluefish stock status. Stakeholders noted that bluefish are no longer found in locations where they were once abundant. Many observed that the fish are moving further offshore and into northern waters.

Narragansett, RI

A total of eight people, including three RIDEM staff members, attended the hearing and four attendees provided public comment. The attendees included three for-hire boat Captains, a commercial gillnetter, and a RI based seafood dealer. The specific comments provided are below.

Old Lyme, CT

Approximately 14 people attended the hearing in Old Lyme, CT and 4 offered comments related to the Allocation and Rebuilding Amendment. The party/charter and commercial sectors were well represented at the hearing. However, they did not want to speak much about allocations or rebuilding because most attendees lacked any support whatsoever for the new MRIP estimates. When discussion occurred, stakeholders agreed that since the commercial allocation is so small and CT is already not meeting it, there is not much reason to revise it. Recreationally, anglers do not want to see changes until more accurate data is used.

Often, discussion went to tangential subjects such as the status of striped bass and tautog, local permitting issues, and interest in changing the reporting methodologies.

Many stakeholders emphasized the lack of bait issues, electronic monitoring, and environmental conditions within the FMP goals and objectives. Additionally, general consensus supported status quo allocations due to the lack of confidence in the MRIP estimates.

Morehead City, NC

The MAFMC/ASMFC Bluefish scoping hearing in Morehead City, North Carolina had minimal attendance. Four members of the public attended as well as four North Carolina Division of Marine Fisheries staff (Chris Batsavage, Alan Bianchi, Sargent Ashley Bishop, and Officer Zach Nelson). The public included one commercial fishery representative and three recreational fishery representatives. However, only two of the attendees spoke.

Most of the initial comments were focused on concerns with the current recreational bag limits and the impacts to North Carolina's fishing piers. There was much discussion that the impact to the piers wasn't accounted for and there was also some concern on the estimates generated by MRIP. Attendees felt that the pier component of the fishery wasn't accurately accounted for in MRIP calculations. Attendees were also concerned about discard mortality from future management that will create a large number of discards negating the impact of trying to reduce fishing pressure to rebuild the stock.

The attendees felt only minor modifications were needed for the goals and objectives. The suggested modifications were to include management flexibility and equitable access to bluefish for all user groups. The commercial representative asked about the objective of gaining a better understanding of the stock status and wondered if we have gained any better insight on the stock since the initial FMP. A recreational representative also noted that he felt that the objective of providing the highest availability of bluefish has not been met.

Attendees felt that the current allocation between the recreational and commercial sectors were adequate and that the ability to transfer quota between sectors should remain in place. They felt there was no need to revisit the commercial allocations to the states as long as the flexibility remained to transfer quota between sectors and between the states when necessary.

Attendees did not really have any input on the rebuilding plan time period. They felt it was hard to make any recommendations or to provide input without seeing what types of management measures would need to be put in place to shorten the time frame of the rebuilding plan.

Stony Brook, NY

Approximately 50 people (including NY staff) attended the hearing in Stony Brook, NY and 12 provided public comments (~20 more offered status quo comments by a show of hands – see the comment summary). In addition to their verbal comments, some stakeholders provided written comments to Council staff. The attendees were a mix of recreational for-hire fishermen, private anglers, commercial fishermen, reporters, staff, and other.

Many individuals spoke in favor of maintaining the current sector and commercial state-to-state allocations, while some were hopeful of seeing increases to NY's commercial quota. There was also support for maintaining the commercial state-to-state transfers because NY often benefits, and other states have the option to approve or disapprove of a transfer request. Most stakeholders support the sector-based transfer because it only occurs if available, however a few individuals did not show support because they view the recreational sector as participating in more of a catch and release fishery. They do not want to see their released fish transferred to the commercial sector.

Most for-hire attendees were concerned about the current recreational bag limit, which was recently reduced to 3 fish for private and shore anglers and 5 fish for for-hire anglers. They are concerned that the bag limit is going to continue to decline in the next few years, especially with the implementation of a rebuilding plan. The for-hire captains are very concerned with the implications these reductions will have on their businesses. Other stakeholders also spoke out on the importance of the Council to consider the socioeconomic impacts associated with reductions in quotas and implementation of management measures.

Recommendations were split amongst stakeholders for the rebuilding plan. Many individuals want to stretch the plan to ten years because it will offer the least negative impacts on fishermen throughout the process (higher quotas). However, others want it as short as possible to get out of the rebuilding phase. Overall, most anglers would still like to see improvements to the data (particularly MRIP) utilized in the stock assessments that are ultimately driving the development of the rebuilding plan.

Merritt Island, FL

Only 3 people (including staff) attended the hearing in Merritt Island, FL. No verbal comments were offered at the hearing, but attendees noted that written comments will be submitted at a later date. Discussion predominantly revolved around the MRIP estimates and their influence on Florida's overall catch. Then, Florida staff indicated that the allocations should be reviewed and noted that Florida often transfers some of their commercial quota to other states.

Fort Monroe, VA

Only 3 people (excluding staff) attended the hearing in Fort Monroe, VA and 2 offered comments related to the Allocation and Rebuilding Amendment. Both the recreational and commercial sector were represented.

Some discussion during the hearing revolved around stakeholders' opinions of the new MRIP estimates. However, much of the conversation focused on how bluefish migration patterns and habitat preference has changed over time. Both commenters noted that changes in abundance may be due to climate change and/or food availability.

Internet Webinar

Approximately 26 people (attendees signed on and off throughout) attended the webinar hearing and 8 provided public comments. In addition to their verbal comments, many stakeholders indicated they will be submitting written comments. The attendees were a mix of recreational for-hire fishermen, private anglers, commercial fishermen, state and federal staff, and other organization representatives.

Discussion started around the lack of confidence stakeholders have in the new MRIP estimates. Many stakeholders are concerned that the Council is going through a rebuilding plan using recreational estimates that are considered inaccurate. However, when commenting on the rebuilding plan, most individuals were in favor of a longer rebuilding plan (10 years) that allows for higher ABCs. Additionally, some stakeholders emphasized they would like to see a dynamic rebuilding plan that offers higher quotas as the stock begins to rebuild.

Many for-hire captains are very concerned with how the reductions associated with the 2020 management measures will affect their businesses.

Of the commercial stakeholders, many noted they do not want to see the state allocations changed because they are concerned that their state's allocation will decline. There was strong support for the state-to-state transfers because it offers an extra opportunity to increase quotas.

There was extensive discussion on the transfers. Most comments supported the sector-based transfer (recreational to commercial). However, stakeholders would like to see if it is possible to have a dynamic transfer allowance that can be transferred back and forth between sectors depending on which sector is actually in need of a transfer.

2 SCOPING HEARING SUMMARIES

2.1 BUZZARDS BAY, MA

February 13, 2020

<u>Name</u>	<u>Organization/Sector</u>	<u>City, State</u>
Bob DeCosta	OLBACRE CHARTERS	Dorchester, MA
Willy Hatch	MACHACA CHARTER	Falmouth, MA
KEN WHITING	CAPE COD SALTIERS	HARWICH, MA.
Jay Jarvis	Cape Cod Saltiers	Dennis, MA
KEN RAULMAN	FA	FALMOUTH, MA
Keith Roberts	FFA	Falmouth, MA
Kevin Doherty		Plymouth MA
David Vance		New Bedford
BRIAN CURRY	Southwicks Bank/MU	Menemsha, MA
ED BIRZH	Plymouth County Tackle	Wareham, MA
Eric Merson	Bowling Hunter Charters	Fairhaven, MA
ERIC GALANTI		Foxboro MA
Jeff Viamani	Bad Influenza Fish	Yarmouth, MA
Jim Ilkovich	Blue Bonnet Charters	Orleans MA
Stephen White		Dennis MA

Issue 1

No comments.

Issue 2

No comments.

Issue 3

- **Tom Smith** (commercial gillnetter): Commercial state-by-state quotas should be reconsidered given some states routine underutilization, e.g., FL and VA; He thinks that the state by state quotas should be updated to reflect current data, a 10-year average should be used.

Issue 4

- **Tom Smith** (commercial gillnetter): Commercial state-to-state transfer ability should be maintained as a management tool.

Issue 5

- **Pete Kaizer** (Nantucket Charter): He is concerned that the stock is hurting from environmental factors rather than overfishing; he has personally observed the on/offshore movements of bluefish from flights; should work with spotter planes or others to try to get confirmation.
- **Jim** (Charter): Doubts the overfished stock status. Other reasons affect availability to fisheries and surveys that ought to be considered, such as predation on bluefish by tuna. Concerned about a size limit being used as a management tool for rebuilding because this would affect use of bluefish as bait for tuna fishing.
- **Willy Hatch** (charter): Doubt the overfished stock status; bluefish evade trawls so trawl surveys not a good indicator; history of bluefish is cyclical – not a lot of sand eels lately to bring them in close.
- **Tom Smith** (commercial gillnetter): Doubts the overfished stock status; Bluefish are a highly cyclical species, fluctuations in stock size are part of the natural process. Rebuilding should take place over a 10-year period to avoid major changes in quota.
- **Bobby Costa** (Charter): Supports a longer rebuilding plan because he is concerned that measures will be overly restrictive. He is concerned about fishery closures, he doesn't want to see the recreational fishery get closed. Bag limits should not be dropped lower than 5 and 3 fish even if it means a longer rebuilding period; also concerned about closures as a management tool for rebuilding; variable spatial distribution by month. Recommend a tagging study to better know where bluefish go; seal and tuna predation driving fish offshore.
- **Bryan Curry** (Commercial): Socioeconomics need to be considered in setting the rebuilding timeline; longer timeline to minimize impact. A long term look at rebuilding is important to keep measures not overly restrictive. Consistency in measures across years is important to maintaining for-hire activity. Doubt the overfished status; stock migration is cyclical; fish are elsewhere, e.g., chasing bait offshore.
- **Eric Morrow** (Bounty Hunter Charters): There is a lack of trust in the MRIP data. Finds it hard to believe that the stock is actually overfished. People are losing faith in the management. Fish have redistributed offshore, as bluefish cyclically do due to bait or other environmental conditions. Concerned that we will implement a rebuilding plan and suffer from restrictive measures that we later realize was not needed.

Issue 6

- **Jim** (Charter): He likes the idea of giving the for-hire sector a larger bag limit.
- **Willy Hatch** (charter): Agree with sector separation as a management tool; i.e., higher bag limit for for-hire vessels. Opposed to a size limit; bluefish used as bait for bluefin tuna and mako sharks. Concern that MA quota will close prematurely and those that catch a minimal amount for bait use will be shut out by fall; MA should consider a correction (e.g., lower the trip limit). Rec bag limits should not be reduced lower than they are now.
- **Tom Smith** (commercial gillnetter): Opposed to MA reducing the commercial trip limit for bluefish.
- **Eric Morrow** (Charter): Snapper fishery is critical component of fishery that needs to be preserved in some capacity.
- **Bryan Curry** (Commercial): Supports recreational sector separation between for-hire and private anglers. Bluefish need to be used as bait, we cannot restrict the fishery with a minimum size.
- **Mike Pierdinock** (Charter): For-hire eVTR data needs to be more fully utilized in management.
- **Patrick Cassidy** (Cape Cod on the Fly): Size limit could be tailored to address different segments of the fishery, e.g., bait, snappers.

- **Bobby Costa** (Charter): Doubt MRIP data on MA landings; Nantucket is epicenter of bluefish fishery and personal observations do not support MA rec fishery having taken just under 2,000,000 lbs across 2017-2018.
- **Brian** (Charter): NOAA Fisheries needs to do better outreach about MRIP methods to stakeholders to increase our confidence in the data; frustrated that there is never an MRIP person at these meetings.

2.2 TOMS RIVER, NJ

February 18, 2020

Name	Organization/Sector	City, State
ALAN KENTER		MONMOUTH BEACH NJ
Tom Noeten		Manahawick NJ
R Rob Winkel	NI Spoken Federation	Seaside Park, NJ
R Paul Haertel	JCAA	Clifton, NJ
C Robert EISEY	FIVE LURES	Point Pleasant NJ,
Joanne Pellegrino	NOAA	Forked River
Ferthie Eddie YATES	UNITED BOATMEN	Barnegat Lt
Ferthie David Ribade	Queen Mary	Pt. Pleasant Bch, NJ.
C Kevin Wark	GSSA	Barnegat Light
R SERGIO RADOSI	NJFA, ITRFA	RIDGEFIELD PARK,
Joe Albanese	HRFA	Fort Lee, NJ
Jessica Daher	NJDEP	NJ
C Richard Lucetti	GSSA	N.J.
Tom Fote	AS MFC NJcan	
C Chris Ranawe	GSSA	B.L. NJ
C Mike Kurch	LSSA	B.L. NJ
Victor A Hartley	Keyport Princess	Woodbine, NJ
C Tim Kriegsmann	FN Conpromise	Barnegat Light NJ

Issue 1

- **Sergio Radossi**: Disconnect between fisheries management and what actually occurs. Increase sampling.
- **Rob Winkel**: More stakeholder meetings.
- **Kevin Wark**: Look at the fishery through an environmental perspective. Start thinking about environmental shifts.
- **Tom Fote**: Need a better system of surveying the public through increased funding. Economic impact for a rebuilding plan from 5 to 10 years.
- **Paul Haertel**: Bring the stock to a sustainable level and consider an ecosystem approach.
- **Eddie Yates**: Incorporate the financial impact on the fishermen and associated stakeholders.

Issue 2

- **Victor Hartley**: Leave the allocations at 83% - 17%. If we are not hitting the allocations now, why change them.
- **Paul Haertel** (NJCAA): If the new MRIP numbers are showing 90% recreational them make the new allocations 90% recreational and 10% commercial.

- **Kevin Wark:** Leave the allocations at 83% - 17%. We got shortchanged in the beginning. Fish are there, but our gear is not effective, especially until the fish move back to shore. We should not be taking fish from anybody. Need to consider what reducing the commercial quota does to a fishery that is not productive for fishermen that have been doing this for a long time.
- **Rob Winkel** (Sportsman Association): Leave the allocations at 83% - 17%. MRIP is driving almost all the issues and needs to be reevaluated. The survey is jaded towards success and the extrapolation causes issues.
- **David Riback:** Leave the allocations at 83% - 17%.
- **Sergio Radossi:** Need to get a handle on the stock before making any adjustments.
- **Eddie Yates:** Need better data. Leave the allocations at 83% - 17% until things improve.

Issue 3

- **Kevin Wark:** Leave alone the allocations until we understand how this fishery is evolving. Do not want to see us lose our historical participation in the fishery.
- **Chris Rainone:** Leave the allocations alone until we understand how this fishery is evolving.
- **Robert Elsey:** Leave the allocations alone until we understand how this fishery is evolving.
- **Paul Haertel:** Leave the allocations alone until we understand how this fishery is evolving.
- **David Riback:** Leave the allocations alone until we understand how this fishery is evolving.
- **Michael Karch:** Leave the allocations alone until we understand how this fishery is evolving.
- **Rick Luedtke:** Leave the allocations alone until we understand how this fishery is evolving.
- **Tim Kriegsmann:** Leave the allocations alone until we understand how this fishery is evolving.
- **Victor Hartley:** Leave the allocations alone until we understand how this fishery is evolving.

Issue 4

- **David Riback:** No commercial state to state transfers. Sector transfer can continue as needed.
- **Sergio Radossi:** No transfers at all.
- **Victor Hartley:** Would like to see the ability to transfer quota from the commercial to recreational sector. No commercial state to state transfers; NJ needs to keep all the quota they can.
- **Paul Haertel:** No to both transfers at least until rebuilding has concluded.
- **Joe Albanese:** No to both transfers at least until rebuilding has concluded.
- **Kevin Wark:** Commercial state to state is a useful tool to keep people fishing, but maybe not during rebuilding.
- **Rob Winkel:** Commercial state to state is a useful tool to keep people fishing, but maybe not during rebuilding. Better understand recreational harvest prior to doing sector based transfers.
- **Paul Haertel:** Recreational fishermen have a lot to lose, so do not consider transferring from commercial to recreational.
- **Chris Rainone:** Commercial state to state is a useful tool to keep people fishing, but maybe not during rebuilding.

Issue 5

- **Kevin Wark:** Stretch it out to 10 years because a lot of this is environmental. We need to see things improve and we do not want to put people and businesses (e.g. party) through a lot of stressors. This offers the fish protection due to availability of vessels. The fish are protecting themselves.

- **David Riback:** Stretch it out to 10 years because a lot of this is environmental. We need to see things improve and we do not want to put people and businesses (e.g. party) through a lot of stressors.
- **Rick Ledtke:** Do a 10-year plan because this is an environmental issue and not due to fishing pressure.
- **Robert Elsey:** Do a 10-year plan because this is an environmental issue and not due to fishing pressure.
- **Paul Haertel:** Do a 10-year plan because this is an environmental issue and not due to fishing pressure. This is going to affect low income families and tourists. We do not want to put measures that are too restrictive.
- **Michael Karch:** Do a 10-year plan because this is an environmental issue and not due to fishing pressure.
- **Sergio Radossi:** Do a 10-year plan because this is an environmental issue and not due to fishing pressure, but really look at the environmental impacts at play.
- **Chris Rainone:** Do a 10-year plan, but this fishery cycles. This may cause issues until we get better data.

Issue 6

- **Victor Hartley:** I would like to see for-hire sector have a separate allocation from the private and shore mode within the recreational allocation. But, also be able to use a size limit which will allow us to get more fish. Also, through using the VTRs.
- **Victor Hartley:** I would like to see the ability to transfer quota from the commercial to recreational sector.

2.3 DOVER, DE

February 19, 2020

<u>Name</u>	<u>Commercial/Recreational Organization/Sector</u>	<u>City, State</u>
Louis Papp	Recreation	Lewes, DE
Ben M. Smith	REC.	Lewes, DE
Roy Miller	ASMFC Commissioner	Lewes, DE
RICH KINCAID		
ANDREW HANSEN	Dover - Recs	Milford, DE
Ken Logan	Commercial	Lewes, DE
Chester Toward	Commercial	Dagsboro DE
Sonny GWIN	Comm.	MD.
ROGER WOOD	COMM.	MILLSBORO
LAUREN MURPHY	Comm.	Millsboro
ERIC BURNLEY	Cape Gazette	Lewes
CHRIS CURRANT	RECREATION	TOWNSEND, DE
Linford Chelbaltier	Recreation	Middletown DE
Dietrich A. SLACK	Rec	WYOMING DE
MARTIN KRIS	RECREATIONAL	NEWARK, DE

Issue 1

- **Sonny Gwin:** Identify a more effective and efficient way to look at comm and rec discards. How do we reduce waste if discard rate is zero?

- **HD Parsons:** Bring the environment into the goals and objectives. Look at the historical weather data. Look at how fish availability has shifted over time. Rebuilding plan is interesting - catch figures should consider weather patterns such as in 2017/2018, which were extremely wet years.
- **Michael Cerchio:** Include how interactions with other species affects abundance of bluefish and other stocks. How are management plans from other species affecting the mortality rate of species we are trying to recover. Need to address the species food sources because species will shift their target food and may affect population structures.
- **Roger (commercial):** Increasing dolphin populations cause declines in bluefish stocks.

Issue 2

- **HD Parsons:** weather and temperature and salinity have caused bluefish to decline and we need better data before we change the allocations (status quo).
- **Sonny Gwin:** status quo until we get better data.
- **Michael Cerchio:** status quo

Issue 3

- **Sonny Gwin:** status quo until we get better data.
- **Michael Cerchio:** status quo

Issue 4

- **Sonny Gwin:** status quo on both types of transfers until we get better data. Haven't profited from rec transfer but have from state to state commercial transfers when it comes to commercial fish of different species in different scenarios. Provides economic opportunity for fishermen if it shows up.
- **Michael Cerchio:** status quo on both transfers.
- **Lou:** No transfer from the recreational to the commercial sector.
- **Roy Miller:** No sector transfers while the stock is overfished.
- **HD Parsons:** Keep all the transfers status quo.

Issue 5

- **Eric Burnley:** To think you can set 10-year plan to recover bluefish is ego times infinity. Bluefish will come back when they come back no matter what you do. The only thing you do when you cut limits on bluefish is make it harder for charter boats in Delaware to make a living. Been around a long time and bluefish come in boom/bust cycles. Cutting bag limit just makes it harder for for-hire - waste of time and energy.
- **Michael Cerchio:** Stretch the rebuilding plan as long as possible (10 years) that allows for annual reviews.
- **Martin Kris:** I look at bluefish as a sport fish or bycatch fish. Bluefish are linked closely with predation, prey, and environmental conditions. There is nothing we can do that is going to fix the overfished status. People are not causing the decline.
- **Roy Miller:** If MRIP was not revised, we may not have the overfished status.
- **Roger (commercial):** Increasing dolphin populations are a major cause of the change in bluefish stock status.

Issue 6

No comments.

2.4 BERLIN, MD

February 25, 2020

<u>Name</u>	<u>Comm / Rec Organization/Sector</u>	<u>City, State</u>
Frank Tortella	REC	Ocean Pines MD
JULIAN WICKFALLS	CP ANGLERS/ACSA	OCEAN PINES MD
Finn McCabe	ACSA / CBSEA	Berlin MD
Merrel Campbell	Southern Ocean Fish	OC MD
Buddy Seiger	ACSA ASMEP	Berlin MD
Steve Doctor	Staff	OC, MD
GEORGE TAPPING		
Wes Tom		
Scott Loney	FISH IN OC / MAFMC	Ocean City, MD
David Treadler	Valerie Marie	Ocean City, MD
Jeff Nottelken	Head Boat / Rec	Ocean City
Steve Doctor	MD / DNR	OC, MD
Kate Bannard	Charger	OC MD
Edward Smith	F/V Relish	OC MD
ERIC DURELL	MD DNR	
VICTOR BURNING	FAST BOAT	OC MD
Jan Siler	ACSA	OC MD

Issue 1

- **Finn McCabe:** We need to have better accounting on the recreational side and better grasp the changing environmental conditions (shifting temperatures).
- **Merrel Campbell:** Status quo.
- **Edward Smith:** Need to take into account predations and other ocean factors.

Issue 2

- **Merrel Campbell:** We are targeting other fisheries right now and that is why we don't have a lot of people targeting bluefish. Despite lower ever right now, we do not want to see the commercial allocation go down to 10%.
- **Edward Smith:** If things change with the whelk fishery, we then may have to change to bluefish, and we don't want to find that our quota has been taken out from under us. Bluefin and porpoises are eating bluefish. It is not just humans that are affecting the biomass. There is a large biomass of sharks that are not being kept in check.

- **Finn McCabe:** new MRIP is the problem, point of sale of the license, conduct a survey, we need better data before we alter the allocations.
- **Victor Bontino:** What did other states say? I have a party boat in OC and I've started running bluefish trips, not bsb, curious if they are saying other things, are they actually seeing a decline?

Issue 3

- **Merrel Campbell:** Status quo allocations.
- **Edward Smith:** Status quo allocations. We often give quota to other states, but we want to keep the allocation status quo as a fall back. I think there is less effort coastwide.
- **Finn McCabe:** Reallocate the states that are regularly giving away a lot of quota.
- **Edward Smith:** I agree with status quo allocations for the states. There have been many years where we have been close to our quota, so we do not want to lose any.

Issue 4

- **Edward Smith:** Status quo for the state-to-state and sector transfers.
- **Merrel Campbell:** Status quo for the state-to-state and sector transfers.
- **Finn McCabe:** Status quo for the sec state-to-state tor transfers but fix the allocations so transfers do not always have to occur.
- **Finn McCabe:** No sector transfers until we fix data issues with MRIP.

Issue 5

- **Victor Bontino:** It's hard to comment on this when we don't know what the regulations would be under the plan.
- **Merrel Campbell:** I support constant harvest under the current ABC.

Issue 6

- No comments.

2.5 NARRAGANSETT, RI

February 26, 2020

<u>Name</u>	<u>Organization/Sector</u>	<u>City, State</u>
Frank Blant		
John LaFontaine	Fox Seafood Inc.	Narr, RI
Dean Pesnik	F/V Oceanview	Wakefield RI
Paul R. Johnson	Carol J Chaitas	Wakefield RI
MATTHEW COX	CHARTER CAMERA AND	Wakefield RI

Issue 1

No comments.

Issue 2

- **Dean Pesante** (F/V Oceana, gill netter): Trend has been that bluefish are moving north and while the northern typically do not have issues harvesting their quota, the southern states do. RI's largest challenge is having a small quota and continually having to seek quota transfers from other states. I suggest re-allocating more quota to the commercial sector (commercial is more accountable through reporting).
- **John LaFountain** (Fox Seafood): Agrees with statements made by Dean Pesante.

Issue 3

- **Dean Pesante** (F/V Oceana, gill netter): Suggest re-allocating more quota to the northern states, implementing a minimum size of 18" in the north and 16" in the south (lengths at which 100% of fish are sexually mature), and implement a minimum mesh size for gillnets like RI in all other Atlantic states (could be specific for directed bluefish trips).
- **John LaFountain** (Fox Seafood): Agrees with statements made by Dean Pesante. As a dealer sees the states of NC and VA harvesting a lot of small fish (1.5 to 2 lbs each). Landing 1 million pounds of 1.5-2-pound fish can have a larger impact on the population than landing 1 million pounds of larger fish typical of the northern states. RI has only come in under quota recently due to bad weather. Re-allocate quota to the northern states where the larger, healthier fish are.

Issue 4

- **Frank Blount** (The Frances Fleet): Maintain the sector transfers.

Issue 5

No comments.

Issue 6

- **Paul Johnson** (Carol J charters): Decisions should be made with data that involves hard numbers submitted, not estimates. Should separate for-hire as its own sector.
- **Frank Blount** (The Frances Fleet): I support sector separation. The shore mode is extremely important as 1st bluefish experience.

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2.6 OLD LYME, CT

February 26, 2020

	Name	Organization/Sector	City, State
P/C	Mike Stepanki	TARTAN II	Niantic CT
	Daniel Andrien	-	Guilford, CT
C	Daniel Emory	D.J. Ly	Stonington CT
C	Eddie Emory	Eddie Emory	Stonington CT
	Jared Maden	-Pinal Area Sport Fishing	Groton, CT
C	Amanda Beers	-	Groton CT
C	BUD HARRIS	LANTH CHARLES	Guilford
	Tony Notaro	Lucky Hook Chummers	Clinton
C	ROBERT ROSSELL	out of our shellent	Waterford
	Paw / White House	-	Niantic, CT
	Jim Pasandetti	-	" " "
	DAVE Finn	-	-
P/C	Michael Pirri	Flying Game	Clinton
P/C	TJ Karbowki	-	-

Issue 1

- **TJ Karbowki:** MRIP numbers are made up fake data. Biologically, small (harbor) blues eat small bait, large bluefish eat bunker. Lately, we have had an absence of large bluefish, but the small harbor bluefish follow clouds of bait. This fish disappearance lines up with omega proteins in the Chesapeake Bay. Consider adding issues with bait and aspects of ecosystem-based management to the FMP goals and objectives.
- **Mike Pirri:** Revise the FMP goals and objectives to reflect acquisition of better data.
- **Ed Emory:** The FMP goals and objectives need to emphasize better monitoring and take into consideration movement of bluefish and baitfish.

Issue 2

- **TJ Karbowki:** Status quo allocations until new data is used. We need something better than the “new” MRIP numbers.
- **Bud Harris (comm):** Status quo allocations. We do not want to see a reduction in the commercial quota.
- **Mike Pirri:** There has to be tons of dead discards that are killing our stock. How is a reduction in limits going to prevent overfishing? We need to keep managing by weight and not by numbers of fish.

Issue 3

- **Ed Emory:** We need better monitoring.
- **Bud Harris (comm):** Status quo on allocations.

Issue 4

- **Bud Harris (comm):** Status quo on state to state transfers, as states should give and take.

Issue 5

- **Mike Pirri:** Initiate the rebuilding plan by weight and not numbers of fish to include shore estimates of snappers. I support a ten-year rebuilding plan but would like to see the target/threshold lowered because the amount of harvest estimated by MRIP is not occurring. We want to get people out on our for-hire boats, its perception, we are not keeping that many fish.
- **Ed Emory:** We need better monitoring. I support the review of a variety of rebuilding plans (different durations). When we did rebuilding for groundfish we were cut 90%. Giving 3, 5, 7 years is generous, and I want to applaud that.

Issue 6

- **TJ Karbowski:** I support separate for hire regulations. On the recreational side you do not know if you should tell the truth. If you say that you had a good day, they are going to tell you that you are overfishing. If you say you had a bad day, they will say you previously overfished. So, these surveys are not accurate.
- **Mike Pirri:** Separate the for-hire sector from private recreational and shore modes.
- **Ed Emory:** It seems as if there is no monitoring on the for-hire sector.

2.7 MOREHEAD CITY, NC

February 27, 2020

<u>Name</u>	<u>Organization/Sector</u>	<u>City, State</u>
Glenn Skinner	NCEA	NC
Dannell Ludlum		NC
Tyler Ludlum		NC
Greg Ludlum		NC

Issue 1

- **Glenn Skinner:** Do we have any better understanding of the stock status today then back in 1990? Seems like objectives are sometimes put in place but not accomplished. Need to focus on preventing overfishing while also minimizing waste—especially as the stock is rebuilt. We also need to maintain our flexibility when it comes to transferring quota. Flexibility should be included in the objectives.
- **Greg Ludlum:** Felt we haven’t made access to bluefish equitable to all fishing sectors. Include an objective to provide equity among user groups.

Issue 2

- **Glenn Skinner:** As long as we maintain the ability to transfer from quota from the recreational to commercial sectors and from state to state, then there is no need to revisit this. Current allocation in

FMP is pretty close to harvest percentages between commercial and recreational fisheries using revised MRIP estimates.

Issue 3

- **Glenn Skinner:** Recommended to keep the current base years for the use of state by state allocations. Nobody will like the current reductions but as long as we allow the transfer from state to state he was comfortable with how they are now. Maybe revisit allocations after stock is recovered. Seasonal or coast wide allocations won't necessarily prevent fish being caught in one place more than another.

Issue 4

- **Glenn Skinner:** Really likes this flexibility—it allows the Bluefish FMP to account for annual variable distribution of bluefish.

Issue 5

- **Greg Ludlum:** Noted that if we continue to decrease the bag limits then we will adversely impact the fishing piers. Appropriate length of the rebuilding plan will depend on the regulations in place.
- **Glenn Skinner:** He couldn't make any suggestions without knowing what the specific measures would be to shorten the rebuilding period. Need to consider economics and dead discards when setting the length of the rebuilding plan. Need to figure out how to manage the open access recreational fishery to prevent excess waste, which could result in a discard fishery during the rebuilding period, which has happened for other species.

Issue 6

- **Glenn Skinner:** Important to maintain as much flexibility as possible for quota transfers and to minimize waste. Need to consider equitability for the different user groups in the commercial and recreational fisheries.
- **Greg Ludlum:** Keep in mind that fishing piers serve as an access point for fishermen who can't easily use guide boats or the beach, such as the disabled and elderly. Also, keep in mind that piers play a significant role in the community.

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2.8 STONY BROOK, NY

February 27, 2020

SIGN-IN SHEET

NAME	AFFILIATION	EMAIL ADDRESS	PHONE
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Richard Cornell	Fish on fishing	Cornell.Richard60@gmail.com	631-655-5918
Nancy Solomon	LI Traditions		516-767-9803

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Joe Polito	Laura Lee Fleet		
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Mark Harrington	Nausday		
Paul Risi	KINGSBOROUGH COLLEGE	PAUL.RISI@KBCS.CUNY.EDU	
Mark Woolley	Congressman Zeldin	mark.woolley@mail.house.gov	631-289-1097
Nick Marchetti			
Bryan Sorice	Island Princess	Cpb.bryan@gmail.com	631-587-6024

<u>Name</u>	<u>Comm/Rec Organization/Sector</u>	<u>City, State</u>
Frank Schwaner	LIBBA	
Ronald DiGostanzo	WHSC	Commack NY
TOM FARRELL	MSA (Montauk Snapper Assoc)	Bayport N.Y.
RENZ COLON	Commercial	Rocky Point, NY
Joseph Giffman	LIBBA / REC	Levittown, NY
Emerson Herbstein	A.S.M.F.C. - Juv. Appl.	

Issue 1

- **Jamie** (Miss Montauk): Include aspects of predation into the FMP goals and objectives.
- **Bob Danielson**: Ensure the snapper fishery is available for the kids and focus on ecosystem-based management.
 - Put a min size limit (12") for anyone that needs a rec fishing license – let kids have a bag limit and no size limit.
 - Young of the year bluefish congregate; we need to think about how they are going to survive in polluted water.
- **Fred** (no last name): snapper fishery is critical for kids and tackle/bait shops and should be preserved through the FMP goals and objectives. We need to combine a size limit and reduction in season (wave 6) to get the bag limit up for perception to clients.
- **James Schneider**: Introduction of farmed salmon hurt commercial bluefish. Snappers are only available for 6 weeks. Outreach on proper handling should be added to the FMP goals and objectives.

- **Charles Witek:** Only federal fishery north of Cape Hatteras that is predominantly recreational catch and release. Most fish kept are under 12". Goal 2 of the FMP goals and objectives: highest availability of bluefish - This fishery should be managed as a catch and release fishery. In a release fishery you are managing for abundance and sometimes size. Goal 5 of the FMP goals and objectives: delete recruitment from :recruitment overfishing" because we do not want growth overfishing.
- **John Mlodynia:** Discuss the snappers within the FMP goals and objectives.

Issue 2

- **Bob Danielson:** Once the quotas are set, let them be.
- **Dan Sullivan:** Recreational fishermen will never meet the 83% because they are releasing fish.
- **Joe Gittleman:** Status quo on allocations. Commercial fishing is driven by sales and they have not come close to the quota. I disagree that recreational bluefishing is a catch and release fishery. On party/charter vessels, fish are treated very poorly and there is a tremendous amount of discard mortality. I have seen gaff and release - they do not survive.
- **James Schneider:** I support status quo allocations. The fishery is completely unutilized. There are only two party boats on long island that target bluefish. This is not an allocation issue. Waste is now a non-issue, and this is not a recreational overfishing activity. The issue is with the environment. Everyone on both sides of Long Island are striper fishing and other fish; there is no recreational pressure on bluefish. It is not like the old days you hear about. Occasionally, some are bled and thrown in a cooler.
- *Prefer status quo (by a show of hands): ~15 individuals.*

Issue 3

- **James Schneider:** There is not much commercial interest in bluefish anymore. They are not targeted as much and are often bycatch. Pressure for both sectors has gone down because the desire to eat them has gone down. I prefer status quo allocations.
- **Mark Cusumano:** I support reallocation by states with an updated time series, especially since NY often meets the state allocated quota.
- **Al Schaefer (Montauk):** Reallocate quota to make the NY commercial quota higher and avoid the need for transfers.
- *Prefer status quo (by a show of hands): ~15 individuals.*

Issue 4

- **Bob Danielson:** I support the commercial state-to-state transfers, but do not support the sector transfer. Set a quota and let it be.
- **Dan Sullivan:** I do not support the sector transfer because recreational fishermen are releasing large numbers of fish and do not want to see those released fish transferred to the commercial sector.
- **Charles Witek:** I oppose transfers on an annual basis by sector. The transfer demonstrates a misunderstanding of the use. We are releasing them to maintain abundance, not so another sector could catch them.
- **Mark Cusumano:** Has the recreational sector historically met their RHLs? There have been reductions in quotas in NY, and we rely heavily on the sector transfers. I support status quo commercial state to state transfers.

- *Prefer status quo for both types of transfers (by a show of hands): ~15 individuals.*

Issue 5

- **James Schneider:** Rec fishing is not what caused the overarching decline to overfished status.
- **Ken Hejducek:** Bob Danielson: Make the rebuilding plan as short as possible.
- **Bob Danielson:** Make the rebuilding plan as short as possible.
- **Mark** (no last name): We rebuilt seabass and did not see an increase in quotas. So, I am in favor of stretching the rebuilding plan to 10 years.
- **James Schneider:** You need better data before you can initiate a rebuilding plan and to reevaluate if the stock is even overfished.

Issue 6

- **Steve Cannizzo:** I would like to see recreational bluefish management measures evolve into a 7, 5, 3-bag limit, similar to that of blueline tilefish. This should be sustainable because the for-hire sector is responsible for <5% of the overall recreational landings (in recent years).

2.9 MERRITT ISLAND, FL

March 2, 2020

<u>Name</u>	<u>Organization/Sector</u>	<u>City, State</u>
Rick Riey	Rec FSM	SAT BEACH FL
Hannah Hart	Rec.	Titusville, FL.
Jim Estes	FWC	Tallahassee, FL

No comments – Attendees noted that written comments will be submitted.

2.10 FORT MONROE, VA

March 2, 2020

<u>Name</u>	<u>Organization/Sector</u>	<u>City, State</u>
TOM POWERS	RECREATIONAL	Poquoson VA.
Jeff Deem	Rec	
Jim + Kate Dawson	Comm	Chincoteague

Issue 1

No comments.

Issue 2

- **Tom Powers:** I believe it is reasonable to revisit the allocation if we believe the MRIP data, but I question the MRIP data. I would prefer staff use a 3-year average to make regulatory decisions.

Issue 3

- **Tom Powers:** I would prefer staff use a 3-year average to make regulatory decisions.
- **Jim Dawson:** There is a large commercial fishery, but often, these fisheries are moving further offshore.

Issue 4

- **Tom Powers:** I would prefer staff use a 3-year average to make regulatory decisions. Also, the commercial fishery may be happy with 5-6 lb fish, but the recreational fishery wants to catch 20lb fish that make the drags scream. Furthermore, responsible recreational fisherman will keep two fish because bluefish don't keep well. Recreational anglers are conservation minded and they want a quality fishery, not a quantity fishery. When you go for maximum sustainable yield and then transfer quota that the recreational fishery is allocated, but not catching to the commercial sector, you drive down the quality of the fishery which makes more and more recreational fishermen not want to go out.

Issue 5

- **Tom Powers:** I would prefer staff use a 3-year average to make regulatory decisions.

Issue 6

- **Tom Powers:** There is something going on with the migration I believe part of it is a food source issue, but that is an ecosystem management issue, and I don't believe they're going to get into that with this fishery. Also, I would suggest when staff look at options for reductions that they look at current years because the fishery is failing and not go back but so far or at least do an analysis comparing 10 years and 3 years to current regulations. So, reductions are meaningful so we can have the fishery recovery better and have then come back in shore and hopefully we can all be happy with that.
- **Jim Dawson:** I believe bluefish migration patterns have changed and that is why we no longer are seeing them in the same abundance. I also feel as though climate change, not food availability, and perhaps something else is driving them or forcing them offshore. I think they have enough food. I'm seeing the small fish inshore, but the big fish are further offshore. They used to come inshore, but do not do that anymore.

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2.11 INTERNET WEBINAR

March 4, 2020

ATTENDEES - 26	
<ul style="list-style-type: none"> ▼ Hosts (1) <ul style="list-style-type: none"> 📞 Matt Seeley))) > Presenters (0) ▼ Participants (25) <ul style="list-style-type: none"> Bart Stolp Guest Brandi Salmon Guest 📞 Chris Batsavage Guest 📞 Cynthia Ferrio Guest David Dow Guest 📞 ge Guest J NY Guest Jake Smuck Guest 📞 JAMES FLETCHER Guest 	<ul style="list-style-type: none"> Jesse Bisette Guest 📞 Mark Cusumano Guest Mary Guest 📞 Maureen Davidson Guest Michelle Duval Guest 📞 Mike Waine (ASA) Guest Rusty Hudson Guest 📞 Steven Cannizzo (NY RFHFA) Guest Steven Witthuhn Guest TJ Karbowski Guest Tony Friedrich Guest 📞 WILLAM GORHAM Guest 📞 12033143765 Guest))) 📞 16313681315 Guest 📞 17183094207 Guest 📞 19198762983 Guest

Issue 1

- **James Fletcher:** Please use total discards in the future instead of just dead discards. Understanding the stock – there is a stock of bluefish off Africa. It seems to vary with our stocks. Reduce the waste in the fisheries through the use of barbless hooks.
- **TJ Karbowski:** Add protection for the for-hire sector to the FMP goals and objectives. MRIP needs to be further reviewed.
- **Bill Gorham:** Emphasize that this fishery is very important to the shore fishermen. Ensure these goals and objectives are actually achievable.
- **Bonnie Brady:** Ensure that concerns with MRIP do not negatively affect the commercial sector.

Issue 2

- **James Fletcher:** We need to switch the allocation quickly to allow stock status to go up.
- **Glen Evans:** We should use a more recent time series.
- **Bonnie Brady:** Need to use data when allocations were set with no management occurred (1981-1989). Data was taken from landings data (1981-1989) when no regulations were involved. I am confused how data with hard TACs on the commercial and recreational end has had suggestions and seasons, but not a hard stop. Then, how could you use landings data when one side (commercial) is held to a hard quota and the other (recreational) is not. In summary, the commercial data has been restricted to a specific quota and then pound for pound paybacks. I do not see how you can use any other time series that includes regulations that restrict fishing.
- **Rusty Hudson (DSF):** We want no allocation percentage shift with the rebuilding plan. Plan on the same percentages, but a different ABC is the obvious answer to me. Do not damage the commercial industry using a census to monitor the commercial catch by using an estimate to monitor the recreational catch.

Issue 3

- **Mark Cusumano:** Would like to see reallocation occur between the states. New York consistently requests transfers and to avoid this, we would like to see New York have a higher commercial quota.

Issue 4

- **TJ Karbowski:** Recreational fishermen do not want to fight with commercial fishermen. I propose we allow quota transfers from the commercial to the recreational sector if it is going unused.
- **Bonnie Brady:** We need to switch the allocation quickly to allow stock status to go up. Or, allow transfers to go from sector to sector, quickly. Commercial sector wants to see the transfers continue. This is very important for the state of New York.
- **James Fletcher:** Allow transfers to go from sector to sector.
- **Steve Cannizzo:** We need rollover between the two sectors that allows for back and forth transfers, as necessary. This could be in the form of an allowance (potentially different than sector separation).

Issue 5

- **TJ Karbowski:** People do not support MRIP and have no confidence in the new estimates. How are you supposed to choose a rebuilding plan option when we cannot believe any of the estimates? Also, I have never been interviewed by MRIP.
- **Steve Cannizzo (NY RFHFA):** I think it is very dangerous to deal with rebuilding plans that are very short. The bluefish stock has the propensity of disappearing for unknown reasons and then randomly coming back. We need to have a high abundance level. I would highly recommend extending the rebuilding plan to 10 years or as long as possible.
- **James Fletcher:** A rebuilding plan of 5, 7, and 10 years does not fit into the cyclical patterns of bluefish. We need better data before we can initiate a rebuilding plan.
- **Mark Cusumano:** Stretch out the rebuilding plan to 10 years. Also, we should have some dynamic options throughout this rebuilding plan. We want to ensure that certain percentages of fish are going to come back to us once the stock is rebuilt. For example, when the stock starts to rebuild, a percentage of quota should be returned to the sectors so we can continue to fish. We need to take a dynamic approach.

Issue 6

- **TJ Karbowski:** Add for-hire sector separations and/or rollover between the two sectors that allows for back and forth transfers, as necessary. This will create incentive for potential clients. People need to feel that for \$1,000 they are getting what they paid for, but we need to be careful with reporting through apps because there are many ways people can false report and interrupt other individual's ability to access a permit. Many of these issues can not be revised at the current stage because we have no faith in the MRIP numbers. Also, I have conducted thousands of recreational trips and have never been interviewed by MRIP.
- **James Fletcher:** We need electronic reporting (cell phone) on all fisheries in the EEZ. Until we get better data, we need recreational fishermen to report electronically. Also, if we used barbless hooks and had no dead discards there would be no issues here. We need to come at the issues from a different perspective and start to actually make some changes.

- **Steve Cannizzo** (NY RFHFA): Develop a program where anybody who wants to engage in catching bluefish has to dial in and note they are fishing. This could drastically help by honing in on an effort component within the fishery. This could be developed so in individual states can collect better data. Comment related to effort. Most important thing about tonight has to do with MRIP. Additionally, we need sound data for our assessments and MRIP is not currently providing what we need. Lastly, we need rollover between the two sectors that allows for back and forth transfers, as necessary. This could be in the form of an allowance (potentially different than sector separation).
- **Bonnie Brady**: There are ways to understand size by taking a photo through an app. This would be very useful for many of our fisheries.
- **Glen Evans**: No one agrees with the MRIP estimates. Also, reporting through an app would be much more effective than our current approaches to monitoring.

3 WRITTEN COMMENTS

All written comments are listed alphabetically by the commenter's or organization's first name. Each comment was provided via the online portal (www.mafmc.org), email, or mail/hand delivered. Comments are as follows:

From: Glnn: <cristori@aol.com>
Sent: Tuesday, March 17, 2020 8:26 PM
To: Seeley, Matthew
Subject: Comment relating to Bluefish Scoping Hearing

As a member of the original Mid-Atlantic Council, I fought to add bluefish to the species managed. There wasn't initially much support in those days for managing a species so abundant, but a huge catch by a tuna seiner and reports of a foreign market being a possibility changed perceptions of the fishery. Anglers packed public hearings, and a good management plan went into effect.

A great change occurred after that was accomplished as recreational fishermen who used to keep every bluefish became more aware of conservation. In a relatively short period of time, anglers began releasing many more blues than they kept - and that trend has increased over the years. As a result, anglers were building up a conservation reserve to hopefully ensure good bluefishing in the future even for a species which had been cyclical in the past.

With the market providing relatively low prices for commercial fishermen, there wasn't very much pressure on the fishery. Unfortunately, with anglers not filling their quotas due to all the releases, management started transferring that conservation reserve to commercial fishermen even though there was no provision for that in the plan.

Now bluefish have been declining for years and the market price has been increasing to provide an incentive for catching as many as possible. Party and charter boats have been going out of business, and will be further impacted by the new regulations that will discourage patronage from Pennsylvania fishermen who want a volume of fish.

The transfer of recreational quota to commercials never should have happened, and must be specifically prohibited by amendment to the management plan to be sure it will never happen again. There are many factors involved in the bluefish decline, but it's certain that we could have used the reproductive potential of all those blues that were eliminated needlessly by management that should be practicing conservation of a vital public resource.

Al Ristori
 Wall, N.J.

THE SALTWATER RECREATIONAL FISHERY IS DYING

February 18, 2020

The recreational fishery is dying a slow death. Not because of economic or social actions, but because the National Marine fishery Service (NMFS) is gradually decreasing the amount of fish we are allowed to catch. Seasons have been shortened, possession amounts decreased, and fish size increased. The NMFS obviously concerned in protecting and expanding the commercial fishery at the expense of the recreational fishery.

Bluefish possession cut 80%. In 2019, the allowable catch for the recreational sector went from 80 to 66% and commercial went from 20 to 34%. If the fishery is in such dire trouble why not decrease the allowable catch equally?

Black sea bass allowable catch increased 59 percent for the commercial and *no* increase for the recreational side.

Summer flounder quota increased by 49 percent for the commercial and again nothing for the recreational allocation.

Striped bass cut 50%

Attached you will find an article written in 2017 by Captain Bob Bogan from the party boat Gambler that illustrates the economic impact caused by NMFS. More than 50 for hire party boats that carry more than six persons have gone out of business. Also attached is a comparison of the 1997 regulations as compared to 2019.

Aisa Kenter

kingofbdock@aol.com

Title: Fishing Community Is in Dire Trouble!!
 Post by: Capt Bogán 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 Magunson-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 Kel

Point Pleasant-----Norma KII

" "-----Miss Norma K

" "-----Deep Adventures III

" 11-----Deep Adventures IV

11 "-----Sea Devil

" "-----Cock Robin

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

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

This is a count of more than 50 once viable businesses, that are gone for good (in NJ alone). This is NOT anecdotal information. These were US Coast Guard, federally documented vessels. NMFS wants us off the ocean --they have done a good job. Fisheries management has been hi-jacked by special interest groups that are making money by putting us out of business. They are penalizing fishermen on fish stocks that are rebuilt as high as 300%! Summer flounder biomass stock rose from 35.9 mil lbs in 1995, to 88.9 million lbs by 2014 (more than double) --this was achieved through our sacrifices --not fisheries management (who I've heard get paid \$400 plus per-day, put up in a fancy hotel, all expenses paid, for their time at the meetings.) The Original intent of Magnuson Stevens was good: Increase fish stocks and maintain a viable fishing community through sound fisheries management. This is no longer the case. Fishing communities no longer matter.

Above is only a list of larger recreational for-hire fishing charter and party boat businesses that have disappeared since the Magnuson-Stevens reauthorizations of 1996 and 2006. It does not include family run tackle shops and fishing marinas and boat rental marinas --and all the residual loss of business that has suffered under the inequity of these unfair fish rulings.

And would be improbable to estimate the numbers of a whole generation of lower-income people who have given up -- or not even learned-- saltwater fishing due to the fact that the cost doesn't warrant --no chance of bring home dinner.

Fisheries management has successfully divided and conquered fishermen; from Recreational vs Commercial, private boat vs for-hire boat, State against State, beach fishermen vs boat fishermen. All the while, the enviro-industry (and make no doubt, it is a money making industry) are laughing all the way to the bank. Behind doors, these same people are earnestly working to create Marine Sanctuaries to further restrict our... "Liberty and the pursuit of Happiness", (which was our unalienable right, spoken of in the Declaration of Independence).

If you look at the lobbyist, Marine Fish Conservation Network, for example, you will see a wolf in sheep's skin; Pretending to be concerned about fishing communities. MFCN is on Capitol Hill, lobbying to put a stop to any bill that would introduce common sense flexibility into our fisheries management. 200 organizations are represented and many individuals contribute to the MFCN lobby business, thinking they are helping us, not realizing they are in truth, working against us. Other lobby groups with deep pockets: Environmental Defense Fund, PEW Trust Fund, PETA and many more.

During this same 20 year period, marine estuaries (according to NOAA, 2/3 of all marine life begins in the estuary) continue to be built upon --and polluted into --and beach replenishment continues to ruin marine habitat by stealing sand from underwater hills and ridges and pumping into onto the beaches, only to get washed away during the next storm. (It's a shame that govt continues to use the tax money of hard working people to dump marine habitat onto the beaches, yet access for surf fishermen continues to be diminished.) It seems the enviro-industry has kept most quiet about this because I guess they are okay with replacing fishing communities with condos and sail boats.

The Axe needs to be laid to the root. Magnuson Stevens needs to be fixed --returned to its original intent. If our Fisheries Management Council is not going to stand up for our fishing communities, we must do our part by reaching our representatives. Send an email --make a call - use social media: facebook, twitter, ect. Information on how your rep can be reached has never been easier. You do not need to be eloquent, you don't need to be long winded, you only need to let your reps know how the fisheries system is broke and that Magnuson Stevens needs to be fixed before our fishing communities are solely given over to the elite. Support Bill HR 200 and HR 2023.

Our Representatives in NJ and NY have been very quiet on these two bills --They need to wake up. I urge you to rattle their cage.

If you fish, please, "do not go quietly into that good night." (T.Dylan)

1997 NJ Fishing Regs ** 2019 Fishing Regs in Red

Summer flounder--35.9 mil lbs bio stock in 1995- - -88.9 mil lbs in 2014* 14.5" no close, 10 fish limit
 18" May 24-Sept 21 18" Commercial quota increase 50% recreational - none (0%)

Black Sea Bass-stock rebuilt 229%- not over fished-overfishing not occurring* 9" no close-no limit
 10 fish May 15-June 23 12.5" Commercial quota increase 89% -recreational - none (0%)
 2 fish July 1-August 31 12.5"
 10 fish Oct 8-31 12.5"
 15 fish Nov 1- Dec 31 13"

Scup (Porgy) stock rebuilt 300%
 No size no close no limit
 50 fish 9"

Winter Flounder
 No limit Mar 1-May 31 Sept 15 - Dec 31
 2 fish March 1- Dec 31 12"

Bluefish
 10 fish limit No size or close
 3 fish private, 5 fish charter and private boats

Weakfish
 14 fish no close 14"
 1 fish 14" no close

Tautog
 No limit no close 13"
 4 fish Jan 1-Feb 28 15"
 4 fish April 1- April 30 15"
 1 fish July 17- Nov 15 15"
 5 fish Nov 1-Dec 31 15"

Cod
 No limit no close 19"
 No limit no close 21"

Striped bass
 2 fish , no close 28"
 1 fish 28-35" (proposed)

River herring
 No limit no close no size
 Closed to recreational fisherman

* information received from NMFS

From: Alexander Spindelman <a.spindelman@gmail.com>
Sent: Friday, March 6, 2020 8:08 PM
To: Seeley, Matthew
Subject: Bluefish scoping comments

Hi there, I just wanted to let you know that my fishing club takes regulation and wildlife conservation very serious. I was sent emails telling me about meetings, discussions and decisions all the time. Though I am younger than most anglers, (30 years old), I am old enough to have educated opinions on matters. I LOVE THE NEW BLUEFISH REGULATION. It can not be easy cutting fish quotas especially when people may not like them. But it's commercial fishermen and as well as recreational fishermen who have DESTROYED fishing populations. I have seen gross violations of the laws since I was a child. I hope my children will one day be able to enjoy fishing like I have. Keep doing what is right, not what's popular



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 bluefish allocation and rebuilding amendment to the Bluefish Fishery Management Plan.

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.

As a sportfish, bluefish are a critical component of the Atlantic coast recreational fishery creating significant economic benefits to our industry and bringing considerable value to a diverse angling community. The 2019 operational assessment results concluded that bluefish were overfished, but overfishing is not occurring. These results were based on the inclusion of updated MRIP catch data which ASA, other stakeholders, and state agencies have expressed concern with using without further review and validation.

For example, it is difficult to understand that over the entire time series (1985-2018), bluefish spawning stock biomass (SSB) has never reached the SSB target. ASA of course values the health of the bluefish stock and understands that rebuilding it higher than its current level has measurable benefits to our industry, but it is truly difficult to understand that our rebuilding target is something that we have never achieved in the last 33 years. We recommend that the SSC further discuss this matter to assist the council and stakeholders in providing further input on an adequate rebuilding timeframe for this important sportfish.

ASA also offers the following recommendations on the issues outlined in scoping document.

Issue 1: Goals

The MAFMC is correct in managing this species primarily for the recreational sector, defined as the commercial fishery not exceeding 20% of the total catch, and that should remain as a central goal in the FMP. As with all species managed primarily for the recreational sector, bluefish should be managed for maximum practicable abundance.

We also recommend adding objectives to the FMP that better reflect the value of bluefish to the recreational fishery. Being a largely catch-and-release recreational species, many more fish are released than are landed, yet typical fisheries management only assigns value to landed fish. We believe an objective of the FMP should also include the intrinsic value of a recreationally released fish.

AMERICAN SPORTFISHING ASSOCIATION

1001 N. Fairfax Street, Suite 501, Alexandria, VA 22314 • 703-519-9691 • Fax: 703-519-1872
Web: www.ASAFishing.org • Email: info@ASAFishing.org

Additionally, bluefish has been a relatively stable fishery throughout its management history, and we recommend that maintaining that management stability should be an added objective of the FMP.

Issue 2: Commercial and Recreational Allocations

Setting allocations using just landings histories (the current scoping document makes no mention of any other allocation factor other than landings histories) ignores the value being generated by a released fish and allocating those released fish to the commercial sector through quota transfers (i.e., Issue 4) punishes the conservation decisions made by thousands of anglers and removes that value added to the fishery for the next season.

Therefore, we recommend setting allocation based on total catch history instead of landings history to account for the released fish. Additionally, ASA recommends the consideration of socio-economic data to help inform allocation decisions.

Issue 4: Quota Transfers

The provision to transfer quota from the recreational to commercial sector highlights an issue of the Council not adequately attributing value to the recreational fishery. ASA recommends addressing the needs of the commercial fishery through reconsidering of the commercial state-by-state allocations as opposed to transferring quota from the recreational sector to the commercial sector.

Issue 5: Rebuilding Plan

ASA recommends that the council consider various projections to determine the best management alternatives for a rebuilding timeline. Considering our earlier comments on the stock assessment results, ASA recommends including a full suite of rebuilding timeline options as alternatives in the Amendment. We also recommend including various catch projection scenarios in the Draft Amendment so that both stakeholders and the Council can provide input on a preferred rebuilding timeline informed by the projection analysis.

Issue 6: Other Issues

The concept of subdividing the recreational allocation of bluefish into separate private/shore mode and for hire mode, known as sector separation, has recently been discussed for potential consideration. We believe that the Council/Commission decided on separate measures between modes for bluefish in 2020 without adequate public input or a demonstrated need. We oppose further exploration of sector separation for this fishery.

Sincerely,



Michael Waine
Atlantic Fisheries Policy Director
American Sportfishing Association

From: Anthony Testa <anthony@avscons.com>
Sent: Monday, March 2, 2020 12:24 PM
To: Seeley, Matthew
Cc: Beaty, Julia; Leaning, Dustin Colson
Subject: Scoping comments Bluefish, Scup, Summer Flounder and Black Sea Bass

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

From: Squarespace <no-reply@squarespace.info>
Sent: Tuesday, January 28, 2020 1:58 PM
To: Seeley, Matthew
Subject: Form Submission - Bluefish Supplemental Scoping

Name: Arnold Ulrich

Email: kavester@aol.com

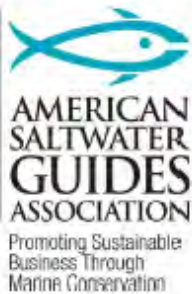
How would you describe your primary role in the fishery?: Recreational (private angler)

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

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

Comments: The proposed regulation changes for Bluefish (3-fish bag limit for private anglers and a 5-fish bag limit for charter and party boats) is not sensible in that the states would not be able to manage and enforce the regulation. It's just not realistic.

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



American Saltwater Guides Association

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

Dear Dr. Moore:

Peter Jenkins,
 Chairman

Board:

ME, Capt. Kyle Schaefer,
 Soul Fly Outfitters

NH, Capt. Peter,
 Whalen, Shoals Fly
 Fishing and Light Tackle

MA, Capt. Jamie, Boyle
 Boyermaker Charters

RI, Capt. Dave Monti, No
 Fluke Fishing

CT, Capt. Ian Devlin,
 Devlin Fishing

NY, Capt. Paul Dixon, To
 The Point Charters

NJ, Capt. Geno Quigley,
 Shore Catch Charters

DE, Tyler O'Neill,
 Norvise

VA, Capt. Chris
 Newsome, Bay Fly
 Fishing

NC, Capt. Tom Roller,
 Waterdog Guide Service

Washington, DC, Rich
 Farino, District Angling

Capt John McMurray,
 President

Tony Friedrich,
 VP/Policy Director

The American Saltwater Guides Association appreciates the opportunity to comment on the Bluefish Allocation and Rebuilding Amendment to the Bluefish Fishery Management Plan. This process provides us all the chance to recover the bluefish stock back to abundant levels. As you know, the fishery is dominated by the recreational sector and trends indicate that the species is a favorite of catch and release fishermen.

Issue 1: Fisheries Management Plan Goals and Objectives

We have only one comment on Issue 1. In goal two, the term "greatest availability" needs clarification. Recreational fishermen used to keep almost all bluefish. Today, they release a large majority. Furthermore, the recreational allocation for bluefish is set at 83%. This is a recreational fishery and must be managed as such.

Under these conditions, "greatest availability" should be maximizing opportunity for recreational anglers. That opportunity is increased with abundance. That abundance drives our business. The more fish in the water, the more trips will be taken. Bluefish need to be managed for abundance and that should be the definition of "greatest availability".

Issue 2: Recreational and Commercial Allocation

Prior to the recalibration of MRIP, the allocation discussion arose because managers saw that recreational anglers weren't using their portion of the quota. The preliminary plan was to look at shifting some of the quota to the commercial sector. Once MRIP was recalibrated and the full recreational effort was shown, this was no longer an issue. However, it is a real problem that the council viewed the trend of releasing fish as "not using their quota".

The economic impact of bluefish is not decreased by anglers choosing to release them. In fact, it is most likely increasing the value of the fish. Recreational anglers are not releasing fish so that commercial fisherman can harvest them. They are releasing them in the hopes of catching them again. Yet, they came close to losing allocation because they are being conservation minded.

For those of us that lived through the 80's and 90's, we saw the incredible waste from bluefish harvest. Large fish were frequently seen roasting in the sun on boats only to be thrown in dumpsters at the harbor. Is that a better use of the resources than catch and release? Does that drive the economy and sell plugs and lures for the tackle shops?



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Tony Friedrich,
 VP/Policy Director

This is a serious issue for all fisheries. Managers need to understand that catch and release is not a waste. It is actually a very responsible use of the resource. The Magnuson-Stevens Act lists catch and release fishing as a sound management practice for promoting fishing in the United States. Reallocation of bluefish to the commercial sector because recreational anglers are practicing catch and release goes against this federal law.

Issue 4: Quota Transfers

Please refer to our comments in Issue 2. The recreational sector is using their quota as they are choosing to release the fish. Taking quota away from recreational anglers for choosing to catch and release is the opposite of what managers should be doing.

Issue 5: Rebuilding Plan

We need to ensure that bluefish are rebuilt within ten years. The reductions for the 2020 season are appreciated.

Bluefish are widely dispersed and travel great distances. We need one uniform regulation for the entire fishery. We can not allow special concessions for one state. As per Magnuson-Stevens, the stock will do best when managed as a coastwide unit.

Consistent regulations will bring bluefish back in the shortest possible timeframe. That is what is best for all stakeholders up and down the coast.

Issue 6: Other Issues

We are seeing a dramatic decline in trips taken which can be directly correlated to lack of abundance. The same trend playing out in striped bass fishery. Abundance drives participation and that participation drives the economy.

As previously stated, this a recreational dominated fishery that is primarily catch and release. Bluefish are not highly prized as food but they are readily pursued by shore bound anglers for catch and release angling.



American Saltwater Guides Association

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 President

Tony Friedrich,
 VP/Policy Director

We have a rare opportunity to manage bluefish for abundance. This actually what the law directs us to do. MSA tells us to manage fisheries for the maximum benefit of the nation. The maximum benefit would be realized by having a well stratified population that represents all age classes and an abundant number of fish in the water to drive angler participation.

The council can achieve this goal by setting optimal yield well below maximum sustainable yield. This would not have a negative impact on commercial fisheries. As we have seen in the past, bluefish prices can fall substantially when the supply side is overwhelmed. By having a reasonable commercial limit, we are increasing the value of each individual fish. Lowering optimal yield would stabilize prices on the commercial side while benefiting the economy of the recreational side. The final issue that needs to be addressed is that commercial discards are ignored. Science tells us that the commercial fleet experiences discard mortality.

Since the quota is being lowered, we can expect commercial discards to rise. Incidental harvest will occur, and those fish will be dead discards as most of these fish are landed via gill nets. Ignoring the discards is not acceptable. We are trying to rebuild this stock and assigning a zero to that column is nothing more than inputting bad data. If we are truly interested in using the best available science, we need to account for dead fish.

We sincerely appreciate the opportunity to comment on this portion of the bluefish management process.

Respectfully,

Tony Friedrich

Tony Friedrich
 VP/Policy Director

From: o <bk1492@aol.com>
 Date: Sun, Feb 9, 2020 at 4:35 PM
 Subject: Fwd: PUBLIC comment ON FEDERAL REGISTER
 To: <nmfs.garbluefishamend@noaa.gov>, <INFORMATION@sierraclub.org>, <CONTACT@thedodo.com>, <SCOOPS@huffpost.com>, <INFO@godscreaturesministry.org>, <INFO@lohv.org>, <INFO@pewtrusts.org>

THE QUOTA FOR LAS TYEARS SHOUDL BE CUT BY 50% AND THAT SHOULD BE THE QUOTA FOR THE COMING PERIOD.

I SEE THAT YOU HAVE SCHEDULED ONE OR TWOHOUR MEETINGS ALL OVER THE SEABOARD WHICH IS COSTING TAXPAYERS HUGE SUMS IN TERMS OF HOTELS, MEALS AND TRAVEL COSTS.WHY NOT JUST CHANGE THIS TO AN INTERNET MEETING IN THOSE SITES AND ALLOW PUBLIC COMMENT. THIS INCESSANT UP AND DOWN THE COAST FOR A ONE HOUR MEETING THAT COSTS THE TAXPAYERS FOR MEALS, HOTELS AND TRAVEL IS INCESSANTLY COSTLY. WHENYOU SPEND SO MUCH, YOU TRY TOMAKE IT UP BY KILLING MORE FISH.I FIND THAT OFFENSIVE. LETS CUT THE COSTS AND MOVE THESE MEETINGS TO INTERNET MEETEINGS THAT ALL CAN JOIN. THIS COMMENT IS FOR THE PUBLIC RECORD. WE ARE IN 2020. HAVING MEETINGS IN 1935 STYLE DOESNT MAKE SENSE NOT HWNE IT COSTS SO MUCH FOR HOTELS, MEALS AND TRAVEL THESE DAYS.THIS COMMENTN IS FOR THE PUBLICRECORD. PLEASE RECEIPT. B KER BK1492@AOL.COM

From: Squarespace <no-reply@squarespace.info>
Sent: Friday, January 31, 2020 6:15 PM
To: Seeley, Matthew
Subject: Form Submission - Bluefish Supplemental Scoping

Name: barbara sachau

Email: bsachau@gmail.com

How would you describe your primary role in the fishery?: Other

Primary state(s) you land bluefish in::

Gear type(s) used::

Comments: quota to be caught should be zero. the fact is the takings are overfishing and sustainability has been lost. all those fish belong to every citizens of the usa, nnot to the profiteers. it is time to consider the allocation to all the citizens of this country and stop the overexploitation of this species of fish. we are sick of fish stocks being exploited. look at the cod. ut the quota to zero

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

From: Brian B <bassatnite@hotmail.com>
Sent: Tuesday, February 25, 2020 4:53 PM
To: Seeley, Matthew
Subject: Bluefish Scoping Comments

Hi Mr. Seeley,
Who or what is causing the population decline of bluefish? That's what should be addressed. I fish over 50 days from surf and boat per year, and caught none from the surf along Robert Moses beach, but did have about a dozen days from June thru August where I took 1 - 3 blues in the Great South Bay, avg 3-5lb. Many fisherman I know release blues. How much is taken commercially? The commercials are prone to misrepresent in order to make \$\$\$\$.

Sincerely,
Captain Brian Bishop
Bayshore, NY

From: Brian Marks <bkm072@gmail.com>
Sent: Wednesday, January 29, 2020 1:53 PM
To: Seeley, Matthew
Subject: bluefish

where are the bluefish?why no answer to that simple question. but to cut all size bluefish from15 to 3 is insane that is an 80% reduction we are down to a handful of party boats in sheepshead bay a few will close with these regs. see how many bait and marine fuel stores have also closed. so \$200 in gas \$100 in bait and now 3 snappers with the kids I guess you guys will be happy when we all give up and play golf. do you really care about the impact on the recreational sector? I read cuts cuts cuts but how about some answers on blues and fluke and why the amazing amount of pory seabags and sea robin. it would be better to make some constructive statements and facts and stop killing our fishery and sport. never hear about the big time commercial poachers. its easier going after the law abiding fisherman but honestly how many of those will be left????

From: Brian Marks <bkm072@gmail.com>
Sent: Saturday, February 29, 2020 8:47 AM
To: Seeley, Matthew
Subject: rec fisherman less bait stores hardly any marine fuel hardly any party boats left in sheepshead bay

continue your assault on us THAT WILL BE YOR LEGACY HOW ABOUT SOME COMMON SENSE. 15 blues to 3 real good for the poachers

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

Déar Dr. Móore:

I am taking this opportunity to comment on the *Bluefish Allocation and Rebuilding Amendment to the Bluefish Fishery Management Plan* (the "Amendment"). The Amendment process provides the Mid-Atlantic Fishery Management Council (the "Council") with an opportunity not only to rebuild the bluefish resource to a healthy level of abundance, but also to pioneer a new approach to the management of federal fisheries that are dominated by the recreational sector and include a significant catch-and-release component.

ISSUE 1: FMP GOALS AND OBJECTIVES

The goals and objectives of the Bluefish Fishery Management Plan (the "Management Plan") largely remain valid, although in two cases need to be tweaked to reflect the evolving nature of the fishery.

With respect to Goal 2, the language should make it clear that "greatest availability" refers to maximizing the abundance of fish that remain alive in the water, rather than maximizing landings.

Bluefish is primarily a recreational fishery. The Management Plan allocates 83 percent of bluefish landings to the recreational sector.¹ The recent operational stock assessment² (the "Operational Assessment") revealed that recreational fishermen have exceeded that allocation in almost every year since it was established in 1998, meaning that anglers are accounting for an even greater part of the landings than previously believed. However, despite such high landings, anglers choose to release far more bluefish than they retain. In 1985, bluefish anglers kept more than 80 percent of the fish that they caught, but by the turn of the century, catch-and-release dominated the fishery; nearly 65 percent of the bluefish caught between 2010 and 2019 were returned to the water.³

It is thus clear that anglers are more concerned with catching bluefish than with keeping them. That being the case, and given the fact that anglers dominate the bluefish fishery, this fishery goal should

¹ Mid-Atlantic Fishery Management Council, *Amendment 1 to the Bluefish Fishery Management Plan*, 1998, p. 5

² Northeast Fisheries Science Center, *Operational Assessment of the Black Sea Bass, Scup, Bluefish, and Monkfish Stocks, Updated through 2018*, 2019, p. 54.

³ Personal communication from the National Marine Fisheries Service, Fisheries Statistics Division, February 24, 2020.

define "greatest availability" as maximizing the abundance of fish, and thus angler encounters, as opposed to maximizing harvest.

II

With respect to Goal 5, the word "recruitment" should be deleted, as growth overfishing is undesirable in a predominantly recreational, catch-and-release fishery

Recruitment overfishing, which inevitably leads to a decline in stock abundance, is always unacceptable. However, growth overfishing, which sees the loss of the older, larger fish in a population, can be acceptable in a predominantly commercial fishery, if it allows larger annual harvests that do not exceed the maximum sustainable yield for the stock in question.

Recreational fisheries, and particularly recreational catch-and-release fisheries, are different. Most of the anglers participating in such fisheries are not seeking yield, but instead a quality fishing experience, with "quality" defined as frequent encounters with the target species, including occasional encounters with larger fish. Large bluefish are particularly prized for their hard fight, their willingness to attack artificial lures and, when the population is healthy, their availability to the shored-based anglers that constitute the single largest component of the fishery.

That being the case, avoiding recruitment overfishing is not enough. Growth overfishing should be prevented as well.

ISSUE 2: COMMERCIAL AND RECREATIONAL ALLOCATIONS

When this issue was originally raised, the Council believed that anglers did not land their entire annual allocation, and contemplated permanently reallocating some portion of the chronically unharvested recreational fish to the commercial sector. The Operational Assessment informed the Council that recreational landings were much higher than previously believed, and thus removed any justification for such reallocation. However, the original premise for a possible reallocation, that anglers didn't utilize the bluefish that they did not harvest, was false, and should be addressed in the Amendment.

Repeating a comment made in response to Issue 1, anglers release most of the bluefish that they catch. Most anglers fish for bluefish not so to kill them and utilize them as food, but because they enjoy catching and, at least in most cases, releasing them. Such fish are "utilized" by anglers when they are caught, fought and subsequently returned to the water; they do not have to be killed to be used. Furthermore, anglers return bluefish to the water in the hope that such fish will survive to be caught again, hopefully on multiple occasions. They do not release them solely so that they could be caught and killed by the commercial sector, pursuant to the reallocation contemplated by the initial scoping documents for the Amendment, that were released in 2018.

In fact, any such reallocation would tend to discourage anglers from releasing their fish, and encourage the sort of waste that was common prior to the 1990s, when anglers would keep most of the bluefish that they caught, then try, often unsuccessfully, to give them away upon returning to the dock. In those days, bluefish commonly ended up dumped in the bay, discarded in dockside dumpsters, or were used

to fertilize gardens. Recognizing catch and release as a legitimate use of the bluefish resource, and not as a justification for reallocating fish to the commercial sector, reinforces the goal of reducing waste in the fishery. It is also in accord with one of the explicitly stated purposes of the Magnuson-Stevens Fishery Conservation and Management Act⁴ ("Magnuson-Stevens") which is "to promote domestic commercial and recreational fishing under sound conservation and management principles, **including the promotion of catch and release programs** in recreational fishing. [emphasis added]"⁵ Reallocation of bluefish from the recreational to the commercial sector, because anglers chose to release rather than land some portion of their allocation, would thus be contrary to a stated purpose of Magnuson-Stevens.

ISSUE 5: REBUILDING PLAN

The Operational Assessment demonstrated that the bluefish stock is overfished, and thus triggered the need, pursuant to Magnuson-Stevens, to rebuild the stock. In doing so, there currently appears to be no biological reason why the stock cannot be rebuilt to the target within ten years, and there is no compelling biological, social or economic argument for compressing the rebuilding program into a shorter time period. Given that the bluefish fishery has different characteristics in different states, and even in different waters within the same state, a bag limit is probably the most equitable way to limit harvest. If a bag limit is not, in itself, adequate to constrain fishing mortality to a rate that would permit timely rebuilding, a size limit should be the next management measure considered, despite its impact on the so-called "snapper" fishery for young of the year bluefish.

Because bluefish is a species that engages in long coastwise migrations, and a single fish can potentially travel from New England into southeastern waters, the Council should seek to adopt a single, consistent approach to rebuild the stock. Such approach is consistent with National Standard 3, which directs, in part, that "To the extent practicable, an individual stock of fish shall be managed as a unit throughout its range."⁶ Permitting multiple management approaches, which would have disparate impacts on various components of the stock, would conflict with such National Standard.

ISSUE 6: OTHER ISSUES

Optimum yield should be set well below maximum sustainable yield, in order to maximize abundance, increase the number of older, larger fish in the population, and so maximize recreational opportunity

Magnuson-Stevens states that

The term "optimum," with respect to yield from a fishery, means the amount of fish which will provide the greatest overall benefit to the Nation, particularly with respect to food production and recreational opportunities, and taking into account the protection of marine ecosystems; is prescribed as such on the basis of maximum sustainable yield from the fishery, **as reduced** by any relevant economic, social, or ecological factor; and

⁴ 16 U.S.C. 1801 *et seq.*

⁵ 16 U.S.C. 1801(b)(3)

⁶ 16 U.S.C. 1851(a)(3)

in the case of an overfished fishery, provides for rebuilding at a level consistent with producing the maximum sustainable yield in such fishery. [emphasis added; internal numbering omitted]⁷

As noted earlier in these comments, a predominantly recreational fishery such as bluefish, where the majority of fish caught are released, should be managed for primarily for recreational opportunity, not food production. That is particularly true given the fact that, at least when bluefish are abundant, they command a relatively low market price,⁸ suggesting that they are not a highly prized food fish. And as noted earlier, recreational fishermen, especially those participating in a primarily catch and release fishery, are primarily motivated by the opportunity to encounter bluefish, and at least occasionally by the opportunity to encounter large bluefish, rather than by the opportunity to harvest bluefish. That is a “social factor” that fully justifies reducing the optimum yield from the bluefish fishery well below maximum sustainable yield, as the lower target fishing mortality rate associated with such optimum yield is more likely to increase both abundance and the number of older, larger fish in the population.

There are also “economic factors” militating in favor of setting the optimum yield well below maximum sustainable yield. Bluefish, as noted in the previous paragraph, do not command high market prices. And when fish are present in an area, anglers will be able to fill the current 3-fish bag limit (which will be dropped even lower in 2021 if anglers harvest appreciably more bluefish in 2020 than they did in 2018 and pound-for-pound paybacks are imposed, something that is arguably likely given that 2019 landings exceeded those of 2018 by nearly 20 percent⁹) with a relatively limited expenditure of time and effort. On the other hand, catch and release fishing can be conducted for a much longer period while having the same impact on fishing mortality. Using the currently accepted 15% release mortality rate,¹⁰ an angler who would have to catch and release 20 bluefish to cause the same level of fishing mortality as the angler who catches and retains only three; given the current level of bluefish abundance, catching and releasing 20 fish would probably require multiple trips, and a correspondingly high economic contribution.

Managing for abundance, with a lower optimum yield, would also have a positive economic impact because abundance tends to drive angling effort. While the overall trend in directed bluefish trips has only been mildly negative in the period 2010-2019, with trips peaking at slightly under 7.9 million in 2012 and slowly declining to slightly over 5.4 million in 2019 (up from a time series low of 4.3 million the year before), it is far more marked in some regions and some sectors of the recreational fishery. In the North Atlantic, directed bluefish trips have steadily declined from 2.27 million in 2010 to just 0.84 million in 2019, presumably because the bluefish range is contracting in response to decreasing

⁷ 16 U.S.C. 1802(33)

⁸ See Mid-Atlantic Fishery Management Council, “Bluefish Fishery Performance Report,” June 2018, p. 3, which indicates that bluefish prices fell as low as \$0.20 to 0.25 per pound in New York when large fish were seasonally abundant, but rose to \$0.50 to \$0.60 per pound later in the year; but see Mid-Atlantic Fishery Management Council, “Bluefish Fishery Performance Report,” August 2019, which saw scarcity cause New York prices to rise as high as \$0.70 to \$0.90 per pound, and New Jersey and Virginia prices to rise as high as \$1.75 per pound.

⁹ Personal communication from the National Marine Fisheries Service, Fisheries Statistics Division, February 23, 2020.

¹⁰ Mid-Atlantic Fishery Management Council, “Bluefish Monitoring Committee Meeting Summary,” September 18, 2019, p. 2.

abundance. But the most dramatic decline in effort came in the party boat fishery, which saw anglers take over 100,000 directed trips as recently as 2014, when party boat effort peaked, and then quickly exit the fishery as abundance declined, taking less than 7,300 trips in 2018 and 6,200 in 2019, a 94 percent reduction in effort over only six years.¹¹ Given that more angling trips generate more economic activity, reducing optimum yield well below maximum sustainable yield would certainly be justified as a result of economic factors.

ii

The Council should revisit its estimates of commercial and recreational discards

When the Council set bluefish specifications at its October 2019 meeting, it assumed that there were no discards in the commercial bluefish fishery,¹² and that discard mortality in the recreational fishery would be 4.03 million pounds.¹³ There is good reason to believe that both assumptions are inaccurate.

At least half of the commercial bluefish landings can be attributed to the gill net fishery; another 9 percent is taken in trawls,¹⁴ gear types that can lead to high levels of discard mortality. When such gear types are combined with the trip limits in place in many states,¹⁵ discard mortality is inevitable. The most recent benchmark stock assessment chose to disregard such discard mortality, which it estimated as ranging between 1.5 and 10.7 percent of landings in any given year, believing that “commercial discards are minimal relative to landings and their use would likely introduce more error than they would resolve.”¹⁶ However, given the sharply reduced 2020 bluefish quota, there is a substantial likelihood that the level of commercial discards will increase, both relative to landings and in absolute terms. Thus, it would be prudent to obtain more precise estimates of such discards, and include such improved estimates in future management documents.

Recreational discard mortality is also likely higher than the 4.03 million pound estimate used to calculate the 2020-2021 recreational specifications. As noted by the Bluefish Monitoring Committee (the “Monitoring Committee”), the 4.03 million pound estimate “does not fully capture what is occurring in the recreational fishery because length frequency data suggests that most anglers keep smaller bluefish and release larger bluefish.” In response to that issue, the Monitoring Committee recommended that a 9.90 million pound recreational discard estimate be used to calculate the recreational harvest limit for

¹¹ *Ibid.*

¹² Mid-Atlantic Fishery Management Council, “Bluefish Monitoring Committee Meeting Summary,” September 18, 2019, p. 5

¹³ Mid-Atlantic Fishery Management Council, Memorandum from Matthew Seeley to Dr. Chris Moore, Executive Director, “2020-2021 Bluefish Recreational Management Measures,” November 1, 2019, p. 2

¹⁴ Mid-Atlantic Fishery Management Council, *Supplemental Scoping and Public Information Document, Bluefish Allocation and Rebuilding Amendment to the Bluefish Fishery Management Plan*, December 2019, p. 15


¹⁵ See, e.g., New York State Department of Environmental Conservation, “Bluefish Quota Distribution Plan,” February 2020, available at <https://www.dec.ny.gov/outdoor/26823.html>; Massachusetts Division of Marine Fisheries, “Commercial Finfish Regulations,” January 30, 2020, available at <https://www.mass.gov/service-details/commercial-fish-regulations>; Rhode Island Department of Environmental Management, “Marine Fisheries Minimum Sizes & Possession Limits,” available at <http://www.dem.ri.gov/programs/marine-fisheries/mfsizes.php>

¹⁶ Northeast Fisheries Science Center, *60th Northeast Regional Stock Assessment Workshop (60th SAW) Assessment Report*, 2015, p. 354

2020 and 2021.¹⁷ Such recommendation was rejected by the Council, with various Council members questioning the data on which the 9.90 million pound estimate was based; surprisingly, not a single recreational member rose to support the Monitoring Committee's basic premise, that anglers tend to keep smaller bluefish and release the larger ones, as such behavior is very typical among recreational fishermen. Many anglers don't keep any bluefish at all, believing that their flesh is too oily and strong-tasting; the majority of anglers who do keep bluefish prefer smaller individuals which are less dependent on menhaden and similar forage species, and thus have a more mild taste, and release the larger, stronger-tasting individuals. That being the case, the Council's finding that the size of the fish released parallels the size of the bluefish retained by anglers will lead to a very significant underestimate of release mortality, has the potential to hamper rebuilding, and should thus be revisited.

Thank you for considering my views on this matter.

Sincerely,



Charles B. Witek, III

From: Squarespace <no-reply@squarespace.info>
Sent: Tuesday, March 17, 2020 11:57 AM
To: Seeley, Matthew
Subject: Form Submission - Bluefish Supplemental Scoping

Name: Chris Dollar

Email: cdollar@cdollaroutdoors.com

How would you describe your primary role in the fishery?: Recreational (for-hire)

Primary state(s) you land bluefish in:: Maryland, Virginia

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

Comments: Council and ASMFC members,

As a fishing guide and outfitter, Bluefish Fishery Management Plan should be as conservative as possible to leave in the water as many bluefish as possible to ensure the stock rebounds adequately.

Regards,

Capt. Chris D. Dollar

CD Outdoors

(410) 991-8468

cdollar@cdollaroutdoors.com

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

From: Chris Nastasi <cnastasi33@verizon.net>
Sent: Tuesday, March 17, 2020 5:01 PM
To: Seeley, Matthew
Subject: New blue fish regulations

Once again fisheries management has found a way to screw the little guy. If you can't afford to go on a pay for hire boat you can only keep 3 fish. If you can't afford your own boat it is very difficult to catch three Bluefish unless they are of the snapper size. Tell me what good are three Snapper Bluefish going to do for an individual who would like to eat a meal? Why is someone who pays to go on a boat or can afford to own his own boat like myself more privileged then those who can't?

As a private boat owner I spend a lot of money supporting businesses between my purchase of boat and fishing equipment gasoline Bait and Tackle food Etc why am I penalized because I'm not paying to go on a party or Charter boat? Your regulations are poor make them even for all at 5 Fish per person!

For the record I want it to be known I am against the current proposed regulations.

Bluefish Scoping Comments

March 10, 2020

To whom it may concern,

I am writing to provide comment for the Scoping Document of the "Bluefish Allocation and Rebuilding Amendment to the Fishery Management Plan. These comments are all my own opinion.

I am a recreational fisherman who lives in Maine. I have been fishing for striped bass and just about every other saltwater species that we get here for over 20 years. The fishing for bluefish over the past few years has been extremely poor. I was glad to hear of the new coast wide regulations in both State and Federal waters that set the bag limits at 3 fish/person and 5/charter boat for the recreational fisherman. Hopefully in a few years this will lead to improved fishing here in Maine. With that said I hope these measures stay put for at least 3-5 years in order to give them a chance to work. I know there will be many fishing interests who will want to increase these limits.

On Issue 1, I think the Goals and Objectives are good although I do think there needs to be more scientific research into understanding the stock of this fishery. I am thinking about this with regards to fishing here in Maine. It has long been known that the fishing here for bluefish can be very variable from year to year. Many thought it was tied to the presence of menhaden, which can also be highly variable here. But for the past 3 years we have had large amounts of menhaden here and virtually no bluefish. Obviously overfishing is a cause of the lack of bluefish here but are there other factors that drive the fishing cycles? Are the fish we catch here in Maine really the same fish they catch in Florida?

On Issues 2-4 I don't have a strong opinion, but I would just like to make sure that with whatever the allocations the recreational sector gets a fair share.

On Issue 5, the Rebuilding Plan. Hopefully, as is stated in the Scoping Document, the fast growth rates of bluefish will lead to a quick recovery of the stock. As I have said I am happy with the new restrictions for the recreational fisherman and I hope they are in place for a little while to see if they can make a difference. Also, the proportionate restrictions for the

commercial sector are important. With that being said I hope the stock is closely monitored and if it does continue to decline more restrictive measures are put in place.

On Issue 6, Other Issues, there are a couple of things to keep in mind. First, there is a lot of talk in the Scoping Document about changes in the geographic range of bluefish. This may be true, but I think it is important to keep in mind that there has been overfishing of bluefish for almost every year in the time series of this document! So, when it comes to State to State Allocations and changes in the geographical range it is going to be difficult to make an accurate choice.

On Management uncertainty I would like to comment as well. As you show in the Scoping Document there is a considerable difference between the New and Old MRIP estimates. I have seen that this is true when looking at other species as well. Maybe it would be worthwhile to reexamine the New MRIP estimation to see if the values are as high as they claim. Regardless, if you look at either method, they both show the recreational bluefish harvest to be the lowest in the time series.

Thank you for allowing me the chance to give my input for this process.

Chris Uranek

Freeport, ME

From: Squarespace <no-reply@squarespace.info>
Sent: Wednesday, February 5, 2020 12:43 PM
To: Seeley, Matthew
Subject: Form Submission - Bluefish Supplemental Scoping

Name: Chris Yoda

Email: cyoda6@gmail.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 past and current management plans have let down this species to the highest degree. There are little to no more bluefish in my area. Drastic and long term changes need to be implemented to save what is left of this once prolific species. Shame on fisheries management

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

From: Squarespace <no-reply@squarespace.info>
Sent: Friday, January 31, 2020 5:34 PM
To: Beaty, Julia <jbeaty@mafmc.org>
Subject: Form Submission - SFSBSB Allocation Amendment Scoping

Name: Chuong Ngo

Email: ChuongNJ@yahoo.com

Check all that apply: Private Recreational Angler

: Bluefish deduction

Comments: I have question:

How the the bluefish data was collected?

How we know these data was corrected, what is error percent rate on these data?

I data was present look very nice on the chart.

I went out fish bluefish very year, I can see one year had more and another has less. it was not less and less year by year.

I don't see math to used for reduction will help the bluefish improve.

1

My suggestion is size limit should be enforce, this will give time for the fish to grow. because I saw a lot of people fishing small fish.

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

From: Corey Gammill <cmgammill@gmail.com>
Sent: Tuesday, February 11, 2020 9:58 PM
To: Seeley, Matthew
Subject: "Bluefish Scoping Comments"

To Whom it may concern:

I am commenting on the Bluefish Stock status seeing as I will be unable to make the scoping meeting at mass maritime on the evening of February 13th.

Like many I am incredibly concerned with the status of the bluefish stocks. It is no secret that the two main species in our fishery are Stripers and Blues and we are seeing both on a decline. I am personally frustrated that we are managing by looking in the rearview mirror rather than try and be proactive and adjusting on what the future looks like. We have enough data and information that we should be able to make reasonable assumptions about the future. Instead we wait until both stocks are "overfished" to manage rather than to watch their trajectories. As a professional fishermen, this has been coming at us for the last five years, yet we are only making changes now...

That said, I do understand that the DMF and ASMFC only have certain tools in their toolbox to manage both fisheries including min/max size and bag limits. Unfortunately what we hear very little about is the vertical role of these fish in the ecosystem. There is no doubt that the main bait source in the NorthEast for both fish are over pressured. Herring and squid which are two of the prime baits for both fish. Herring has been recognized as being on the decline and has been mismanaged. As for squid, I understand coastwise squid stocks are fine, but localized depletion is taking place in Mass. We see this as most of the fishing for longfin squid in the middle trimester is taking place just south of Nantucket and the vineyard so much of these bait are not getting through to the bass and blues, thus the fish are waiting for bait that isn't coming. These commercial squid boats 10 years ago never fished off of Nantucket and their predominance over the last 10 years have severely affected the bait off the cape and islands which is a key piece of the puzzle for these fish.

Over the last 10 years we have also seen a large increase in competition for the bait that does exist. Competition exists not just amongst bass/blues, but also with the rise in the seal population. Fishermen are talking about it, but No government official is willing to recognize the impact that the seal population is having on bait.

Everything I am hearing for a "solution" is lowering bag limits. This is too easy an answer that will again have us looking in the rearview mirror in two years. I have no data to prove my theory, but I doubt less than 5% of recreational fishermen are keeping their bag limit let alone the new proposed limits of 3 or 4 fish and most of those keeping the limit are for hire guys who are keeping the bag limit to make the dock look good. So why is adjusting the bag limit a potential solution if it does not change anything. One of the common trends stated in the data being collected is that average size of fish are decreasing. For starters, lets create a minimum size so small fish can get to reproduction age, just as we are doing with Striped Bass. We should also have a maximum size, so the large fish can reproduce safely.

So here is a summary of how we should be looking to solve the problem from one fishermen's opinion:

- Minimum/max size, just like Striped Bass
- Adjust the bag limit to 1 fish per person per day. Get ahead of this problem, don't chase it.
- Look very closely at the role that seals are playing in consuming bait that the bluefish want.
- Be thoughtful about protecting bait at its source. Squid for example reproduce south of Nantucket and historically the squiddos are the prime food for blues through July/August. The destruction of the squid mops

and reproduction grounds have ruined our squiddo population and the same areas that 7-15 years ago produced bluefish all summer long are now barren.

- Even though I am a "for hire" fishermen, I do believe in most cases the recreational guys are the issue and both commercial and rec guys should bear the burden for solving this problem and one is not the problem, but both need to make adjustments. The one problem I do have with the commercial world is that we still have one gill netter in Mass who can kill 5000lbs a day. If we are going to begin to solve this problem, lets eliminate this piece as that gill netter alone was responsible for a up to one half of all commercial fish caught. This seems like a simple solution. Why should one person get to make a living using an archaic method that has only one person allowed to do it in the state, while the rest of us struggle on a daily basis.

My name is Corey Gammill and I make my living working on the water. I spend 140 days on the water every year and I have for the last 20 years. I fish the waters around Nantucket and south of the vineyard and east of the cape. My log books can tell it all. We have less bait than we used to, we have less fish (blues/bass) than we used to, and the fish we do have are smaller and we have more big predators(seals/sharks) than ever before. Small adaptations in bag limits will not be enough, we must looking at the vertical nature of our ecosystem and make some big changes.

My only last small question/comment is why does Stripers use a 9% dead discard rate assumption and bluefish use a 15% dead discard rate assumption?

Capt. Corey Gammill

203-962-8867

cmqammill@gmail.com

Owner: Bill Fisher Outfitters www.billfisheroutfitters.com,

Owner: Bill Fisher Tackle www.billfishertackle.com

Director of Fishing: Great Harbor Yacht Club

Twitter: @billfishers

Directions to Madaket Marine: <http://billfisheroutfitters.com/pricing-info>

Weather and Cancelation Policy: All Weather related cancelations are determined by the Captain. The season is short and we try to take every opportunity to fish, so please plan accordingly. If changes in your schedule come up you can cancel up to 7 days off. Inside 7 days if we can rebook the trip we will happily oblige. And please remember as we tell our kids all the time, *see your commitments through....*

From: Squarespace <no-reply@squarespace.info>
Sent: Monday, February 10, 2020 4:42 PM
To: Seeley, Matthew
Subject: Form Submission - Bluefish Supplemental Scoping

Name: Craig Shultz

Email: Snipershultz70@GMAIL.com

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

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

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

Comments: If they change the blue fish limit I will not be renting for 2 to 4 weeks in Ocean City N.J.as I have done for the past 20 years. The landlords and the shore towns will suffer. Cut out the commercial guys like Fl. did. Cast nets only!

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

From: Squarespace <no-reply@squarespace.info>
Sent: Tuesday, February 4, 2020 7:20 AM
To: Seeley, Matthew
Subject: Form Submission - Bluefish Supplemental Scoping

Name: Dan Sheehan

Email: ds6051@yahoo.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 limit reductions being proposed are very drastic and should make some differentiation between the charter business and the individual angler. They keep more of the catch on the charter boats than off the beach or on private boats.

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

From: Squarespace <no-reply@squarespace.info>
Sent: Friday, January 31, 2020 11:29 PM
To: Seeley, Matthew
Subject: Form Submission - Bluefish Supplemental Scoping

Name: Daniel Wwhitcraft

Email: wildboar201267@yahoo.com

How would you describe your primary role in the fishery?: Recreational (for-hire)

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

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

Comments: I don't that's fair the Jersey to cut back on the bluefish limit there's so many bluefish out there they should cancel that bill on bluefish limits noway

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

----- Forwarded message -----

From: David Dow <ddow420@comcast.net>
 Date: Tue, Mar 10, 2020 at 4:08 PM
 Subject: Bluefish Scoping Comments
 To: <nmfs.garbluefishamend@noaa.gov>
 Cc: David Dow <ddow420@comcast.net>, Peter deFur <pldefur@gmail.com>, Judith Weis <jweis@newark.rutgers.edu>, Leslie Kaufman <lesk@bu.edu>, Wes Pratt <pratt.wes@gmail.com>, <cmoore@mafmc.org>, <rbeal@asmfc.org>

I am a retired marine scientist from the Northeast Fisheries Science Center in Woods Hole, Ma. and grassroots environmentalist living on Cape Cod, Ma. I participated in the March 4 online scoping webinar for the Bluefish FMP which left something to be desired (since no information was provided on the underlying stock assessment which provided the basis for developing the recovery plan for overfishing by saltwater anglers).

I was the Recreational Fisheries Coordinator in the Northeast for a number of years and attended the SAW/SARC (Stock Assessment Workshop/Stock Assessment Review Committee) assessment for recreational managed species. I also visited with a number of recreational fishing organizations in the Northeast where I was often asked how catch and release of Atlantic striped bass by saltwater anglers killed more fish than direct harvesting/bycatch by the commercial fishing sector (large differences in fishing effort coupled with 10% catch and release mortality). A number of the constituent commenters on the March 4 webinar brought up concerns on discard mortality for bluefish, so I would suggest better outreach on this topic.

In more recent times the "natural mortality" is a larger fraction of the total mortality than in the past due to combination of: warming waters and increased ocean acidity; eutrophication; hypoxia; competing human uses of the ocean (ocean wind farms; US Naval training; oil/gas seismic surveys; increased ocean noise; etc.). The shifting ocean baseline; changes in the marine food chain (shifts in prey species and their predators in space/time) and reduced "productive capacity of Essential Fish Habitat" has altered catches of species harvested by both the commercial and recreational sectors in state/federal jurisdictional waters.

I participated in the EMaX (Energy Modeling and Analysis Exercise) Carbon budget project for the Northeast Continental Shelf Ecosystem. The EMaX project showed the there was a disconnect between primary production at the base of the food chain and the yield of Living Marine Resources at the top. In addition, as fish species and their prey shift in space and time due to warming inshore waters; increased ocean acidity; eutrophication; hypoxia; etc., the predation and competition interactions at the top of the food chain have

changed. Thus the yield of bluefish may be diminished by both fishing and natural mortality and shifts in the productive capacity of Essential Fish Habitat. Thus some scientists and ENGOs favor transition to an adaptive, ecosystem-based management approach to include these changes in the traditional fisheries management approach.

I don't know whether the MAFMC, ASMFC and NOAA Fisheries GARFO are considering a, EbM approaches to supplement the traditional SAW/SARC assessment for quotas; overfished and overfishing reference points; developing realistic recovery plans, etc. In addition, there is consideration of "sustainable fishing" approaches which include: ecological; socioeconomic; cultural and institutional indicators of successful recreational and commercial fishing. See the attached Addendum for the Sierra Club approach to these challenges (Sustainable Fisheries Policy and Adaptive Management graphic)

The changes in the MRIP and its effects on changing the status of the recreational fishing harvest illustrates the need to convert scientific studies and monitoring into the management process for bluefish (since this plan has taken a number of years and won't be completed until 2021) in a timely/more efficient fashion. There is a need to coordinate fisheries management (ASMFC; MAFMC; NOAA Fisheries GARFO) with regional ocean management plans which try to balance compatible human uses with the protection of wild places, wild things. The Massachusetts Ocean Management Plan (MOMP) pushes for offshore wind farms, but ignores fisheries management and human activities in coastal watersheds ("N" enrichment; contaminants of emerging concern; ocean outfalls from wastewater treatment plants; disposal of dredge spoils & barrels of toxic chemicals; etc.). The Northeast Regional Ocean Plan has databases for habitats and the associated marine species.

Thanks for your consideration of these comments.

Dr. David D. Dow
East Falmouth, Ma.

Addendum:

From: **David Dow** ddow420@comcast.net
Subject: **Ma. Chapter Comment on OHA 2 DEIS Attachment**
Date: **December 13, 2014 at 2:57 AM**
To: **David Dow** ddow420@comcast.net

* Sierra Club Sustainable Fisheries Policy

Sierra Club Conservation Policies

Policy on Sustainable Marine Fisheries

Fish are a vital ecological, economic, and food resource, but many species are in decline because of habitat loss, pollution, over fishing, and bycatch¹. Fisheries management is hampered by incomplete knowledge of fish life cycles, complex ecosystem relationships, population size, natural population fluctuations, and the adverse effects of habitat loss and pollution. Current commercial and recreational fishery practices have contributed to changes in the biological composition of marine ecosystems. Long-term ecological health and sustainability of aquatic biodiversity must take precedence over short-term economic considerations.

All parties, commercial and recreational fishers, consumers, environmental groups, governmental regulators, and the general public, must move towards a policy of recovering depleted fisheries stocks and developing a sustainable fishery management regime.

The Sierra Club therefore urges the state and federal agencies responsible for fisheries management to:

1. Adopt the precautionary principle to protect the biodiversity and integrity of the coastal and ocean ecosystems;
2. Move from managing fisheries on a species or species complex basis to an ecosystem approach which would include addressing: (a) the impacts of fishing on non-target species (sea turtles, marine mammals, sea birds); (b) changes in biodiversity of the marine food web as a consequence of harvesting fish; (c) impacts of land-based pollution from all sources and habitat loss/degradation from physical human activities in estuarine, nearshore, and offshore areas; and (d) population structure of target fish species and composition fish communities to avoid fishing down the food chain from larger predator species to smaller species lower in the chain.
3. Invest in coordinated and expanded research on habitat, fishing and natural fish mortality, climate change, threats posed by biotoxins, bacteria, and viruses, and development of less destructive fishing gear and techniques;
4. Designate and utilize no-take reserves, time and area closures, and restrictions on fishing effort for protection of breeding, spawning, and nursery areas for fish.
5. Develop better coordination of fisheries management across jurisdictional boundaries;


6. Establish and implement programs and policies that effectively reduce habitat degradation by physical disruption and land based pollution sources;
7. Eliminate government subsidies that support unsustainable fishing operations;
8. Provide financial aid only for retiring fishing vessels and gear, and for retraining displaced fishermen for new employment opportunities. Support economic incentives to promote the use of gear or fishing operations that are shown to be less damaging to habitats and ecosystems.
9. Provide greater opportunity for non-commercial fishing constituents, representatives of environmental and consumer groups, and private citizens interested in our public fisheries resources to participate in fishery commissions, councils, and advisory panels that recommend or set fisheries public policy.

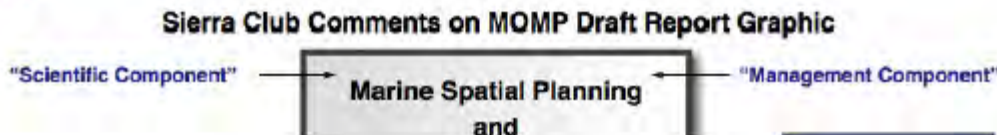
Definitions:

1. Bycatch - Bycatch is the indiscriminate catching of fish and other marine life other than those a fishing vessel intends to capture. This includes fish that are not the target species, sex, size, or quality. It also includes many other fish and marine life that have no economic value, but are ecologically important, such as starfish, sponges, and skates. Primarily, bycatch results from fishing practices and gear that are not selective. In addition to visible mortality, fish and other sea life are sometimes killed or injured when passing through or escaping fishing gear, and through ghost fishing from abandoned or lost gear.
2. Precautionary Principle - Precaution involves acting in advance to avoid or minimize negative impacts, which implies, in environmental management, that in the face of scientific uncertainty on cause and effects relationships accompanying the potential impacts that the benefit of the doubt is given to the conservation of natural resources and the maintenance of biodiversity.

*Board of Directors, September 20-21, 2002
Agenda #B3b, Consent Agenda*

* Adaptive, Ecosystems Based Management Graphic from MOMP Comments (developed by Dave Raney and myself)

 2. Sierra Club MOMP Adaptive Management Graphic





Definitions and Flow-Chart Description - Marine Spatial Planning Process

Ecosystem Status Report: describes existing state of marine biota (distribution and abundance in time and space) and their associated habitats, plus the key environmental processes that support these components

Human Usage Report: describes the spatial distribution and socioeconomic outcomes associated with fishing, sediment dredging, aquaculture, proposed renewable energy projects, marine transportation lanes, recreational activities, etc.

Conceptual Model (options): risk analysis; vulnerability analysis; scenario techniques; complex adaptive approaches.

Modeling/Marine Spatial Databases: NEFSC Bottom Trawl and Food Habits ; Nature Conservancy

Marine Ecoregional Assessments (MERA); U.S. Geological Survey Seabed Sediment mapping; Massachusetts Ocean Management Plan human uses (fishing, recreation, marine transportation, beach renourishment), SSUs habitats/marine life (special, sensitive and unique) and EVI (Ecological Valuation Index); potential wind energy maps; etc.

Monitoring Program: Site specific (project proponent) and regional context (MMS; Massa.state agencies) for physical, chemical, geological and biological components specified in permits or government work plan.

Siting Criteria/Performance Measures/Indicators: changes in distribution/abundance of key fish,

marine mammal, seabird/shorebird species; biomass spectra of marine food chain; benthic/epibenthic indicator species; sustainability indicators; socioeconomic direct/indirect/induced benefits (multiplier ratio); changes in human usage patterns; etc.

Science Advisory Committee: MOMP Ocean Science Advisory Committee
Management Options:

- **Mitigation** - measures taken to reduce the pace and magnitude of climate change (increased energy use efficiency; planting more forests; increased use of renewable energy sources to produce "green electricity)
- **Adaptation** - Measures taken to reduce adverse impacts associated with climate disruption (shoreline retreat for human structures; rebuild beaches, dunes and salt marsh buffers; etc.)
- *i.e. mitigation is designed to avoid unmanageable climate change, while adaptation addresses climate change effects that are unavoidable (See "Avoiding the unmanageable and managing the unavoidable" study by U.N. Scientific Expert Panel on Climate Change)*

Resilience: For socioecological systems refers to its ability to absorb a shock and maintain its basic capacity to function/maintain critical structural components (Boston Globe article on financial complexity and the inability to estimate systemic risk which lead to cascading effects/economic meltdown).

Community Advisory Committee: MOMP Ocean Advisory Council and MMS State Stakeholder Groups (federal, state, local and tribal representatives).

Constituent Outreach: those of us looking for community benefits and meaningful input on planning/implementation process for small scale community wind farms in state waters and large scale projects within the EEZ (reactive versus proactive involvement

From: Squarespace <no-reply@squarespace.info>
Sent: Monday, February 10, 2020 1:19 PM
To: Seeley, Matthew
Subject: Form Submission - Bluefish Supplemental Scoping

Name: Dean Kenny

Email: ddkenny311@aol.com

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

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

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

Comments: Make 5 and 5 people are going to start selling their boats and then the jersey shore will be screwed. Bring back winter flounder to

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

From: Squarespace <no-reply@squarespace.info>
Sent: Tuesday, January 21, 2020 10:20 PM
To: Seeley, Matthew
Subject: Form Submission - Bluefish Supplemental Scoping

Name: Dean Pesante

Email: dpesante@cox.net

How would you describe your primary role in the fishery?: Commercial

Primary state(s) you land bluefish in:: Rhode Island

Gear type(s) used:: Gillnet

Comments: To the Bluefish Scoping committee. My name is Dean Pesante owner and operator of the F/V Oceana based out of Point Judith Rhode Island. I have been deeply involved in the Bluefish fishery since 1991. The two suggestions I would make for this process would be 1) Increase the minimum size in the north to 18" and to the south 16'. For both commercial and recreational fisheries. The studies that have been done show that at these sizes Bluefish are 100% sexually mature and 100% spawning can occur. There is no reason to harvest a fish before it has the opportunity to reproduce. This would assure future recruitment and a healthy stock. 2) Based on landings over the past 10 years there is a obvious shift of Bluefish to the North. Therefore the percentage of the coast wide quota to individual states should be adjusted to accommodate this trend. Bluefish has been a healthy fishery here in Rhode Island for a long time and continues to be currently. Many of the Fishermen here rely on this fishery. Hopefully these suggestions will be helpful moving forward during this process. Sincerely, Dean Pesante

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

From: Squarespace <no-reply@squarespace.info>
Sent: Friday, February 28, 2020 8:14 PM
To: Seeley, Matthew
Subject: Form Submission - Bluefish Supplemental Scoping

Name: Dean Pesante

Email: dpesante@cox.net

How would you describe your primary role in the fishery?: Commercial

Primary state(s) you land bluefish in:: Rhode Island

Gear type(s) used:: Gillnet

Comments: My Name is Dean Pesante. Owner / operator of the F/V Oceana a inshore Gill-net vessel based out of Point Judith Rhode Island. We have been fishing for Bluefish since 1991. It is our primary fishery. There is no problem with the Bluefish stocks here in Rhode Island. There are plenty of fish. Our biggest problem is getting enough quota to cover our landings. We have been getting quota transfers from the southern states on a regular basis. It is obvious that the trend for Bluefish has been a move to the North. The southern states are not coming close to their quota and we keep going over. Having to ask for transfer quota. So I would recommend reallocation of quota from south to north to change with the times. Also I think it is VERY important to raise the minimum size to allow Bluefish to reproduce. The science shows a 18" fish to the north and a 16" fish to the south will be 100% sexually mature. Small immature fish should not be allowed to be taken. This should apply to BOTH commercial and recreational. Finally the the percentage of quota between commercial and recreational should be changed to adjust to accommodate the demand for Bluefish in the market place. Bluefish has become a very popular food fish. The general public should not be denied the opportunity to buy Bluefish. The increase in demand has greatly increased the value. Not only making it more important to the public but also to the commercial fisherman and woman harvesting them. There fore I would recommend a much higher parentage of the quota allocated to the commercial fisheries. 40% commercial 60% recreational. This is not unreasonable. Fish is food, their not toys. The public should not be denied this source of protein.

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

From: Squarespace <no-reply@squarespace.info>
Sent: Wednesday, March 11, 2020 7:52 PM
To: Seeley, Matthew
Subject: Form Submission - Bluefish Supplemental Scoping

Name: Dean Pesante

Email: dpesante@cox.net

How would you describe your primary role in the fishery?: Commercial

Primary state(s) you land bluefish in:: Rhode Island

Gear type(s) used:: Gillnet

Comments: Bluefish is a important food fish. More people are eating Bluefish now then ever before. Bluefish is the east coast salmon. The general public should not be denied the opportunity to have access to this incredible source of protein. The only way Bluefish will be made available to the general public in the market place is to adjust the percentage of quota between commercial and recreational fisheries. I would propose a 50/50 split between commercial and recreational fisheries. The public should not be denied this important source of protein. FISH IS FOOD. NOT TOYS.
Sincerely, Dean Pesante F/V Oceana

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

DIRECTED SUSTAINABLE FISHERIES, INC. A SALTWATER FISHERIES CONSULTING COMPANY

17 March 2020

Bluefish Allocation and Rebuilding Amendment to the Bluefish Fishery Management Plan
Scoping and Public Information Document
Mid-Atlantic Fishery Management Council (MAFMC)
Atlantic States Marine Fisheries Commission (ASMFC)

Re: Bluefish Allocation and Rebuilding Amendment Scoping Comments

To: Matthew Seeley, mseeley@mafmc.org

To: Dustin Leaning, dleaning@asmfc.org

Directed Sustainable Fisheries (DSF) clients depend on catching Bluefish from Florida state and federal waters for decades to provide seafood sales for the non-boating consumers. Also, the Florida recreational fishing sector land Bluefish during for-hire trips, or privately for personal consumption. DSF commercial client Seafood Atlantic from Port Canaveral, FL is in support of "Status Quo" for allocation percentages with a continued transfer of unused quotas as needed.

The MAFMC/ASMFC proposed reallocation of acceptable catch limits from commercial entities who have regularly reported their landings is fiscally harmful to the seafood industry. This is because "estimated catches" are being used from inflated populations of the recreational fishing sectors depending on Marine Recreational Information Program (MRIP) data produced under new circumstances. Many for-hire captains, commercial entities and State managers including then Florida Fish & Wildlife Commission (FL FWC) as evidenced by the attached three letters from FL FWC who do not believe the astronomically high landings. The MRIP results are not reliable and the damage to the commercial seafood industry and the for-hire fleets will be financially harmful if not fixed.

The DSF position for status quo is defensive to fix a bad MRIP estimated choice for the Bluefish scoping effort by MAFMC and ASMFC that began before the MRIP calibration results had become public during July 2018. The Bluefish MRIP calibration changes were not included in the 2018 Bluefish scoping document alternatives. When the 2019 Operational Assessment used the new MRIP catch increases for the period 1981 to 2017, there was concern with that action, and the inflated results.

A Full Benchmark Assessment should have taken place instead of depending on an Operational Assessment result to suddenly use revised MRIP data as compared to past estimated totals by the National Marine Fisheries Service's science. The FL FWC during 2019 noted their concern with quotes such as copied below from the three attached documents;

The magnitude of differences in new catch estimates generated from FES compared to those generated from the CHTS and some observations that we have made in Florida make us question the accuracy of these estimates. Some of these observations include:

- *Different independent surveys conducted by Gulf states consistently generate substantially lower estimates of effort and catch than those generated from the FES.*

For the period 2000-2017, the estimates from the FES indicate that statewide trips are 2.8 to 3.9 times higher than previous estimates. This dramatic difference in fishing effort results in estimates of harvest that are far greater than what we had been managing for previously. For example, the new statewide estimate of the harvest of red snapper is double what it was for the old estimates. For inshore species, such as common snook, harvest estimates are more than triple those calculated previously.

In summary, we believe that there is ample evidence that the FES may be over-estimating fishing effort. We also believe that there should be a thorough analysis of the effect of these estimates on stock status and allocation before they are used for management of our fish stocks. Utilization of these estimates, that in some cases appear to be non-sensical will affect management decisions and further erode the public's confidence in a management process that already has lost public confidence. We are requesting that the FES generated estimates be reviewed thoroughly by a panel of statistical experts to ensure that the FES design is **functioning** as intended.

We do not believe that the estimates generated from the FES should be used to determine stock status, catch advice, or allocation decisions until potential biases causing these unrealistic estimates have been identified and the estimates have been corrected. Until this recalibration has been done, utilization of the FES generated estimates in assessments and for allocation decisions can lead to inappropriate stock status determinations and allocation formulations.

Some of the best ex-vessel prices for all sizes of Bluefish during the past few years are occurring as the non-boating consumer desire fresh domestic fish. Florida has had 10% of the commercial allocation on the US East Coast. North Carolina commercial fishing entities have also requested status quo, and tend to land the largest amount of Bluefish on the US East Coast. Both Florida and North Carolina support the continued transfer of underutilized recreational catch to the commercial sector as needed. A real recreational census should have been developed over the past years. Past data shows that the recreational sector only exceeded their allocation during 2007, while not catching the estimated allocation during most years based on the previous data.

Recreational analyses are two to one for releases versus landings of Bluefish and have a 15% dead discard rate that needs to be reexamined in a Full Benchmark Assessment. SAW SARC 60 completed the recent benchmark during 2015 with data through 2014. The results indicated then that the Bluefish biomass was not overfished, and overfishing was not occurring then. This was a positive result that should have justified a status quo until a Full Benchmark Assessment was completed. But the rush to employ science that really is not the best available, and using it will create a negative economic scenario. DSF supports Status Quo with the commercial 2018 Initial Quotas pasted below as presented in Table 2 on page 16 from the December 2019 Supplemental Scoping and Public Information Document.

Table 2. Commercial state allocations (percent share) and 2018 landings.

State	Percent Share	2018 Initial Quota	2018 Landings
Maine	0.07	28,424	28
New Hampshire	0.04	30,625	0
Massachusetts	6.72	486,579	199,402
Rhode Island	0.01	491,169	237,142
Connecticut	1.27	50,327	48,200
New York	10.76	792,204	539,344
New Jersey	14.82	1,075,245	56,210
Delaware	1.89	136,052	6,485
Maryland	2.06	217,442	27,353
Virginia	11.88	686,513	612,636
North Carolina	32.06	2,322,197	569,541
South Carolina	0.04	2,591	0
Georgia	0.01	686	0
Florida	10.00	729,617	221,994
Total	100.01	7,145,716	2,163,591

Rusty

DIRECTED SUSTAINABLE FISHERIES, INC. A SALTWATER FISHERIES CONSULTING COMPANY

Russell Howard Hudson, President
Directed Sustainable Fisheries, Inc. (DSF)
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Daytona Beach, Florida 32120-9351

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Saltwater Fisheries Consultant, Shark Specialist
Deep-Sea Fishing Expert and Shrimp Boat Captain
Retired 100-ton United States Coast Guard (USCG) Licensed Sea Captain
Recreational, For-Hire & Commercial Fishing Life Experience, 1958-2020
Sixth Generation Waterman from Central Florida (FL) East Coast
Seafood Coalition (SFC) member
American Elasmobranch Society (AES) member 2004-2020
Atlantic Coastal Cooperative Statistics Program (ACCSP) Advisory Committee FL member
ACCSP Biological Review Panel (BRP) member
ACCSP Bycatch Prioritization Committee (BPC) member
Atlantic States Marine Fisheries Commission (ASMFC) Coastal Shark (CS) Advisory Panel (AP) FL Commercial & For-hire recreational member [former Chair of CS AP]
ASMFC Bluefish AP FL Commercial member
National Marine Fisheries Service (NMFS) Highly Migratory Species (HMS) AP Commercial Shark member 2019-2021
NMFS HMS SouthEast Data, Assessment and Review (SEDAR) AP Pool member 2016-2021
South Atlantic Fishery Management Council (SAFMC) SEDAR AP Pool member no term limits
SAFMC Fisheries Citizen Science Program Participant 2016-2020
SAFMC Mackerel-Cobia AP FL Commercial member 2018-2021
SAFMC Snapper-Grouper (SG) AP FL Commercial member 2015-2021
SAFMC System Management Plan (SMP) Workgroup FL Commercial member 2018-2021
SAFMC Marine Protected Area (MPA) Expert Work Group (EWG) participant 2012-2013
Former SAFMC MPA AP FL Commercial member
Former NMFS Atlantic Large Whale Take Reduction Team FL participant (ALWTRT)
Former NMFS Bottlenose Dolphin Take Reduction Team FL participant (BDTRT)
Participant, observer and/or contributor to US coastal shark stock assessments during 1992, 1996, 1998, 2001, 2002, 2005, 2006, 2007, 2010-2015, 2017, 2019 and 2020.
Participant, observer and/or contributor SEDAR 11 (Large Coastal Sharks), 13 (Small Coastal Sharks), 16 (King Mackerel), 19 (Red Grouper/Black Grouper), 21 (Large Coastal Sharks/Small Coastal Sharks), 24 (Red Snapper), 25 (Black Sea Bass/Golden Tilefish), 28 (Spanish Mackerel/Cobia), 29 (Gulf Blacktip Sharks), 32 (Grey Triggerfish/Blueline Tilefish), 34 (Atlantic Sharpnose Sharks/Bonnethead Sharks), 36 (Snowy Grouper), 38 (King Mackerel), 39 (Smoothhound Sharks), 41 (Red Snapper/Grey Triggerfish), 50 (Blueline Tilefish), 53 (Red Grouper), 54 (Sandbar Sharks), 56 (Black Sea Bass), 65 (Atlantic Blacktip Sharks) and SEDAR 66 (Golden Tilefish).



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MyFWC.com

March 1, 2019

Chris Oliver, Assistant Administrator for Fisheries
National Oceanic and Atmospheric Administration
1315 East-West Highway, 14th Floor
Silver Spring, MD 20910

RE: MRIP Recalibration

Dear Chris:

Accurate information about angler effort, harvest and catch rates is necessary for proper management of our fisheries. The sustainability of these stocks is essential to provide for the economic and social benefits that are derived from them. The Florida Fish and Wildlife Conservation Commission (FWC) has concerns about the immediate use of the Marine Recreational Information Program (MRIP) Fishing Effort Survey (FES) effort estimates to calculate catch for the species managed by the Fishery Management Councils. While the survey methodology underlying the FES is clearly an improvement from that used for the Coastal Household Telephone Survey (CHTS), the initial effort estimates based on the FES are dramatically higher than historical estimates and implausible based on our understanding of Florida fisheries. Also, it is important to note that the magnitude of these effort estimates differs dramatically from those generated by NOAA Fisheries certified surveys conducted by the Gulf states. Due to concern over these differences, the Gulf of Mexico Fishery Management Council (GMFMC) and the South Atlantic Fishery Management Council (SAFMC) Scientific and Statistical Committees (SSC) have recommended a cautious approach when utilizing potentially conflicting estimates of harvest in stock assessments until these differences can be reconciled and corrected if necessary.

It is important that fisheries managers use the best available science when making decisions that impact fish stocks and the stakeholders that use these stocks. We believe that this process should include taking the time necessary to ensure that a newly implemented survey approach is generating plausible results free of bias. Although the National Academy of Sciences conducted a critical review of the methods used in the FES, we do not believe that the results of the survey are reliable. Fisheries managers already face a lack of confidence from stakeholders. It is important that the public is confident in the results of our data collection techniques so that managers' credibility is not further eroded. Additionally, the effect of the magnitude of changes of estimates of effort and harvest from the CHTS and FES to stock status and the allowable biological catch is unknown.

The magnitude of differences in new catch estimates generated from FES compared to those generated from the CHTS and some observations that we have made in Florida make us question the accuracy of these estimates. Some of these observations include:

- Different independent surveys conducted by Gulf states consistently generate substantially lower estimates of effort and catch than those generated from the FES. The Florida Gulf Reef Fish Survey, certified by NOAA Fisheries, and using a mail survey similar to the FES, estimated 1.2 million private/rental boat trips targeting ten reef fish species in the Gulf of Mexico in 2017. The FES generated estimate for **total** private/rental boat trips on Florida's west coast in 2017 was more than 18 million trips. Given the popularity of reef fish as target species off Florida's west coast, it is difficult to believe that only 6% of the boat-based trips in 2017 targeted these reef species on Florida's Gulf coast. Leading us to believe the FES greatly overestimated the number of trips.

Chris Oliver
Page 2
March 1, 2019

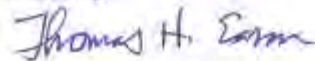
- 2.3 million saltwater fishing licenses were sold in 2017 in Florida. Moreover, there may also be up to 40% of our anglers who are exempt. This would mean that we have about 4 million saltwater anglers. The number of trips estimated using the FES in Florida is approximately 80 million, meaning that on average, anglers fish 20 days per year. We do not believe that an average angler takes 20 fishing trips per year.
- FES generated statewide estimates of effort for shoreline anglers are four times as high as those estimated from CHTS. These estimates were seven times higher than those generated by CHTS on the Atlantic coast of Florida. The FES statewide estimates indicate that in 2017, there were **51.4 million shoreline trips** in Florida. This FES generated estimate equates to **an average of 4,000 trips per day** for each of Florida's 35 coastal counties or **an average of 65 trips per day for each mile** of tidal shoreline. We do not believe these estimates reflect reality.
- The 2016 National Survey of Hunting, Fishing, and Wildlife Associated Recreation conducted by the US Fish and Wildlife Service estimated that anglers 16 years old and older completed **61 million saltwater trips nationwide**. FES generated effort for 2017 indicates that there were over **80 million** saltwater fishing trips in Florida alone. The extreme lack of corroboration with this independent survey alone is enough to warrant further investigation into the veracity of the FES.

For the period 2000-2017, the estimates from the FES indicate that statewide trips are 2.8 to 3.9 times higher than previous estimates. This dramatic difference in fishing effort results in estimates of harvest that are far greater than what we had been managing for previously. For example, the new statewide estimate of the harvest of red snapper is double what it was for the old estimates. For inshore species, such as common snook, harvest estimates are more than triple those calculated previously.

In summary, we believe that there is ample evidence that the FES may be over-estimating fishing effort. We also believe that there should be a thorough analysis of the effect of these estimates on stock status and allocation before they are used for management of our fish stocks. Utilization of these estimates, that in some cases appear to be non-sensical will affect management decisions and further erode the public's confidence in a management process that already has lost public confidence. We are requesting that the FES generated estimates be reviewed thoroughly by a panel of statistical experts to ensure that the FES design is **functioning** as intended.

Thank you for your considerations. Please feel free to direct any questions or comments to Jessica McCawley in our Division of Marine Fisheries Management at (850)-617-9635.

Sincerely,



Thomas H. Eason, Ph.D.
Assistant Executive Director



Florida Fish
and Wildlife
Conservation
Commission

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Jessica McCawley
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32399-1600
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800-955-8771 (T)
800-955-8770 (V)

MyFWC.com

April 4, 2019

Dr. John T. Carmichael
Deputy Executive Director for Science & Statistics
South Atlantic Fisheries Management Council
John.Carmichael@safmc.net

RE: MRIP Recalibration

Dear Dr. Carmichael,

This letter is written in response to your March 21, 2019 email requesting that state agency representatives provide a letter to the South Atlantic Fishery Management Council's Science and Statistical Committee (SSC) about concerns with revised Marine Recreational Information Program (MRIP) estimates of fishing effort and catch. These concerns are outlined in the two attached letters.

We are appreciative of attempts to improve the procedures used by MRIP. However, estimates of recreational landings using the Fishing Effort Survey (FES) are not consistent with our experience and understanding of managed fisheries and unrealistic. In the two attached letters, we provide examples about why we think that the estimates generated from the FES defy common sense.

We do not believe that the estimates generated from the FES should be used to determine stock status, catch advice, or allocation decisions until potential biases causing these unrealistic estimates have been identified and the estimates have been corrected. Until this recalibration has been done, utilization of the FES-generated estimates in assessments and for allocation decisions can lead to inappropriate stock status determinations and allocation formulations.

Please feel free to call me at (850)-251-2458 if you have any questions.

Sincerely,

James R. Estes
Deputy Director

Enclosure

cc: **Jessica McCawley**
Gil McRae
Lutz Barbieri



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MyFWC.com

March 1, 2019

Jessica McCawley, Chairman
South Atlantic Fishery Management Council
4055 Faber Place Drive, Suite 201
North Charleston, SC 29405

RE: MRIP Calibration

Dear Jessica:

Accurate information about angler effort, harvest and catch rates is necessary for proper management of our marine fisheries. The sustainability of these stocks is essential to provide for the economic and social benefits that are derived from them. The Florida Fish and Wildlife Conservation Commission (FWC) has concerns about the immediate use of the Marine Recreational Information Program (MRIP) Fishing Effort Survey (FES) effort estimates to calculate catch for the species managed by the South Atlantic Fishery Management Council (SAMFC). While the survey methodology underlying the FES is clearly an improvement from that used for the Coastal Household Telephone Survey (CHTS), the initial effort estimates based on the FES are dramatically higher than historical estimates and implausible based on our understanding of Florida fisheries. Also, it is important to note that the magnitude of these effort estimates differs dramatically from those generated by NOAA Fisheries certified surveys conducted by the Gulf states. Due to concern over these differences, the Gulf of Mexico Fishery Management Council (GMFMC) Scientific and Statistical Committee (SSC) has recommended a cautious approach when utilizing potentially conflicting estimates of harvest in stock assessments until these differences can be reconciled and corrected if necessary.

It is important that fisheries managers use the best available science when making decisions that impact fish stocks and the stakeholders that use these stocks. We believe that this process should include taking the time necessary to ensure that a newly implemented survey approach is generating plausible results free of bias. Although the National Academy of Sciences conducted a critical review of the methods used in the FES, we do not believe that the results of the survey are reliable. Fisheries managers already face a lack of confidence from stakeholders. It is important that the public is confident in the results of our data collection techniques so that managers' credibility is not further eroded. Additionally, the effect of the magnitude of changes of estimates of effort and harvest from the CHTS and FES to stock status and the allowable biological catch is unknown.

The magnitude of differences in new catch estimates generated from FES compared to those generated from the CHTS and some observations that we have made in Florida make us question the accuracy of these estimates. Some of these observations include:

- Different independent surveys conducted by Gulf states consistently generate substantially lower estimates of effort and catch than those generated from the FES. The Florida Gulf Reef Fish Survey, certified by NOAA Fisheries, and using a mail survey similar to the FES, estimated 1.2 million private/rental boat trips targeting ten reef fish species in the Gulf of Mexico in 2017. The FES generated estimate for total private/rental boat trips on Florida's west coast in 2017 was more than 18 million trips. Given the popularity of reef fish as target species off Florida's west coast, it is difficult to believe that only 6% of the boat-based trips in 2017 targeted these reef species on Florida's Gulf coast. Leading us to believe the FES greatly overestimated the number of trips.

Jessica McCawley
Page 2
March 1, 2019

- 2.3 million saltwater fishing licenses were sold in 2017 in Florida. Moreover, there may also be up to 40% of our anglers who are exempt. This would mean that we have about 4 million saltwater anglers. The number of trips estimated using the FES in Florida is approximately 80 million, meaning that on average, anglers fish 20 days per year. We do not believe that an average angler takes 20 fishing trips per year.
- FES generated statewide estimates of effort for shoreline anglers are four times as high as those estimated from CHTS. These estimates were seven times higher than those generated by CHTS on the Atlantic coast of Florida. The FES statewide estimates indicate that in 2017, there were **51.4 million shoreline trips** in Florida. This FES generated estimate equates to an **average of 4,000 trips per day** for each of Florida's 35 coastal counties or an **average of 65 trips per day for each mile of tidal shoreline**. We do not believe these estimates reflect reality.
- The 2016 National Survey of Hunting, Fishing, and Wildlife Associated Recreation conducted by the US Fish and Wildlife Service estimated that anglers 16 years old and older completed **61 million saltwater trips nationwide**. FES generated effort for 2017 indicates that there were over **80 million saltwater fishing trips in Florida alone**. The extreme lack of corroboration with this independent survey alone is enough to warrant further investigation into the veracity of the FES.

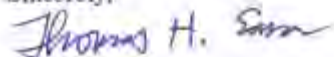
For the period 2000-2017, the estimates from the FES indicate that statewide trips are 2.8 to 3.9 times higher than previous estimates. This dramatic difference in fishing effort results in estimates of harvest that are far greater than what we had been managing for previously. For example, the new statewide estimate of the harvest of red snapper is double what it was for the old estimates. For inshore species, such as common snook, harvest estimates are more than triple those calculated previously.

In summary, we believe that there is ample evidence that the FES may be over-estimating fishing effort. We also believe that there should be a thorough analysis of the effect of these estimates on stock status and allocation before they are used for management of our fish stocks. Utilization of these estimates, that in some cases appear to be non-sensical, will affect management decisions and further erode the public's confidence in a management process that already has lost public confidence. These estimates need to be reviewed thoroughly by a panel of statistical experts to ensure that the FES design is **functioning** as intended. Also, the implications of using these estimates for management should be examined thoroughly through an extensive data workshop process on an individual species level. We plan to send a letter to NOAA to request that they embark on an analysis of potential biases associated with the FES that may be causing unrealistic estimates of effort.

We urge the SAMFC to pause in the use of FES generated estimates for management until the results of the FES can be fully reviewed and important issues are resolved.

Thank you for your considerations. Please feel free to direct any questions or comments to Jim Estes in our Division of Marine Fisheries Management at (850)-617-9622.

Sincerely,



Thomas H. Eason, Ph.D.
Assistant Executive Director

From: Squarespace <no-reply@squarespace.info>
Sent: Monday, March 16, 2020 3:42 PM
To: Seeley, Matthew
Subject: Form Submission - Bluefish Supplemental Scoping

Name: Donald Kiesel

Email: kieseldb@gmail.com

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

Primary state(s) you land bluefish in:: New Jersey, Delaware, Maryland, Virginia

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

Comments: These fish range half the Atlantic. They go where they want when they want. While the catch isn't what it was, it has ebbed and rebounded several times in the 60 years I've been catching them. I do not believe the proposed rules under consideration will make one bit of difference overall. I do not believe changes are in order or necessary.

Further, there should absolutely no difference in the per person catch retention limit between private vessel fisherman and charter operators. That proposed rule was/is offensive and arrogant.

Your agencies are crushing the recreational fishing way of life and the businesses that support it.

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

From: Ed Daniels <ed.daniels@outlook.com> on behalf of Ed Daniels <ed.daniels@comcast.net>
Sent: Monday, February 10, 2020 11:43 AM
To: Seeley, Matthew
Subject: Bluefish catch limits

I'm a recreational fisherman and we catch and eat the blue fish. Whether or not the blue fish need to be restricted Depends 1st on Whether the fishing is causing the Problematic reduction in population. I understand that there are many elements that could be responsible for blue fish decline, but if recreational fishing or commercial fishing are exacerbating the problem then that needs to be restricted.

We catch and eat bluefish we catch, but if the choice is between Not catching and eating and not catching at all, I certainly will take the Former.

Edward Daniels, 10 Mary Rd, Eastham, MA 02642

From: Squarespace <no-reply@squarespace.info>
Sent: Monday, February 10, 2020 12:58 PM
To: Seeley, Matthew
Subject: Form Submission - Bluefish Supplemental Scoping

Name: Edward Valentine

Email: ejv14@msn.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 snapper fishing in the Manasquan Inlet and Stockton Lake was very poor last year. I don't know if there is a decline in the spawning process or if this was an aberation.

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

From: Squarespace <no-reply@squarespace.info>
Sent: Monday, January 13, 2020 10:41 PM
To: Seeley, Matthew
Subject: Form Submission - Bluefish Supplemental Scoping

Follow Up Flag: Follow up
Flag Status: Flagged

Name: George Horvath

Email: georgerhorvath@yahoo.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: I tagged 2,308 bluefish in NJ with American Littoral Society tags. 28 were recaptured from the Cape Cod Canal, MA, to Atlantic Beach, NC. There has been no fall bluefish run in the NJ surf for several years. A bluefish that I tagged in NJ was found in a NC fish market. Three bluefish that I tagged in Barnegat Inlet, NJ, were found in an Oyster Creek Nuclear Power Plant December fish kill. A bluefish that I tagged in Barnegat Inlet, NJ, in August was caught 7 miles East of Hatteras Inlet, NC, by a NC Division of Marine Fisheries Research Vessel in February. A bluefish that I tagged in Barnegat Inlet, NJ, in June was found dead in a VA marsh in April. If commercial fishermen don't report the tagged fish that they catch, their net license should be revoked.

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



MARK WILLIAMS
COMMISSIONER

DOUG HAYMANS
DIRECTOR

March 12, 2020

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

Dr. Moore,

Thank you for the opportunity to comment on the joint amendment for the Atlantic Coast Fishery Management Plan for Bluefish. Georgia requests the MAFMC and Commission consider amending the definition of *de minimis* to include recreational landings and to relax regulatory requirements for *de minimis* states.

Georgia's recreational fishery for Bluefish is minimal. Directed recreational trips where Bluefish were identified as the primary target account for less than 0.5% of the total trips in each of the last three fishing years (2016 - 2018). During each of the last ten years, the annual harvest levels have been well below 1%, ranging from 0.01% to 0.53%, of the coastwide harvest.

Based on the Commission's Interstate Fisheries Management Program Charter (ISFMP, Feb. 2016) definition "*De minimis - A situation in which, under existing conditions of the stock and scope of the fishery, conservation, and enforcement actions taken by an individual state would be expected to contribute insignificantly to a coastwide conservation program required by an FMP or amendment,*" we are asking the MAFMC and Commission to consider including recreational *de minimis* which would exempt such states from regulatory requirements as those conservation measures would be insignificant.

The ISFMP Policy Board discussed, in August 2007, standardization of *de minimis* definitions including conditioning for commercial or recreational or combined and which component a state could request *de minimis*. Precedent exists in other fisheries where commercial and recreational landings have been used either separately (e.g., Atlantic Croaker) or in combination (e.g., horseshoe crab, American Eel, Black Drum). It was suggested in the minutes of that meeting that if the Commission's management board wanted to make changes to *de minimis* in an FMP, it could be done through an amendment/addendum. Our hope is that a similar process may be available through the MAFMC.

Thank you for your consideration,

A handwritten signature in blue ink, appearing to read "Doug Haymans".

Doug Haymans

Cc: Dr. Carolyn Belcher – Chief of Marine Fisheries, GADNR CRD
Spud Woodward – Georgia Legislative Appointee
Toni Kerns / Bob Beal – ASMFC

From: Gerald Audet <geraldaudet@gmail.com>
Sent: Thursday, February 13, 2020 10:08 AM
To: Seeley, Matthew
Subject: Bluefish Comment

Hello

I would like to comment on blue fish regulations. First, **I am in support of new regulations limiting harvest and new regulations decreasing daily limits on Bluefish, coast wide.**

As to the the specific points MAFMC has asked the public to comment on:

Are the existing goals and objectives appropriate for managing the bluefish fishery? No. While I applaud the action to decrease harvest, more focus needs to be put into angler education and decreasing dead discards and release mortality. Further, the decrease in comm harvest will likely not be sufficient to rebound the fishery quickly.

Is the existing allocation between the commercial and recreational sectors based on the annual catch limit appropriate for managing the bluefish fishery?

No. Recreational anglers are provided with a disproportional smaller opportunity to access the fishery. There needs to be a shift away from commercial harvest to provide better equity between rec and comm anglers.

Are the existing commercial state allocations appropriate for managing the bluefish fishery? No comment, I do not have enough information.

Are the existing transfer processes appropriate for managing the bluefish fishery? No. The bluefish should be managed with regards to other fisheries and as a biological system. Simply transferring fish from comm to rec or otherwise is not addressing this issue.

What is the appropriate approach to take for rebuilding? First, environmental protection of the Bluefish habitat is critical. Next, we need better data as to population dynamics and distribution. Next, reduction of the comm harvest of bluefish needs to be implemented, with even tighter standards and further reductions- at least in the short term, if not the long term. Finally, increased angler education as to proper release of fish for maximum discard survivability.

Thank you for allowing me to comment

Dr. Gerald Audet, PhD

Douglas, MA

From: Gerald Audet <geraldnaudet@gmail.com>
Sent: Monday, March 16, 2020 4:34 PM
To: Seeley, Matthew
Subject: Bluefish Scoping Comments

ATTN Dr. Christopher Moore

I am sending my comments as to Bluefish Management.

1) Are existing goals and objectives appropriate for managing the bluefish fishery?

No. Bluefish and Striped Bass should be managed for abundance, not yield. They should also be managed as part of the biological system, not as individual species.

2) Is the existing allocation between the commercial and recreational sectors based on the annual catch limit appropriate for managing the bluefish fishery?

No. Commercial sector has too great a stake in the fishery, and too substantial a take.

3) Are the existing commercial state allocation appropriate for the managing the bluefish fishery?

No comment

4) Are the existing transfer processes appropriate for managing the bluefish fishery?

No. Again, commercial sectors have disproportional access and harvest.

5) What is the appropriate approach to take for rebuilding?

WE should be managing for an equitable fishery that is managed on an ecosystem scale, not on a species. WE should be attempting to rebuild the fishery as quickly as possible, whatever that cost- this means more quickly than a 10 year or 5 year timeline. Harvest across all sectors should be substantially reduced. Further, environmental concerns- like spawning habitat and forage availability- should be addressed beyond simple reductions in harvest.

Thank you for this opportunity to comment

Dr. Gerald Audet

Douglas, MA

From: Germain Cloutier <stripedbassking@yahoo.com>
Sent: Wednesday, March 4, 2020 6:39 PM
To: Seeley, Matthew
Subject: Bluefish

Hello,

With Bluefish Stocks falling, it is evident that they are overfished. It is not in the best interest of the species to be adding to the commercial harvest of Bluefish and taking away from the recreational side like what was done in the past. The action needed it cuts on all fronts to ensure that this great gamefish is able to survive and give anglers a good fight. Bluefish can save many anglers efforts when Striped bass are hard to find(since their numbers are also falling).

Thank you,
Germain

From: Squarespace <no-reply@squarespace.info>
Sent: Wednesday, January 29, 2020 10:19 AM
To: Seeley, Matthew
Subject: Form Submission - Bluefish Supplemental Scoping

Name: Gil Hawkins

Email: gilhawkins@verizon.net

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

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

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

Comments: I am against the 3 bag limit on blue fish. There are many reasons. One is every child remembers taking home a catch if snapper blues. Three fish doesn't make a meal. Two, blue fish are self destructive in a boil. Is half a fish a catch? The idea of spending fuel or going to the beach to catch 3 fish is ludicrous. Fish over five pounds are not good eating so limit the size not the bag limit. Gil Hawkins. Past President Hudson River Fishermen's Association.

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



The Great Egg Harbor Watershed Association & River Council

Fred Akers - Administrator
P.O. Box 109
Newtonville, NJ 08346
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March 17, 2020

Dr. Christopher Moore, Executive Director
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, DE 19901
(Sent via email, electronic copy attached)

RE: Bluefish Scoping Comments

Dear Dr. Moore:

Recreational values are an important Outstanding Resource Value for the Great Egg Harbor National Scenic and Recreational River and National Park, and marine fishing is a very popular recreational activity in the tidal river and estuary.

Bluefish are a very popular game fish in our system, so we offer you the following comments regarding the Scoping to update the bluefish FMP.

ISSUE 1: FMP GOALS AND OBJECTIVES

We think that the existing objectives as stated below are very comprehensive and still very appropriate for managing the bluefish fishery:

1. Increase understanding of the stock and of the fishery.
2. Provide the highest availability of bluefish to U.S. fishermen while maintaining, within limits, traditional uses of bluefish (defined as the commercial fishery not exceeding 20% of the total catch).
3. Provide for cooperation among the coastal states, the various regional marine fishery management councils, and federal agencies involved along the coast to enhance the management of bluefish throughout its range.
4. Promote compatible management regulations between State and Federal jurisdictions.
5. Prevent recruitment overfishing.
6. Reduce the waste in both the commercial and recreational fisheries

ISSUE 2: COMMERCIAL AND RECREATIONAL ALLOCATIONS

Given that the characteristics and participation in both the commercial and recreational fisheries has changed over the last 20 years, and especially in light

www.gehwa.org – The Official Website of the Great Egg Harbor Watershed Assoc.

of the MRIP changes, the commercial and recreational allocations should be revised.

The commercial/recreational split should be updated based on the new MRIP data as shown in the scoping video table where the 38 year average from 1981-2018, the 10 year average from 2009-2018, the 5 year average from 2014 to 2018, and the 3 year average from 2016 to 2018 are all the same at 87% recreational and 13% commercial.

ISSUE 6: OTHER ISSUES

There are many important management considerations that the bluefish FMP must consider, and we highlight the following 2 issues of concern:

1. Ecosystem approaches to bluefish management – given the changes in distribution of bluefish caused by temperature changes and other ecosystem changes brought on by climate change, ecosystem approaches to managing bluefish need to be developed and implemented.
2. Economic characteristics of the fishery – given the management changes to the recreational fishery with sector splitting and the resulting drastic decrease in the bag limit from 15 fish to 3 fish for private anglers after 20 years of the 15 fish bag limit, fishery managers need to revisit the economic characteristics of the bluefish fishery and identify the economic costs and economic changes to the fishery from new and significant management changes.

The economic characteristics of the fishery were an important and informative component of both the 1990 Bluefish FMP and the 1998 Amendments. Below are 2 excerpts from the 1990 FMP, and attached is the 9 page economic characteristics of the fishery in the 1998 Amendment:

8.0. DESCRIPTION OF ECONOMIC CHARACTERISTICS OF THE FISHERY (From May 1989 FMP p27)

Because of the importance of bluefish to recreational anglers, a decline in expenditures by these anglers as a result of bluefish management measures would impact the sales, service, and manufacturing sectors of the recreational fishing industry. In 1985, Atlantic coast direct sales related to recreational fishing amounted to \$2.6 billion (Table 32). These sales and services required 42 thousand person years of labor and generated wages of \$522 million (SFI 1988a).

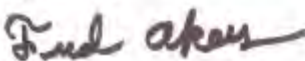
APPENDIX 1. ALTERNATIVES FOR THE PROPOSED FMP (from May 1989 FMP)

2.1.2. Analysis

Approximately 79% of successful coastwide anglers landed 5 or less bluefish per trip in 1987 (Table 40). Potentially, this possession limit could affect 21% of the recreational effort, resulting in a significant decrease in the economic surplus associated with recreational fishing and adversely impacting expenditures, income and employment in associated and dependent industries.

Thank you for this opportunity to comment on the future of bluefish management.

Respectfully



Fred Akers

From: Squarespace <no-reply@squarespace.info>
Sent: Tuesday, March 17, 2020 11:53 PM
To: Seeley, Matthew
Subject: Form Submission - Bluefish Supplemental Scoping

Name: Greg duckworth

Email: truetwistreap@yahoo.com

How would you describe your primary role in the fishery?: Commercial

Primary state(s) you land bluefish in:: Rhode Island

Gear type(s) used:: Gillnet

Comments: More people are eating bluefish now. It should be made more available to the general public in the marketplace by increasing the commercial quota. The commercial quota needs to be increases to 30 or 40 percent. The minimum size of bluefish should likewise be increased to 18 inches . There needs to be more quota transferred to the northern states from the southern states for commercial quota. FISH ARE FOOD NOT TOYS.

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

From: Greg Ludlum <fishingpierman@yahoo.com>
Sent: Wednesday, February 26, 2020 9:38 AM
To: Seeley, Matthew
Subject: blue fish seaview fishing pier

Greg ludlum seaview fishing pier I was doing some reading on the blue fish rule and not happy at all about it but that beside the point all I want is fairness I was reading the rule set out part 600 of the magnuson -stevenson act 600.325 I thing we need go back and look this is a true violation under standard #4 because out off the 400000 thousand people that fish on north Carolina piers are 40%other than white 15% seniors citizens approx. 5%disable not only to say lower income it is in true violation I would love to have your input in this matter thanks greg ludlum

Sent from [Mail](#) for Windows 10

From: Squarespace <no-reply@squarespace.info>
Sent: Tuesday, March 3, 2020 9:55 AM
To: Seeley, Matthew
Subject: Form Submission - Bluefish Supplemental Scoping

Name: greg ludlum

Email: fishingpierman@yahoo.com

How would you describe your primary role in the fishery?: Other

Primary state(s) you land bluefish in:: North Carolina

Gear type(s) used::

Comments: Greg Ludlum owner seaview fishing pier north topsail beach

I know I'm not supposed to use this for bag limits but it need to be said, you cannot discriminate against people who can not afford a for hire boat. This rule does just that as a pier owner in north Carolina you must consider the ADA ,seniors and the poor that have no where to fish. this is a true discriminative ruling ,please pass it on to whom ever needs to read it thanks Greg Ludlum

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

From: Vetcraft <vetcraft@aol.com>
Sent: Tuesday, January 14, 2020 9:43 AM
To: Seeley, Matthew
Subject: Bluefish scoping comments

With the stock overfished but overfishing not occurring, it would seem logical that the biomass had depleted before we became aware of it. It has been my observation that we started seeing the decline of the stock in the Nee Jersey area where I fish, over a decade ago.

Bluefish are a significant contributor to the recreational sector and we should make all efforts to keep the quota at reasonable amounts. New MRIP calculations should allow a greater % to be allocated to the recreational sector.

In order to rebuild the stock I would immediately suspend any recreational to commercial quota shifts as allowed under amendment 1. I would further recommend suspending state to state transfer quotas as allowed under amendment one. This will help reduce regional depletions which will occur when state specific quotas become unbalanced over the range of a stock.

Although no figures were given on the value of bluefish to the commercial sector, in the past I have seen very low ex vessel price per pound figures. The above suggestions should help the stock rebound without being unfair

I would also keep in mind the stock decline may be cyclical and unrelated to F.

Dr Harvey Yenkinson
AP advisor fluke, sea bass, scup
Sent from my iPhone

From: Squarespace <no-reply@squarespace.info>
Sent: Friday, January 31, 2020 1:00 AM
To: Seeley, Matthew
Subject: Form Submission - Bluefish Supplemental Scoping

Name: Ivan Garcia

Email: caprichos4@gmail.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 snapper bluefish should be exempt. bluefish for shark bait also exempt

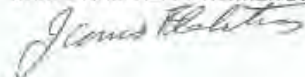
(Sent via [Mid-Atlantic Fishery Management Council](#))

ROUGHLY 16 18 MILLION AMERICANS FISH FRESH & SALT WATER
 PERCENTAGE WISE THE ALLOCATION SPLIT DOES NOT PROVIDE THE NON FISHING
 AMERICAN PUBLIC THE CORRECT PERCENTAGE OF FISH [HARVESTER BY
 COMMERCIAL FISHERMEN] PERHAPS COUNCIL WOULD EXPLAIN IMPORTS IN
 SCOPING DOCUMENT.

WHY HAS COUNCIL POLICY & SCOPING RESULTED IN 92% TO 93% OF SEAFOOD
 CONSUMED IN AMERICA BEING IMPORTED?
 SCOPING SHOULD ADDRESS WHY THE COUNTRY WITH SECOND LARGEST EEZ IN
 WORLD IMPORT 92% TO 93% CONSUMED SEAFOOD?
 WHAT IS COUNCIL POLICY FOR OCEAN RANCHING?
 WHERE IS A COUNCIL FISHERY MANAGEMENT PLAN FOR AQUACULTURE IN EEZ?
 WHERE IS COUNCIL SCOPING FOR TOTAL RETENTION FOR RECREATIONAL
 CAUGHT BLUEFISH & ALL FISH ? Atlantic States Marine Fisheries Commission
 ARTICAL 1 PREVENT WASTE OF FISH FROM ANY MEANS MUST BE DISCUSSED IN
BLUEFISH SCOPING; SCOPING WILL NOT DISCUSS Atlantic States Marine Fisheries
Commission PREVENTION OF PHYSICAL WASTE!
WILL COUNCIL DISCUSS TOTAL UTILIZATION FOR RECREATIONAL CAUGHT
BLUEFISH?
WILL Atlantic States Marine Fisheries Commission DISCUSS ARTICLE 1 SECTION 1
PREVENT PHYSICAL DURING SCOPING ?

KNOWING THESE SCOPING COMMENTS WILL NOT REACH COUNCIL DISCUSSION
 BRING DISALISIONMENT WITH scoping Atlantic States Marine Fisheries Commission
 & Council PROCESS.

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



SCOPING DOCUMENT BLUEFISH

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] BLUEFISH SHOULD REQUIRE STATES TO REQUIRE PHONE REPORTING PRIOR TO GOING FISHING. (lot of shore fishing) 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! Bluefish has higher release rates, barbless hooks would reduce dead fish.

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!] DATA ON BLUEFISH DOES NOT ADDRESS THE CYCLE OF FISH FROM EAST COAST TO AFRICA. (EAST COAST STOCK SCIENCE IS INCORRECT) Council recognizes chub mackerel are transatlantic. WHY NOT BLUEFISH? JOKE

SCIENCE!

NEED SATELLITE TRACKING TAGS ON LARGE FISH. NOAA tracks sharks spend money tracking transatlantic for bluefish. Method of survey on bluefish is worse than dogfish which survey missed 80% of dogfish. Survey probably missing greater number of bluefish in trawl due to bucket effect.

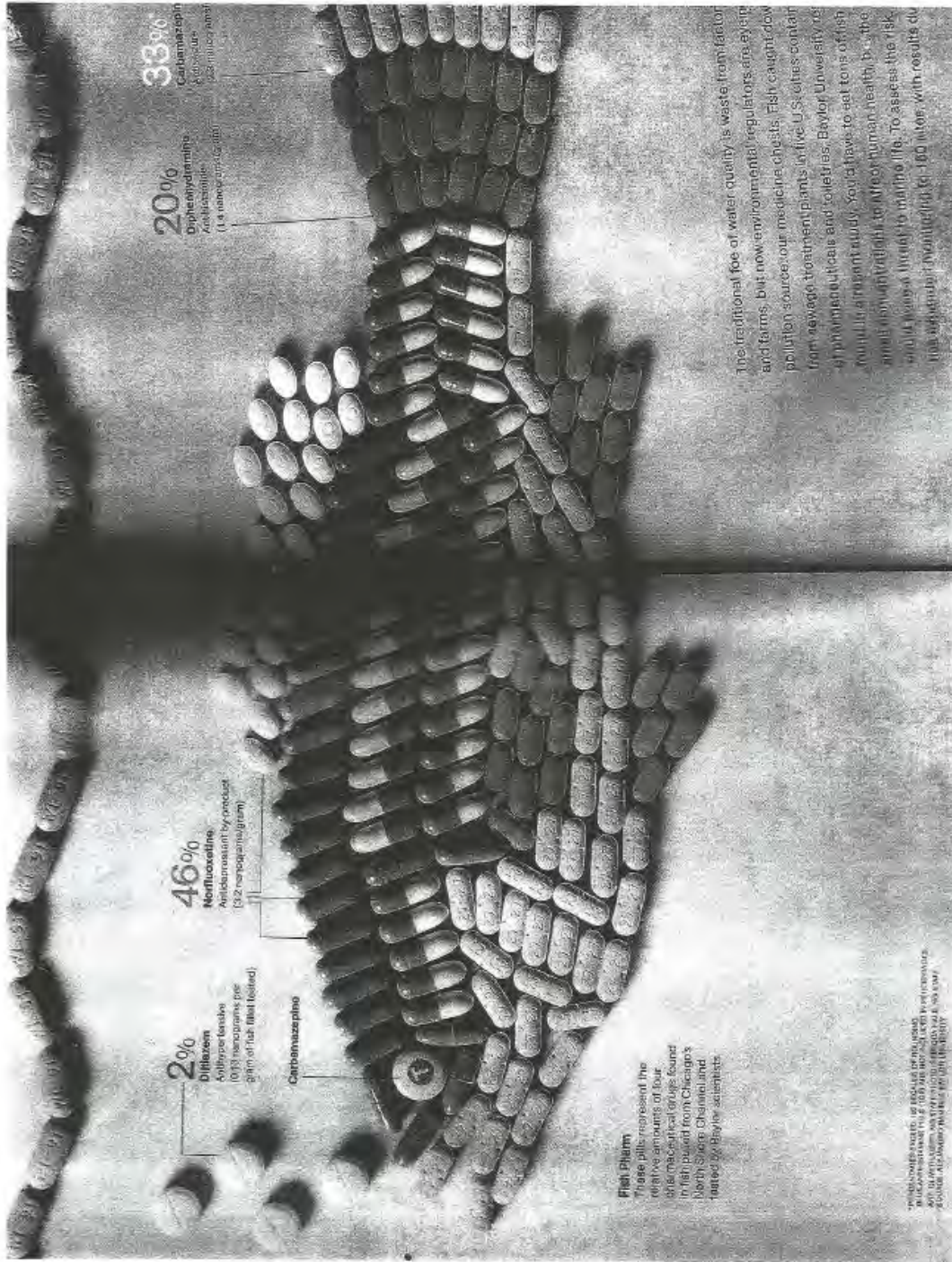
CONPAIRSON OF NEMAP & SCIENCE CENTER CATCH OF BLUEFISH CAUSES A QUESTION! WHY DOES SCIENCE CENTER NOT CATCH SMALL BLUEFISH AT SAME ABUNDANCE?

A QUESTION AT SCOPING IS *** WAS IT POSSIBLE SOMEONE WAS MUMPLIPATING NUMBERS TO BE CONSERVATION RADICALS? ***** [example the lynx hair DNA] **** Scoping document shows dead discards all documents **MUST SHOW TOTAL DISCARDS! [especially bluefish] NOT SHOWING ALL DISCARDS ON GRAPH IS AS MENTIONED ABOVE DISHONIST MANAGENENT.**

Scoping document shows landings decline in in cyclical patterns, perhaps the introduction of man made chemicals at the mud hole due to sludge dumping & effects of birth control chemicals accumulating in sounds & rivers reducing reproduction. A dead zone off NJ is much the same as in Gulf of Mexico yet scoping does not mention reproduction from eggs. SCOPING SHOULD ADDRESS CHEMICALS AFFECTING REPRODUCTION OF ALL FISH.

Scoping should endorse ocean ranching of BLUEFISH [Though cannibalistic blue fish may be a ocean ranching fish. SCOPING SHOULD INCLUDE DISCUSSION FOR BLUEFISH. (HERPAPS BY PRIVATE ENTERPRISE) [SPAWING & RELEASING MOSTLY FEMALE BLUEFISH 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 FOR SPECIES LIKE BLUEFISH AVAILABLE ON INTERNET ****

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!



From: Squarespace <no-reply@squarespace.info>
Sent: Monday, March 16, 2020 7:35 PM
To: Seeley, Matthew
Subject: Form Submission - Bluefish Supplemental Scoping

Name: jason jarvis

Email: buddhajay108@yahoo.com

How would you describe your primary role in the fishery?: Commercial

Primary state(s) you land bluefish in:: Rhode Island

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

Comments: i am one of the commercial representatives on the RIMFC. There is overwhelming opposition from RI commercial fishermen and their stakeholders on adjusting allocation using skewed MRIP data. To use random data from random recreational fishermen that have zero accountability to report true landings is absurd. Lets make mandatory reporting for recreational fishermen ,and then come up with real numbers and real data . Not some random estimate pulled out of the air.Its absolutely absurd to hold the for hire sector and commercial sectors accountable for their catch reports ,yet recreational fishermen have more say without accountability. This is a joke and could quite possibly lead to a lawsuit.

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

From: [Jean Public](#)
To: [Seeley, Matthew](#); information@sierraclub.org; info@pewtrusts.org; info@peta.org; info@idausa.org; info@cok.net; info@nyclass.org; info@earthjustice.org
Subject: Fw: Supplemental Scoping Hearings Scheduled for Bluefish Allocation and Rebuilding Amendment public comemnt on this notice
Date: Monday, January 13, 2020 6:03:16 PM

your allocations are much too large leading to overfishing. cut all quotas you have established by 50% immediately to avoid explotation. we cannot continue to overfish. lthis comment is for the public record
jean publiee jean public1@yahoo.com

From: Squarespace <no-reply@squarespace.info>
Sent: Thursday, March 5, 2020 4:54 PM
To: Seeley, Matthew
Subject: Form Submission - Bluefish Supplemental Scoping

Name: jerry spooner

Email: jspnr40@gmail.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: this is going to hurt the boat rental tackle shops and motels i also use snapper blues for bait and take kids fishing for them as it is the only fish they can catch with no size limit

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

Jersey Coast Anglers Association
Working for Marine Recreational Anglers

1694 Lakewood Road, Unit 13, Toms River, NJ 08766

TEL: 732-506-6565 - FAX: 732-506-6975



Chris Moore, PH.D. Executive Director
 Mid-Atlantic Fishery Management Council
 Dover, DE 19901

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 Bluefish Allocation and Rebuilding Amendment to the Bluefish Fishery Management Plan. We would like to offer the following comments regarding the amendment.

Issue 1: FMP Goals and Objectives – We believe the existing objectives are still appropriate for managing our bluefish fishery today. However, the SSB target on 200,000 MT seems too high. Figure 1 in the scoping document shows that the target has not been achieved at least since 1985 which is the first year included in the chart. Why not make a more realistic target?

Issue 2: Commercial and Recreational Allocations – We understand that the quota split between the two sectors was amended through Amendment 1 in 1999 and based on landings from 1981-1989. At that time, it was adjusted to 83% recreational and 17% commercial. However, due to the recently re-calibrated MRIP numbers, we have learned that recreational fishermen removed more fish than originally thought. That resulted in a determination that the recreational sector accounted for 90% of the removals and the commercial sector 10%. Therefore, it stands to reason that the quota split needs to be adjusted to 90/10 as that is what was actually happening over the years on which the quotas were based. Below is an example of what could happen due to the recalibrated MRIP numbers:

Suppose the commercial sector was given a quota 20,000,000 lbs. With the 83/17 split under the old MRIP numbers that would mean that the recreational sector caught 5.88x that amount which would be 117,600,000 lbs. However, under the recalibrated MRIP numbers there is a 90/10 split that would mean that the recreational sector caught 9x as many fish as the commercial sector which would be 180,000,000. Therefore, under the old MRIP numbers the total between both sectors would be 137,000,000 lbs. and under the new MRIP numbers the total would be 200,000,000 lbs. Now, let's suppose that because of the recalibrated MRIP numbers, it is determined that the biomass is larger

than what was thought so it is still Ok to remove 200,000,000 lbs. from the biomass. Remember, that the new MRIP numbers show that the recreational sector is responsible for 90% of the removals. If we leave the split at 83/17 that would result in the commercial sector getting an increase from 20,000,000 lbs to 34,000,000 while the recreational sector would get a decrease from 180,000,000 lbs. to 166,000,000 lbs. The end result is that the commercial sector would get a 70% increase while the recreational sector would be decreased by 9.2%. That would be very unfair especially at a time when the recreational sector already has very strict regulations.

From 2001-2018, 77.617 million pounds of the recreational quota was transferred to the commercial sector. We have been told that not all of the transferred quota was used, but still, why was this done? Exactly how much of this transferred quota was used? These were fish that the recreational sector may have chosen to conserve but were instead transferred to the commercial sector. Now, due to the apparent mismanagement of the species, the private sector is restricted to just 3 bluefish per person per day. Do you have any idea of how negatively those restrictive measures will impact our shore economy? Bait and tackle stores, marinas, private and for-hire boats and many more businesses will suffer. What about the sustenance fishermen and kids fishing for snappers from the docks of our bays? Many kids learn how to fish by catching snappers and now even they are being virtually shut out of this fishery. Kids are the future of our sport!

Issue 3: Commercial Allocations to the States: We believe that the existing state allocations are fair. New Jersey's commercial allocation should not be reduced.

Issue 4: Quota Transfers: We are strongly opposed to any transfer of the recreational sector to the commercial sector. In fact, any transfers at all, including state-to-state transfers, of the commercial quota should be stopped until the stocks are rebuilt.

Issue 5: Rebuilding Plan: It seems that one of the only things the Council can do to help restore the fishery is to establish lower quotas and more restrictive regulations. However, to lessen the impact to the many businesses that depend on this fishery, we recommend the development of a 10-year plan as opposed to trying to rebuild the fishery through a 3- or 5-year plan.

Issue 6: Other Issues: It would be great if we could stop the destruction of our marine environment through sand mining and beach replenishment. This has destroyed various humps that both forage and gamefish depended on. It has also buried marine life and destroyed habitat along our shoreline. We should do anything we can to improve habitat. We also support an eco-system management approach to our various fisheries. Action should be taken to increase our forage species and studies should also be done to determine the effects that climate change and warmer water is having on this species.

Respectfully submitted,

John Toth, JCAA President

From: jim Manzolli <comanche327@gmail.com>
Sent: Friday, January 31, 2020 2:55 PM
To: Seeley, Matthew
Subject: Bluefish Scoping Comments

I am a 78 year old angler, from Stratford Ct. Caught my first blue fish in 1964 and do all my fishing within a 15 mile radius of the Housatonic River on Long Island Sound.

My initial thoughts are "it's about time" this fishery, in my area, has been in decline for the past 10 years, and has accelerated in the past 5 years. I realize I am one angler fishing in a very small area, but having spent over 50 years in one spot I feel I have a pretty good gauge of what I have observed.

Here are some of my so not scientific observations;

1. Our yacht club has not had a "kids snapper contest" off our dock in the past 4 years... no snapper are here to catch. (Always was catch , measure and release)
2. My club is part of a 12 club Blues tournament held for the past 40 years. Typically 10 boats per club. Each boat would weight in 3 Blues, and the winning club based on weight of the highest 5 boats per club. Typical winning club weight would be 70 to 90 lbs. The last three years the winning weight was under 50 lbs. Last year my club won with 34 pounds of fish along with a minimum length of 20 inches.
3. On a clear calm day you can see pods of bunker moving with the tide and nothing pushing them. Ten years ago Blues were feasting on them.

My vote is for the three fish rule with a 12 inch size restriction. I don't know one person who caught snappers and actually ate them. Usually used for bait or who knows what.

"The stock was over fished but not experiencing over fishing" time for the experts to put down the pencil and paper and spend time in the field with actual anglers.

Thank you,
Jim Manzolli

On a side note, I remember Striped Bass in the 80's with a 40inch minimum keeper, seems we are heading in that direction again..

Sent from [Mail](#) for Windows 10

From: Squarespace <no-reply@squarespace.info>
Sent: Saturday, February 22, 2020 9:51 PM
To: Seeley, Matthew
Subject: Form Submission - Bluefish Supplemental Scoping

Name: John Cooper

Email: coopie@juno.com

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

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

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

Comments: Ok we need minnimums and bag limits on everything.

Fishermen are mostly greedy and ignorant.

Kingfish

Bluefish

Triggerfish

Every fish needs minnimums & bag limits.

Bait fish bait crabs help save the earth.

When will we stop trawling on the bottom?

I know this may be outside the survey.

I do not deal with paperwork well.

John Cooper

New York, New Jersey & Florida.

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

From: Squarespace <no-reply@squarespace.info>
Sent: Monday, February 10, 2020 2:09 PM
To: Seeley, Matthew
Subject: Form Submission - Bluefish Supplemental Scoping

Name: John Fago

Email: jfago100@comcast.net

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

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

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

Comments: The current quota in NJ is 15 bluefish. The limit should be reduced to 8-10 fish per day.. I have been fishing over 50 yrs and no one keeps 15 fish. Most anglers will keep 1-3 for consumption.. The issue is the Asian fishermen who take over their quota either to sell or distribute in their community.

I fish over 200 days a year in NJ and Florida and have seen illegal harvest of bluefish time and time again because Fish and Game are so understaffed that patrolling the jetty's, piers and bulkheads is nearly impossible

The issue is on land not on party boats or charter boats

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

From: Squarespace <no-reply@squarespace.info>
Sent: Tuesday, March 17, 2020 2:34 PM
To: Seeley, Matthew
Subject: Form Submission - Bluefish Supplemental Scoping

Name: John LaFountain

Email: foxseafood@gmail.com

How would you describe your primary role in the fishery?: Commercial

Primary state(s) you land bluefish in::

Gear type(s) used::

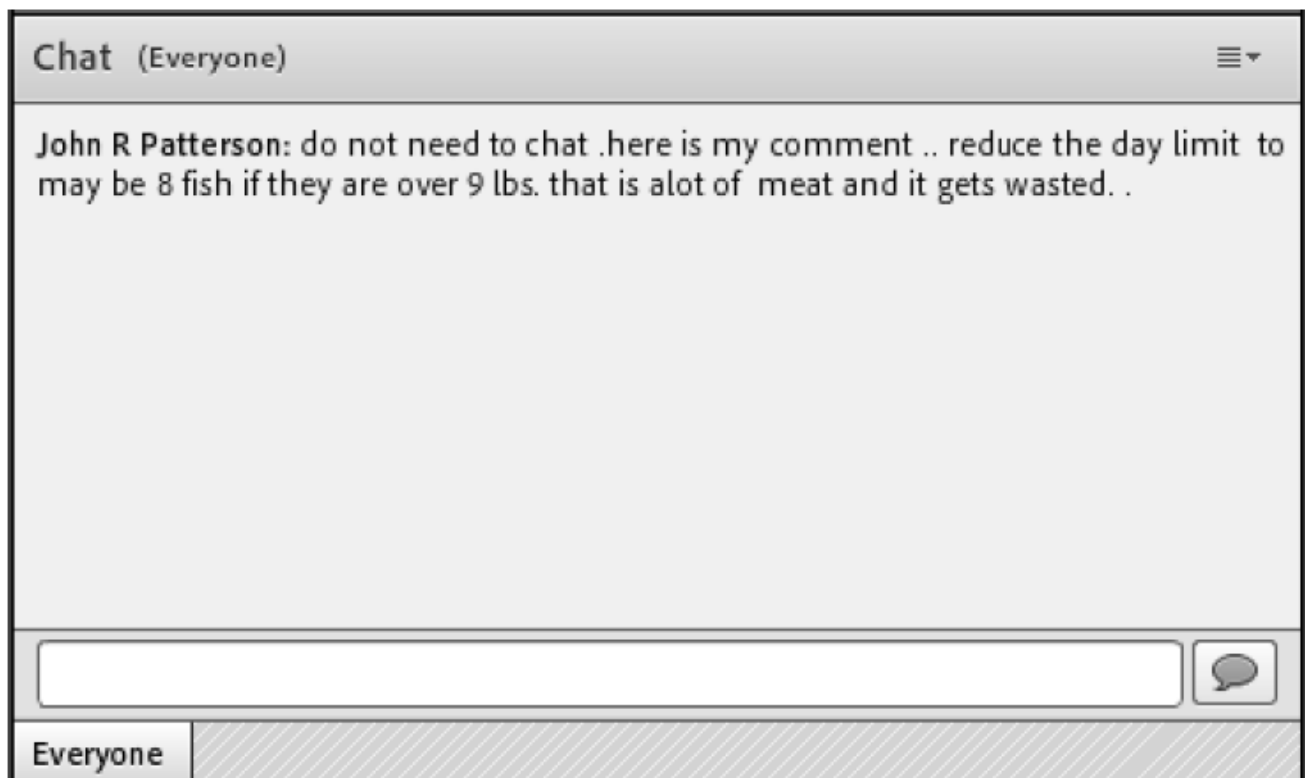
Comments: Hello,

- Commercial/recreational allocations -based on the graph that was presented at the scoping hearing it looked as if the commercial side used to get a higher percentage of fish and has dwindled down now to 13%. Considering the reduced quota I think that this now needs to be adjusted .I fear the Commercial fisherman that have high stakes in the bluefish fishery as a means of living can longer make it with the quota. My company Fox Seafood Inc in Narragansett Rhode Island purchases a lot of the bluefish landed in the state and we pay a good or it. We smoked it and sell it the fish markets and independent grocery stores. We purchase mostly in the fall when the fish are large , fatty and abundant here in Rhode Island. If the quota goes to 180,000 pounds roughly what is proposed that quota will be used up by September and all those beautiful , large mature fish fish will swim right past us. And we will effectively be out of business as it makes up for 40% of our sales. Also we are the largest producer of smoked bluefish, there is only one other company that does it much of it. We want to keep this New England tradition going. We are a family run business that sells to family business all over New England. We want to see local fish available at our fish markets here in Rhode Island. It is not just a game fish . It is food that is vital to our community and supports jobs and businesses in New England. I think the new estimates of what anglers are catching is grossly over estimated. We have heard for it least the past few years that the for -hire boats and recreation guys are not catching fish. So again what I propose is take all years percentages and average it out so the commercial side gets a higher percentage that is in line with what it was historically. We need more than 180,000 lbs . If we had 25% percent of the over all quota instead of 13% we could make it work and keep all invested commercially going for now.

-Allocations to the states- We believe that Rhode Island's bluefish fishery in healthier than the southern states. In particular from New Jersey to North Carolina. The fish that are landed in Virginia and North Carolina are all very small fish that have not had a chance to reproduce .We need to do something about the size limits or this fishery will be gone . I purchased fish from those 2 states for the last 12 years . They have always had the largest fatty fish landed on the East Coast. Not in the last 5 years and in particular the last 3 years zero large bluefish. What they are catching is destroying the ability for the fishery to recover. There should be a permanent reallocation of some quota to the Northern states and a size limit in place.

Thank you for considering my comments.

Regards,
John G LaFountain
Fox Seafood Inc.



From: Squarespace <no-reply@squarespace.info>
Sent: Monday, February 17, 2020 9:28 PM
To: Seeley, Matthew
Subject: Form Submission - Bluefish Supplemental Scoping

Name: john pendergast

Email: jwpeng57@msn.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: I think that measures need to be taken to keep commercial fishermen and industries from netting bluefish and other species such as floundner , weakfish. Measures such as a ban on catching these fish until they are plentiful again.

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

From: Squarespace <no-reply@squarespace.info>
Sent: Wednesday, February 5, 2020 4:01 PM
To: Seeley, Matthew
Subject: Form Submission - Bluefish Supplemental Scoping

Name: Louis Tocci

Email: onecrab2041@yahoo.com

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

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

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

Comments: I don't think there is a problem with blue fish i just believe they are farther off shore than before as we have so much bait out there they don't need to come in shore to feed i have also seen less snappers in the river in the past 5 years but i also have seen the big breaders in the last 3 years in the rivers and I'm talking about the Shrewsbury and navesink rivers in New Jersey

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

From: Squarespace <no-reply@squarespace.info>
Sent: Monday, January 20, 2020 8:36 AM
To: Seeley, Matthew
Subject: Form Submission - Bluefish Supplemental Scoping

Name: Mac Currin

Email: maccurrin@gmail.com

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

Primary state(s) you land bluefish in:: North Carolina

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

Comments: Do want is necessary to rebuild this stock as soon as possible since it is vitally important to the recreational sector,

Maybe this time the MAFMC will not allow transfer of rec quota to the commercial sector- I sure hope so. I have asked you folks each and every time you have modified the bluefish plan over the past 10 years, to eliminate this option but it has always remained and recreational quota has been transferred to the commercial sector most if not all years. PLEASE END this. There is no sane reason that recreational anglers should not be allowed to "bank" fish if they choose to do so by catch and release. Instead, the MAFMC transferred quota to the commercial sector every year the rec sector was not projected to harvest it's allocation. If you had not done so, maybe the rec sector would not have to take such a drastic reduction in harvest under this amendment.

Please do the right thing this time.

Mac Currin
Raleigh, NC

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

From: Squarespace <no-reply@squarespace.info>
Sent: Monday, February 3, 2020 9:34 AM
To: Seeley, Matthew
Subject: Form Submission - Bluefish Supplemental Scoping

Name: Marc Chiappini

Email: chipnsnj@yahoo.com

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

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

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

Comments: Blue Fish have been a staple recently as a fish you could take daily. Their numbers in Delaware Bay have been great, so why the limits now?

But, if you put limits on, keep them the same for commercial head boats and private boaters. It is not fair to give commercial operators an advantage in limits over those of us that operate and own our own boat.

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

From: Squarespace <no-reply@squarespace.info>
Sent: Thursday, February 27, 2020 9:38 AM
To: Seeley, Matthew
Subject: Form Submission - Bluefish Supplemental Scoping

Name: Mateusz Brodka

Email: brodkamatt@gmail.com

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

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

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

Comments: Im usually fishing for bf in May from shore- beach and saw a decline in numbers over the course of 4 years. It would be good to consider smaller bag limit. Also it would be beneficial for researchers to do surveys to determine if bf have declined in numbers.

I'm interested if anyone has any statistics

Thank you
-Matt

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

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) MPR 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

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+B)
 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+B)	PSE
PRELIMINARY	2019	MAY/JUNE	SCUP	SHORE	404,619	93.7
PRELIMINARY	2019	MAY/JUNE	SCUP	PARTY BOAT	77,972	25.6
PRELIMINARY	2019	MAY/JUNE	SCUP	CHARTER BOAT	3,830	65.6
PRELIMINARY	2019	MAY/JUNE	SCUP	PRIVATE/RENTAL BOAT	16,972	68.6
PRELIMINARY	2019	JULY/AUGUST	SCUP	SHORE	380,304	95.2
PRELIMINARY	2019	JULY/AUGUST	SCUP	PARTY BOAT	195,370	20.1
PRELIMINARY	2019	JULY/AUGUST	SCUP	CHARTER BOAT	14,969	65.2
PRELIMINARY	2019	JULY/AUGUST	SCUP	PRIVATE/RENTAL BOAT	423,927	21.5
PRELIMINARY	2019	SEPTEMBER/OCTOBER	SCUP	SHORE	406,532	95.9
PRELIMINARY	2019	SEPTEMBER/OCTOBER	SCUP	PARTY BOAT	78,446	39.4
PRELIMINARY	2019	SEPTEMBER/OCTOBER	SCUP	CHARTER BOAT	7,005	60.8
PRELIMINARY	2019	SEPTEMBER/OCTOBER	SCUP	PRIVATE/RENTAL BOAT	380,391	38.9
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 26,803 32.9
 Rec 840,290 20.7
 Total 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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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 contains estimates resulting from the full application of both the Across 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	1,053	79.2
PRELIMINARY	2019	SEPTEMBER/OCTOBER	TAUTOG	CHARTER BOAT	2,509	63.4
PRELIMINARY	2019	SEPTEMBER/OCTOBER	TAUTOG	PRIVATE/RENTAL BOAT	165,558	37.6
PRELIMINARY	2019	NOVEMBER/DECEMBER	TAUTOG	PARTY BOAT	1,467	49.3
PRELIMINARY	2019	NOVEMBER/DECEMBER	TAUTOG	PRIVATE/RENTAL BOAT	273,170	35.6

Handwritten notes and calculations:

(Day open)
 (21) Wave 5 (28) Wave 6

Shore Party Charter Rec

71/26
 634
 37/26

0
 1063
 2509
 165,558

0
 1467
 273,170 (7883)(97)

CT = 4461691 Total

Annual RSE 26.4

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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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) calladash.

** Beginning in 2018 wave 1, all catch estimates in shore and private/hire 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	BLACK SEA BASS	PARTY BOAT	6,102	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	51.6
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	6,964	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	88,571	28.7
PRELIMINARY	2019	NOVEMBER/DECEMBER	BLACK SEA BASS	PARTY BOAT	225	18.7
PRELIMINARY	2019	NOVEMBER/DECEMBER	BLACK SEA BASS	PRIVATE/RENTAL BOAT	111,871	26.1

Handwritten notes:
 Shore 0
 Party 52,642
 Charter 9544
 Rec 433,515
 CT = 495,701 Total
 PSE values: 0, 18, 23.4, 19.1
 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)

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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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 + B)
 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 Under Intercept Survey (APUIS) 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+B)	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	87.1
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	803	63.6
PRELIMINARY	2019	JULY/AUGUST	BLUEFISH	PRIVATE/RENTAL BOAT	74,335	38.9
PRELIMINARY	2019	SEPTEMBER/OCTOBER	BLUEFISH	SHORE	356,596	78.3
PRELIMINARY	2019	SEPTEMBER/OCTOBER	BLUEFISH	PARTY BOAT	336	74.9
PRELIMINARY	2019	SEPTEMBER/OCTOBER	BLUEFISH	CHARTER BOAT	6,070	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
<u>CT =</u>		<u>670,511 Total</u>

*45.1 PSE
Near very imprecise estimate*

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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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.

** 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		STRIPED BASS	SHORE	527	106
PRELIMINARY	2019	MARCH/APRIL	STRIPED BASS	PRIVATE/RENTAL BOAT	783	87
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	6,426	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

Shore 3906
 Party 9
 Charter 5,556
 Rec 57,209
 CTS 64,680 Total
 Annual PSE 29.4
 PSE: 88.3, 87.3, 37.3, 32.6
 Not Precise

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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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 [summary](#) 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 (AP AIS) 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	SUMMER FLOUNDER	SHORE	0	-
PRELIMINARY	2019	MAY/JUNE	SUMMER FLOUNDER	PARTY BOAT	3	112.8
PRELIMINARY	2019	MAY/JUNE	SUMMER FLOUNDER	CHARTER BOAT	89	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	58,333	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	65.4
Rec	82,516	23.4
CT = 89,902 Total		
Annual PSE		22.5%

No Ass

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, WVORCA (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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From: Squarespace <no-reply@squarespace.info>
Date: January 29, 2020 at 8:37:38 PM EST
To: Mary Clark Sabo <msabo@mafmc.org>
Subject: Form Submission - Contact Info - Bluefish scoping
Reply-To: mimi217@sbcglobal.net

Name: Michelle Defeo

Email Address: mimi217@sbcglobal.net

Subject: Bluefish scoping

Message: I think the first thing you should do to save the bluefish is stop all public and private bluefish contests in the tri-state area ! Also eliminate all snapper fishing for 2 years ! Limit the size for of fish that reproduce ! My opinion

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

From: mikekenville@aol.com
Sent: Wednesday, February 19, 2020 10:45 AM
To: Seeley, Matthew
Subject: Bluefish Scoping Comments

Thank you for taking the time to read my comments concerning Bluefish:

I'm a 56 year old sportsman from New Jersey who has fished for Bluefish his entire life. I appreciate the fact that fishery managers are taking a look at Bluefish conservation, considering that we are in a down cycle of Bluefish abundance in the Garden State.

The proposed bag limit I've read thou, (3 for private anglers, 5 for hire) appear to be overly draconian and I don't feel will have any significant positive effect. This is because Bluefish are a pelagic species that roam most of our oceans and here in the US are not heavily harvested either commercially or recreationally. They certainly are targeted a lot by sportsman, but many more are released then kept now in my recent experience over the last 20 years in New Jersey - gone are the days of filling a burlap sack on a party boat.

So you may wonder if I release most of my Bluefish why do I feel a bag limit of 3 is a hardship? The reason is that there are times when I enjoy harvesting the smaller Bluefish of 12 to 16 inches and a bag limit of 3 would make this pointless. Five for both private and boat anglers would make more sense and I don't think the net effect would be harmful to the overall population.

There is another reason too, late in the summer and early fall the 12 to 16 inch Bluefish provide one of the few consistent opportunities for the shore based angler who wants to harvest fresh seafood. With the current size limits you could fish your entire life from a beach or pier and never catch a keeper Sea Bass or Fluke, so what else is there beside Bluefish?

Please consider NOT reducing the bag limit to 3.

Sincerely,
Mike Kenville
147 Pebblebrook Lane
Mt. Laurel, NJ

From: Squarespace <no-reply@squarespace.info>
Sent: Tuesday, February 11, 2020 7:39 AM
To: Seeley, Matthew
Subject: Form Submission - Bluefish Supplemental Scoping

Name: mike Rapoza

Email: rapdiver@comcast.net

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

Primary state(s) you land bluefish in:: Massachusetts, Rhode Island

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

Comments: Sadly bluefish is going the way of other game fish in the northeast. Over fishing by commercial fisherman and catch limits for recreational fisherman that are ridiculously high are bringing the bluefish population down to historic lows. Our liberal fishery management of this species is an insult to shore and small boat fisherman of New England. When will our fisheries management have the backbone to set sustainable limits on bluefish? Every other game fish in our region is near historic lows and will soon be nothing more than a memory.

Respectfully,
Michael Rapoza

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



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 <no-reply@squarespace.info>
Sent: Tuesday, February 11, 2020 4:17 PM
To: Seeley, Matthew
Subject: Form Submission - Bluefish Supplemental Scoping

Name: Orlando Panico

Email: opanico1@comcast.net

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: Is the goal of these hearings to destroy recreational fishing? Bluefish are perhaps the most abundant fish in the Delaware Bay. Putting a limit on them not only hurts the recreational fishermen but also may put in danger the bunker population. Bluefish feed on bunker. The more blues the less bunker. The less bunker the less striped bass. The less stiped bass the more stupid the laws passed to save them. The flounder laws and limits are probably the most ridiculous laws on the book. The larger fish over 18" are more than likely to be females which are allowed to be kept. DUH. How about keeping 17" fish and letting the larger ones return back to lay eggs! WAKE UP! Why is it that environmentalists continually play games with the recreational fishermen? STOP trying to be Mother Nature and help with keeping the bays and oceans clean. This would make an impact instead of laws and limits few obey .

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

From: Squarespace <no-reply@squarespace.info>
Sent: Tuesday, March 17, 2020 11:58 PM
To: Seeley, Matthew
Subject: Form Submission - Bluefish Supplemental Scoping

Name: patrick duckworth

Email: patrick_duckworth@yahoo.com

How would you describe your primary role in the fishery?: Commercial

Primary state(s) you land bluefish in:: Rhode Island

Gear type(s) used:: Gillnet

Comments: The commercial quota needs to be increased to 50%. Min bluefish size should be 18 inches. Northern states need more bluefish quota from southern states

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

From: drpat33 <drpat33@aol.com>
Sent: Tuesday, March 17, 2020 10:49 PM
To: Seeley, Matthew
Subject: Bluefish Scoping Comments

As a veterinarian and avid fisherman I would suggest a 3 year moratorium on snapper fishing along the entire east coast .The problems is that to many juveniles are caught and never get a chance to reproduce.
Dr. Patrick Lanzarone 9179919683

Sent from my Verizon, Samsung Galaxy smartphone

From: hoppyale <hoppyale@sbcglobal.net>
Sent: Sunday, March 1, 2020 10:23 AM
To: Seeley, Matthew
Subject: Bluefish scoping comments

Chris as a recreational fisherman I appreciate your work. To me, besides the skewed numbers everybody has a problem with there is 2 major problems with compiled data and management plan. First I believe the biggest problem is the seemingly arbitrary target goal of 200,000 MT that has never been reached, even back in th 80s when people were filling garbage cans with blues. That just doesn't happen any more even when "the race" is red hot. Habits have changed. Also fish have moved. Speaking from my vantage point of the eastern sound, the race, where much of the fishing occurs, the big schools of large fish are not centered here any longer. I believe the target number of 200,000 needs to change rather drastically. Thanks, Paul Whitehouse. Niantic, ct

From: KESS <pkess@optonline.net>
Sent: Tuesday, March 17, 2020 4:01 PM
To: Seeley, Matthew
Subject: BLUE FISH ALLOCATION

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

Bluefish Allocation and Rebuilding 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

From: Squarespace <no-reply@squarespace.info>
Sent: Tuesday, February 11, 2020 5:45 AM
To: Seeley, Matthew
Subject: Form Submission - Bluefish Supplemental Scoping

Name: Phillip LaStella

Email: panfilio@acedsl.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: Please implement significant reduction in bluefish quotas especially for boat and commercial/recreational fisherman.

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

From: Squarespace <no-reply@squarespace.info>
Sent: Wednesday, February 26, 2020 9:36 AM
To: Seeley, Matthew
Subject: Form Submission - Bluefish Supplemental Scoping

Name: Ralph Chappell

Email: captrechappell@yahoo.com

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

Primary state(s) you land bluefish in:: North Carolina

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

Comments: The abrupt change to a three fish limit while allowing a five fish limit if the same angler is fishing with a guide demonstrates the abject lack of science behind the decision.

Compound that with the there being no size or slot limits also challenges the credibility of the decision

Finally, try to find any mention anywhere for Commercial Limits....and see if you can determine what it might be.

When discussing this issue with a NOAA employee.....the reaction was both hands in the air and the statement that there is no telling what the State of North Carolina does!

That coming from a very credible and reasonable proponent for controlled limits on fishing stocks.

Stick with the old Limits... and apologize for getting it exactly wrong is my suggestion.

Note.....I hold both Recreational and Commercial Licenses in North Carolina.

I can see both sides of the issue....although I seriously doubt the State of North Carolina can based upon the last Bluefish Decision.

I can be convinced....but there was absolutely no effort to do that by the State of North Carolina PRIOR to announcing the decision.

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

From: Randy Sigler <randy@striper.com>
Sent: Tuesday, January 14, 2020 12:10 PM
To: Seeley, Matthew
Subject: Bluefish Scoping Comments ...

Hey Matt,

Randy Sigler here, from Marblehead, MA. Thanks for accepting thoughts about the bluefish fishery :)

I am a commercial fisherman, and a licensed seafood dealer in the Boston area. However, the largest component of my business is Sigler Guide Service, a charter operation primarily fishing nearshore for striped bass and bluefish. I have eight guides, running 24' - 26' center consoles, with the majority of our trips being half day, inshore trips with 1 - 4 anglers per boat.

As some reference, we ran over 800 trips this past summer which, I believe, would make us the largest charter operator in the north east. We are highly conservation/ catch & release oriented, and have had a self-imposed "slot limit" on striped bass for many years ... releasing any fish over 36". For our business, having fish available to catch is far more important than having fish to bring home.

My charter business generates a significant economic impact when considering charter fees, gratuities, lodging/dining/etc from visiting anglers, as well as fuel, ice, dockage, tackle, etc, etc for eight boats and guides.

In terms of bluefish, we have grown increasingly concerned over the last five to eight years at the decline in abundance that we have seen in our area. I am not familiar enough w/current stock assessments and trends, nor am I intimately familiar with historical allocations. What I can say is that our business suffers when abundance drops, and it thrives when stocks are at high abundance levels.

If the overall stock is managed to create high abundance, I am less concerned with commercial vs recreational allocations. A two or three fish bag limit is more than sufficient for our business to thrive. My concern with allocation becomes more relevant if the allocations chosen lead to difficulty rebuilding stock levels.

I'm not sure if that helps, but wanted to share some perspective from what I think is a significant economic player in the bluefish fishery north of Boston.

Thanks again Matt. Please feel free to reach out w/any questions or thoughts.

Sincerely,

Randy

Randy Sigler
Sigler Guide Service
1 Peabody Ln
Marblehead, MA 01945
www.Striper.com
randy@striper.com
617-459-1798

From: rich beneduci <rlb6233@gmail.com>
Sent: Tuesday, March 17, 2020 4:08 PM
To: Seeley, Matthew
Subject: Blue fish limits

I have been fishing in NJ now for over 40years. I understand the need to put limits on keeping fish. What I do not understand is why limits on party boats are higher than private boats.

As an owner and fisherman on my boat, I spend and support the NJ economy as do party boat owners.

I buy bait, tackle, gas and other other items. All fisherman are equal, therefore limits should be equal. (Be it 3,4,or5) . The board should also consider putting size limits on blue fish. Small fish do not yield enough meat for food and will grow to enhance the stock.

I understand the argument that snappers are used for bait, but there other baits that can used.

With all restrictions on flounder, weak fish (which I do not even target anymore), fluke and stripe bass, it becomes less and less appealing to continue fishing.

I truly believe that limits on bluefish are required but all fisherman should adhere to the SAME restrictions. People on party boats tend to be wasteful. They tend to feel they need to get their monies worth. Owners must instruct participants the need for conserving our resourses.

Please consider giving all fisherman the same limits. Why be different? All other fish limits are the same for all fisherman. What is different about bluefish?

Rich Beneduci

From: ROBERT SWITZER <robert_switzer@msn.com>
Sent: Wednesday, March 18, 2020 8:39 AM
To: Seeley, Matthew
Subject: bluefish scope

Bluefish are a cyclical species. Always have been, always will be.

Going from 15 to 3 is not reasonable, nor warranted.

The public appetite for bluefish has decreased, not increased.
But those who do enjoy them should not be penalized for bad models.

Regards,
Robert Switzer

From: Squarespace <no-reply@squarespace.info>
Sent: Wednesday, February 26, 2020 3:23 PM
To: Seeley, Matthew
Subject: Form Submission - Bluefish Supplemental Scoping

Name: Ross Baker

Email: rvbaker15@gmail.com

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

Primary state(s) you land bluefish in:: Virginia

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

Comments: Reduce commercial catch, not many rec anglers keep bluefish.

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

From: Squarespace <no-reply@squarespace.info>
Sent: Tuesday, March 17, 2020 8:28 PM
To: Seeley, Matthew
Subject: Form Submission - Bluefish Supplemental Scoping

Name: Roy Miller

Email: FISHMASTER70@COMCAST.NET

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

Primary state(s) you land bluefish in:: Delaware

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

Comments: Sector allocations between commercial and recreational fisheries should be adjusted according to the revised coastal MRIP estimates. If we are going to use revised and back-calculated MRIP estimates to determine if the stock is overfished or if overfishing is occurring, then we should use these same estimates for allocation purposes, regardless of which years are employed in the calculations.

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

From: Squarespace <no-reply@squarespace.info>
Sent: Friday, March 13, 2020 8:30 PM
To: Seeley, Matthew
Subject: Form Submission - Bluefish Supplemental Scoping

Name: Sarah Schumann

Email: schumannsarah@gmail.com

How would you describe your primary role in the fishery?: Commercial

Primary state(s) you land bluefish in:: Rhode Island

Gear type(s) used:: Gillnet

Comments: I work on a state waters gill net vessel out of Point Judith, RI. Bluefish are our primary target species. My captain and I would like to see a larger minimum size for bluefish: 18 inches to the north and 16 inches to the south. We would also like to see a shift in quota for a commercial from the south to the north to accommodate larger landings to the north. We would also like to see some quota shifted from the recreational to the commercial side, because more people are eating bluefish now and they should be made available to the general public in the markets. We are only getting 14% commercial and 86% recreational; it would be nice to get 30% commercial. In recent years, we haven't had any problem filling our quota here in Rhode Island, and we've had to ask for quota transfers on a regular basis from states further south. It is obvious that the trend for bluefish is a movement to the north, and the regulations needs to keep stride with climate change. Thank you for the opportunity to comment.

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

From: Squarespace <no-reply@squarespace.info>
Sent: Monday, February 10, 2020 2:01 PM
To: Seeley, Matthew
Subject: Form Submission - Bluefish Supplemental Scoping

Name: Scott Hall

Email: hall.scott.27@gmail.com

How would you describe your primary role in the fishery?: Other

Primary state(s) you land bluefish in:: Maine, New Hampshire, Massachusetts, Rhode Island

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

Comments: I regret to make this certainly unpopular comment about the commercial bluefish regulations and as they may apply to other regulations. I am a former commercial fisherman from Gloucester MA, and now work as a scientist.

I think the approach taken worldwide by fishery regulators is to task scientists to evaluate catch data, estimate stocks and regulate harvest so that people can retain as much biomass as possible while having a stock maintain and or grow. There are inherent flaws in this type of measurements and speculative correlations cannot be made accurately even if it is best available science.

My recommendation is that for the bluefish stock and for other stocks, that the regulations be made on the far conservative side and to take pressure off the stocks for a series of years to see if it can rebound, rate of rebound, and to increase environmental monitoring; to attempt to evaluate scientifically, changes in temperature and water chemistry to comprehensive stock evaluations to see the ability of the stock to rebound. Regulations following that scheme of wait and evaluate will undoubtedly be unpopular in the industry and among recreational anglers for any given crashing stock. Sadly, I am okay with unfair to people and fleets as I want stocks healthy, and not only just being there, for when my children look to the ocean.

Specific to this regulation, I am unable to find if the raw data, believe that this is a case of risk management and the risks of under regulating stocks to keep fisherman semi-happy and commercially viable will ultimately be detrimental to the stocks years from now as is being witnessed in multiple fisheries around the globe.

Thank you for your time,

Scott

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

From: SCOTT LUNDBERG <reelsportfishing@aol.com>
Sent: Tuesday, February 18, 2020 3:07 PM
To: Seeley, Matthew
Subject: Bluefish Scoping Comments

Sent from [Mail](#) for Windows 10

As a full time charter boat captain in Pt. Judith Rhode Island, I would support separating the for hire industry from the private boat and shore angler in the recreational category. Historically, the bluefish has been the bread and butter of the charter boat industry in the Northeast. This would give our industry stability and our daily electronic reporting would give us accountability. Sincerely Yours, Captain Scott Lundberg Reel to Reel Sportfishing LLC www.reeltoreelsportfishing.com

Bluefish Comments for the supplemental scoping hearings to gather public input for the Bluefish Allocation and Rebuilding Amendment at Toms River on February 18, 2020

Respectfully resubmitted 02/21/2020
Sergio Radossi
Ridgefield Park, NJ

Bio; Retired Engineer/ Eng. Exec., Past President Hudson River Fishermen's Assn, Past Director NJ Outdoor Alliance, Current member NJ Marine Fisheries Council, member various sportsmen's organizations.

Note to Mr. Matthew Seeley, Fishery Mgmt. Specialist, MAFMC.

Pursuant to the February 18, 2020 Toms River, N.J. Bluefish supplemental scoping public hearing, please replace my comments dated 2/18/2020 with this comment submission dated 2/20/2020.

I have revised my comments to better follow your outline "Issues for Public Comment", pg. 10 of your Supplemental Scoping and Public Information Document distributed at the 2/18/2020 hearing.

Please note that I am available to answer any questions and assist as time allows.
Thank You
Sergio Radossi

Issue 1: FMP Goals and Objectives

Issue 1.1 Increase understanding of the stock and of the fishery.

The hearing was attended by a good cross section of commercial, party boat and larger for-hire (6+ people) Captains/Owners along with individual/private anglers. These folks offered firsthand information on the current state of the subject fishery. These fishermen have decades of knowledge, experience and wisdom which they are willing to share with fisheries managers. There is an obvious disconnect between the end users (the fishermen) and fisheries managers.

I strongly urge that the fishery managers responsible for the current and future regulations use these (and like) fishermen as consultants.

Issue 1.2 Provide the highest availability of bluefish to the U.S. fisherman while maintaining, within limits, traditional uses of bluefish (defined as the commercial fishery not exceeding 20% of the total catch)

Please take my comments as a constructive critique, but issue 1.2 is an opened ended goal. I suggest “highest availability” be replaced with “meeting the SSB target”. Also the term “within limits” is included in the issue 1.2 goal should either be defined or deleted.

In short, all goals must be state a desired outcome, be time bound and must include metrics. If the goals are not met on time, initiate a corrective action to get the project back on track. Note that this is the standard operating procedure in the many successful private sector companies.

However, I believe that I do understand your intent with issue 1.2; my reply is as follows;
In order to rebuild the fishery we need good, verifiable data *, include environmental factors , use the experience and wisdom of the folks who are out on the water(fishing), develop metric and time bound project goals which address the needs of your customers. Your customers are the resource and both the commercial and recreational sectors.

*Insure that the SSB target is both realistic and attainable. If the biomass target has never been met in the past, it is a strong indicator that it is wrong, it should not be used and it must be rejected. To state the obvious, poor input data produces poor results.

Issue 1.3 Provide for cooperation among coastal states, fisheries managers.... Etc.

Great question, I think you’re looking at a major root cause issue. Unfortunately, my experience shows that the odds of having fisheries management decision makers, working with end users is unlikely (at best). Please see comment 5 below, for additional information.

Issue 1.4 Promote compatible management regulations between state and federal jurisdictions.
Again great root cause issue, but beyond public’s pay grade.

Issue 1.5 Prevent recruitment overfishing.

I do not understand this goal as stated. Are we talking about more restrictive size, bag and season limits or closing the fishery? Again, I see this as an open ended goal.

Issue 1.6 Reduce the waste in both commercial and recreational fisheries.
Please see comment 6 below, for additional information as related to the recreational sector.

Regarding Management Questions; refer to comments and addendum for issues 1.1 -1.6 above.

Issues 2, 3, 4, 5;

I believe these where adequately covered at the 2/18/20 bluefish scoping hearing, but I reserve the right to provide additional future comments.

Other Issues;**Comment 1) SSB Target:**

In addition to my comments is section regarding the SSB Target.

Fisheries managers have consistently preached the importance of maintain consistency in data collection and process. My understanding is that the current 200,000 MT value is the result of a 2018 change in MRIP's data collect process. This changed the way MRIP estimates the recreational catch effort resulting in a much higher catch effort. The 2018 change was used to recalibrate (back date) the SSB values 2018 thru 1985.

Given the importance of maintaining consistency in data collection and process, I am requesting that the MAFMC Bluefish committee review this, verify that errors were not introduced and provide a report to NJ anglers via the NJMFA and the NJMFC.

I am also requesting that a corrective action plan be implemented to address any issues found.

Comment 2) MRIP Data: Estimated Anglers actively fishing.

In the past 37 years the number of party and charter boats has greatly decreased. For example: per a post from Capt. Bogan in May 2017, approximately 50 party and charter boats have gone out of business between 1996 and 2006. I do not have information on closure since 2006, but I am sure that organizations such as the United Boatmen can help you with this.

We must also include party and charter boats that have closed shop in adjacent states (NY and Delaware). Recently the Brooklyn (from Jamaica Bay) has ended operations in February due to the new bluefish regulations.

Also consider that Hurricane Sandy, the recession of 2008 and the stricter regulations on even recovered species (such as black sea bass) greatly reduced both the number of private boats and the number of trips taken. There has been a reduction of over 50,000 private boat registrations. If we estimate 2 anglers per boat this is 100,000 few private boat anglers. Finally, consider that night blue fishing for years has not occurred for years.

Bottom Line there are few people fishing each year, the sport is dying.

Since there are few fishing resources available, fewer people must be fishing. I am requesting that the MAFMC Bluefish committee demand that MRIP justify in writing how fewer people fishing results in overfishing today as compared to the 1980's, 90's etc., and provide a report to NJ anglers via the NJMFA and the NJMFC.

I am also requesting that a corrective action plan be implemented to address any issues found.

Comment 3, MRIP Data Error example.

As a member of the NJ Marine Fisheries Council, I participated in a discussion regarding the option of a delayed start to springtime Striped Bass fishing in Raritan Bay. Raritan Bay is part of the NY/NJ boundary waters, the state lines runs along Ambrose channel to the Raritan Reach to the Kill Van Kull, approximately. It is fished by both NY and NJ anglers.

During the discussion on closure, I was informed that MRIP is charging 100% of the Striped Bass catch to NJ. This is blatantly incorrect and results in corrupt data. Given this major error, all MRIP efforts must be questioned. I am requesting that the MAFMC Bluefish committee demand that MRIP justify in writing how such a blatant error occurred and was and provide a report to NJ anglers via the NJMFA and the NJMFC.

I am also requesting that a corrective action plan be implemented to address any issues found.

Comment 4, Environmental Factors.

The current marine resource management process is focused on one tool. Quotas (size limits, catch limits season are just a subset of quotas). No fish species can be successfully managed using one restrictive management tool. Proof is that it has not worked to date.

Some areas that MUST be considered in the Bluefish management plan are (but limited to) forage (example, lack of sand eels), habitat, sand mining (destruction of habitat with regard to the impact on marine resources), resource availability (fish are reported to have moved offshore).

Considering that Bluefish is a marine [pelagic fish](#) found around the world in temperate and subtropical waters. They are not just an east coast inshore species. They have been documented to disappear for years, just to return in great numbers. They are cyclic.

Has anyone stop to ask where did the bluefish go? Perhaps look at the historical records on bluefish...before the creation of the MAFMC. And why did they disappear? There are many reports of large numbers of bluefish from folks fishing offshore.

I am requesting that the MAFMC Bluefish committee include environmental factors along with pelagic migrations as a possible cause of low numbers in the bluefish plan and provide a report to NJ anglers via the NJMFA and the NJMFC. I am also requesting that a corrective action plan be implemented to address any issues found.

Comment 5, Regarding Issue 1.3 Provide for cooperation among coastal states, fisheries managers....
Etc.

This comment speaks to the recreational fisherman's frustration in attempts to speak to and work with the NMFS and its component sections/departments.

A few years ago, New Jersey recreational anglers attempted to work with NMFS to resolve issues regarding regulations (summer flounder in particular). The process seems hopeful as a meeting between key sportsmen organizations and John Bullard, NMFS Administrator, and his staff. We all met at a NJ State facility in Ocean County. The outcome was a plan outlining items to move forward and "improve cooperation". Follow up letters were sent to Mr. Bullard. To the best of my knowledge this is where it ended. No responses, no plans, no further action. It was just a show.

Mr. Bullard was replaced by Michael Pentonyas. I know that some have attempted to open discussions regarding regulations, stock status, etc. Result... To the best of my knowledge no replies have been received.

One cannot fault the fishing community for its skepticism regarding cooperation with fisheries managers and the administration. I will say that I believe that NJFMA is trying to do its best with the cards they are dealt.

Recommended Corrective actions;

- a) When special meeting are called, follow up correspondence and actions are a must. It is both unprofessional; and disrespectful to hold a meeting and then ignore the participants. This applies to all meeting participants including administrators. Better to not have any communication.
- b) Initiate corrective actions to achieve process transparency, simplify reports (stop using marine fishery speak, it is not necessary and impresses no one except those writing the reports), Stop answering end users questions by saying, "look online" (for many end users, online access is equal to or worse than refusing to answer).
- c) There is a perception that the NMFS, NOAA, and the councils and commission would like nothing better than ending the recreational fishery altogether (I have actually been told of verbal statements fishery managers to this effect), additionally we can look at the unchanged current black sea bass regulations on a fully recovered fishery, the threat to impose a 3 fish limit on scup and other examples as proof that the perception may be true. Corrective action, prove the perception wrong, by action not words or 10 year plans.

Comment 6; Issue 1.6 Reduce the waste in both commercial and recreational fisheries.

As the result of the most recent regulation issue regarding summer flounder and N.J.'s attempt to fight it by going out of compliance, a discard reduction plan was developed in a cooperative effort between NJ recreational fishermen and the NJMFA. This included the use of circle hooks, dehooking tools, proper release and fish handling education. The deliverable was to reduce dead discards and to try to achieve a future quota increase. This plan was approved by the TC, councils and commission. Unfortunately, there was no metric or timeline line in the plan. There was no follow up and even though the program had been accepted and implemented by recreational fishing community, there is no report showing if it actually reduced dead discards. There was no quota reduced. If a similar program is

initiated for bluefish, will it follow the same path as used above for summer flounder? Or will the program have metrics, be time bound and using management practices accepted by industry?

Then there is the question of developing a data collection smart phone app for the recreational sector. The fishery management community treats this subject like the plague. What is the fear in trying some different?

Recommendation; the marine fishery management community needs to stop doing the same thing over and over again and expecting a different outcome. If a different outcome is desired, one needs to assess the process and do something different.

Comment 7, Economic Impact of Recreational Marine Fishing Regulations, Funding and the best available science.

First and very important...I believe recreational support sustainable fisheries management. I believe most fishermen believe the same.

Second and very important... the current recreational marine fisheries management program is destroying the sport of marine fishing. Regulations are a one way street, ever more restrictive, it serves neither the fish nor the angler. Mission failed. Conclusion....We need to change the process.

Third and very important...Funding, It is understood that this is a data hungry process, it requires funding. It also requires working smarter, better tools, etc. Conclusion....If you don't have the funding required to get the job done correctly, push for the funding.... Please do not shove another restrictive regulation thru the pipe and call it job done.

Fourth and extremely important... Stop using the term "best available science (BAS), unless it actually is the best available science". That is an excuse for not meeting goals. Instead replace BAS with "the science needed to get the job done". If additional funding is needed, make it the issue.

Conclusion Stop using "BAS" as an excuse.

I am requesting that the MAFMC Bluefish committee include the Economic Impact of Recreational Marine Fishing Regulations, Funding and the best available science in the bluefish plan and provide a report to NJ anglers via the NJMFA and the NJMFC. I am also requesting that the term best available science be banned and replaced with "the science required to get the job done"

I am also requesting that a corrective action plan be implemented to address any issues found.

From: Squarespace <no-reply@squarespace.info>
Sent: Tuesday, March 17, 2020 6:09 AM
To: Seeley, Matthew
Subject: Form Submission - Bluefish Supplemental Scoping

Name: Steve Bernardo

Email: getbig2@aol.com

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

Primary state(s) you land bluefish in:: North Carolina

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

Comments: In NC waters Bluefish have never been endangered and always plentiful. It is not the fish of choice by many anglers. but is the bait of choice. The extreme restrictive bag limits are not needed in our waters.

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

From: Squarespace <no-reply@squarespace.info>
Sent: Wednesday, February 26, 2020 1:27 PM
To: Seeley, Matthew
Subject: Form Submission - Bluefish Supplemental Scoping

Name: Steven Mines

Email: smines@me.com

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

Primary state(s) you land bluefish in:: Connecticut, New York

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

Comments: I can confirm as a recreational angler the complete absence of this species from the fishing grounds I frequent in both Long Island Sound and the Peconic estuary. In addition to a complete lack of adult fish, the shocking lack of juvenile fish is of great concern.

While I believe strongly that commercial fisherman need to earn their living and therefore should continue to receive an appropriate allocation of adult fish, the taking of juvenile fish by either commercial or private anglers under the current dire circumstances would seem foolish.

For this fishery to rebound, no juvenile fish should be taken for a period of time (to be determined by the people that know and understand population dynamics). This suggestion is a bitter pill to swallow for a large group of recreational anglers, but I don't see any other way for this fishery to recover.

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

From: Top Hook <ssofabed@aol.com>
Sent: Friday, March 6, 2020 2:59 PM
To: Seeley, Matthew
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: Squarespace <no-reply@squarespace.info>
Sent: Tuesday, March 17, 2020 3:45 PM
To: Seeley, Matthew
Subject: Form Submission - Bluefish Supplemental Scoping

Name: Taylor Ingraham

Email: tayloringraham@tightlined.com

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

Primary state(s) you land bluefish in:: Rhode Island, Connecticut, New York

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

Comments: Thank you for allowing me the opportunity to comment on the ongoing management of bluefish.

Bluefish are an incredible light-tackle species to target, yet have relatively limited culinary value. As a result, the majority of bluefish that are caught by the recreational sector are then released. As new regulations are put into place and the fish are managed in the long-term, the focus on catch and release and the value of a bluefish in the water must be a top priority. There is an opportunity to manage these fish as a valuable recreational fish, by incorporating catch and release practices into managing the fish for abundance.

Accordingly, since catch and release anglers comprise such a large portion of bluefish that are caught each year, quota reallocation should NOT be considered or implemented.

Please approach bluefish differently than other fish, and manage them according to their value in the ocean, rather than on a dinner plate. We need strong regulations to ensure that bluefish are available to those who target them - as recreation - for years to come.

Thank you,

Taylor Ingraham

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

From: Tom Fuda <tom.fuda@gmail.com>
Sent: Friday, March 6, 2020 6:41 AM
To: Seeley, Matthew
Subject: Bluefish Amendment Scoping Comments

Hello,

I am an avid recreational saltwater fisherman based in Connecticut. Last year I made at least 50 trips (the vast majority from shore) targeting striped bass and bluefish. I definitely noticed a reduction in the numbers and size of bluefish that I caught. I don't think I caught a bluefish bigger than 4 lbs last season.

As I read the allocation and rebuilding amendment, I see much talk of two sectors; commercial and recreational, but in reality, the management plan has effectively created three sectors, with the "recreational" sector being split into the "for-hire" sector, and "everyone else". I feel like this is a flawed and biased management / rebuilding plan. It gives a select and vocal few, access to kill more of the overfished bluefish stock than everyone else. Why should anglers that have access to, and can afford to pay for a boat trip have the right and privilege to kill more fish than the private boaters and shore bound anglers? This policy creates an adversarial situation between the two recreational sectors, and the clear appearance of favoritism to the for-hire sector in the management process.

Most of the recreational anglers that I know are more interested in seeing more and bigger bluefish available for the thrill of the catch (and release), than they are in killing more bluefish to take home to the table. The bluefish's value as table fare is relatively low. Their value is more as a sport fish (2nd only to the striped bass in the Northeast waters, IMO). The folks that pay money to go on bluefish boat trips should be bound by the same regulations as the rest of the recreational sector. To quote Mr. Spock: "The needs of the many outweigh the needs of the few".

Thank you for your time.

Sincerely,
Thomas Fuda

From: Squarespace <no-reply@squarespace.info>
Sent: Tuesday, March 17, 2020 10:39 PM
To: Seeley, Matthew
Subject: Form Submission - Bluefish Supplemental Scoping

Name: Thomas Smith

Email: bluefish4@comcast.net

How would you describe your primary role in the fishery?: Commercial

Primary state(s) you land bluefish in:: Massachusetts

Gear type(s) used:: Gillnet

Comments: Dear Council and Commission members,

My name is Tom Smith I own and operate two strike netters in Massachusetts commercial bluefish fishery; both boats are named Seawolf. I started the fishery in June 1981 and I've been at it ever since, though it is my livelihood it is also my passion. My landings in the 80's mostly provided the landings for Massachusetts to receive a 6.75% of the bluefish pie that we have had over the years. Most years this quota has been sufficient to carry us through this season but some years it has not been enough. Massachusetts DMF has been proactive during those years and has been able to secure quota transfers to keep its fisherman fishing and the hundreds of fish markets able to offer bluefish throughout the season. As we all know, a lot has changed in the 30 years since the bluefish management plan was put in place. Some states such as Virginia and Florida no longer have the fisheries that gave them the quotas that they still have. I believe if the quota is redistributed the last 10 years of landings should be the benchmark for what states are catching the bluefish and what states have been needing and receiving quota transfers to extend the season. Also, I think it is very important to have the mechanism in place to transfer fish from state to state as necessary. For the last 10 years, Massachusetts, New York and Rhode Island have had the most bluefish off their states. Though the landings have been off the last two years, this was predictable seeing as bluefish are offshore spawners and they had a couple of years with poor spawning conditions. The last two years we have seen a couple of strong year classes of mostly 1-3 pound fish that should be up to 5 pounds this season when they arrive in May. I've always believed the bluefish have come and gone based on their cyclic nature regardless of catch rates and fishing pressure. When I was growing up in the 60's bluefish were very scarce on Cape Cod but in the early 80's, they were at an all-time high. In the last 40 years, I've seen every variation of both boom and lean years that I feel is based on the success of particular spawning years. Thank you for your time.

Thomas Smith
Orleans MA

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

From: Anthony Durso <surfzonelures@gmail.com>
Sent: Sunday, February 2, 2020 8:32 AM
To: Seeley, Matthew
Subject: scoping

hi ,

I feel the 3 fish recreational limit is good and would also like to see something done on snapper blues maybe a size limit or smaller bag limit. The commercial quota needs to be looked at also thank you

Tony Durso

From: Squarespace <no-reply@squarespace.info>
Sent: Saturday, February 29, 2020 8:21 AM
To: Seeley, Matthew
Subject: Form Submission - Bluefish Supplemental Scoping

Name: Vincent Martella

Email: hammer1654@verizon.net

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

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

Gear type(s) used::

Comments: I enjoy shark fishing and Bluefish is the primary bait we use to catch shark. I usually shark fish with 1 other angler making for a total of 2 people on my boat. We often use more than 6 bluefish when the bite is good. I would like to ask that there be some kind of exception to the 3 Bluefish per man rule while shark fishing. These bluefish that we use for bait are caught by rod and reel sometime over months and stored in our freezer until we use them. They are not caught the same day as we are shark fishing. Please consider this when making your decision.

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

From: Vittorio Paternostro <vittoriopaternostro@gmail.com>
Sent: Tuesday, March 3, 2020 6:20 PM
To: Seeley, Matthew; Leaning, Dustin Colson
Subject: Bluefish regulation

Dear sirs,

I'm writing against limiting recreational fishing of bluefish to 3. It doesn't make any sense. I fish once in a while when possible, I respect all the laws and the beaches leaving them cleaner than they were. We eat the fish I catch, we don't bother animals for the challenge of the battle. I fish and hunt only for eating. 3 for a day isn't enough! There are thousands of them in each beach and we don't make a difference taking five or six home for our kids and our friends' families once in a while when we can go fishing!!! Professional and commercial fishing make a difference, why someone had the bad idea always to limit people's freedom!!! Feel free to contact me.

Respectfully
Vittorio Paternostro

+1 312 479 8997

From: Squarespace <no-reply@squarespace.info>
Sent: Monday, February 10, 2020 6:22 PM
To: Seeley, Matthew
Subject: Form Submission - Bluefish Supplemental Scoping

Name: William Royle

Email: wroyle@comcast.net

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: your objective is to drive recreational anglers out of saltwater fishing through ever decreasing bag limits so kiss my ass.

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



Bluefish Allocation and Rebuilding Amendment - Action Plan

(Updated as of April 2020)

Amendment Goal

The goal of this amendment is to review and possibly revise the allocation between the commercial and recreational fisheries and the commercial allocations to the states. This action is needed to rebuild the bluefish stock, avoid overages, achieve optimum yield, prevent overfishing, and reduce the need for quota transfers off the U.S. east coast.

Fishery Management Action Team

The Council will form a team of technical experts, known as a Fishery Management Action Team (FMAT) to develop and analyze management alternatives for this amendment. The FMAT is led by Council staff and includes management partners from the National Marine Fisheries Service (NMFS) Greater Atlantic Regional Fisheries Office (GARFO), the Northeast Fisheries Science Center (NEFSC), the Southeast Fishery Management Council (SAFMC), and the Atlantic States Marine Fisheries Commission (ASMFC). The FMAT will work with other experts to address specific issues, as needed.

FMAT Membership

Name	Role/Expertise	Agency
Matthew Seeley	FMAT Chair	MAFMC
Danielle Palmer	Protected Resources	NMFS GARFO
David Stevenson	Habitat Conservation	NMFS GARFO
Cynthia Ferrio	Sustainable Fisheries	NMFS GARFO
Ashleigh McCord	NEPA	NMFS GARFO
Tony Wood	Population Dynamics	NEFSC
Matthew Cutler	Social Sciences	NEFSC
Samantha Werner	Economist	NEFSC
Dustin Colson Leaning	Plan Coordinator	ASMFC
Mike Celestino	Bluefish Technical Committee	NJDFW

Applicable Laws

Magnuson-Stevens Act	Yes
National Environmental Policy Act	Yes – will require an Environmental Assessment or Environmental Impact Statement
Administrative Procedure Act	Yes
Regulatory Flexibility Act	Yes
Paperwork Reduction Act	Possibly; depends on data collection needs
Coastal Zone Management Act	Possibly; depends on effects of the action on the resources of the coastal states in the management unit
Endangered Species Act	Possibly; level of consultation will depend on the actions taken
E.O. 12866 (Regulatory Planning and Review)	Yes
E.O. 12630 (Takings)	Possibly; legal review will confirm
E.O. 13123 (Federalism)	Possibly; legal review will confirm
E.O. 13771 (Reducing Regulation and Controlling)	Possibly; legal review will confirm
Essential Fish Habitat	Possibly
Social Impact Analysis	Possibly
Information Quality Act	Yes

Expected Document

Acronym	NEPA Analysis	Requirements
EA	Environmental Assessment	NEPA applies, no scoping required, public hearings required under MSA
EIS	Environmental Impact Statement	NEPA applies, scoping required, public hearings required

Draft Timeline for Amendment Development and Implementation

Task Description	Date (subject to change)
Initiation and request of FMAT participants	December 2017
Formation of FMAT	January 2018
Initial FMAT discussion	March 2018
ASMFC meeting - review scoping plan and document	May 2018
Scoping hearings / scoping comment period	June-July 2018
Council Meeting - review scoping comments and FMAT, Advisory Panel (AP), and Monitoring Committee recommendations; discuss next steps	August 2018
AP Meeting - review amendment goals and objectives, FMAT recommendations, develop recommendations for alternatives; any amendment issues?	July 2019
FMAT Meeting – review comments and develop draft alternatives	August 2019
Joint Council and Board Meeting – discuss incorporating rebuilding and review the issues to be covered in the Amendment	October 2019
Joint Council and Board Meeting – approve supplemental scoping document for additional scoping hearings	December 2019
Supplemental scoping hearings / scoping comment period	February-March 2020
FMAT Meeting – review comments and provide recommendations for the scope of the action	April 2020
Joint Council & Board Meeting - review scoping comments and FMAT recommendations; identify potential alternatives to consider	May 2020
FMAT Meeting – develop draft alternatives	May 2020
AP Meeting – provide recommendations on draft alternatives	June 2020
Joint Bluefish Committee and Board Meeting - review and refine draft alternatives	June 2020
FMAT Meeting – Finalize draft alternatives for the August Joint Council Board Meeting	July 2020
Joint Council & Board Meeting – review and approve alternatives for public hearing document	August 2020
Development of public hearing document and hearing schedule	Fall 2020

Joint Council & Board Meeting – Approve public hearing document and EA/EIS	December 2020
Public hearings	January-February 2021
AP Meeting - recommendations for final action	March 2021
Bluefish Committee Meeting - recommendations for final action	Spring 2021
Joint Council & Board Meeting - final action	Spring 2021
Submission of draft EA/EIS to GARFO	Spring/Summer 2021
Draft EA/EIS revisions and resubmission	Summer/Fall 2021
Rulemaking (proposed rule)	Fall 2021
Rulemaking (final rule)	Winter 2021

Dustin C. Leaning

From: Vittorio Paternostro <vittoriopaternostro@gmail.com>
Sent: Tuesday, March 3, 2020 6:20 PM
To: Matt Seeley; Dustin C. Leaning
Subject: [External] Bluefish regulation

Dear sirs,

I'm writing against limiting recreational fishing of bluefish to 3. It doesn't make any sense. I fish once in a while when possible, I respect all the laws and the beaches leaving them cleaner than they were. We eat the fish I catch, we don't bother animals for the challenge of the battle. I fish and hunt only for eating. 3 for a day isn't enough! There are thousands of them in each beach and we don't make a difference taking five or six home for our kids and our friends' families once in a while when we can go fishing!!! Professional and commercial fishing make a difference, why someone had the bad idea always to limit people's freedom!!!

Feel free to contact me.

Respectfully
Vittorio Paternostro

+1 312 479 8997

Atlantic States Marine Fisheries Commission

ASMFC Summer Flounder, Scup, and Black Sea Bass Management Board and Mid-Atlantic Fishery Management Council

May 6, 2020
1:15 – 3:15 p.m.
Webinar

Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

1. Welcome/Call to Order (*A. Nowalsky, ASMFC/M. Luisi, MAFMC*) 1:15 p.m.
2. Board Consent 1:15 p.m.
 - Approval of Agenda
 - Approval of Proceedings from August 2019
3. Review Public Comment Summary on Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment Public Information and Scoping Document (*D. Colson Leaning/K. Coutre*) 1:20 p.m.
 - Public Comment Summary
 - Advisory Panel Report
 - Plan Development Team (PDT)/Fishery Management Action Team (FMAT) Report
4. Provide Guidance to PDT/FMAT on Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Draft Amendment (*A. Nowalsky, ASMFC/M. Luisi, MAFMC*) **Possible Action** 2:00 p.m.
5. Other Business 3:05 p.m.
6. Public Comment 3:10 p.m.
7. Adjourn 3:15 p.m.

MEETING OVERVIEW

ASMFC Summer Flounder, Scup, and Black Sea Bass Management Board and Mid-Atlantic Fishery Management Council Webinar

May 6, 2020

1:15 p.m. – 3:15 p.m.

Chair: Adam Nowalsky (NJ) Assumed Chairmanship: 12/19	Technical Committee Chair: Greg Wojcik (CT)	Law Enforcement Committee Representative: Snellbaker (NJ)
Vice Chair: Justin Davis (CT)	Advisory Panel Chair: Vacant	Previous Board Meeting: August 7, 2019
Voting Members: MA, RI, CT, NY, NJ, DE, MD, PRFC, VA, NC, NMFS, USFWS (12 votes)		

Public Comment – For items not on the agenda, public comment will be taken at the end of the meeting. Individuals that wish to speak at this time should use the webinar raise your hand function and the Board Chair will let you know when to speak. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance, the Board Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from August 2019

3. Review Public Comment Summary on the Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment Public Information and Scoping Document (1:20-2:00 p.m.)

Background

- In October 2019, the Board and Council initiated the development of a joint amendment to consider modifications to the commercial and recreational sector allocations for summer flounder, scup, and black sea bass.
- Commission and Council staff conducted 11 scoping hearings between February 13 and March 3, 2020; written comments were accepted through March 17. 206 individuals and organizations provided in-person and written comments. The Scoping Comment Summary Document provides an overview of public input received. **(Briefing Materials)**
- The Advisory Panel (AP) met in April to provide feedback on the public comments received and the scope of the amendment. **(Briefing Materials)**
- The Plan Development Team (PDT)/Fishery Management Action Team (FMAT) met in April to review public and AP comments and provide recommendations on the scope of the Amendment. **(Supplemental Materials)**

Presentations

- Public Comment Summary & AP Report by D. Colson Leaning
- PDT/FMAT Report by K. Coutre

4. Provide Guidance to the PDT/FMAT for the Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Draft Amendment (2:00-3:05 p.m.)**Board Discussion**

- The FMAT will reconvene following the meeting to develop a range of draft management alternatives to be considered for inclusion in the amendment. The Board and Council should also indicate if there are issues or approaches that should not be pursued further in this action.
- The Board and Council should provide guidance to the FMAT on the specific approaches to be considered for further analysis.

5. Other Business (3:05-3:10 p.m.)**6. Public comment (3:10-3:15 p.m.)****7. Adjourn**

Summer Flounder, Scup, & Black Sea Bass 2020 TC Tasks

Activity level: High

Committee Overlap Score: High (Multi-species committees for this Board)

Committee Task List

- May 2020: Webinar meeting to review recreational reform draft initiative outline, 2021 February recreational BSB fishery, scup GRA analysis, and mesh size
- July 2020: Review 2021 specifications (coastwide quota and RHLs) and commercial management measures for summer flounder, scup and black sea bass
- November 2019: In person meeting on 2021 recreational measures

TC Members: Greg Wojcik (CT, TC Chair), Julia Beaty (MAFMC), Peter Clarke (NJ), Dustin Colson Leaning (ASMFC), Karson Coutre (MAFMC), Kiley Dancy (MAFMC), Steve Doctor (MD), Emily Gilbert (NOAA), Jeff Kipp (ASMFC), Alexa Kretsch (VA), John Maniscalco (NY), Jason McNamee (RI), Lee Paramore (NC), Gary Shepherd (NOAA), Caitlin Starks (ASMFC), Mark Terceiro (NOAA), Richard Wong (DE)

DRAFT PROCEEDINGS OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
SUMMER FLOUNDER, SCUP AND BLACK SEA BASS MANAGEMENT BOARD

The Westin Crystal City
Arlington, Virginia
August 7, 2019

These minutes are draft and subject to approval by the Summer Flounder, Scup and Black Sea Bass Management Board. The Board will review the minutes during its next meeting.

Draft Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting
August 2019

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These minutes are draft and subject to approval by the Summer Flounder, Scup and Black Sea Bass Management Board. The Board will review the minutes during its next meeting.

INDEX OF MOTIONS

1. **Approval of agenda** by consent (Page 1).
2. **Move to adjourn** by consent (Page 44).

Draft Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting
August 2019

ATTENDANCE

Board Members

Nichola Meserve, MA, proxy for D. Pierce (AA)	Adam Nowalsky, NJ, proxy for Sen. Andrzejczak (LA)
Raymond Kane, MA (GA)	Stewart Michels, DE, proxy for D. Saveikis (AA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Roy Miller, DE (GA)
Bob Ballou, RI (Chair)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Jason McNamee, RI (AA)	Mike Luisi, MD, Administrative proxy
David Borden, RI (GA)	Robert Brown, MD, proxy for R. Dize (GA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Phil Langley, MD, proxy for Del. Stein (LA)
Matt Gates, CT, proxy for J. Davis (AA)	Rob O'Reilly, VA, proxy for S. Bowman (AA)
Bill Hyatt, CT (GA)	Bryan Plumlee, VA (GA)
Sen. Craig Miner, CT (LA)	Sen. Monty Mason, VA (LA)
John McMurray, NY, proxy for Sen. Kaminsky (LA)	Chris Batsavage, NC, proxy for S. Murphey (AA)
Maureen Davidson, NY, proxy for J. Gilmore (AA)	Mike Blanton, NC, proxy for Sen. Steinburg (LA)
Emerson Hasbrouck, NY (GA)	Marty Gary, PRFC
Joe Cimino, NJ (AA)	Mike Ruccio, NMFS
Tom Fote, NJ (GA)	Mike Millard, USFWS

(AA = Administrative Appointee; GA = Governor Appointee; LA = Legislative Appointee)

Ex-Officio Members

Staff

Robert Beal	Dustin Colson Leaning
Toni Kerns	Lisa Havel
Caitlin Starks	Jeff Kipp

Guests

Sen. Thad Altman, FL (LA)	Tony DiLernia, MAFMC
Dave Bard, NOAA	Arnold Leo, E. Hampton, NY
Julia Beaty, MAFMC	Charles Lynch, NOAA
Sam Chin, NOAA	Miranda Peterson, Ofc. Rep. Frank Pallone
Heather Corbett, NJ DFW	Thomas Sminkey, NOAA
Rachel Cox, NOAA	Mike Waine, ASA
Kiley Dancy, MAFMC	Charles Witek, W. Babylon, NY

These minutes are draft and subject to approval by the Summer Flounder, Scup and Black Sea Bass Management Board. The Board will review the minutes during its next meeting.

Draft Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting
August 2019

The Summer Flounder, Scup, and Black Sea Bass Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia; Wednesday, August 7, 2019, and was called to order at 1:00 o'clock p.m. by Chairman Robert Ballou.

CALL TO ORDER

CHAIRMAN ROBERT BALLOU: Okay, I would like to call this meeting of the Summer Flounder, Scup, and Black Sea Bass Board to order. My name is Bob Ballou, I have the honor of serving as Board Chair, and I'm joined as always, or at least as of the past several years by Caitlin Starks, FMP Coordinator, particularly with regard to black sea bass.

We're also joined by our new FMP Coordinator for scup and summer flounder, and that's Dustin Colson Leaning to Caitlin's right. Welcome, everyone!

APPROVAL OF AGENDA

The first order of business is the agenda. Does anyone on the Board have any recommended modifications to the agenda? Adam Nowalsky.

MR. ADAM NOWALSKY: I just wanted to request a minute or so at the end of the meeting to discuss next week's Research Steering Committee Meeting from the Mid-Atlantic Council, particularly as it pertains to RSA, which I think is of interest to a lot of people around the table.

CHAIRMAN BALLOU: Thank you; we'll add that at the end of the meeting under other business. Are there any other recommended modifications to the agenda? Seeing none, is there any objection to approving the agenda as modified? Seeing none; the agenda as modified stands approved by consent.

APPROVAL OF PROCEEDINGS

CHAIRMAN BALLOU: and we're on to the next item which is the approval of the proceedings from the Board's last meeting held May 1, 2019. Are there any recommended changes? Yes, Matt Gates.

MR. MATTHEW GATES: Yes, under the attendance it has, I was at the table for Justin those last few minutes.

CHAIRMAN BALLOU: Very good, so we'll correct the minutes to reflect that Matt Gates participated in the Board meeting as a proxy for Justin Davis. Any other recommended changes? Seeing none, is there any objection to approving the minutes as modified? Seeing none, the minutes as modified stand approved by consent.

PUBLIC COMMENT

CHAIRMAN BALLOU: Now we're on to Item 3, which is Public Comment.

This is an opportunity for anyone from the public who would like to address the Board on any issue that is not on today's agenda to do so. Would anyone like to take advantage of this opportunity from the public?

**REVIEW POTENTIAL BLACK SEA BASS
COMMERCIAL MANAGEMENT STRATEGIES
AND TO CONSIDER INITIATING MANAGEMENT
ACTION TO ADDRESS
COMMERCIAL ALLOCATION**

CHAIRMAN BALLOU: Seeing no hands, we will move on to Item 4, which is to Review Potential Black Sea Bass Commercial Management Strategies and to Consider Initiating Management Action to Address Commercial Allocation. This is a continuation of an agenda item that the Board has been addressing over the past year. Tucked into the meeting materials is a two page memo from me to the Board that outlines the travel of the issue.

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Draft Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting
August 2019

Beginning with the formation of a working group exactly one year ago, and leading to a report from the PDT or Plan Development Team, provided to the Board at our last meeting in May. Further details regarding the travel of the issue are included in the memo, and will be highlighted by Caitlin in her upcoming presentation.

As I see it, the focal points of our meeting today on this agenda item are essentially four-fold. First, to reset where we stand regarding the development of proposed management strategies to address commercial black sea bass allocation, including any new proposals submitted since our last meeting in May.

Two, is to revisit and, hopefully, reach consensus on a goal statement for the pending management action pertaining to commercial allocation, three, to undertake further consideration of the existing suite of options, alternatives, and alternatives including new proposals that have now entered the mix, and lastly to chart our next steps.

That is my outline for how I would like to proceed over the next 45 minutes or so. That's a lot, so I'm going to ask the Board to try to do your best to keep pace with our tight schedule on this issue. It's a hefty amount of work, but my hope and expectation is we can move through everything I just outlined in the time we have allotted. With that I will turn the microphone over to Caitlin for her presentation.

MS. CAITLIN STARKS: In my presentation today I'll start off with a quick overview of the background information on this topic, then review the potential management strategies related to commercial state-by-state allocations that the Board supported at the May meeting, including the TMGC approach, trigger approach, and hybrid approaches. I'll also go over the new proposed options that were submitted to the Board Chair and PDT by Connecticut, and then I'll move to that draft goal statement that

the Chair mentioned, which the Board briefly discussed in May.

Then I'll wrap up with next steps and questions. As a reminder, the development of this topic started in August, 2018, when the Board established the Commercial Working Group in response to a Board motion in May, 2018, to identify actions that would address changes in black sea bass abundance and distribution. The Commercial Working Group presented their final report on commercial black sea bass issues to the Board in February.

At that point the Board established the Plan Development Team to continue fleshing out and analyzing proposed management strategies to address the main issue that the Working Group highlighted, which is that the current allocations, commercial black sea bass state-by-state allocations do not reflect the current distribution of black sea bass along the coast.

After the PDT was formed in February, the Board met jointly with the Mid-Atlantic Council in March to discuss the work that had been done at the Board level on commercial black sea bass, and at that meeting the Council initiated an Amendment to allow for staff resources to be directed towards this issue, and coordinate with the Board on the development of options that might require Council involvement. Following that meeting, the PDT worked on analysis and development of commercial allocation options, and the Board reviewed the PDT's report on those options in May.

At that point the Board chose to continue development of the proposed strategies, except for the quota auction concept, and to come back to the table at this meeting to discuss initiating a management action and additional proposed options. Between then and now, there was some new management options proposed, so I will go through those today, as

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Draft Proceedings of the Summer Flounder, Scup, and Black Sea Bass Management Board Meeting
August 2019

well as the other options that have been proposed thus far.

Then the Board will be able to consider the goal statement for moving forward with a potential management action on this issue. I'll quickly review each of the strategies that are still on the table for discussion, including those that were presented by the PDT in May, as well as the new proposed options. The first of the options that are still on the table for consideration is what is called the TMGC approach.

Again, this approach was developed by Jason McNamee, based on an approach that was used to address allocations of shared Georges Bank resources between the U.S. and Canada, and the essential components of this approach are that it uses a formula to adjust the state-by-state commercial allocations by gradually transitioning from allocations that are based mainly on historic resource utilization to allocations that are based more on regional resource distribution or biomass information.

The formula for this approach can be manipulated in a number of ways to structure the allocation changes. For example, the weighting of the historic information versus the current stock distribution information, the length of time over which that transition occurs, and the frequency of allocations changes can all be adjusted.

The state allocations that result from this approach would continue to be dynamic over time, changing based on stock distribution information as it is updated, and it wouldn't necessarily mean changes in a single direction. Then lastly, this approach has the ability to include a control rule that would limit the amount by which allocations at the state or regional level could change in a single adjustment, and that can add some more stability to the process.

Up on the screen is an example of that TMGC approach being applied over the years of 2008 to 2015; based on the stock distribution information from the last assessment. I just wanted to put it up on the screen to jog everyone's memory of how this works, and show how the allocations would change gradually over time and how those changes might not happen in the same direction. But note that this is just an example, and the PDT would need to update this if it were to move forward based on new stock assessment information that we'll be getting in the future.

The next management strategy for consideration is the trigger-based allocation approach. This approach would establish a quota trigger, or a base level of quota that is always allocated using the current state allocations, and then the quota above that trigger would be distributed to the states using a different allocation scheme. The PDT has evaluated several methods for that additional allocation scheme, and the original concept is just to allocate the quota above the trigger evenly to all of the states from Massachusetts to North Carolina, and give Maine and New Hampshire smaller allocation, based on their low participation in the fishery.

I'll come back to the alternative strategies to that method in a few slides. The two trigger levels that were approached with this option were 3 million and 4 million pounds, and the first is approximately based on the average coastwide commercial quotas between 2003 and 2018, but excluding the years where the constant catch approach was used.

The second trigger is approximately based on the highest quota in the time series of 4.12 million pounds. This figure just shows the proposed quota triggers compared to the coastwide quotas from 1998 to 2018, so you can see in how many years the triggers were exceeded. Looking at the 4 million pound trigger, which is shown by the green line, the

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quota only exceeds the trigger in 2017, whereas for the 3 million pound trigger represented by the yellow line, ten coastwide quotas since 1998 were in excess of the trigger.

As I mentioned before, after the quota up to the trigger is distributed, based on the current allocations, which is Step 1, there are several sub-options for a trigger approach related to how that quota above the trigger could be distributed, which is shown under Step 2. The first method is the one that was originally proposed, which is the even allocation of the quota above the trigger to Massachusetts through North Carolina, and 1 percent each going to Maine and New Hampshire.

The alternative idea that was put forward by the PDT was to distribute the quota above the trigger based on regional biomass. That would be using information from the stock assessment, if available. If this method were used, the additional quota above the trigger would first be allocated to each region, based on their regional biomass proportions, and then the regional quota would be distributed to the states within that region, which is Step 3.

Under Step 3 you see there are two options for how to do that. The first is to allocate equally to states within the region, and the other is to allocate to the states within each region in proportion to their historic allocations. This is a visualization of the trigger approach as it was originally proposed, with equal distribution of the quota above the trigger, so 10.89 percent each is given to Massachusetts through North Carolina, and 1 percent each to Maine and New Hampshire.

This is a graphic that shows the alternative method using the regional biomass distribution to distribute the quota above the trigger, first to each region and then to the states within each region. Just note here that Maine and New Hampshire are still getting 1 percent each, but

that is drawn from the northern region's portion of the quota.

In addition to the TMGC and trigger approach, the PDT also presented ideas on combining multiple options into a hybrid approach. This could take different forms, but for example a hybrid option might need to allocate 50 percent of the quota using status quo, and the other 50 percent using TMGC or a trigger approach. As a reminder, the PDT commented that when or if a hybrid approach was considered, it would be important to weigh any potential increases in flexibility against complexity and the potential for public confusion, since combining multiple options could cloud the impacts of what each of those different approaches is on the ultimate allocations.

Now I'm going to switch gears and go over the new proposed options that were received after the May meeting. These options were submitted by Connecticut to the PDT, and the first option that Connecticut submitted specifically addresses their low 1 percent allocation of the coastwide quota by increasing it to 5 percent.

The rationale behind this option was that Connecticut has experienced a substantial increase in abundance of black sea bass in their state waters over the last several years that has rendered them particularly disadvantaged by their 1 percent quota. It was noted that this option is intended to be considered as a first step in the process of considering state quota allocation changes, but not in lieu of the other options that have been considered thus far.

The proposed method that Connecticut put forward for changing their allocation to 5 percent is to hold the New York and Delaware allocations constant first, and that is explained in that New York has a similar situation occurring of increased black sea bass availability, and a relatively low quota in their

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state waters, and thus it wouldn't be appropriate to reduce their allocation.

Then for Delaware, their current allocation is 5 percent, and the option here doesn't seek to make Connecticut's allocation any larger than any other state. The way the quota would be redistributed to Connecticut is by taking one-half each of Maine and New Hampshire's quotas, moving that to Connecticut, which adds an additional 0.5 percent to Connecticut's allocation.

Then the option proposes moving some allocation from the remaining states to Connecticut, with the amount that gets moved from each state being proportional to their current allocation. This would add an additional 3.5 percent to Connecticut's allocation, and come out to a total of 5 percent. This table shows how this option would change each state's allocation. The first column is their current allocations by state.

The center is the percent change in allocation by state, and on the left is the final allocation by state. I just want to note here that no state's allocation in this scenario would change by more than 1 percent. The second option that Connecticut proposed is to be considered as an alternative to the previously proposed options, and the idea with this is basically to have a modification of the trigger approach, where the base allocations are adjusted annually rather than remaining static using the current allocations.

The option uses a 3 million pound trigger, while also incorporating some of the spirit of the TMGC approach by having the dynamic adjustment of allocations over time, with consideration of both resource availability and the current allocation regime. The option uses the decision tree that's shown here to allocate quota within a given year.

If the coastwide quota is less than or equal to 3 million pounds the full quota would then be allocated using the previous year's state allocation percentages, and if the quota is greater than 3 million pounds, the first 3 million pounds of quota or the base quota would be allocated using the previous year's state allocation percentages, and the quota above the 3 million pounds would be allocated first regionally according to a proportion of available biomass in each region. This option proposes the same regions as we've considered.

Then within each region the quota would be distributed to each state according to their existing allocation proportions. The benefits that Connecticut noted for this option include that the 3 million pound trigger approach ensures that there wouldn't be substantial decreases to southern states' state-by-state allocations in the immediate future.

That it directly incorporates data on the distribution of the resource, either from stock assessments of the fishery independent survey data. That it allows the state-by-state allocations to evolve over time as resource availability shifts in either direction. The rate of allocation shift in this option is accelerated when there are higher quotas and it effectively pauses when there are low quotas.

Lastly that the overall changes from year to year in the state allocations would be moderate, because only quota above that 3 million pounds trigger would be shifted in any given year. That wraps up the review of the potential management strategies for commercial allocation. Up on the screen here are next steps for the Board.

First, as the Chair mentioned, the Board will consider a draft Goal Statement for a management action addressing black sea bass commercial allocations, in order to enable the Board and PDT to focus on further development of those strategies that best align with the

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Board's goals. Then if desired the Board could consider initiating a management action.

If that is the case, it would be helpful to specify which management strategies should be included in that document, and the type of management document needed may also depend on which options the Board wants to consider. Lastly, it would be potentially useful to consider a timeline for developing any management action.

For example, if an addendum were initiated today a draft document could be developed by the PDT over the next several months, with options the Board would like to consider, and then those options could be reviewed at the meeting with the Council in October, or at the Annual Meeting in October. It's important to note that at that time at the joint meeting the Board will also be able to review the operational assessment. That may be something to consider as well.

Then in December the Board could potentially consider a document for public comment, and if it were approved then the state public hearings could occur in January and February of 2020. Depending on the timing of those hearings it probably would not be possible to approve a final document until May 2020 at the earliest. At the earliest, implementation of any changes would probably occur in 2021.

For the purpose of starting off the Board discussion, my last slide here is that draft Goal Statement that was offered up by the Board Chair in May, and considered briefly at the end of the Board meeting in May. With that I can take any questions.

CHAIRMAN BALLOU: We'll take questions but only burning questions; because we're going to be circling back to I think a healthy discussion on the options and alternatives in just a minute. I don't want to kind of get too far ahead of ourselves with that discussion. But are there

any questions for Caitlin that are burning ones that any member of the Board wishes to broach right now?

I don't see any hands up, so I'm going to take that as willingness to kind of pause. I think again, we're going to be circling back to the entire substance of her presentation in just a few minutes. Let's circle back and start with the issue of a Goal Statement.

As a reminder, again reiterating essentially what Caitlin just said, the report from the PDT, which is included in today's meeting materials, set forth an initial analysis of management options and alternatives suggested by Board members, and also highlighted several decision points the Board may need to consider in selecting the most appropriate options for further development and inclusion in a management document.

The first such decision point involves an articulation of the Board's goal. Quoting from the report with some minor paraphrasing; "First defining the Board's intention in considering changes to the black sea bass state-by-state allocations is important to help guide the Board and focusing on the management strategies that best align with the objectives the Board seeks to meet."

I am feeling compelled to be responsive to that recommendation from the PDT and am therefore hoping that this Board can take up this issue at this point today. As a reminder, and again to reiterate what Caitlin just said. At our last meeting a straw man example was presented, and that's what's up on the board right now to seed the Board's consideration of the issue.

It's now up to the Board to provide input on whether this statement is acceptable as is, as a draft, noting of course that we're just talking about a draft Goal Statement. This could well be a process that runs over the next, and

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probably would be a process that runs over the next several months, with several opportunities for further review and analysis of not only the options and alternatives, but the Goal Statement as well.

This is not final decision making time, but it is I think time to try to reach consensus on a draft Goal Statement, and a series of options and alternatives that align well with that statement. I don't see this as an action item to be voted on, rather just looking to achieve consensus on some language that can be carried forward in the ongoing development of a draft management document. I'm now going to open the floor to comments and suggestions from the Board on this matter. Does any member of the Board wish to weigh in on this? Rob O'Reilly.

MR. ROB O'REILLY: This is sort of a longstanding request, and it's not shared by me alone. But back when we looked at the recreational options for allocations for 2018 I think, so back in 2017, I had a request to instead of the 2011 to '15 data or the 2006 to 2010 data, back to 2001. At the time we found out that North Carolina didn't have that data for the very early years. I was always stressing abundance. I don't see abundance and biomass as synonymous. You have abundance here, but with some of the options biomass is talked about. I do like the idea that you have abundance there. You know that's my comment, but how about later on when we talk about the TMGC approach and everything else? I think we should keep in mind that there is a difference between the two. I think even earlier today Tom Fote brought that point forward about, you know you need to consider the stock abundance, both in the northern and the southern areas. I just wanted to make that comment.

CHAIRMAN BALLOU: Additional comments. Suggested changes, yes Stew Michels.

MR. STEWART MICHELS: We have some concerns about using the term fair and equitable in this goal statement as it kind of implies that what we had before was not developed in a fair and equitable manner. It was developed initially in a way that is consistent with many of our other fishery management plans, just something to note there.

CHAIRMAN BALLOU: If you don't mind, I'm going to challenge you. Do you have a suggested alternative? Would you be interested in striking that or perhaps modifying that portion of the language?

MR. MICHELS: I do have a suggestion. We could strike the "to provide a fair and equitable" and replace it with something like it balances the current scientific information on resource distribution.

CHAIRMAN BALLOU: I want to capture that thought, and I'm going to see if Caitlin got that. Did you get what Stew just suggested, or would you like him to repeat it? Can you please repeat that Stew, because I really want to capture the suggestions, or you can walk it over, whichever is easier. He'll walk it over, okay. We do have one suggested modification, and I'm really looking now to kind of pull together any other suggested modifications or any offer of support for the language as written. Nichola Meserve.

MS. NICHOLA MESERVE: I had a hunch that fair and equitable might strike some of us, or might be problematic with the Goal Statement, and had a similar thought as Stew, in terms of you could strike that part and still get to what we're really trying to is better align the allocations with the scientific information. You can do that by just striking part of it so that it says; consider changes in commercial black sea bass allocation that better align allocation with the current scientific information, yada yada up there.

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CHAIRMAN BALLOU: Thank you that seems very clear in terms of your suggested change, to basically strike everything after allocation that is striking to provide fair and equitable access to the resource by, and then having the sentence continue that better aligns allocation. I think I understand well that suggested change. Any other suggested changes or modifications? I'll go to Matt Gates first and then Adam Nowalsky. Matt.

MR. GATES: To get through the fair and equitable access. I see how the scientific information can be used to distribute a little differently north and south, but how that would then be broken out by states within the regions to be more fair and equitable. I'm not sure how the scientific information will be used in that way. I would like to see, I think those terms fair and equitable kept in there, so that it's talking about state specific issues.

CHAIRMAN BALLOU: Thank you for that. Adam Nowalsky.

MR. NOWALSKY: We heard this morning, for those of us that were here, a report from the LGA Committee about discussion about reallocation. One of the comments that came out of it was that the infrastructure that has developed over time based on allocations is probably the biggest inhibiting factor to allocations, due to the economic harm reallocation could potentially cause.

We had a lot of discussion about it. I understand that this proposed statement as it's here, includes this last part about due consideration to the economic needs and interest of coastal communities. I think it's important to note that a lot of that infrastructural oftentimes extends beyond the immediate coastal community itself, both within jobs, transportation, logistics, freezers, baits, et cetera.

This issue of allocation, we have to address that. I don't think this statement goes far enough in addressing that. Furthermore, the concept of aligning allocations with updated scientific information or resource distribution in abundance. We are hitching our cart to the assessment as it stands right now that there is very real potential that the next assessment may not provide the information about the distribution in various regions as we've had it for the last couple of years.

That is a tremendous concern for me, and with that information it prevents me from being onboard with the consensus of supporting this as written. I would therefore offer a modification that was passed on; I believe from John Clark, we're sorry he can't be with us today, dealing with a terrible family tragedy. John, if you're listening, our prayers and thoughts are with you.

His suggested edit was to consider adjusting the current commercial black sea bass allocation using the current distribution and abundance of black sea bass as one of several adjustment factors. I would put that alternative out there as an option. I can read it again; I can bring it up front as needed.

I think that allows us to not be tied specifically to economic needs of coastal communities. I feel confident that in most all of the work we do we consider what the economic impacts would be, existing infrastructure, while highlighting the fact that we will consider distribution and abundance in whatever form we get it. But it's not the centerpiece of our reallocation strategy.

CHAIRMAN BALLOU: Tom Fote, did you have your hand up? I think it was. Do you still want to weigh in?

MR. THOMAS P. FOTE: Yes. After listening to Adam, I'm just sitting here thinking of how many times we decided something at one meeting and then changed completely at a

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meeting three years later, and it happens all the time. Look at what we just did with the MRIP numbers, basically on summer flounder.

We readjusted almost all the quotas based on what they think is the best data we have at this present time. Who knows what that data will show in five years, and we might have to readjust everything else. I'm not ready. I have problems with that language, and fair and equitable that doesn't belong in the statement at all. I mean we're always sitting here trying to decide what the allocations with the consensus of all the states involved. We try to do the best job. But it's always fair and equitable, because we're working it out amongst ourselves. I'll leave it at that.

CHAIRMAN BALLOU: Other comments, thoughts. That was a healthy and impressive discussion. I think it helps sort of frame things a bit. We have as I see it sort of three suggested changes; that which Stew Michels suggested that which Nichola Meserve suggested, and that which Adam Nowalsky suggested.

Now the challenge becomes how do we work through this? We could either look to try to see if we can find consensus on a Goal Statement that addresses some of the suggested, or even all of the suggested changes, if possible, or we could vow to take this up at another meeting, and just keep kicking the can down the road.

I don't want to force the issue, but I think it's an important issue to try to see if we can come to terms with it sooner rather than later, because to me it seems that it helps keep us on track, in terms of moving forward in a way that's consistent with the Board's intent. This is about the Board's intent. I'll take a few more comments. Mike, I thought I saw your hand up. Mike Luisi.

MR. MICHAEL LUISI: If I may ask a question of Adam through you. Adam, I was tracking what you started with, and I thought you were saying

that the word scientific information is a limiting factor, so it's hitched on to the assessment. Did your new language correct for that to allow for other sources of information? Is that where you were going, not being specific to just the assessment as a basis for this allocation potential redistribution?

CHAIRMAN BALLOU: Adam.

MR. NOWALSKY: I think the language that is getting up on the board now, current distribution and abundance without specifically referencing scientific information, which I think sets the expectation that scientific information is coming from the Science Center from an assessment. The reality is scientific information could be just about anything we're willing to accept.

But when I see that scientific information that is generally what we're referring to is the assessment, if you will. The language that is offered as an alternative, current distribution and abundance, yes it may use part of the assessment information, but I think it would potentially use other information we have available. Again, not to say that is non-scientific. In my opinion, scientific information referred specifically to the assessment.

CHAIRMAN BALLOU: Mike, did you want to follow?

MR. LUISI: Yes, Mr. Chairman. I share that same concern so that was a good clarification for me.

CHAIRMAN BALLOU: Maureen Davidson.

MS. MAUREEN DAVIDSON: I wanted to ask Adam. In your modification here, you said one of several adjustment factors. Will the other adjustment factors be identified in the Goal as well?

CHAIRMAN BALLOU: Adam.

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MR. NOWALSKY: I don't necessarily think it has to be part of the Goal. I think the statement as it's offered as an alternative could stand by itself. It would then be up to this Board and the PDT to determine what additional items would be included. The TMGC approach certainly highlights with its dials a number of those.

One of the concerns with the TMGC approach I share with others is that there are so many of those dials. We could spend an extended period of time addressing them all. Perhaps this would give us the opportunity to look at them, say thank you for bringing them forward, these are the ones we want to incorporate in our management action for decision making.

CHAIRMAN BALLOU: Go ahead, Maureen a follow? No, okay. I actually, I'll just offer my thought. Adam, when I heard you just say, I think and I'm not sure if I got the words right, but leave it up to the PDT to determine. I'm not sure that that is fair, in that I think the PDT is looking to the Board for guidance on what factors should govern the development and analysis of the options.

With this language as I see it, it could well be interpreted by the PDT that the only options or alternatives that should be considered are those that adjust using current distribution and abundance as one of several factors. Leaving open the question of what other factors might be considered appropriate and valid?

I just want to put that out there, and if the Board feels that this is adequate, and gives enough guidance to move forward with this process that is the Board's prerogative and wish, so be it. But I just wanted to sort of I think echo what I heard Maureen saying, and that is does this leave open the question of what other factors the PDT should be considering in their analytic work. Go ahead, Adam.

MR. NOWALSKY: I thought I had expressed in my response to Ms. Davidson. If I didn't I'll clarify now that it would be incumbent upon the Board to work with the PDT to decide what those adjustment factors would be. When we initiate a management action, we will oftentimes provide direction for the scope of options we would like in the document. We don't typically come up with the options ourselves, sitting around the table. Now we do have some of those options presented to us directly, from one state in this case.

But we will typically say do X, Y, and Z. Develop options to address these concerns. I think this Goal Statement stays use current distribution and abundance as one of, so we know that is one of the factors, and we then need to in directing the development of an addendum to identify what those other factors are here today. Clearly existing infrastructure, past allocations would be another one. Maybe we stop right there, maybe we can hash out some additional ones in initiation of a document to develop those options.

CHAIRMAN BALLOU: Maureen.

MS. DAVIDSON: I'm a little uncomfortable with the changes that we're making right now. When we started describing what the goal of our addendum was going to be we were looking for changing the allocations of black sea bass, and there are states who are looking for what I would describe as a more equitable portion of the coastwide quota. We're not asking that we all have the same, but we are asking that we can get more, okay so that we can be closer to the other states.

I think the word equitable should be up there, because that is a goal for some of the states in changing the allocations of black sea bass. I am also concerned that we are having other adjustment factors that I don't know about. I don't know what they could be. Okay my concern here is to sit here and work with and

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negotiate so that we can have more equitable distribution of black sea bass, especially for some of the states who have very small portions.

CHAIRMAN BALLOU: Good discussion, other input, other Board comments on this? This might be a tough one to resolve. I'm not sure exactly how to suggest we try to resolve it. By the way, let me ask Stew. You had offered some language that I don't necessarily see up here right now. Do you feel that you would like to add a third approach, or do you feel that one of these two options addresses your concerns?

MR. MICHELS: Thank you for asking, but I think my concern is addressed in what Adam suggested.

CHAIRMAN BALLOU: That helps in the sense that we now have essentially two proposals. I think I heard Adam suggesting that he might be open to adding to his recommended change, which would be the lower of the two here on the screen, maybe by adding in socioeconomic needs and interests as an additional factor. But that still leaves us stuck on the issue of fair and equitable. What is the wish of the Board? Mike Ruccio.

MR. MIKE RUCCIO: Thinking about this last part and the discomfort about the specificity of what the adjustment factors would be. Perhaps a compromise way to move this forward is to say that those adjustment factors will be identified, either as part of the development of the process, or as the process moves on.

I can understand and sympathize with it being left open ended, but I think it's more an acknowledgement that we don't want to have this be solely predicated on just potentially the survey information that comes from the Center, and if there are other factors to have the capability to grab those, and to consider those.

But I do also think it's important that they be clearly identified, and that there is agreement on those as kind of the suite of things that might be used moving forward. Not having that I think would be very difficult for people to understand and follow, and even know what their year-to-year allocations might be. I think there is a potential compromise there to say however you want to phrase it, but those additional factors will be identified, or as of yet to be identified additional factors. But kind of with that understanding that they will come out of the process at some point, and be understood.

CHAIRMAN BALLOU: It sounds like Mike, if I understand, you're suggesting that that latter proposal, the bottom one on the screen, might be sufficient in that yes it leaves it open ended, but that those additional factors can be determined as the process moves along that you would be comfortable essentially with that language at the bottom of the screen right now.

MR. RUCCIO: Well I guess what I was suggesting is actually to include that language that those factors will be determined and identified through the process, so that it is somewhat constrained.

CHAIRMAN BALLOU: There it is, just magically appearing; I think language that reflects what you just suggested. Now we're looking at two different approaches, and continuing to take input from the Board. Eric Reid.

MR. ERIC REID: I think at this point I prefer the second alternative, because I am concerned about the ability to collect scientific information, especially in southern New England going forward. The landscape south of where we are, is going to change substantially over the next few years because of the wind farms, and we don't know what the Services ability to collect scientific information in those areas is going to even be.

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About this time tomorrow you're going to hear the Science Center say they can't even take the Bigelow into those areas. What that does to our updated scientific information is tremendously uncertain in my mind, so I would prefer the second one, because it is a little bit more vague in that discussion.

CHAIRMAN BALLOU: What I'm hearing on this issue of fair and equitable, and Matt I do want to allow you to weigh in on this. But I sense that what I hear from several members of the Board is that fair and equitable is more of an outcome, more of an output than an input. It's sort of like once you go through the process of working through the various factors that will be considered.

Assuming those are appropriately considered and factored, you end up with a fair and equitable outcome, as opposed to trying to use fair and equitable as a yardstick going in, because how do you measure fair and equitable? I just want to throw that out as a way to say that maybe we're achieving it, or seeking to achieve it without actually saying it. Matt, did you want to comment on that or any other issue?

MR. GATES: Yes. Also addressing the current black sea bass allocations are an output of the Goal Statement too. I think I could get onboard with that second one, if we included some kind of reference to fair and equitable. I think without it, we're sending the message that we're not interested in fair and equitable in this. I would propose adding after adjustment factors to achieve fair and equitable access to the resource.

CHAIRMAN BALLOU: Matt is suggesting, I believe, that that last statement as written with an additional modification of fair and equitable access to the resource being an important factor to be considered, and should be explicitly stated, as I understand your recommendation. It sounds like we're down to close to something

that might be considered a consensus with this one key issue being the one that I think there might be some disagreement on, and we might have to vote on this. But I don't want to spend the entire afternoon on this, so let's see if we can come to terms, but I see at least two more hands, and I'll go to Maureen first and then Tom, Maureen Davidson.

MS. DAVIDSON: I would ask that we add the word equitable, and maybe not include fair since fair might seem to be a little subjective. I think equitable; you know where we're trying to go. Okay for certain states we're trying to get more fish to put us on more equal footing with other states. Fair, eh, I could work with equitable if my colleagues in Connecticut don't mind.

CHAIRMAN BALLOU: I see nods of yes from the Connecticut delegation, so it sounds like we could strike fair and just leave it to achieve equitable access to the resource as something that we seem to be coming to agreement on. Tom Fote, did you want to add anything else?

MR. FOTE: Yes, we wouldn't be in this problem if we actually had a quota that was based on what the resource is. I mean we basically have not been able to do that for the last couple years, and we also could have done that easily that we proposed 15 or 20 years if the quota went up we would allocate the extra quota equally among states.

But that's not what we're talking about here, and it's not fair and equitable to take from one of the fishermen from one state and just, I'm going to give it to the fishermen of the other state. That is not fair and equitable to me, because I didn't cause this problem. What's causing the problem is that NMFS has not raised the quota. It is how you perceive what fair and equitable is in the fishermen's eyes.

CHAIRMAN BALLOU: Understood. Let's see if we can maybe wrap by seeing if there is any

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objection to moving forward with the language that is the second piece here on the screen, the lower piece. I'll read it into the record if I get approval from the Board as our draft Goal Statement. It doesn't bind us in any way.

It doesn't mean that this is not subject to further modification and change, but at least it gives us something to move forward with. That is my thought and I wanted to see if the Board was comfortable with that. But I see Maureen and Joe Cimino, so I'll go to both of those. I will go to you next Maureen.

MS. DAVIDSON: I just have one tweak, and I have a red pen too, so I'm really restraining myself. Instead of additional factors, could we just say these adjustment factors will be identified as the process moves forward?

CHAIRMAN BALLOU: Okay so that reflects what you just suggested, I guess it's up to the Board to decide whether that is consistent with how the Board feels as a whole. Joe Cimino, did you want to comment?

MR. JOE CIMINO: I feel the need Mr. Chair, thank you. I really try very hard not to. I was okay with this for a bit, and now you know it is stated on the record that we're trying to get everyone on equal footing, and we totally lost the consideration for socioeconomic impact. I can no longer support that.

CHAIRMAN BALLOU: This is the challenge here is how explicit we get versus whether we leave it sort of open ended to be determined. But that is hitting the nail on the head, in terms of the challenge of doing it. I'm happy to go to Maureen again, but I also want to make sure that I'm not missing anyone else.

I don't see another hand up, so I'm going to go to Maureen, and then we're going to try to see if we can figure out how we want to move forward on this. If the Board wants to park this and just does not feel comfortable moving

forward today, so be it. I don't think that is a good idea, but it's really up to the Board. Let me go to Maureen, and then I see Adam, and then I really do want to try to wrap this, because we have lots of other business to do today. Maureen.

MS. DAVIDSON: In response to Joe's comment. I would be happy to add consideration to socioeconomic needs and interest of coastal communities, absolutely.

CHAIRMAN BALLOU: Adam.

MR. NOWALSKY: I would prefer, in discussing with my other New Jersey delegates, we could get behind this without the addition that was just offered, and replace equitable with more balance.

CHAIRMAN BALLOU: Adam, I'm sorry. I get the replace equitable with more balance. The other suggestion that was just is that these adjustments issue? I'm sorry, what were you speaking to that you cannot support?

MR. NOWALSKY: I was suggesting that with the change from equitable to more balanced, we would not need the inclusion of the term socioeconomic needs and interest of coastal communities that was just offered.

CHAIRMAN BALLOU: We're very close if not there. I just wonder if when we say, these adjustment factors that is different than saying additional factors. It means that it is these factors identified in the previous sentence. Maureen, I just want to make sure that you are strongly urging that we modify as we now see it. Maybe I'm getting too in the weeds on this. Are you comfortable Maureen, with the language as proposed? I'm going to put you on the spot.

MS. DAVIDSON: Yes. These adjustment factors are referring to the one of several adjustment

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factors that would achieve the more balanced access to the resource.

CHAIRMAN BALLOU: Okay. Is the Board comfortable moving forward with this as a draft Goal Statement, subject to further review and analysis as the process moves forward over the next several months? Is there any objection to adopting this as a draft Goal Statement at this relatively early stage in the process? Seeing no objection, we will move on to the next issue, which is the Consideration of Options and Alternatives. Caitlin I think did an excellent job summarizing where we are with regard to the existing set of options and alternatives as well, the new proposals that have entered the mix. In essence, I think we have right now before us a status quo option, a TMGC option, and that may have some sub-options associated with it.

At trigger option, and I think the trigger option would have several sub-options, including at what level the trigger should be, either 3 million or 4 million pounds, as well how the surplus would be addressed, either evenly distributed or distributed in accordance with regional biomass, as proposed by Connecticut in the proposal they submitted this past May.

Then a standalone, I'll call it Connecticut Bump-Up Proposal would be the fourth category. I believe that's what we have before us right now. I would like to get Board input on whether those constitute a robust set of options and alternatives that you would like to see the PDT further develop, or whether there are any recommended changes or additions to the suite of options and alternatives that the Board has before it right now. Bill Hyatt.

MR. WILLIAM HYATT: I believe you have an additional one that we've brought forth today that I would like to have put up on the screen if we could.

CHAIRMAN BALLOU: Sure, let's do that now, so if Caitlin or staff, I'm sorry, could put up.

MR. HYATT: I think this was written in terms of this being a motion, but that doesn't need to even happen, as I understand it. The idea here is that we wanted to bring forward an additional option for consideration, get it on the table. It reflects a lot of the formal discussion and the informal discussion that has taken place, last meeting and even so far this meeting.

I also believe that it sort of reflects the spirit of the discussion that took place at the LGA luncheon yesterday. What this is and you can read it, but basically it's a proposal that unfolds in a series of layers. First off it recognizes the investment in existing fisheries that is in place. It calls for no changes for anything under 3 million pounds.

It recognizes the sort of broad support for the trigger approach over other approaches that have been discussed previously. It addresses specifically the inequities that were brought forth in the PDT report, and it addresses those by addressing them for only above and beyond the 3 million pounds.

It then subsequently speaks to the need to make adjustments based upon changes in distribution with anything in addition to those initial two layers. All we're doing today is saying that our thinking has coalesced and matured some, based upon the discussions that have taken place around this table, in the corridors, et cetera, and we would like to add this to the list of options that the PDT is considering going forward.

CHAIRMAN BALLOU: I'll look to staff. First of all, I think Caitlin has a qualifying question, and I also want to make sure that the record is clear. I realize I did not read that Goal Statement into the record. I don't know if it's necessary, it wasn't a motion. I'm seeing Toni Kerns shake her head no, so we captured that Goal Statement. I just want to make sure the Board

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is clear. I didn't read it into the record, but we have it and it will advance as the Board worked through it in the form that the Board worked through it. Now we have a new proposal from Connecticut up on the Board, Bill Hyatt just summarized it. Caitlin, you have a clarifying question.

MS. STARKS: I just wanted to clarify on this new proposed option whether the intent is to, like in your previously proposed option, continue to update the base allocations on an annual basis, or to start from scratch every year with the current allocations as the base, and every year using whatever quota is available above the trigger to increase the allocations to New York and Connecticut.

MR. HYATT: The intent of this proposal is to allocate that first 3 million based on historical distribution, and to not change that going forward.

CHAIRMAN BALLOU: Let's take up any comments, questions regarding this new proposal offered by Bill Hyatt. Nichola Meserve.

MS. MESERVE: I can see the need to address Connecticut and New York in a slightly different way than others, based on the work that was in by the Working Group and the PDT. However, I don't know at this point is 5 percent the right amount for Connecticut? Is 9 percent the right amount for New York?

In both this concept as well as the separate one just for Connecticut, 5 percent you know I would hope that those are up to 5 percent and up to 9 percent for those states, so that as we move forward potentially with these options, there can be some additional justification and some rationale for those percentages for those states.

I believe that Connecticut is 5 percent, which is based on that being the second lowest

percentage for Delaware. It wasn't based on participation levels or whether that's going to provide similar trip limits and open season length as other states that they are adjacent to or along the coast. I hope that we can understand this as up to those percentages.

CHAIRMAN BALLOU: Additional comments, Bill Hyatt would you like to respond?

MR. HYATT: Yes, absolutely correct regarding the 5 percent. The intent was to bring us up to the next lowest state. I'll just say that there are numbers in there, but the concept is more important than the numbers per se.

CHAIRMAN BALLOU: Adam Nowalsky.

MR. NOWALSKY: I'll build on that last statement that Bill just offered about the concept is that I don't object to the concept of a baseline, and then give some quota to states. I don't feel prepared to make a decision today, whether these numbers and only these two states should be the focus.

I would be more comfortable if this was changed to reflect that middle piece, to say that if the quota was over 3 million pounds the excess quota may first be given to some subset of states in some percentage, before being distributed to the other states. I would be more comfortable specifying this generically as opposed to specifically.

CHAIRMAN BALLOU: I think that works well at this stage of the process, because as we all know we're not here to approve a draft addendum yet. We're here to inform the PDT in their ongoing work to develop these options, and give them as much guidance as we can. I actually find quite a bit of commonality between the specificity offered in this proposal, and Adam your suggestion.

That the concept is what seems to be supported fairly broadly, from what I can tell so far, but

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not necessarily these numbers. Again, I think you and Nichola were both sort of speaking to that same issue. I trust that we're capturing this, and this is exactly the kind of helpful information that we can provide to the PDT for their continuing work. Rob O'Reilly.

MR. O'REILLY: I agree with those last comments by Adam, but at the same time I'm not willing to say there is a baseline. I believe even you said, Mr. Chairman that the 3 and the 4 million pound triggers were still alive. I think we're jumping the gun to assume that it's going to be the 3 million is the more reasonable baseline. We don't know that yet.

We'll soon have the results from the assessment, and we are expecting good things, I think everyone is. You know if we can just not be specific on the 3 million right now, you know that might be a little bit better as well. Again, I understand that that was sort of a historical basis. The 4 million was based on 4.2 million, the highest.

That is the reason that trigger approach was submitted. I can see where the PDT with Option 2 has come up with sort of maybe a refined way to look at the trigger and the TMGC at the same time. But right now, I think I would like to work around the idea that the baseline is going to be 3 million pounds.

CHAIRMAN BALLOU: Duly noted. I think again that is consistent with the general direction that I sense that this Board is looking to go in. We're not at this point settling on any specificity with regard to baseline. We're noting that there may well be, and in fact probably should be sub-options for those baselines, and then whatever that baseline may be, there are various sub-options to address how that surplus would be addressed.

I sense that we are evolving, in terms of our development of our conceptual approaches to these options and alternatives, and I do sense

we are making headway with these very good comments. Are there any other comments that any member of the Board would like to offer on the suite of options and alternatives that have been presented to date? Nichola Meserve.

MS. MESERVE: With regards to the trigger and the second step, I think it is, of how you distribute the quota above the trigger level. I'm very much more interested in the PDT's recommendation that that be based on the distribution of the resource, which is also what we just talked about with our Goal Statement and not the equal shares to every state along the coast. I don't understand how that approach of equal shares to all states is responsive to the Goal Statement that we tentatively agreed upon at this point.

CHAIRMAN BALLOU: I take your comment to be a suggestion that that suboption that would distribute the, surplus I'll call it, above whatever the trigger is equally should be struck as a suboption that you're not supporting that as a viable alternative.

MS. MESERVE: Correct.

CHAIRMAN BALLOU: Is there any member of the Board who feels strongly that that should be kept in as a suboption? We have one hand up. Maybe at this point, let me ask. We have one hand. It certainly constitutes a minority at this point. This is fine. I'm not trying to challenge anyone, but I'm also trying to get a sense of direction here.

If we leave it in we leave it in. Adam Nowalsky's hand went up when I asked the question, so we have one member of the Board urging that we keep it in. If there is other support we will keep it in. If there is only one member of the Board that supports it we need to consider that and I will have to look for a consensus. Rob O'Reilly.

MR. O'REILLY: Since I presented that trigger approach to you in February, I certainly support

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it. I think that at some point the decision will have to be made as to which option, but I certainly do support it, and I support it on the basis that we don't know yet what that baseline is going to be. There may be states that do need a little bit more than just the unequal sharing of the overage beyond the trigger. I'll support it.

CHAIRMAN BALLOU: Let's keep it in. I'm going to suggest that we not vote on this. I don't think it's the appropriate time to vote on it. I guess I'm looking for Board input and we're getting that. To the extent that there are members of this Board that wants to keep options in, I think it's only fair to do so. David Borden.

MR. DAVID V. BORDEN: I'm a little confused. You said we're going to keep this in, and I understand that and don't object to it. But Nichola made a specific suggestion that was different. There is no reason you can't add that as another alternative to this.

CHAIRMAN BALLOU: Well I do think we have actually several sub-options now that would address the surplus in different ways than equal distribution to all the states. It stays in as a suboption, but paired with several other sub-options that address the distribution of that surplus in different ways.

MR. BORDEN: I'm still confused.

CHAIRMAN BALLOU: Well I don't want anyone to be confused. I think we have at least three sub-options right now, with regard to a trigger approach, maybe four, because the first suboption is what should the trigger be? Should it be 3 million, should it be 4 million, what is that baseline?

The next set of sub-options involves what happens to, I keep using the phrase surplus. I'm not sure if that is the best phrase, but I'll continue to use it for consistency. How does

the surplus above whatever the baseline get addressed, in terms of its distribution? I think we have one option that it be distributed equally to all states. I think we have at least two other sub-options that distribute it in a different form. One would be based on regional biomass, and then in accordance with current allocations after a regional biomass breakout is done. That would be the Connecticut proposal that Caitlin spoke to.

We've had a third proposal suboption provided today by Connecticut, which would tweak Connecticut and New York allocations first, and then move on and do an additional allocation. I think we've got, let's call it at least three ways to skin the cat being proposed for how that surplus should be addressed.

Nichola had suggested striking the first one. We heard some opposition to that. I'm suggesting it be kept in, even though there is opposition on the part of some. But I think we've got a pretty good, robust suite of options now that cover all of the issues that people have spoken to, and seem to be concerned about.

It certainly makes the final decision making process and will make that a very challenging issue, because we're going to ultimately have to come to terms with it. But my sense is that the document now seems to be bracketed fairly well. I should say not the document; the issue seems to be fairly well bracketed, lending itself to the development of a document. That's my sense as Chair, but I certainly would take any other Board members recommendations for how better to do this. Mike Luisi.

MR. LUISI: I agree with what you just said. I think we have a couple different paths to take. One thing I would like to leave open, in thinking about this. If we allocate the surplus based on distribution, based on abundance or biomass, it might be good to keep the options open to allow the southern states to handle what they

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receive differently from the northern states and how they receive it. Because if the northern states could then hybridize their redistribution of the surplus, perhaps to address Connecticut and New York's issue, without taking that extra from the southern states. It could be a way to accomplish it all. If the quota goes high enough it probably will, just another thought.

CHAIRMAN BALLOU: Okay, so Caitlin has just given me a sense as a member of the PDT that she feels that she has enough to go on right now. I didn't mean to cut off the discussion. I just wanted to let you know that we're developing a comfort level up here, and I certainly want to make sure the Board concurs before we move on to another agenda item. But I sense that we are getting close to a point where we might be able to move on, but I don't want to cut off the discussion if anyone has additional suggestions, Nichola.

MS. MESERVE: With regards to Step 3 and equally within the region. I would hope that there could be another suboption that would treat New Hampshire and Maine differently, because they're not really declared interested in the fishery, so not an equal share for those two states.

CHAIRMAN BALLOU: I think Caitlin has a thought on that. Caitlin.

MS. STARKS: I'll just clarify that the regions that are considered here are Massachusetts through New York, and then New Jersey through North Carolina. Maine and New Hampshire have been treated separately in all of these different examples, and will continue to be treated separately, I would think.

CHAIRMAN BALLOU: Okay, so here is what I would like to suggest as a way to wrap this agenda item. How would the Board like to move forward? One track would be to take all of the discussion that occurred today, convey it to the PDT, have the PDT go back and work on

the document, a second version of the document that was first reported out in May.

Have that available for our joint meeting with the Mid-Atlantic Council in October. At that meeting with the Mid-Atlantic Council at the table with the Board, present the document in its form at that point, and invite input from the Mid-Atlantic Council as we had agreed to do on this issue. Based on how that discussion goes, the Board could potentially be in a position either at that meeting or at a meeting immediately following, to convene and initiate a management action.

That would be Option A. It would be a path I would recommend. Option B would be to initiate an action today. I don't know if we're ready for that but it certainly is the Board's prerogative. How would the Board like to proceed? Does anybody have any objections to the first track that I laid out? Mike Luisi.

MR. LUISI: I was going to say, Mr. Chairman that I would support your Option A. I think it brings everybody that's involved in black sea bass management, not only here at the Board but at the Council together to have a very informed discussion. I think it's an opportunity for the folks that are doing the federal management to participate in helping develop some of this as well.

CHAIRMAN BALLOU: Mike, let me just ask you, particularly given your role as Chair of the Mid-Atlantic Council. Would you feel that it would be appropriate for scheduling purposes, to have the Board have a Board only meeting scheduled at the joint meeting to follow the discussion with the Mid, to potentially take up the issues at that same meeting, or do you think.

I'm asking you but I'm really asking this entire Board, or do you think we ought to just take it in a more limited way, where we only at that meeting broach it with the Mid-Atlantic Council, get their input, and then when do we

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reconvene as a Board after October, at the Annual Meeting? Ah, so at the Annual Meeting we could then.

Now that I think about it that actually makes sense that we would not have a standalone Board meeting or request to the Mid that we have a standalone Board meeting at the joint meeting. Rather, we would meet jointly with the Mid, get their input on this issue, break, reconvene at our Annual Meeting, which is I think just a couple weeks later, and potentially take up this as a possible management action. Does that work? Mike, do you have a thought on that?

MR. LUISI: The joint meeting there would be no action, and then the Board would take up the action at the Annual Meeting if they choose to do so. That sounds fine. I also don't think that there is an issue with having a full blown discussion as we're convened jointly, and then having a Board action be considered at that time, and only Board members around the table would offer their vote. The Council, it already initiated an Amendment. Depending on how that conversation goes a couple things could happen. The Council could try to insert itself more heavily in the process through making modifications to its amendment that was initiated earlier this spring, for the purposes of having staff participate.

I guess you and I can talk. We can work with staff and try to figure out what's the most clean way to do it. It's cleaner to me if everybody is together when the action is done, or when it's initiated so that nothing is changing. All the information in front of you as of that day is what's going to move forward. If you have a separate Board meeting after the joint meeting, anything could change. There could be insertions, deletions, you know before the Amendment or Addendum begins just a few thoughts about process.

CHAIRMAN BALLOU: I think those are good thoughts. I'm going to go to Toni Kerns, and then I've got two more hands on the left. Toni.

MS. TONI KERNS: I think if we do that latter option that you just described, Mike we're going to need a serious amount of time on the agenda in October for that. That would just be a request if that is the direction that we go, because I think this Board will probably deliberate for an additional amount of time, which may not be viable in the Council's agenda. I have no idea. But I leave that to you as the Chairman.

CHAIRMAN BALLOU: I think that's really an important point.

MR. LUISI: I haven't been voted back in yet, we'll see.

CHAIRMAN BALLOU: I do think that is the crux of the issue. Is there enough time and opportunity at the joint meeting for this Board to reconvene and deliberate over the initiation of an action? I think we can leave it up in the air and just work it out between now and then, unless any other member of the Board has a strong feeling one way or the other. Let me go to Bill Hyatt next.

MR. HYATT: My thinking on it is a little bit differently. You don't know what you're going to get for input from the Council, and I think having a little bit of time, and it's not a lot of time, between that meeting and then the Annual Meeting to sort through that and for people to discuss it and bring it home and discuss it is a good thing. I would opt the other way around, and that for the focus of the joint meeting to be to gather input, have discussion, and then to illuminate and formulate it for the annual meeting, what is it a month later or so.

CHAIRMAN BALLOU: Yes. Just two weeks later. Tom Fote.

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MR. FOTE: One of the conversations we had yesterday at the Legislative Governor Affairs meeting was basically talking about the fact that joint meetings like we're going to have in North Carolina on summer flounder, about as far away from those fishermen as possible we can get, because summer flounder at the southern range where we're going for the meeting is also wasn't on a lot of people's agenda that we were going to be there in October. The other thing is, when you have a Board meeting down there you're missing a large part of the Board, and basically a large complement of ideas going on there, because State Directors are all there, because most of them serve on the Mid-Atlantic Council. They have to be there. But the Governor's Appointees and the Legislative Appointees, like Adam sits on the Council, he's there also.

But I look around sometimes. Emerson and I are the only two Governor's Appointees besides the people that actually sit on both Boards that are there, and we're missing a lot of the states. We're a caucus vote. We have three Commissioners that basically have to come to a decision in the state to basically go, otherwise it's a null vote or it's a no vote or whatever.

That's missing when you get to these joint meetings, and we need a better way of doing that. We used to have, every once in a while they would come to our meeting, the Council and basically do that. We need to start doing that if we're going to do major decisions, so all the Commissioners are here.

I mean it is getting costly also on the Commission, I think of the bills that we basically pay, because Durham is not making it easy. We're going to have to fly, rent a car. To get to there is not an easy location. If we're going to do joint meetings, we need to do like it was supposed to be in Philly, which is close to airports, people can fly in and get out in the same day, not waste another day on the end and the other day on the end. I want you to

really consider that Mike, and I know you do and appreciate where I'm coming from on this.

CHAIRMAN BALLOU: Emerson, do you want to jump in?

MR. EMERSON HASBROUCK: I don't always agree with Tom Fote on issues around summer flounder, sea bass, scup and other species. But I fully agree with what Tom just mentioned.

CHAIRMAN BALLOU: I think we'll certainly take to heart everything that was said and I think between leadership and staff we'll look to work out those logistical issues. We will definitely take this up at the joint meeting with the Mid-Atlantic Council, but we'll discuss is how we follow up with regard to the Board and its efforts to launch a management action, which is not a given of course.

But it would be the next step in this process. Thank you. We've gone over a little bit but not too much. I knew this was going to be the most challenging part of the agenda, but I really credit the Board for really working hard and thinking through these important issues. With that I'm ready to turn, unless there is anyone else looking to weigh in.

**UPDATE ON THE MANAGEMENT STRATEGY
EVALUATION PROJECT FOR THE SUMMER
FLOUNDER RECREATIONAL FISHERY**

CHAIRMAN BALLOU: I see no hands, so I'm going to move on to the next agenda item, which is an update on the Management Strategy Evaluation Project for the summer flounder recreational fishery. That update will be provided by Dr. Jason McNamee to my left from the great state of Rhode Island, and Dr. McNamee the floor is yours.

DR. JASON McNAMEE: Now for something completely different. Jeff, you got me down there? I talked to this group about this, I think back in December, and so this is an update. I've

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peeled out a lot. This is based off our presentation I gave to the Monitoring Committee last week. I peeled out a lot of the background stuff, because I think you all had, or at least most of you had seen this already. I've got some extra slides at the end if people need more detail on what Management Strategy Evaluation is, or that sort of thing. I can go to that but I'm going to try and go quick. I was only supposed to do 20 minutes, and I'm awful about keeping on time, so I'll do the best I can to get through this.

The name of the project was the Evaluation of F-based Management for the Recreational Summer Flounder Fishery. The objectives of the project were to test the performance of different management approaches for the recreational summer flounder fishery, to show the relative value of both what we're doing now for management versus some other approaches, and looking at how those satisfy management objectives.

Then another component of the project was to provide decision support tools to assist in the application to setting specifications for summer flounder. The components for the project, there were a couple of other projects that were similar that the Mid-Atlantic Council had sponsored. One was done by Dr. John Ward. That was more of a specification setting type of a project.

The group was called PMAFS; the two primaries were John Weidemann and Mike Wilberg at the time, but they did a Management Strategy Evaluation, an MSE. We tried to build off of those two previous projects. What we're doing is we also created a Management Strategy Evaluation. We're using an operating model for summer flounder that includes recreational fishery dynamics.

I'm going to talk a lot about that in this presentation. We use that to compare alternative management approaches, and so we

developed these tools. We'll have an MSE product and an interactive web application to assist the Monitoring Committee and the stakeholders in this fishery, and the Board as well.

It will provide a way to explore likely consequences of different management alternatives. The specific approach is we're using Management Strategy Evaluation. I think I get a nickel every time I say that during this presentation. But we use MSE to test the performance of current and potential alternative recreational management approaches to the summer flounder fishery.

The intent is to show the relative value of our current approach, and some variance of that approach, and some alternative management approaches. The idea is to look at some metrics and see how you perform with those different metrics. The ones that we're focusing on, maybe I'll pause for a minute.

In a Cadillac version Management Strategy Evaluation you'll do things like you'll have stakeholder workshops where you get feedback from your stakeholders from the industry, from whomever, on what they think the objectives and goals should be for these various fisheries. Well this was too small a project to do that sort of thing.

What we did was based on our experience with this fishery we thought stability, so that stability in regulations from year to year was an important metric to look at, yield, and preventing overfishing. Kind of standard ones that hopefully you agree are important. Those are the metrics that we're going to investigate for this project. But you know an extension of this could be taking this project and the tools developed during it, and doing something a little broader, a little bit more along the lines of the MSE Handbook that was developed by Andre Punt and others a few years back.

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We're testing a limited number of management alternatives. The first is status quo. This is that approach that we use annually for summer flounder in setting specifications. We generally take different data sources and cobble them together to our best ability to predict what's going to happen next year, and just sort of repeat that year after year.

That is what we're talking about with status quo. Then we have these strategies that we're calling risk based, and Dr. Fay and I have been talking a little bit about that term risk-based. It's not quite right, but the gist of it is we're trying to incorporate the uncertainty that we know is in this system, so the uncertainty in what happens with our management in the out year or the uncertainty in the MRIP information, all of those sorts of things.

We're trying to do a better job of accounting for that uncertainty. Not necessarily changing regulations if you're within some bounds of those uncertainties. That is what we're talking about with this risk based approaches. In the case of status quo, we wouldn't necessarily change because our point estimate from MRIP was above or below the RHL in that given year.

If it was within the envelope of uncertainty we would stand pat for that year, and we wouldn't make a change unless we went outside of whatever the bounds of uncertainty that we want to associate with those different metrics. Then we have F-based management. I got a really good comment during when I gave this to the Monitoring Committee, and the gist of it was it is all F-based management. What we're doing now is F-based. That's completely true.

What we're talking about with F-based management is we're kind of jumping up a level in what we're using to dictate whether we need to make regulatory changes or not. In the case of status quo we're using our MRIP estimate of catch versus the RHL, so we're kind of down at the lowest level of the information.

When we're talking about F-based management now we're jumping up to the stock assessment. If you take your information, plug it into the stock assessment and you've not gone above your F-reference point, then you don't change. That is what we're talking about with F based management, kind of jumping up a level into the stock assessment, and that's what's dictating whether or not we need to make management adjustments in any given year.

Again, a risk based approach to that just includes the uncertainty. Then the final thing that we're looking at is we're trying to make these comparisons across different spatial scales. Right now we're in kind of a regional approach with summer flounder. We've been state by state in the past and we've also been coastwide in the past.

We're going to take a look at those to see if we can determine any differences in these management approaches at those different spatial scales. These alternatives will be compared and contrasted across those different management units, and I skipped over that last bullet, and I'll get to that in a minute. But first for the Management Strategy Evaluation a couple of quick things, you've got an operating model and an observation model. They are conditioned on an age structured operating model, so in other words we have basically a stock assessment under the hood, and that is what is generating your information about what the population is doing.

Just for reference we used the most up to date, the last I guess we were still calling it a benchmark summer flounder stock assessment, we took the parameters from that. That is what informs this stock assessment. I'm trying to get that as close to reality as possible. The operating model projects numbers at age, it's subject to recruitment variability, and given removals from the commercial and recreational fisheries.

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That's all very much like what we do in our existing process. Then there is this observation model that generates data from the operating model. That is what feeds over into the management side of the Management Strategy Evaluation. Those observations are used by one of the different management procedures, to provide a new catch level, and it loops, and so that is what is going on in the MSE.

One of the big components, and one of the ones I think will have some, you know the Management Strategy Evaluation is something we'll present to you. You will get some information from it. But within the MSE is this recreational fleet dynamics model, and that is something that will likely have relevance beyond, well I hope will have relevance beyond the MSE project.

The aim with this part of the model is to emulate the response to regulatory changes. How does the total catch at size change when you adjust management measures? We used MRIP to populate, to inform that model. Again, this extends some of that previous work that was done. This one most closely mimics the work that John Ward did.

What are we doing within the model? We are turning the same dials as we all turn at our annual specification setting. We've got bag limit, we've got minimum size, and we've got season length in days. That is what we're using within this recreational fleet dynamics model to elicit that change in the following year.

The map on the right just shows you the management unit. New Hampshire and Maine, they have data in the MRIP dataset. I had included them at first, but we've dropped them out. They're not here anyways, so I'm not going to explain why. A little bit about the model. What we ended up using was a Generalized Additive Model.

The things that are in the model are there is an interaction between minimum size and the length at harvest, which makes sense that those two things should interact. As you increase your minimum size regulation, you would hope that that has some effect on your harvest at length. We have state in there as a factor, we have wave as a component of the model, season and bag.

All of the dials that I just talked about a moment ago that is what is in the model, and those are things we can plug in there to get a harvest estimate. The reason for using a GAM is it allows the inclusion of non-linear effects. You'll see what I mean, I think on the very next slide. This is just a wonkier part of the output of the model. There are some plots on the right hand side with squiggly lines, but that's what I was talking about with regard to non-linearity. I'll focus you in on one of them. Bottom left hand plot is the effective bag limit. It's got this interesting sinusoidal shape. I'll suggest that you could ignore the beginning and the end of it, because there is so much uncertainty that's generally a flat line.

But what you see is the effect is as you increase bag limit there is an increasing effect as you go from 2 up to about 8, and then it flattens out after that so you can go 8, 9, 10 fish in your bag limit and it doesn't matter too much. Overall the effect is not very significant in the model. That's something we generally know that bag limit doesn't have a strong effect until you get down to really low numbers.

The point of all of that is that is represented here in the model. All of the model effects make logical sense. I think the Monitoring Committee thought so as well. This first slide is showing you the effects of harvest. There is an increasing effect on harvest with regard to bag limit, as I just mentioned.

Season length increases to a point, and then kind of flattens out. If you have a really short

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season that affects harvest, makes it lower. But once you get to about 30 days it kind of doesn't have an effect after that and the reason is most people don't go fishing every single day. There is some point where you kind of satiate that curve.

Then minimum size and harvest at length, it increases from low lengths up to about between 14 and 18 inches, where it peaks and then it drops down again. That also is a logical effect. Here are the same plots, but this time for discards, not only am I modeling harvest I am also modeling discards. I'm modeling them with separate models.

If anyone is interested as to why, we can talk about that. But I'm going to skip over that for now, because I'm probably a little too long already. The same model structure for discards, all of the same elements, and this model as in the harvest model, and here again we get some logical responses from the model.

There is a decreasing effect on discards with regard to bag limit. What that means is as bag limit goes up discards go down. That makes sense. You can keep more fish that you encounter. Season increases discards kind of like harvest, but flattens out more than harvest, so that is the top right plot there, and you can see that one really flattens out.

Then minimum size and discards, it increases, peaks at a much lower level between 12 and 14 inches, and then drops again, and so that all makes sense. Then wave, I skipped over on the last one. Wave in the colder months it has a lower effect, meaning less harvest, peaks in the warmer months, and then drops back off.

All of that is just meant to give you some assurance that the model gives some reasonable responses to these various factors. That was one of the issues we had as a Monitoring Committee with some of the previous work that was done. Some of the

effects from the modeling approach that was being presented to us didn't make sense to us. That didn't appear to be the case this go-round. I thought I would produce a couple of plots to show you now, getting back to this. We're calling some of the discussions that we had with Dr. Ward; I wanted to look at the effect on harvest and discards. On the plot on the right, what you have is minimum length along the bottom. That is your minimum size.

Catch along the Y axis, and then the different colored lines are different bag limits. Generally, as bag limit goes up harvest goes up. But it's not a giant effect; it goes up a little bit. But what you see is as the minimum length increases, as you increase that minimum size regulation, it goes up to about 15 inches, and then drops off, and that is exactly why we raise minimum size as an effort to decrease harvest.

That is the effect, and so that's being represented in this plot. That's harvest. If you then add in discards what you get is the opposite effect, so as you raise minimum length you get an increase in discards. Again, the bag limit effects how that happens in the opposite direction, so the smaller the bag the more discards there are.

Those two things make sense. Here's something which is potentially important for this Board to consider. When you take those two effects and combine them together, what you see is your effect from raising minimum size as an effective tool for decreasing harvest; it's a good tool for that. When you factor in discards it's not so effective, because now you've got a bunch of removals that are occurring that aren't occurring in your harvest.

They are happening because your discards are dying when they go back in the water, and it really flattens out that effect. I thought I would highlight that one. I thought it was interesting the Monitoring Committee also was pretty jazzed about that one. I need to keep moving

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along here. The Monitoring Committee, I had shown them and talked about this model a little bit.

What they said was "all right sounds like a good idea, but show us how it performs relative to the past data". That is what I did. I basically went, ran the model back on periods of time where we know what the MRIP estimate was. I went back to 2012. What you're looking at in this plot along the X axis is the different states.

New Jersey on the left, North Carolina all the way over on the right, the number of fish harvested is the Y axis. The box plots represent the output from the model. Again remember, I can generate uncertainty with this model. You've got these box plots that represent the uncertainty in the estimates from that GAM model that I described.

The red dots are the MRIP estimate for that year. You can see for New Jersey in 2012 it doesn't do very good, but for all of the other states the red dots fall on that box plot, so they're falling within the uncertainty of the model estimate. That is decent performance. What I found, I ran it in each subsequent year, but just to cut down on the presentation here I'm just putting in the final year.

What you see is it improves as we got closer and closer to the most recent period of time. There in New Jersey, you know that red dot is now well within the box plot there and the other states all are as well, so pretty good performance with regard to this retrospective analysis. Generally the model, this recreational fleet dynamics model performs well. It seems to improve in the most recent period of time, and hopefully will continue to improve as we keep plugging in more data as we go along. This feature of the recreational fleet dynamics model can be used in a control rule to account for the fact that there is uncertainty, not only in the MRIP estimates, but also in our management.

You could use that box plot and develop a control rule around that. We want to use 50 percent of the uncertainty in that information and we won't change management if it overlaps with what our recreational harvest limit should be, and that sort of thing. Okay, a couple of quick slides on comparing now the actual MSE information.

We still have some more information to kind of collect and put into the report. But we wanted to show you something. We're presenting this to the Mid-Atlantic next week. We should have the report together, hopefully in the next day or so to get out. I'm sure this Board will receive that report as well.

But I'll walk you through this pretty quickly. The top left plot there. Sorry, this is the output from the Management Strategy Evaluation. This is now comparing the different approaches to each other. The X axis on these plots are the different approaches, F risk-based approach, the F-based approach without that risk part, the RHL approach, which is our status quo, and then the risk-based version of that. The X axis is the same for each of these plots.

What you see with regard to meeting some biomass metrics is they perform pretty much exactly the same. That is your current biomass relative to the biomass target. You want that to be right around 1, these are right around 1, and you can see there is basically no difference between the different approaches.

When you look at catch, so this would be the yield idea, you can see that again when you look at the center of the distribution they all perform equally well, but the RHL and the RHL risk-based approaches have more uncertainty associated with them, so they are riskier approaches than the F-based approach.

Bottom left hand, now it is risk of overfishing, so this is F relative to your F target. Again, pretty comparable as far as the center of the

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distribution, but more uncertainty with the status quo approaches. Then finally the actual SSB produced by the different approaches, much like the very first plot I talked about, pretty comparable across the different approaches.

Here is a look at some probabilities. Your probability of being overfished is low for all of the approaches, but it's a little bit better for the F-based approaches. A little bit, they're both pretty good. Then when it comes to overfishing they are pretty comparable. We're starting to generate some good information.

This at this point is looking at it at the coastwide level, and so in the final report you're going to get that spatial breakout along with some of the other metrics, and a little bit more refinement in the information. We got some good feedback from the Monitoring Committee on these risk-based approaches as well. Those might change some of these outcomes if we change. We were using a pretty, I'll call it liberal, control rule, and so if you tighten those up a little bit it could change the performance of these different approaches.

There is an interactive web application. Jeff let's do this. Let's skip over this slide. I will sum up, and then we'll come back to it and see if we can make this work. Final slide here, the recreational fishery fleet dynamics model, it appears to represent the reality of what occurs in the fishery pretty well.

We could entertain using this in parallel for setting specs next year. In other words, we should keep doing what we're doing, but now we can run this approach alongside it and see how they perform, and it will give us a level of comfort that we're not doing something that is wildly different, and you know will give people some comfort that this new approach is good or not. You know we can kind of test them in parallel.

Again, we would need to think a little bit about how to use the uncertainty. In the discussion of the report I just talked about I'll have a little section on there with my thoughts on that. Hopefully it will spur some discussion on how to use the uncertainty in this control rule concept.

We'll finish up the report, we'll test those different scopes, and we also worked in some feedback from the Monitoring Committee, and again we're presenting that at the Mid-Atlantic next week. Actually let's go one more slide just to say thanks to everyone and then jump back up. I talked about this interactive web application.

Jeff, if you can, I don't know click that see if it works. Oh, it worked. Now live on the web, there is a shiny app is what these things are called. Basically the Monitoring Committee, and so eventually I hope you all can get your hands on this and tinker around with it as well. Right now I have this on the free, R studio server, which has limits on it.

I want to make sure that the Monitoring Committee gets enough time to tinker with this, so we're not going to give it to you guys yet. But eventually we'll make it available to everyone, once we figure out where we can kind of park this on a server where you guys can access it. But right now on the web is this shiny app.

What you can do, Jeff if you click the first box and click on Rhode Island, then click on the next box and put 180,000. The next box down is just a number of simulations that you want the model to run. You can leave that, Jeff. It is Jeff down there still, right? Then minimum size Jeff, just a little slider, we're at 18 inches.

Bag limit is at 6, so slide that over to 6, and then let's close Wave 2, because we're not open, so slide that one all the way back to 0. Then all the way down at the bottom Jeff, if you scroll down is a run prediction. If you click that button

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hopefully there will be a bunch of numbers there. That is if you scroll up to the top is a table of harvest at length by wave. You get this information, and I'm going to add in a little summary table as well that kind of condenses that. Most people don't care about the harvest at length, necessarily. Then if you click the next tab over, the one that says model prediction plot. That is that little box plot again. You can adjust your management measures. The box plot again is going to represent the output from the model, and the red dot on there is going to be your target for that year. You'll be able to see what that set of management measures, how that did relative to what your target is.

Then the other two tabs there is just some of the stuff I showed you in the slides, so that is the model summary and the model summary plots for those inclined in that way. That's it. We've got that tool. That's ready to go. I will also add in discards. I don't have that in there yet. But the interactive web tool is also developed and live, and ready for the Monitoring Committee to use. Sorry, I know I went really long. I am done, Mr. Chair, and happy to take any questions.

CHAIRMAN BALLOU: Thank you very much, and I am sure I speak for everyone on the Board in indicating how impressive this work is, and how potentially applicable it is to the efforts we undertake to manage our recreational fisheries in a way that comports with what we're trying to achieve, consistent with our goals and objectives. It really does seem to be a very progressive way forward, and I appreciate all the hard work that you and Gavin have been putting into this. Questions for Jason, yes Mike Ruccio.

MR. RUCCIO: First is to reiterate your thanks on this. This is tremendously impressive, and I wonder when you find time to sleep. Two questions, one is when you were speaking about the model simulations for overfishing,

they seemed to have a really high probability that overfishing would occur.

But when you looked at this kind of using the retroactive data, we haven't been overfishing. I'm not sure what the question is here. Do you have a sense as to what drives the simulations to show that high probability? The other question is what would it take to operationalize this for black sea bass?

DR. McNAMEE: Really good observation. I was going to mention this at the time, but I always talk too much anyway, so I decided to skip over it. The reason why those are at 50 percent is we basically applied a 50 percent uncertainty approach to it. That has to do with how we operationalize how we were using those different strategies within the model.

It's a factor of that. Those would improve if we said change management when your uncertainty is only 30 percent of whatever. That will improve based on the control rule that you apply to it, but good observation there. The Monitoring Committee I think, someone also asked this question already on black sea bass and scup.

I did a little version on scup. That one didn't perform as well. It was an earlier iteration of the GAM that I had done, so I've learned a lot since then. I think I can improve on that. But for the case of scup, it was also the fact that we were trying to drill down and do like a separate model for party and charter, a separate model for the general fishery.

As you know once you kind of start parsing the data up even further it can impact the results of your management, because the uncertainty increases. That was scup. I think scup I have some optimism that that might be a useable one. Then black sea bass I haven't tried yet. There is no reason that this approach couldn't work for black sea bass.

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I think there is higher uncertainty in MRIP for black sea bass, because of the nature of that fishery. But long story short, we can give it a run and see how it does. It's just a matter of plugging in instead of the summer flounder; you just plug in the same information. I would need a grid of the historical regulatory regime in each state, along with the harvest and off we go. Data wrangling is the hardest thing there. That was probably the part that took me the longest with this summer flounder one is trying to figure out what the states have been doing over the years. It's not an easy thing to figure out necessarily. That is the challenge, but after that it's built in, so it's fairly simple at that point.

CHAIRMAN BALLOU: I'll go to Emerson Hasbrouck next.

MR. HASBROUCK: Thank you, Jason for all your work on this MSE and for your presentation. This is really great. It's a pretty slick tool, very interesting. That shiny app that is on the web, I think is going to be very useful as well. I think it's great, and in addition to Mike's question about will you be able to do this for sea bass. Would you be able to do this for striped bass for tomorrow morning especially that plot that combined removals by harvest and discard, right?

Of course I'm only joking about doing it for tomorrow morning, but it would be helpful to have this for other species as well. I do have one question on one of your slides; it was the one that had four different sets of box-and-whisker plots it was towards the end of your presentation. I don't remember what the title of it was.

DR. McNAMEE: I think it was that comparing performance alternatives slide.

MR. HASBROUCK: Yes. I think so, yes. Yes that one. Let me take a look at it on my screen. All of the black dots that are above the 75th

percentile there, and go all the way up to the top, are those outliers? What are all those black dots? That is the first part, and I have a second part of the question.

DR. McNAMEE: Yes. Maybe I'll jump way back and say no by tomorrow morning. But I think it could be applied to striped bass. The same thing, it's again a data wrangling issue, but after that the approach, and it may or not work for black sea bass or striped bass or whatever. But it could be tried.

Now to this question, good question, these are classic Tukey box-whisker plots right, and so that doesn't mean anything. What they represent, the box itself represents the first and third quartiles of all of the different runs. In this case the whiskers capture what the parameters of this configuration of the box-and-whisker plot says is within the range of the data, and then the dots represent outliers.

You're exactly right there. I think, in this case outlier is not the right. It's based on a formula, what designates you as an outlier relative to something that is in the normal range of the data. But there are other ways that we could represent this. We could put a 95th percentile around it or something like that.

There are lots of different ways we could use this uncertainty information here, box-and-whisker plus something people are used to seeing, and so that is why we've used that here. But there are lots of ways to visualize that. But here they are per the Tukey definition they are outliers.

CHAIRMAN BALLOU: Emerson, would you like to follow up?

MR. HASBROUCK: Yes it was a two part question, so that was the first part. The second part is again for the same slide, and these box-and-whisker plots. For each of those four sets of plots, each of the different model runs in

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there, they are all very similar, right? The means are within, I mean they're almost the same and they're within each of the other box plots. Is there no statistical significant difference between any of these? That's kind of what it looked like from that bar graph that you showed as well.

DR. McNAMEE: I think it's a fair question. I would say to not use this in kind of like in ANOVA type of an analysis, where you're trying to see if they are significantly different from each other. I think what you're trying to get a sense of here are tradeoffs between the different approaches. There is uncertainty around those tradeoffs, and so that is why we kind of represent it with these box plots.

But you know what you're looking at are tradeoffs, and so if you look at the catch plot your tradeoff is they all perform pretty well, when you're thinking about the dark line in the middle is the median or mean would be another thing you could put in there. In this case it's the median of the data. They're all relatively close to each other, but there is higher uncertainty in the RHL approaches.

That might be something that's important to consider. That is one answer to your question. Another is the one that we weren't able to get in here in time for this meeting is stability is going to be an important one, and that one I don't think is going to look the same amongst the different approaches. There is still more of the story to come on this stuff.

Final point, which I may have said, and I'm sorry if I'm repeating. We applied a very specific and very potentially liberal use of the uncertainty here, if we constrain that that will also affect these plots. Again, there is more to this story. You'll have to wait for the report, which hopefully we'll have out to you all pretty soon. In the short term you're right. On the coastwide level there is not a lot of difference by way of your central tendency with all of

these different approaches. There are some differences with the uncertainty associated with them.

CHAIRMAN BALLOU: In the interest of time I'm just going to allow one more question. As that question is being asked and answered, I would like to invite Dr. Stevens to come up front so we can move right into the next agenda item. Adam, you had a question?

MR. NOWALSKY: Yes thank you. I appreciate the efforts. Every time I see this, through no fault of your own, I'm left with a feeling of I'm not worthy, but truly appreciate it. One of your slides indicated you suggested reality of what occurs is a question of angler behavior is something that comes up often.

I'm wondering if this model incorporates angler behavior, in the sense that the realities of those who fish know when you go out on the water if you achieve your bag limit through a size limit that is attainable, you will often stop fishing and minimize discards. Does this model provide that and if so what was the source of the data for doing that calculation and consideration?

DR. McNAMEE: Yes thanks Adam, great question. I'll try not to dance around it too much. That behavioral response is in there if that is represented in the MRIP data, because in the end that is the only information that is in there is the historical dataset of MRIP, harvest at length, and discards at length relative to the regulations that were in any given state in any given wave.

There was no special piece of information that we kind of plugged in there to inform that part of the model. It's done purely based off the MRIP data. If MRIP was capturing that effect then it's in there. If it's not then that is not in there. One addendum to your question is I did test this, not this exact question but a similar question came up during the Monitoring Committee discussions.

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Some folks wanted things like average wind speed in a given year to be added in as a factor, or some notion of availability. What can we plug in there to represent availability? That's something we talk about a lot. I tested a couple of different things in the model. None of them came up as significant enough to leave in there.

The reason I think that's the case. I didn't test wind, sorry. I do intend on going back and testing that. I did test water temperature as one. Then this idea of availability, I tried RHL and SSB and things like that. I think the reason there was a disconnect between significant effects in the model and those factors is because of the change in MRIP.

In other words, we were making regulatory adjustments in all of those early years based on MRFSS; you know the old MRIP data. That changed. Everything got recalculated, but that still doesn't change what we were looking at at the time in history, and changing. I've gone beyond your question a little bit.

But I thought you might be interested. You know we did try and add in some other stuff; to see if that would help soak up some of the variability in the model. Beyond what I showed you is in the model there wasn't much value in the other things that we did plug in.

CHAIRMAN BALLOU: Great, that's a wrap. Thank you Jason, really appreciate your presentation and all your good ongoing work. We look forward to keeping tabs on this project as it continues to develop.

**ACFHP/MAFMC REPORT ON BLACK SEA BASS
HABITAT UTILIZATION IN THE
MID-ATLANTIC BIGHT**

CHAIRMAN BALLOU: We will now move on to our next agenda item, and that is a presentation by Dr. Brad Stevens from the University of Maryland Eastern Shore, regarding a recently completed three-year study on black sea bass

habitat utilization in the Mid-Atlantic Bight. Dr. Stevens welcome, the floor is yours.

DR. BRAD STEVENS: Thank you. I'm going to have Jeff change the slides for me as I go through this. We did this project with funding from the Atlantic Coast Fish Habitat Partnership and with also support from the ASMFC and the Mid-Atlantic Council, and just completed it and submitted a report. I'm going to tell you about that. We call the project Hab in the MAB, because it's about habitat for black sea bass in the Mid-Atlantic Bight.

I did this work with four different graduate students who really deserve the credit for doing all the hard work, while I just cracked the whip. Our study goals were to look at the relationship between fish abundance and benthic community structure, to study the trophic ecology of black sea bass that is what they eat and the relationship of that to reef characteristics. We did a small experiment on the effective habitat connectivity by creating a small artificial reef, and following what happened when we did that. This weaves in with a study of gorgonian coral called sea whips, which was started separately but then became a part of this project in which we studied the age and growth and damage to sea whips.

Early on we found when we tried to study in natural reefs that they were too deep for scuba diving. Most of them are beyond 120 feet. We dove on a few of them, but didn't have enough time to do anything when we got down there. We focused this study mostly on artificial reefs, which consist of mostly shipwrecks, intentional or otherwise, and ranging in age from recent, like one year old to over 100 years old.

They are scattered up and down the Delmarva Peninsula. How do we do this? In order to estimate fish abundance we used camera systems. We put GoPro cameras on an underwater tripod. We set it up next to where

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the fish were, let them run for 30 minutes then pulled them up and counted fish in the frames.

I've been doing this kind of underwater video work for about ten years. Initially we started just dropping cameras randomly where we thought there was habitat. Most of the time we didn't see anything, unless the camera randomly landed in the right spot. For this study we went to where the habitats were. We placed the tripods at the habitats and pointed them towards the fish.

In this frame there are actually about 12 fish. You probably can't see them, they're just little gray splotches, and you have to watch a couple of frames to see them move before you can actually see them. But there they are. The next slide, in order to look at benthic community structure we used a camera quadrat, which is just a frame with a camera over it, and we swam along these reef structures and wrecks.

This is my little hand drawn map of one of the wreck sites, and placed the quadrat down every meter, and took a bunch of pictures, and then randomly selected a dozen of those to analyze. We also went out into the sandy bottom away from the reef and wreck sites, and photographed those and placed our video tripods out there as well to get estimates of fish abundance away from these wrecks.

Here are some examples of the types of things we see in the quadrat photos. The long stringy things are gorgonian sea whips. The orange things are sponge, and the little white puffy clouds are a type of stone coral. The one on the bottom right is what the sand looks like. If you get away from the wreck it's just sand and shell and no substrate.

We boil all that down with a type of multivariate comparison, and it tells us a number of things. Each of these points is one of our camera frames, and they are all aligned in a multi-dimensional space defined by the

abundance of five different types of organism, which include sea whips, hydroids, mussels, stone corals, and something else, sponges.

It's kind of hard to explain this, but basically what it says is some of these sites like the one that's at the bottom are associated with sites where there are mostly hydroids (that's what your HY stands for). The ones at the top are mostly associated with sea whips. The ones on the far right are mostly associated with mussels. It's interesting to note that the sea whips and the hydroids are at opposite parts of the spectrum, because they represent community succession. As these reefs are first placed down they get covered with hydroids, and then after a while they are replaced by mussels, and then after a while a long living stone corals and sea whips take over.

We can separate each of these sites by the abundance of the different things on them. Then we brought in the fish abundance data, and compared it to the coverage of these sites by different species. What we find is that only the sea whips are associated with fish abundance. None of the other organisms really were associated with the presence of fish abundance.

We never saw fish out on the open bottom over open sand away from the reefs. If you look at this graph it shows the increase in fish abundance with the increase in the sea whip coverage. We can categorically state that sea whips are an important habitat component for fish. We created a small artificial reef using these things called oyster castles by stacking them into pyramids, and placing about 30 Of these structures between two sections of a reef.

The question was if we build it, an artificial reef, will they come? The secondary question is if the fish do come to this reef, do they come from another adjacent reef or not? We have two sites. We have what we call an impact site,

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which is a wreck that was separated into two sections, and we placed about 30 of these pyramids between the two sections, and another wreck that was divided into two sections where we did not place a reef.

We called that our control site. Then we monitored the fish using our camera tripods, and we set the tripods on the wreck structures. We also set them on the open sand between the wreck structures before we built the reef and after we built the reef. Here is one of the reef structures on the bottom. There are three fish on there somewhere.

You're not seeing them. Oh well. Jeff, press your enter button. There they are. You can barely see them, but there they are. We repeated this in three months in both years. There are a lot of results, but this one figure sort of sums it up. Let me walk you through this. The impact structure at the top is the parts of the wreck that are structured, and they have fairly high abundance of fish both before and after we created our reef.

The control structure is the structured parts of the wreck. At the control site they both have fish before and after we created the reef, slightly lower abundance than at the impacted site. The bottom that says control open is the open sand bottom at our control site in the two years before and after constructing the reef. It doesn't change.

The red arrow highlights the line that goes from a triangle that says impact open. That is the site where we constructed the reef before we built it, and it goes up to the point at that same location after we built the reef. What it shows is that if you build a reef the fish will come. It also demonstrates that the other sites did not change.

This is not due to an environmental change, and it did not apparently pull fish away from those other sites, because their abundance didn't

change, in fact it went up slightly. This brings us to sea whips. We noticed during our dives that a number of sea whips showed some damage. We spent some time photographing these and estimating the amount of damage, ranging from hardly noticeable to completely 100 percent tissue stripped off, overgrown by fouling organisms. We also noted that some of these are impacted by fishing gear, ropes, fishing line. I've picked up enough 8 ounce lead sinkers to start a gear shop, I think.

These sites are not fished by commercial fishermen, because they're rough bottoms, they're wrecks. People don't want to set traps there. They are fished heavily by recreational fishermen. We found the average damage was about 15 percent of these structures, but didn't vary significantly between our sites.

Moving on to the study of food habits, I had a graduate student that looked at over 400 fish and studied what they were eating. To nobody's surprise, the dominant group is arthropods, and most of those are cancer crabs. We looked at both the artificial reef sites we've been studying and some natural reef sites, and the results were pretty similar.

The only real difference is that at the artificial sites they tend to eat more crabs, and at the natural reef sites they tend to eat more mollusks and annelids. Now I note that what they're eating are not organisms that live on the reefs. They have to leave the reefs to find crabs or worms or mollusks. They're probably not feeding during the daytime. They may be going out in the dusk.

We also compared these results to fish stomach data collected by NOAA during 15 years of their trawl surveys up and down the east coast, and the data were almost identical. Fish like crabs. Now, we also took tissues from fish and from some of these organisms, and looked at stable isotopes. These are basically just heavy versions of nitrogen and carbon.

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Because they're heavier they are not metabolized, they tend to stick around in the bodies and get passed on to predators. This shows a bunch of different organisms that the fish feed on, with mussels and scallops bivalves down at the bottom there about trophic level 3, and then crabs and shrimp in the middle, and then black sea bass at the top, and some sand dollars way over to the right.

This shows that these different organisms have different trophic levels, and when we look at the fish themselves what we see is this. There are four groups here, two of the groups are just adult or rather large and small fish, and the other two are the artificial and natural sites. What we're finding is that there really isn't much difference in the trophic level where these fish are feeding.

There is more of a difference in the right to left position, which has more to do with whether they're eating pelagic prey versus benthic prey. We don't know really what causes that but it may have something to do with the structure of the reefs. While we were doing this we were also doing several other studies.

We were looking at the impacts of black sea bass traps on benthic habitat, especially the emergent epifauna like gorgonians that was funded by the NOAA Bycatch Program. Following that we began a study of age and growth of gorgonians, also funded by the NOAA Bycatch Program. A few years earlier than this we did some video surveys of the Maryland Wind Power Area in this same region, with funding from Maryland DNR. I just want to show you a few slides of that because it's related. The impact study, which I talked to the Council about several years ago, showed that fish traps rarely land on biological structure. When the fishermen are setting a string of 20 traps the reef size probably only covers one or two of those traps. Most of the traps are not landing on the reef.

But when they pick up those traps they drag across the sea floor, and then they go over the reef and they start impacting structure. Most fishermen will tell you the traps come straight up off the bottom. They don't. Maybe the first one does, but it drags maybe ten seconds. Trap Number 20 is dragging about a minute.

The drag time increases steadily with the number of traps that they're pulling up. When these traps are dragging they run over corals and sea whips, and they can break them off. This really was the instigation for our study of sea whips. We wanted to know how old these things were, how long does it take them to recover?

To do that we cut sections of them. We counted growth rings, just like you would with tree rings. This was a master's thesis of another one of my students. We found that they could grow up to 20 years. Most of them were in the 7, 8, 9 year old range, which suggests that there must have been some episodic recruitment about eight years ago.

The lack of really any number of small ones suggests that they're not recruiting regularly, it's very episodic recruitment. They probably recruit when storms wipe out other things that are living on these substrata, and it gives them some space to settle. I got an extension of this project funding as Lisa mentioned earlier this morning, and we had tagged some corals two years ago. We put these little tags on the bases. That is one of our sites there on the left.

Notice it has no mussels growing on it. The year previous it was covered with two-inch mussels. By 2017, those mussels had been wiped out. We went back this month to go try to find those and re-measure them. We couldn't find any of our tags, because they had been totally overgrown by a two-inch layer of little half-inch mussels.

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But once we started digging those away we started finding the tags, and we were able to re-measure them. I don't want to get into the specifics of that because we're not done with it, but surprise, surprise they were not growing. They were actually losing length. This next slide has two lines on it.

But the line on the left shows that some of the smaller ones are actually increasing in length, but the line on the right shows that the larger ones are actually losing length up to 10 or 15 centimeters, because the tips are breaking off. This was kind of unexpected, but it may be how these things grow.

The growth rate increases up to a certain size, but they're always subject to damage from wave action and other things. At some point the damage rate overcomes the growth rate. This is an interesting and kind of unique finding, I think. The last bit of this is that we had done some digital camera sled surveys in this same area, and actually in the wind power area a few years ago using a camera sled. In that area we didn't find much in the way of reefs. We only looked at a small portion of it, but enough to say that there wasn't much habitat there to be displaced by wind turbines. To wrap this up, the conclusions we come to are that black sea bass are really tightly structure oriented. We never saw them more than about a meter away from structure. They're always associated with some structure on the bottom.

The reefs and wrecks in the Delmarva area vary a lot in community composition, which may be related to their age. Most of the vertical structures provided by sea whips, and sea whips were the only organism there that was a good indicator of fish abundance. But the sea whips undergo degradation, either due to fishing impacts or natural breakage, we're not really sure.

Our little experiment with reef shows that increasing habitat can probably increase fish

populations. We know that black sea bass love to eat crabs and a few other benthic invertebrates, and they're probably foraging away from the reefs to get them. Their preference for the reefs just probably has to do more with shelter than food. I'm not going to go into wind power, because that is not my purview. I'll stop there and take questions if you have any.

MR. NOWALSKY: Caitlin, do you want me to take over as Vice-Chair until Bob comes back?

VICE-CHAIRMAN NOWALSKY: Thank you very much, Brad. We'll turn to the Board for questions of Dr. Stevens. I saw Bill and then we'll go to Roy Miller.

MR. HYATT: You showed and talked about the damage done by recreational fishing. I think you tossed out a number of 15 percent for an area that you had looked at. Is there any indication that the level of damage that is done by recreational fishing that you observed had any type of quantifiable impact on the densities of fish that would be supported, or any facet of ecological function in that area?

DR. STEVENS: Let me restate. We don't know that recreational fishing causes that damage. We know that there are corals that are damaged, and there is some recreational impact present. Most of the damage, I can't say that it's caused by fishing. It could be natural; it could be caused by fishing.

What I didn't tell you was that we did an ROV survey in another paper that was published as part of our trap study that showed that corals in areas that were commercially fished were also damaged, and their damage rate was about 35 percent, so it was double what was present in the areas that are only recreationally fished.

I'm not blaming fishing for those damage rates. We don't know what causes them. It could be related to fishing, maybe some of it is. I can't

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say that most of it is. But your question was can we relate it to fishing level? No, because we really don't have the data. We can't say how much fishing goes on in any particular location. I would love to have that kind of data.

CHAIRMAN BALLOU: Are there any other burning questions? I'll take one more question. I'm just going to take one more question, just in the interest of time, Emerson. I'll go to Marty.

MR. MARTIN GARY: Brad thanks for your presentation. I've dove out there quite a bit off of Ocean City myself, the whole Delmarva, and I never see fish. Anybody that dives never sees fish away from the structure. Maybe you can't make this leap of faith, but my curiosity has me. Do you have any perspective you could share on that age-old conundrum, the question of aggregation versus production of these structures?

DR. STEVENS: It's an age old question, and I think it's kind of a species question. When we created structure we had fish that weren't there before. It didn't draw fish away from other structures, so where did they come from? They also didn't appear out of nowhere. What we think is happening is when these fish are juveniles, first they go into the coastal bays as one-year olds, and some of them go into Chesapeake Bay as two-year olds.

When they come out of there and go offshore, they're looking for a place to stop and rest. If those places are occupied by other fish, what do they do? I don't know, maybe there is no place for them, maybe they get eaten. But if there is all of a sudden a place that didn't exist before, they can go there and they are not being chased away by the dominant males.

We think to some degree that the fish that were occupying that new space were new recruits that had come in, found a place that wasn't already established by dominant fish, and settled there. I would say that is going to add to

production. It didn't produce the fish, but it gave them a place to be where they weren't going to be subject to predation.

CHAIRMAN BALLOU: Thank you for that answer and thank you for that question, Marty Gary, whose name I did blank out on for a moment. Adam, I appreciate your jumping in. Was there someone else who had their hand up?

MR. NOWALSKY: Yes, I had recognized Roy Miller as the second speaker.

CHAIRMAN BALLOU: Thank you, so we'll end with Roy Miller.

MR. ROY W. MILLER: Actually when you posted conclusion Number 3 there, you answered my question, because I was wondering if it was the height of the sea whips that made them valuable as habitat, and it appears that is your conclusion, so thank you.

DR. STEVENS: I'm sorry, I couldn't see who was speaking, where are you. Oh, I'm sorry. We think that the vertical structure has a lot to do with why the fish are there. This conclusion is being made by other people who study coral in other types of reefs, and it's really the interstitial space created by that structure where the fish like to hide.

On a flat structure they can hover over it, but they don't really have any place to hide. When you get a vertical structure like a tree, then you have branches that they can go in among. That is really hard to quantify. We can measure the height of these things, but it doesn't really measure the space that they create. I have a little one and a half minute video that I put on this. I don't know if you want to take time to show it, but I think it shows this pretty well.

CHAIRMAN BALLOU: Let's do one and a half minutes, go ahead.

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DR. STEVENS: It's narrated, so you can stick the microphone up next to the computer.

CHAIRMAN BALLOU: Apparently we're unable to support the file type.

DR. STEVENS: It was a Mac thing.

CHAIRMAN BALLOU: Tony DiLernia, I'm going to give you just a brief opportunity to ask a question, and then we do need to move on.

DR. STEVENS: I'll put it on YouTube in a week or so and send a link.

MR. ANTHONY DiLERNIA: The three most common materials that are used for artificial reef construction seems to be steel, wood and concrete. Have you seen any difference in the aggregation of species as we look at those three different bases for artificial reef construction? Have you seen a change in perhaps the type of encrusting invertebrates that attach to each of those substrates, and/or have you seen any changes or differences in the types of species that aggregate around those three different substrates?

DR. STEVENS: We didn't classify the reefs by their construction type. Most of them were either steel or wood wrecks. None of them were concrete. I can tell you the oyster castles were not the best idea, because after a few storms they started to fall apart. I think the wooden wrecks, wooden wrecks come apart, and even though they fall apart and things that grow on them would fall off as well.

One of the sites where we had the highest density of fish was a wreck that wasn't any bigger than this little table. I think recreational fishermen were not finding it, because it was so small. But you could sit there on the bottom and count 100 fish within a few feet. I don't think it's the type of material so much as it is the structural space that it creates.

We've seen where concrete pipes were laid down as part of an artificial reef, and within a few years they were totally buried in the sand, and then they become useless. We didn't look at steel like the subway cars, but steel disintegrates and will fall apart eventually too. We didn't test; you know what's the best structure, the best structure would be something that creates a lot of the interstitial space for fish to hide, and will remain intact for a long time and won't cause any harm to the environment, whatever that is. We don't know yet.

CHAIRMAN BALLOU: Thank you very much, Dr. Stevens. We very much appreciate your presentation and the excellent work that you and your students and colleagues have been doing, and look forward to hearing back from you in the future. With that we will move on to our next item.

PRESENTATION ON DISCARD MORTALITY

CHAIRMAN BALLOU: We are running late, so we're going to have to move through these last two items fairly quickly, maybe in abbreviated form, so without further ado I'm going to turn the microphone over to Caitlin for a presentation on discard mortality.

MS. STARKS: I'll try and make this as fast as possible, skip the outline. Just as a reminder, the topic of discard mortality has come up often over this past several years, and it was specifically identified as an important issue in the Strategic Plan for Reforming Recreational Black Sea Bass that was presented to the Board at the spring, 2018 meeting. Then in May 2019, per the request of several Commissioners, it was agreed to have it as an agenda item for this meeting. While the initial focus for the meeting was recreational black sea bass discard mortality, the Board may also wish to address other areas or fisheries, so I put some information in on those as well.

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These are just the general areas that the Board may wish to think about some more. I'll leave them up here for a second, but I'm not going to explain them all. But essentially there are different discard related issues for each species, as well as each fisheries sector, and within those there are different components being the assumed discard mortality rate and the actual amount of discards for each fishery.

Before I get into some figures and information on discard calculations and mortality rates in each fishery, I do want to note a caveat with the data, which is that I used for recreational black sea bass and commercial black sea bass here, unpublished data from the Northeast Fisheries Science Center. That includes updated commercial and recreational data, which are being used for the assessment.

I wanted to just give more updated information from what's available in the last stock assessment, which is why chose to use those data, and hopefully they will be consistent with the information that comes out of the operational assessment. The purpose of the figures is just to show general trends. Try not to get attached to any specific numbers.

With that said, for the assessments dead discards are estimated for each sector and species by multiplying the assumed mortality rate by the estimated number or weight of discards. The assumed discard mortality rates are determined through scientific research, and established in the stock assessments.

Then the discard quantities are estimated differently for each sector. The recreational discard estimates come from MRIP, while the commercial discard estimates are produced by gear type based on bycatch reporting, observer data, and VTR data, and the details on those methodologies are in the stock assessment report, so I won't go into the weeds on those.

This table shows you discard mortality rates by species and sector, as well as the average percent of total removals contributed by dead discards from 2015 to 2017 on average in pounds, and total removals is equal to pounds of harvest and dead discards combined. In the first column you have the assumed recreational discard mortality rate for summer flounder is 10 percent, and for scup and sea bass it's 15 percent.

In the next column you can see the recreational dead discards from 2015 to 2017 accounted for an average of 14 percent of total removals for summer flounder, 3 percent for scup, and 15 percent for black sea bass. Next is the assumed commercial discard mortality rates for each species, and those are 80 percent for summer flounder, 100 percent for scup, and for black sea bass it's 100 percent for trawl and gillnet discards, and 15 percent for pots and hand lines. In the last column you have the contribution of the commercial dead discards to the total removals, and those are 7 percent for summer flounder, 23 percent for scup, and 8 percent for black sea bass.

This figure shows you the black sea bass landings and dead discards from each sector as a proportion of the total removals, which again is the sum of recreational harvest, commercial landings, and dead discards for both sectors. In the graph each of the lines represents a percentage of the total removals, so those all sum up to 100 percent, and the filled teal area is equal to the total removals in pounds.

Over the time series of available data for black sea bass, there has been a general trend of increased discards in both the commercial and recreational fisheries relative to the total removals. In the last few years the proportion of black sea bass commercial discards, which is shown by the yellow line has increased, while the proportion of recreational discard, which is the green line has remained higher than the commercial discards, but relatively stable.

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Then this figure shows you commercial and recreational landings and dead discards for summer flounder in pounds, and all of those colored lines add up to the black line, which is total removals. For summer flounder the proportion of total removals that come from commercial and recreational discards have also increased in the last several years, and those are shown in the orange and green lines.

You can see it from the black line, which represents total removals that the increasing discards proportion is more related to the total catch trending downward, along with decreasing catch limits in the last several years. The total amount of commercial and recreational discards, which again are orange and green lines here, have generally decreased in the last several years as well.

Focusing only on the black sea bass recreational discards now, dead discards have been of a particular concern recently, and some of the main points that have been brought up are that the total number of discards from the recreational fishery have increased, and therefore the dead discards are also increasing with that assumed 15 percent mortality rate being fixed since the last assessment.

There are concerns that these discards are significant enough to have an impact on the stock, and that they also are considered regulatory discards in some cases that could be potentially avoided or turned into harvest. There has also been concerns that that 15 percent mortality rate might not accurately reflect the true discard mortality rate for black sea bass, and one recent study that addressed this is the Rutgers Study on black sea bass rod and reel discard mortality that was funded through the Mid-Atlantic Council's Cooperative Research Program.

That study was completed last year, and the results showed that at 45 meter depths the mean mortality rate for unvented black sea bass

was 52 percent, and the mean mortality rate for vented black sea bass was 21 percent. For more details on the breakdown of those findings, the report was provided in the materials for your reference.

This figure shows the recreational black sea bass total catch, which is the shaded teal area, and compares that to the amount of harvest discards and dead discards. It's important to note that this figure is in numbers of fish rather than weight, and it's for Massachusetts through North Carolina, just because it was difficult to get that Cape Hatteras split. You can see here that for black sea bass recreational harvest in numbers of fish, which is the dark blue line, has remained relatively close, give or take to 5 million pounds since about 2000. However, looking at the green line, which is discards, you can see that the number of fish discarded in the recreational fishery has generally been increasing over the time series. That can largely be related to the changes in recreational measures, including minimum sizes, possession limits and seasons.

Assuming a constant 15 percent discard mortality, you would have a similar increasing trend in the number of dead discards, which is the yellow line. The number of dead discards toward the end of the time series has been relatively close to the number of fish that have been harvested. For the estimated pounds of discards, the trends look a little bit different.

In this case both estimated harvest and discards in pounds have increased, and therefore so has the estimated pounds of dead discards. When compared to number of fish what this seems to say is that over the time series the average fish size of harvested fish has generally increased, which makes sense since size limits have increased as well.

To bring that back around to the estimated discard mortality rate, some studies have indicated that larger black sea bass can

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experience higher discard mortality rates, so if that holds true and the average size of the discarded sea bass has also increased, it could mean that in reality maybe the discard mortality rate has increased over time.

Switching gears a bit I want to go quickly over how estimated discards affect the catch limit specifications for these species. I know everyone is aware that expected discards are taken into account when establishing those annual catch limits or ACLs for the commercial and recreational fisheries, but the process differs a bit by species.

For black sea bass expected discards for the upcoming year are produced first by dividing the Acceptable Biological Catch or ABC into the expected landings and discards based on the most recent three-year average of the relative proportions of landings and discards. Then the amount of discards is divided between the commercial and recreational sectors based on the most recent three-year average of the proportion of total discards from each of those sectors.

The resulting expected discards for each sector are then subtracted from the annual catch targets to determine what the commercial quota and recreational harvest limit are. This approach assumes that the relative proportions that are used in those calculations of landings to discards and discards between the two sectors will be similar in the future as it has been in the past.

I'll just note that using that approach is a policy call from the Council's Monitoring Committee, and it's not an FMP requirement. For summer flounder and scup the stock assessments actually project the landings and discards separately, so we get projected commercial and recreational discards used to establish the catch limits from those stock assessments. There is a flow chart in the memo I provided on discard

mortality that will walk you through the discard calculations for summer flounder for 2019.

If you want to look at that process in more detail and the numbers that come out of it that is there for you. Then I hope that very quick review of the information on discards was helpful, but to get the Board into a discussion on this topic I put up some discussion questions. First, are discards or discard mortality issues a priority for the Board at this point, and if they are it would be helpful for the Board to define which species or sectors or different areas of those the Board would like to address. For example, is the more important issue to address discard quantities or discard mortality rates?

If the Board chooses to pursue the discard mortality or discard topic, it would also be important to think through what the best approaches would be for addressing the specific issues that are of interest, whether that's developing or changing policy or regulations to reduce discards or discard mortality, implementing education programs, or funding research to get at better information on discard mortality. With that, that wraps it up for me. I can take any questions.

CHAIRMAN BALLOU: Thank you very much, I think that was an awesome presentation given the time constraints, and I know how much work you put into pulling that together, Caitlin, so thank you so much for that presentation. My sense, given the timing on this issue and given the magnitude of the issue, it's an issue that could well lend itself to a daylong workshop, and here we are constrained by just a few minutes left in our scheduled agenda. By and large what I'm thinking and I will entertain some comments and questions, but only a limited number.

What I'm thinking is that we could use this slide as essentially a homework assignment for the Board that between now and the Annual

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Meeting, all members of the Board might take some time to think through these discussion questions and come back ready to take up these questions, and think about how the Board may want to move forward with an issue that I think is probably as important if not more important than just about any other issue that we deal with.

It's an issue that we talk about all the time, we agonize over all the time, but we really don't act on it as I see it. I'm not aware of really any specific FMP provisions that address discard mortality. Whether or not that's just because it's a negative externality that we just have to live with and swallow hard on, or whether it's just an issue that is very challenging and requires a Board like this to be able to roll up its sleeves and go at it.

I would like to think the latter. I would like to think that there might be some opportunities here. It will take some time as I see it. I sort of view this as a recurring agenda item that might take a year or so to kind of work through, think through and develop, or maybe not. Maybe it can be dealt with in short order.

But I do want to first credit those members of the Board who have asked for this issue to be brought forward, B thank Caitlin for teeing it up, and really that's all we were able to do so far today, and C look forward to a more robust discussion with this Board when time allows. I don't think we have the time today, but with that said I'll entertain a few comments or questions. Tom Fote.

MR. FOTE: June 15 was the Jersey Coast Fluke Tournament, a tournament we've been running for 25 years or more. I fished this year. I haven't fished in many years, because it was in August and I'm usually always at a meeting. But I fished this year. We were one of about 25 boats up in Sandy Hook that was fishing together. On my boat there were not a lot of bent rods, on all the boats around us there

were guys grabbing nets, releasing fish and basically we were not what they were looking at. I surveyed some of those folks, because I knew who the guys were, at the awards ceremony. We had two fish that we caught on our boat, and we released both of them because we were fishing in New York waters and it was 18.5 and 18.5, so we released both fish. The other boats I questioned they had 32 releases, 42 releases, 39 releases.

What was the difference between the boat we fished on and those boats? We basically all had 7-0 hooks on, because I tied all the rigs, and said you're fishing with me in the tournament; here is what we're fishing on. You think about it, if there are 20 boats out of there and most of them are fishing with the small hooks, they had almost 600 releases, the average hook.

How many fish did they kill, 60 fish? If they had been fishing with 7-0 hooks, how many fish would they have caught? You can do the math what is 10 times 2, it's not a lot of fish. There is the difference that we're looking at. Now my other question is if I got surveyed when I went back, and they said well how many fish did you catch?

I said well we only caught and released two, and the other guys said 30, so that means I'm showing a lack of abundance of fish in the area. How does that basically come into the issue? There are a couple of questions there, but I figured I would just bring it up, because that is a personal observation this year, which was pretty dramatic I think.

CHAIRMAN BALLOU: Other comments or questions? I see one hand in the audience, and I will go to the audience. But I first want to make sure the Board has an opportunity to weigh in. After I take the comment from the audience I'll go back to the Board and see if the Board is comfortable with the approach that I had suggested. I did see your hand up, yes Dr. Stevens, please come forward. There is a public

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microphone right here if you don't mind, right at the corner of the table, right where Kirby is I think setting you up.

DR. STEVENS: My group also just completed a study on discard mortality in the commercial fishery in Maryland, and we have a paper in publication. I didn't come prepared to talk about it, but I can tell you that it was a lot higher than that 15 percent. We could come back and talk about it at another time if you're interested, or I could send you an advanced copy possibly.

CHAIRMAN BALLOU: Yes to both. Certainly the advanced copy if you could provide that to Caitlin that would be very helpful. I think we're in an information gathering stage now, a data summary and presentation stage right now. I don't think we have the opportunity today to really start to get into the sort of ways forward that this Board might want to pursue.

But again, I would like to suggest that we bring this back before the Board at our next meeting, giving everyone an opportunity to think a little bit more about it. I liked the way Caitlin teed up these discussion questions. I'm thinking of starting with these questions at our next meeting on this item.

Does that make sense to the Board? Does everyone agree that this is an issue worth pursuing, if only for the purpose of vetting some of these issues, and thinking through ways forward? I have a whole bunch in my head, but I'm not going to take time now to offer them up. I have a feeling that everybody around this table, and I'd almost like to go around the table and ask. Maybe we'll do this at the next meeting for everyone to offer their thoughts on if they had their druthers. What would be some things that we might want to pursue that might help minimize discard mortality, convert more discards into landings, and do the sort of thing that the community has

long urged us to do, and that is try to find ways forward that address this very difficult issue?

Granted it is a difficult one. I'm going to take the body language from around this table to indicate a support for that way forward. With that we will conclude this agenda item today, and move on to I think we just have one more, actually two more with Adam Nowalsky's addition, I know that's going to be brief.

PROGRESS REPORT UPDATE ON THE RECREATIONAL MANAGEMENT REFORM WORKING GROUP

CHAIRMAN BALLOU: We will move on to Item 8, which is going to be a brief Progress Report Update on the Recreational Management Reform Working Group, and I believe Caitlin you have a brief presentation. Caitlin.

MS. STARKS: I'm actually going to cut this down from what I had previously put together for the interest of time. I'll just go over again what the Recreational Reform Group has been focusing on, and what the work to date has been, and then lay out the plan for moving forward. The focus of the Steering Committee, which was a product that the Board and Council agreed to form in March at the joint meeting to lay the groundwork for starting to work on some of the main recreational management reform issues that have been discussed so far.

This Steering Committee has met twice since the March meeting, and they've really focused on further development of ideas and information gathering related to the idea of increasing management stability and flexibility while reducing the year-to-year workload that is required for evaluating and establishing measures on an annual basis.

When this group is discussing flexibility it's been related to the idea of recognizing the bounds of confidence or the uncertainty surrounding the recreational harvest estimates and projections,

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in order to possibly get away from the perpetual chasing of the point estimates and catch limits that are set. Then in terms of stability, the general goal is to move toward multi-year rather than annual specifications, thereby hopefully reducing some of the abrupt fluctuations in management measures that this Board has brought up as a concern.

Then the last key component has been getting at how to better align this specification cycle and the process for evaluating and adjusting measures with the stock assessment. To date over the two Steering Committee meetings, the group has made progress on compiling information and putting higher level concepts down into draft form.

This work has been broken down into several key areas, and the first of those is identifying what the limitations of Magnuson Stevens are, or what the bounds are that NOAA has to work within, and next has been identifying what the limitations of our FMP allow, and whether an amendment or other types of management documents would be required for certain changes.

Then there has been development of a framework that would allow for management to be linked to stock status through the use of control rules, and also how to most appropriately incorporate MRIP uncertainty into this management process. The group has also worked on identifying other types of fishery dependent or independent information that could be used as "signposts" to indicate changes in the stock or the fishery between when we get stock assessments. Then lastly, the group has spent time thinking through the process and timeframe that would be necessary to actually implement the desired changes that have been discussed.

That's a very brief overview of the different areas that this group has been working on. Just as a reminder, the Steering Committee right

now includes staff from NOAA, from GARFO, from ASMFC, and from the Mid-Atlantic Council, as well as Board Chair, Vice-Chair, and Council Chair, and Rob O'Reilly as well, Demersal Committee Chair, so all of the leadership on that group is included.

For the next steps, because these areas are still under development and not ready for full Board and Council discussion, and because both bodies are not here at the table today, I won't go into depth on them. But this slide just lays out the next steps that we anticipate, so today the idea was just to have the Board review the work to date.

Then next week the Council will be doing the exact same thing, and then from now until October the Steering Committee will continue to meet and develop those ideas on recreational reform strategies. The idea is to present those in more solid form to the Board and Council at the joint meeting in October. That is all, and I assume if Mike Ruccio would like to add anything he may.

CHAIRMAN BALLOU: Well I'll certainly add something, and that is to just reiterate how enormously impressive the work that this group has been undertaking has been. Mike Ruccio, Emily Gilbert from GARFO, Adam Nowalsky, Mike Luisi, Rob O'Reilly, Caitlin, Julia Beaty and Toni Kerns, and then just during our last call we were joined by Tony DiLernia.

It's been a really incredible experience working with this group who has been brainstorming on how to work through these issues in ways that I think will resonate with this Board. I think when we report out, which as Caitlin indicated we hope to do at our October meeting. Hopefully you'll see that there are some promising opportunities to get ourselves out of that annual chasing the RHL box. Promising, challenging, it may take some time to develop and implement, but it's just been a really

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gratifying experience to see so much hard work and effort put into this.

Again, I really want to single out Mike Ruccio and Emily Gilbert from GARFO, who really have been doing yeoman's work on this issue, and again we've had numerous calls. We have several more scheduled, we've been really trying to keep our feet to the fire on this, and I know I'll give Adam or Mike or Rob, or anyone else.

Mike Ruccio as well an opportunity to jump in if you would like to add anything now. There was not intent to have a discussion on this issue, but I certainly want to offer an opportunity. If any of you would like to offer anything that's fine. If not, and I don't see any hands going up, we'll just let you know that what you just heard is what's going on, and we look forward to more to come. Mike Ruccio.

MR. RUCCIO: Thank you for your description of the work we've been doing. One of the things that we recognized in our last meeting as a group is that we need to schedule time so that this effort doesn't fall by the wayside. Moving forward we're going to be meeting every two weeks. We'll have a standing time, and so we are very hopeful that we'll be able to bring you a straw man in either October or December. I know the October agenda is very full, so we're going to have to look and see if we fit well with what's planned for there, and if not there then December.

In the interim I think there is a tasking for all of you, and that is too, given just the general premise of what we've described now on numerous occasions, I want to make sure that we don't get so far into our development that we miss something obvious that you think is important. We're trying to really kick the tires and think about the process; think about ways that we can better incorporate what the status of the stock is as we move forward.

But if you have suggestions, if you want to talk in more detail about what we've identified so far, what some of the control rules are, I'm happy to have that conversation with you either here today before I catch a plane, if the thunderstorms haven't delayed me, or give me a call at the office.

I would love to talk about this, because we really don't want to get to that point where when we're unveiling what the straw man is. Someone goes, oh well you guys didn't talk about X. You know because this is very much from the ground up, just trying to spitball ideas and think conceptually through how these things might work.

There really is no idea that is too far afield to consider at this point. But my cautionary note that I've told to the Working Group numerous times is that this process will not inherently create more fish into the system. Some of the limitations that we have to work with we're still faced with, so we still have to have some type of target that we're working towards. We have to have some description of measures that we expect are going to get us there.

But we think there are numerous flexibilities that we can look at on the front end, as well on the tail end for accountability that might help us move from kind of the process that we've been involved with. I think you've heard me say that on numerous occasions, and I promise it is coming.

It's taking its sweet time to build, but I think we're more focused now than we were heading into the spring for a loan notwithstanding. I think we have a process to really bring something concrete to you, so I hope you'll engage with us in the interim and look forward to giving you hopefully a good straw man this fall.

CHAIRMAN BALLOU: Great, thank you so much for that. Is there anything else on this issue?

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OTHER BUSINESS

CHAIRMAN BALLOU: Seeing no hands we are down to other business, and under other business I have a brief report from Adam Nowalsky on the Mid-Atlantic Council's Research Steering Committee. Adam.

to adjourning? Seeing no objections we are adjourned. Thanks so much.

(Whereupon the meeting adjourned at 4:00 o'clock p.m. on August 7, 2019)

**REPORT FROM THE MID-ATLANTIC COUNCIL'S
RESEARCH STEERING COMMITTEE**

MR. NOWALSKY: Listening to the rain and thunder and watching the lights flicker, I think if anybody wants to gather with Mike for dinner, he is probably going to be here for that. I just wanted to take a moment. Next week is part of the Mid-Atlantic Council, on Tuesday the Research Steering Committee will be meeting that I will Chair.

That meeting will be held from 9:00 a.m. to 12:00 o'clock noon time. When we last met for a webinar we had invited members of this Board to participate in those discussions. I'm bringing this up as we intent to discuss RSA. We're going to talk about a review of our past RSA work. We're going to take a look at some work we've done in evaluating how research is conducted with other councils, and then we intend to have a discussion about the New England RSA Review that just completed, take a look at their report, and then discuss what a path forward for RSA in the Mid-Atlantic might look like. I will extend to this Board and any other Commission members, an invitation to attend that meeting. Feel free to come, sit at the table, and take part in the conversation. Any Committee actions that come out of that as a vote you wouldn't be able to vote on, but given the interest in the past by the species this Board manages, everyone is invited to partake in those discussions. Thank you.

ADJOURNMENT

CHAIRMAN BALLOU: Thank you Adam, is there any other business to be brought before the Board? Seeing no hands is there any objection

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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 Ferris	
BOB DeCorte	DEMBRE CHARTERS
Willy Hatch	MACHACA CHARTERS
Jim KOUTALAKIS	ON TIME CHARTERS
Michael Butcher	MSB Charters.
KEN WAITING	CAPE COD GARTIES
JAY PAVICH	Cape Cod Salties
NICLANDO MASCARI	
Jonathan Joyal	
ASHER WHITE JOYAL	
Mike Coitrey	
Ross Kess	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 Oudmanville	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 on 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	DARFC PARK 1
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 Macalish	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. Dimenico	GSSA

ALAN KENTER	
LOUIS MARRELLA	
Bob McEllen	Fishermen Den
Tom Fata	NY GA ASMFC
STEVEN CANNIZZO	NY RFFFA
Joanne Pellegrino	NOAA Fisheries
JOEY 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 PALMISANO	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 NJ
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 NJ
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	FISH 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 unmonitored 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 Toureille	
Roger Marchetti	
Donald Gray	Town Dock
Eric Lundvall	FH Rasmus & Kerstin
JASON Jarvis	FH off Sakp
Josiah Dase	FH Cicker
Andy Tanguish	Charter boat Woodcock
Elise McCann	Charter Captain
Charlie Julian	FH Great Run
Robert Morris	FH Living Waters
Patrick Kwass	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	Warwick, RI
Paul Johnson	RIPCOA	Narricut, RI
Mike Dickman	Students URI MRF	Hamden, NJ
Dave Miller Pherson	RISAA	Pawtucket, RI
Donald Collet	Town Dock	Kingston, RI
Greg DiDomenico	GSSA	NJ
Meghan Lapp	Seafreeze	RI
Walter Anagachian	NOAA	PS, RI
MATTHEW COX	CHARTER "LADY ANN"	STATE HARBOR
ERIC LUNDWALL	F/V RAINBOW KESTIN	Narragansett RI
Jason Jarvis	Fly Old Jake	
Justin Dodge	Cricket	
Amy Damsig	Charterboat	W. Kingston RI
Carol McClatch	RISAA	Norfolk RI
Charlie Julia	F/V Black 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 VASANO	
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 SCHWABER	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 WITUR	—
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 Scizee	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 DeBar	REDC
James Dawson (Kate)	Fisherman
Joe DeCampo	Watermen
Mark HONGES	- 11
Robert Hallowell	11
Harry Doernite	11
David Wright	Waterman + Charter
Tom POWERS	RECREATIONAL FISHERMEN

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: voodoo2two@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

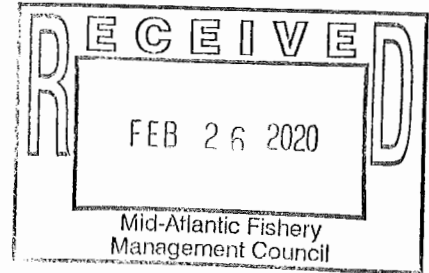
Fishermen Den

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

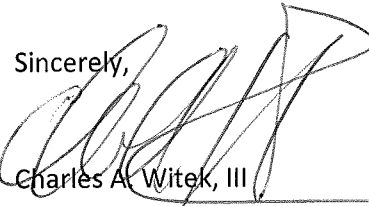
¹⁷ Mid-Atlantic Fishery Management Council, "2020 Black Sea Bass Recreational Specifications"

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

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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	60.8
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

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

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.

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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)

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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

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.

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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	51.6
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

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Data Sources by Geographic Area:

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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	56
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

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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

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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

Floke

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

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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
<hr/>		
CT=	89,902 Total	
Annual PSE 22.5%		

No Pass

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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)

Carbamazepine

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

20%
Diphenhydramine
 Antihistamine
 (1.4 nanograms/gram)

33%
Carbamazepine
 Antiseizure
 (2.9 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 TIMES THE CONCENTRATION OF THESE ANTIBIOTIC PILLS (TOP) AND ANTI-INFLAMMATORY DRUGS (BOTTOM) FOUND IN FISH FROM CHICAGO'S NORTH SHORE CHANNEL. 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 a recent study. You'd have to eat tons of fish to get a small amount of drugs to affect human health, but the study shows the drugs can make the fish die. To assess the risk, Baylor researchers found that 100 pills, with results due

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
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	(\$ 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 recreational 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).

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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



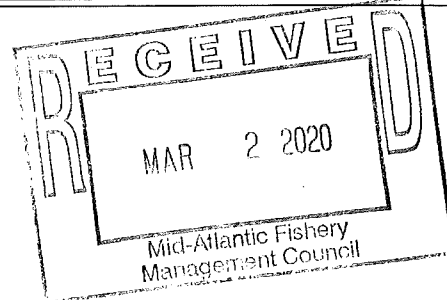
P.O. Box 1465, Coventry, Rhode Island 02816

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

PO BOX 1314 – 57 CHANNEL DRIVE

PT. PLEASANT BEACH, N.J. 08742

732.899.1872 FAX 732.899.3294

COOP.DOCK@VERIZON.NET

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 then 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.

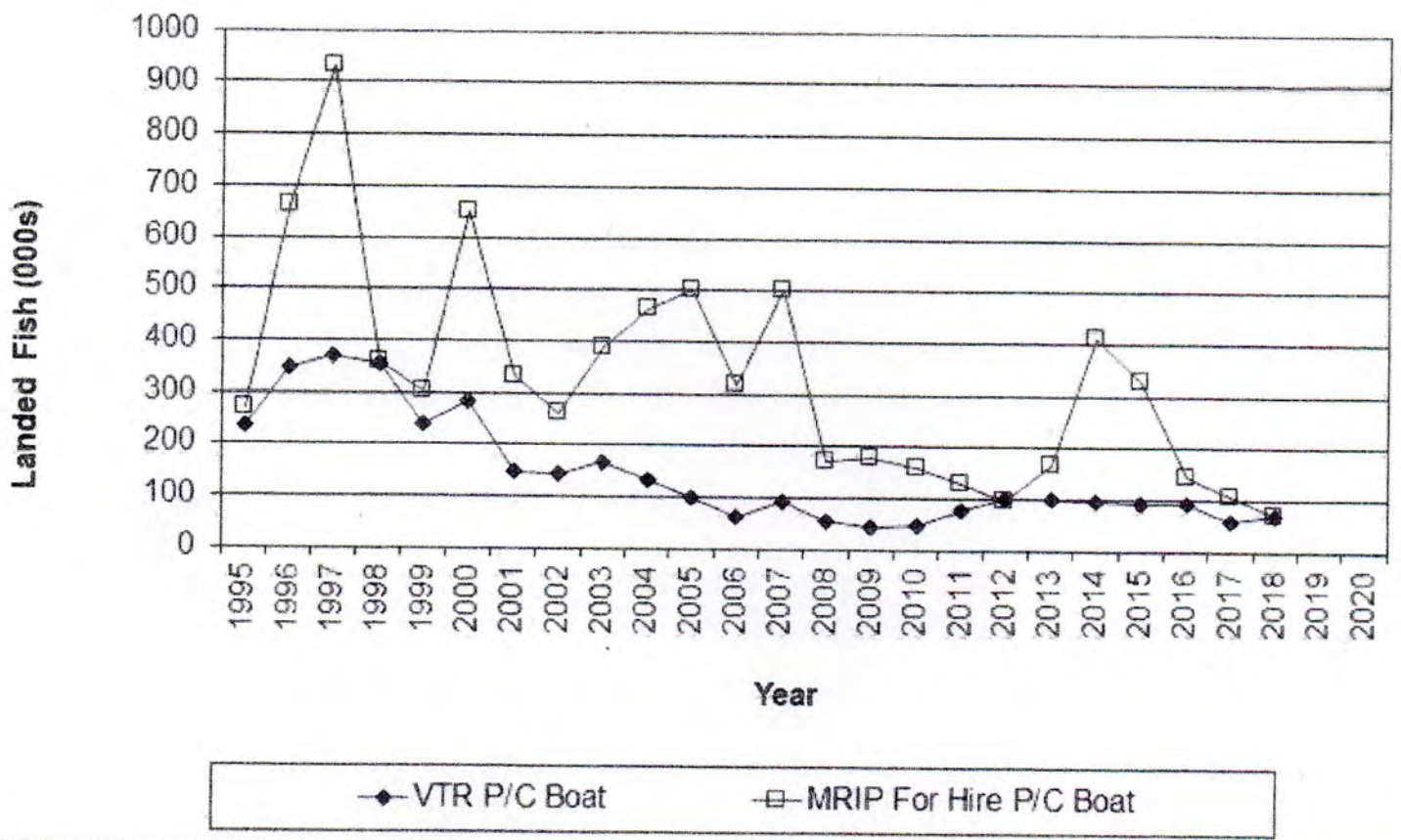
We support flexibility to transfer quota in the event one sector doesn't reach their quota to help avoid the other sector from going over theirs on an annual basis. Also look into Adam Nowalsky's flexibility proposal there maybe something there that can get general support of the fishing public.

We strongly oppose any attempt to make future allocation changes through a framework or addendum.

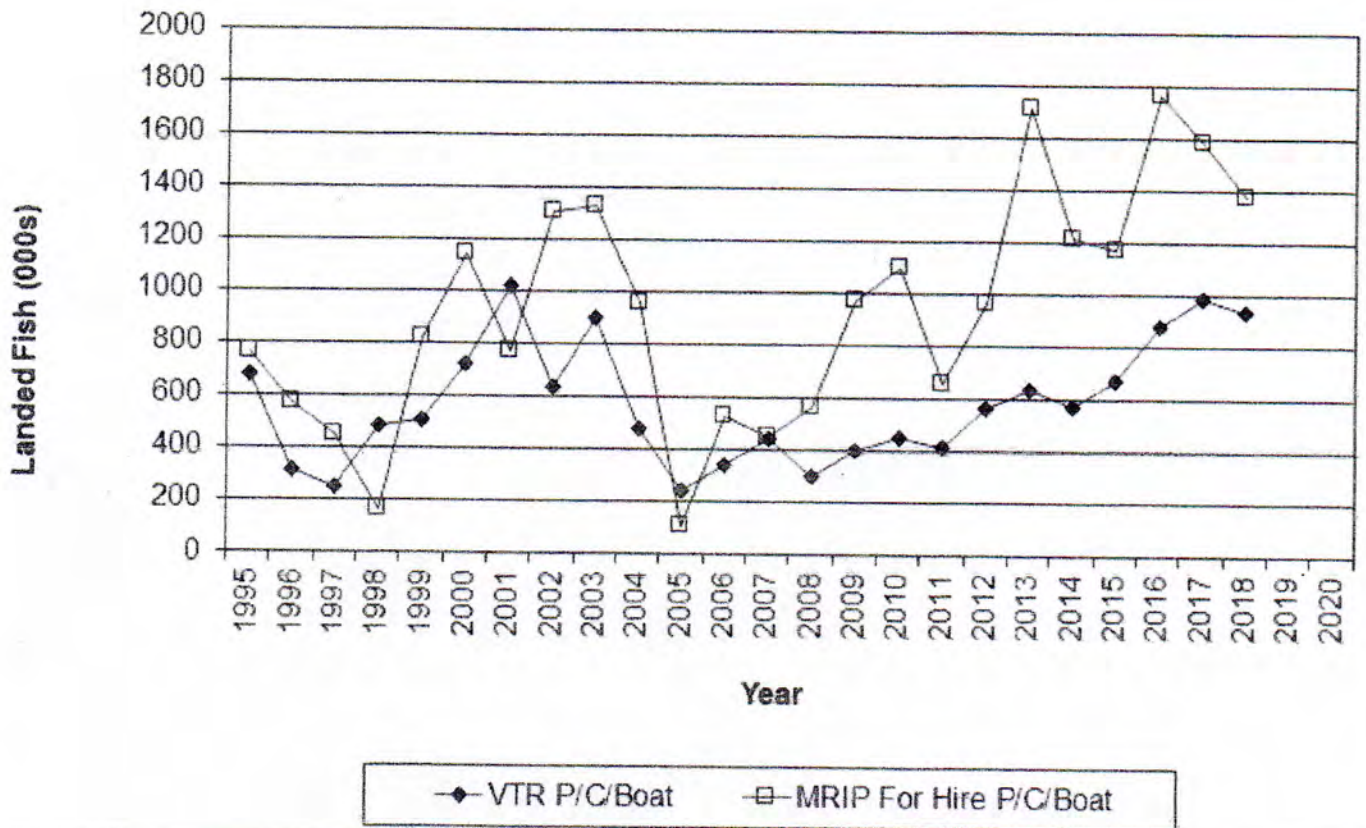
Most importantly management needs to go into a five year fixed annual quota system that will allow a more natural review and assessment of stock conditions without the knee jerk reaction to every minor blip in the trawl survey or other collection modes. This would be very beneficial for the recreational 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

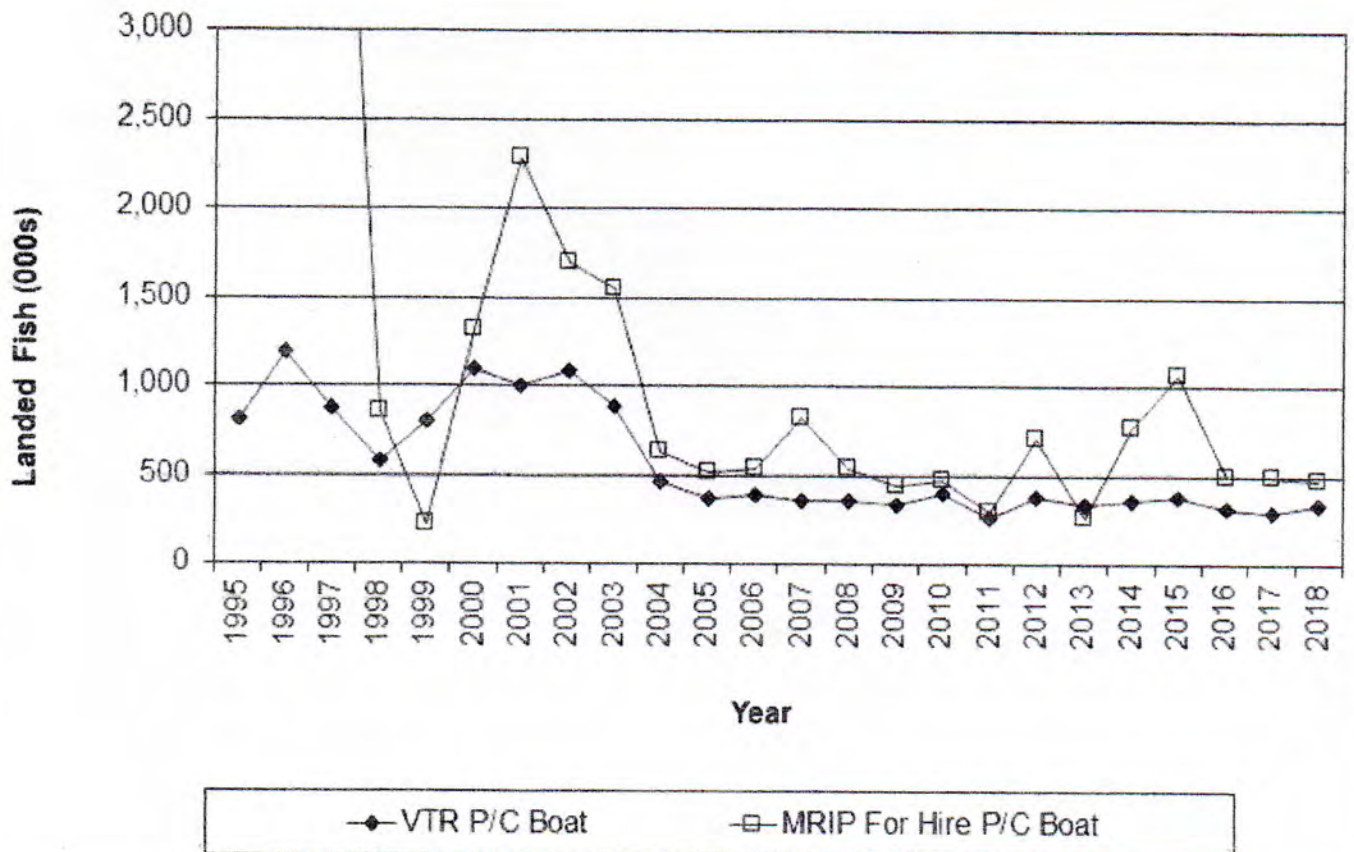
Summer flounder: Party/Charter Boat Landings



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



R.I. Party and Charter Boat Association
P.O. Box 171
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401-741-5648
www.rifishing.com



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.

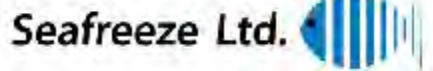
Thank you for the opportunity to comment in writing on this important amendment. The council's decisions are very important to our short- and long-term future and we hope our comments help to inform those decisions.

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.

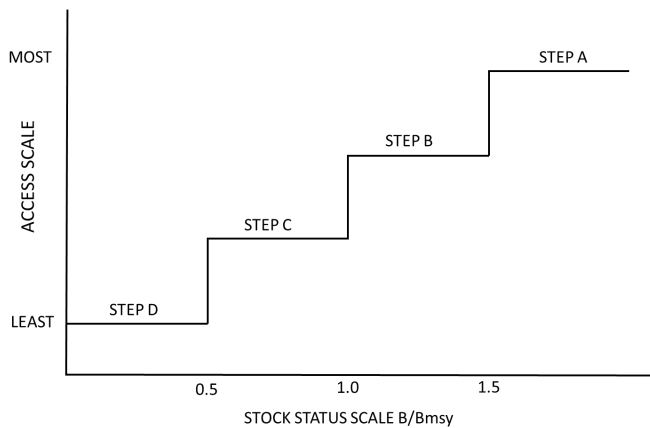


Figure 1. Conceptual diagram of the example recreational harvest control rule.

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 Waine
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



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 Magunson-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



Atlantic States Marine Fisheries Commission

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Atlantic States Marine Fisheries Commission and Mid-Atlantic Fishery Management Council Joint Summer Flounder, Scup, and Black Sea Bass Advisory Panel Meeting Summary

April 2, 2020

ASMFC Advisory Panel Members in Attendance:

- Frank Blount – RI (recreational)
- Paul Caruso – MA (recreational)
- Greg DiDomenico – NJ (commercial)
- Brent Fulcher – NC (commercial)
- Marc Hoffman – NY (rec/comm)
- Mark Hodges – VA (commercial)
- Joseph Huckemeyer – MA (recreational)
- James Little – DE (recreational)
- Jim Lovgren – NJ (commercial)
- *Michael Plaia – CT (recreational/commercial)
- Buddy Seigel – MD (recreational)
- Bill Shilingford – NJ (recreational)
- Art Smith – NC (commercial)
- Wes Townsend – DE (commercial)

MAFMC Advisory Panel members in attendance:

- Katie Almeida – MA (commercial)
- Rick Bellavance - RI (recreational)
- Carl Benson – NJ (commercial)
- Bonnie Brady - NY (commercial)
- Steven Cannizzo – NY (recreational)
- Joan Berko – NJ (commercial)
- Jeff Deem – VA (recreational)
- Skip Feller – VA (recreational)
- Howard King – MD (recreational)
- Michael Pirri - CT (recreational)
- *Michael Plaia – CT (recreational/commercial)
- Steven Witthuhn – NY (recreational/commercial)
- Harvey Yenkinson – PA (recreational)
- Douglas Zemeckis - NJ (Rutgers University)

Additional attendees:

- Russ Babb (NJ DEP)
- Chris Batsavage (MAFMC & ASMFC member, NC)
- Joe Cimino (MAFMC & ASMFC member, NJ)
- Justin Davis (ASMFC member, CT)
- Tony DiLernia (MAFMC member, NY)
- Tom Fote (ASMFC member, NJ)
- Emerson Hasbrouck (ASMFC member, NY)
- Emily Keiley (NOAA)
- Nichola Meserve (ASMFC member, MA)
- Adam Nowalsky (MAFMC & ASMFC member, NJ)
- Corinne Truesdale (TC member, RI)
- Greg Wojcik (TC Chair, CT)

Staff: Julia Beaty (MAFMC Staff), Karson Coutre (MAFMC Staff), Kiley Dancy (MAFMC Staff), Dustin Colson Leaning (ASMFC Staff), Caitlin Starks (ASMFC Staff)

* Indicates member of both Council and Commission APs

Meeting Summary

The Advisory Panels of the Atlantic States Marine Fisheries Commission (Commission) and the Mid-Atlantic Fishery Management Council (Council) met jointly via conference call and webinar on April 2,

2020 to review the Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment Scoping Comment Summary and provide recommendations on the types of alternatives which should be further developed.

In January 2020, the Commission and Council released the Summer Flounder, Scup and Black Sea Bass Commercial/Recreational Allocation Amendment Scoping and Public Information Document to consider potential modifications to the allocations of catch or landings between the commercial and recreational sectors for the three species. Commission and Council staff hosted 11 public hearings in February and March to gather public comment on the document. The Board and Council received written and in-person comments from 205 individuals and organizations during the public comment period.

ASMFC Staff presented on the amendment background and purpose followed by an overview of the scope of comments received by the Board and Council. Advisors considered the scope of issues received during the comment period and provided guidance on which types of management alternatives should be further considered and analyzed for the amendment. **Please note: Advisor comments described below are not necessarily consensus or majority statements.** Additional comments submitted by email are appended at the end of this summary.

Opening General Comments

Several advisors opened the meeting with concerns about how the Covid-19 virus is affecting both the recreational and commercial fisheries. One advisor pointed out that landings are likely to be severely affected during the prime months of fishing for all three species. He stated that due to the virus, MRIP sampling has stopped and the commercial fishery is affected due to the closing of restaurants which has caused a large decrease in seafood demand. This advisor also called for action through a framework or an addendum to address how the stakeholders in these fisheries can be supported through this crisis and how fishing can be promoted after the virus runs its course.

A few advisors stated that it would not be in the best interest of any fishery to move forward with the commercial/recreational allocation amendment while the future economic stability of these fisheries is in question. One advisor added that these fisheries involve over 5 million people and thus comments from 205 respondents should not influence management decisions at such a critical time.

In contrast, a few advisors noted that even though the virus situation is affecting everyone's lives and many fishing businesses, the amendment issues will eventually still need to be addressed. One advisor added that National Marine Fisheries Service (NMFS) and Council leadership will need to address the Covid-19 issue separately, but it does not preclude the Advisory Panel from discussing scoping comments on the amendment today.

Improved Recreational Accounting and Accountability & Considerations for Reallocation Approaches

All advisors who spoke on this issue agreed that they have no confidence in the Marine Recreational Information Program (MRIP) estimation methodology and the estimates that it has produced. One advisor emphasized that the Council needs to recommend that NMFS re-examine MRIP and its methodologies. He said the public's lack of faith in MRIP requires that MRIP staff improve the methodology in some way. Once NMFS has devised a new and improved methodology, allocation could be based on those new estimates. He stated that NMFS can act more quickly than the Council, and should be encouraged to take the lead on updating MRIP's methodology.

Several advisors expressed frustration with MRIP for its use of implausible input data. For example, some said the effort estimates produced by the fishing effort survey were impossible. A few advisors interpreted the term “hidden fishing effort” used by MRIP staff at a recent SSC meeting¹ to mean that MRIP estimates are scaled up to account for effort that is not detected by the fishing effort survey. A staff member responded that the explanation of “hidden fishing effort” has been widely misinterpreted. This concept was intended to explain why many stakeholders may believe the effort estimates are too high, because there is a lot of effort at private fishing sites in some states that is not necessarily seen by those fishing from public intercept sites. This effort is already captured in the effort survey, and there is no additional estimation or scaling specific to private or “hidden” fishing sites.

One advisor added that MRIP does not provide an accurate picture of what the stock size is. Another advisor reminded the group that not everyone was in favor of using MRIP data in the operational stock assessments. This advisor pointed out that MRIP is not a new problem; stakeholders have been waiting for improvements to MRIP for 10 years since it was mandated by congress. In addition, he expressed concern in the way weight conversion rates are applied to MRIP estimates in numbers of fish. He thought that more analysis is warranted, especially for bluefish, because it is hard to believe the accuracy of a conversion rate when there is such a large variability in fish size.

Another advisor added that for-hire effort has been underreported for many years, especially for party boats. He stated that logbooks should be used to rectify the faulty numbers used by MRIP.

One advisor stated that even if everyone disagrees with MRIP data, it is already being utilized by management. He elaborated that because MRIP summer flounder data was already used to establish stock status and to increase the commercial quota, it should also be used for allocation purposes. He proposed that management should use the updated MRIP data with the same base years to produce an allocation of 55% percent to the commercial fishery and 45% to the recreational fishery.

One advisor said that he would like to see staff consider catch accounting that doesn't rely upon percentage allocations. Instead, catch should be evaluated against the Acceptable Biological Catch (ABC) at the end of the year. If recreational catch estimates indicate that the recreational harvest limit has been exceeded in a given year, yet commercial catch only amounts to 50% of the quota, there is no reason for the recreational sector to be penalized if the ABC was not exceeded. This advisor stated that management has already been taking this ad-hoc approach for Black Sea Bass and Scup, which could continue to be used to manage these fisheries.

The aforementioned advisor also pointed out that additional quota that the commercial sector received after the most recent stock assessments for summer flounder and black sea bass could be short-lived. While he has no desire to disadvantage the recreational sector in any way going forward, he asks that the commercial sector not be put at a disadvantage either and therefor does not support reallocation. Another advisor representing the commercial sector later spoke in support of no changes to the current allocation as well.

For-Hire & Private Angler Sector Separation

Feedback regarding sector separation was mixed. One advisor said that he supports sector separation as a concept, but in practice it would not likely work well. He stated that VTR data is inherently biased because while some vessels report accurately, others do not. Another advisor from the commercial

¹ The report of this SSC meeting is available at: <https://www.mafmc.org/s/Final-March-2020-SSC-Meeting-Report.pdf>.

sector agreed that VTR data is flawed because it is in the for-hire captain's best interest to underreport catch. One advisor said that based on the perceived accuracy of MRIP, he doesn't think that sector separation makes any sense.

Two advisors spoke in favor of sector separation in some form. One advisor reflected that current recreational management measures are not working for the for-hire fleet, and thus they should have different regulations. He also reminded the AP that VTRs are only one component of catch accounting, and they also have intercept surveys. He thought that validating VTR data with intercept data would be a good accountability check. The second advisor supports separate management measures for the for-hire fleet, but does not support a sub-ACL for the for-hire fleet, and doesn't believe that approach would work. However, he thought it important that the for-hire sector be assigned its own measures to help party and charter vessels sell trips.

One advisor suggested that days-at-sea could be an effective way to manage the party and charter boat sector.

Dynamic Allocation Approaches

Several advisors recommended the Board and Council review and further develop the recreational management reform harvest control rule submitted in written comments by representatives of the American Sportfishing Association, the Congressional Sportsmen's Foundation, the Center for Sportfishing Policy, and the National Marine Manufacturers Association, the Coastal Conservation Association, and the Recreational Fishing Alliance (see pages 144-149 of the scoping comment summary). Several advisors applauded this effort as a promising alternative to traditional allocation approaches.

One advisor thought that allocation changes should not be done through a framework or addendum. He stated that allocation is too important and political to be handled through these processes, which involve fewer public comment opportunities than amendments.

Allocation Transfers & Set Asides

One advisor said there is already a process in place that functions like an allocation transfer. The Omnibus Recreational Accountability Measure Amendment provides that when the recreational sector exceeds its allocation, a pound-for-pound payback does not occur, as long as biomass is above the target level. In effect, this serves as a one-year allocation transfer. The advisor added that this process could also be made part of Council policy for the commercial sector without the need for a lengthy amendment process. Commission staff clarified that even though a pound-for-pound payback doesn't always occur, the Board and Council are required to consider adjustments to measures the following year to prevent an overage from occurring again. An allocation transfer could avoid this issue in some years. Council staff also clarified that any changes to the accountability policy would actually need to go through a framework or amendment process.

One advisor thought that allocation transfers could be a good idea if they were designed in a way that allowed either the commercial or recreational sector to exceed its allowance so long as the combined catch between the two sectors does not exceed the ABC.

One advisor voiced opposition to allocation transfers, citing the bluefish fishery as an example of where this policy tool led to unintended consequences. For many years a portion of the recreational allocation, that was projected to be underachieved, was transferred to the commercial fishery in the form of

increased quota. Years later when the stock was reassessed, it was revealed that the stock was overfished and had been experiencing overfishing for many years. The advisor elaborated that if a sector underachieves its allocation, this allows for more spawners to remain alive and support the health of the stock. Summer flounder, scup and black sea bass are easier to manage if the stocks are in good shape, and allocation transfers jeopardize their ability to remain healthy.

One advisor said that any allocation that is not caught in one year should roll over into the next year.

Recreational Management Measures and General Recreational Fishery Concerns

One AP member noted that recreational anglers are still fishing primarily on mature female fluke and not on males, which is not good for the health of the fishery. A second advisor agreed that the minimum size limits for fluke are not right. He added that they need to be remedied to help reduce discards and a possible solution could be a cumulative total length regulation with mandatory retention. A third advisor said the idea of catching fewer fish needs to be embraced – it has been obvious that there is no fix to lower mortality in these fisheries except catching and killing fewer fish.

One advisor reminded the advisory panel that North Carolina has had to make drastic changes to summer flounder recreational measures because of overlap with the depleted southern flounder stock. These changes have had a large impact on how the fishery operates in North Carolina.

Three advisors expressed support for mandatory reporting at all recreational fishing tournaments.

Several advisors stated that social distancing and people's fear surrounding the virus will negatively impact the for-hire industry for years to come. He suggested that management relax regulations to help make up for lost effort during the beginning of this year's fishing season. A few other AP members agreed that many people will rely heavily upon seafood to feed their families during these challenging times. High minimum sizes pose a barrier to catching legal fish. Noncompliance is likely to go up unless managers take this into consideration and relax regulations. One advisor elaborated that the virus situation could impact the global supply of seafood, and during this crisis management needs to make seafood accessible to every stakeholder in every state.

General Commercial Fishery Concerns

One advisor said that New York landings of summer flounder were incorrectly counted during the timeframe used to derive the current commercial and recreational allocations. As such, any discussion regarding changes to the current allocations would first require revisiting what New York's true landings were during that time period.

One advisor noted that commercial sector sales for fluke are still struggling while the market rebuilds.

Other Issues

One advisor said that the Council tends to manage fisheries on a coastwide basis, and recommended that managers pay greater attention to regional depletion. He thought that some areas are doing fine, but others have become quite depleted. In his opinion, global warming is not a sufficient explanation for why summer flounder are getting depleted. He shared that allocation between states and sectors has an influence on regional depletion by increasing fishing effort in certain areas.

One advisor suggested that instead of different staff hosting every public hearing, in the future it would be better to have 1 or 2 staff members host all the hearings. He explained that presenting information as well as receiving information can get lost in translation with so many different staff hosting hearings.

Comments Received by Email

From: ARTHUR D SMITH [<mailto:artsmith@rsnet.org>]

Sent: Wednesday, April 1, 2020 6:11 PM

To: Dustin C. Leaning <DLeaning@asmfc.org>

Cc: DEWEY HEMILRIGHT <fvtarbaby@embargmail.com>; BRENT FULCHER <bjseafood@earthlink.net>

Subject: [External] Re: April 2 Advisory Panel Webinar Reminder

Good Afternoon Dustin,

As an ASMFC summer flounder adviser I would like to offer the following:

1. These re-allocation ideas are a result of various interest groups being dis-satisfied with the amount of fish they are allowed to catch. Well guess what. No matter how many fish you give any group they will never be satisfied and it will be that way from now until eternity. Therefore my advice is to maintain the status quo. The current allocations (I think) have been in place for twenty plus years and while no user group has thrived at least all have survived.
2. You have to remember that the commercial sector does not just consist of the 100+ plus vessels involved in the fishery but also the tens of thousands of individuals who only have access to the resource by purchasing fresh seafood from these vessels. Don't let anyone tell you that recreational participants outnumber commercial participants. When you count the consumers that the commercial industry supplies then the commercial industry has far more participants.
3. I am already on record regarding my position on discards and recreational reporting. My position has not changed.
4. I will be able to listen to Thursday's meeting but will not be able to participate. A few meetings back an individual who was not even an adviser went on and on with his comments. Please limit the meeting to advisers and staff. Also, advisers do not need to go on and on about how useless statistical models are. This meeting is to discuss potential reallocation and should be limited to such.

Thank you,

Art Smith
Belhaven, NC

From: Jim Lovgren [<mailto:jlovgren3@gmail.com>]

Sent: Tuesday, March 31, 2020 4:34 PM

To: Dustin C. Leaning <DLeaning@asmfc.org>

Cc: SUMMER FLOUNDER, SCUP, & BLACK SEA BASS ADVISORY PANEL <sfsbsb_ap@asmfc.org>; Caitlin Starks <cstarks@asmfc.org>

Subject: [External] Re: April 2 Advisory Panel Webinar Reminder

Dustin I think its clear that no one agrees with the new MRIP data, and of those that do they only agree when it helps them argue that they should get more quota, while they still dispute that they have not caught anywhere near what the recent data says they did. A clear conflict of intellectual thought. I think this reallocation amendment should be dumped in the trash can of history, and council/commission resources funneled somewhere where they might be better used to help both commercial and recreational industry's survive. thanks, Jim

*Newspaper clipping submitted as an AP comment by Steve Witthuhn on 4/2/20

A16

LONG ISLAND

Striped bass season opens April 15

But it's unclear whether partyboats and charterboats will be operating

BY MARK HARRINGTON
mark.harrington@newsday.com

New York State on Tuesday finalized rules for recreational striped bass fishing during the 2020 season, but much uncertainty remains about whether hundreds of partyboats and charterboats considered nonessential businesses will be released by the start of the season.

The striped bass season will begin on its normal day of April 15 and continue through Dec. 15. Recreational anglers this year can take one fish a day from 28 inches to 35 inches, compared to last year's rule of one fish at 28 inches and above. The commercial season starts May 15, and fish must be between 26 and 38 inches. The state has also reduced the maximum number of fish commer-

cial fishermen can take to 185 from a prior 219.

The state's rules on nonessential businesses restrict all such entities from operating through April 15, when the rules will be re-examined based on the status of the coronavirus pandemic. A spokeswoman for the state Department of Environmental Conservation said it's still unknown whether the restriction will be lifted or extended. The agency noted that the current mid-April restriction on nonessential business "may be extended by future executive orders."

But if Gov. Andrew M. Cuomo's comments Tuesday are any indication, fishing boat captains may be looking at a

People aren't going to have fishing as a priority. It's coming down to food money versus fishing money."

— Charterboat captain Steve Witthuhn

lockdown well beyond the April 15 opening of the striped bass season.

"This is not one week, two weeks, three weeks, four weeks, five weeks, six weeks," Cuomo said. "This is not going to be an Easter surprise."

The uncertainty has made life difficult for the Island's dozens of partyboats, which

can carry scores of passengers, and the hundreds of smaller charterboats.

Rob Andresen, who operates Captree Pride and Captree Princess boats out of Captree Boat Basin, said he would normally be on the water around now, fishing for cod and preparing for the flounder season. His two boats are out of the water for maintenance, but are expected to be back in over the next two weeks.

"For me, I sail year-round and I'm really feeling it," he said. "It's really going to kill me."

He'd normally start booking for trips starting with the May 4 fluke season, but calls have fallen off dramatically, not just over the uncertainty over the nonessential business order, but customers' own financial uncertainty. "The phone isn't ringing as it usually does," he said.

His only hope is that regulators will extend fishing seasons through the end of the year to make up for the loss of the front

part of the year. That would mean leaving the fluke season open longer into the fall, he said.

For Steve Witthuhn, a charterboat captain out of Montauk who sits on the DEC's marine advisory committee, this year's spring season is a big question mark.

"We're hoping for the best but we don't know how to prepare for the worst because we don't know how we're going to get hit," he said. He plans to apply for small business loans to make up for the losses.

"Everybody's in the same boat, so to speak," he said. "People aren't going to have fishing as a priority. It's coming down to food money versus fishing money."

In the interim, he plans to continue fixing up his boat, the Top Hook, painting the bottom and "getting things ready." For what, he's not completely sure.

"We just don't know" whether boats will be able to fish, he said.



**Action Plan for Commercial/Recreational Allocation Amendment to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan
Draft as of 4/15/2020**

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

Amendment Goal: The purpose of this amendment is to review and consider revisions to the commercial/recreational sector allocations for the summer flounder, scup, and black sea bass fisheries. This action aims to address the allocation-related impacts of the revised data on catch and landings for the recreational and commercial sectors. This is a joint amendment of the Mid-Atlantic Fishery Management Council and Atlantic States Marine Fisheries Commission.

Type of NEPA Analysis Expected: To be determined - Environmental Assessment (EA) or Environmental Impact Statement (EIS), depending on scope of action and alternatives considered.

Additional Expertise Sought: The Fisheries Management Action Team (FMAT) for this action will be composed of Council and Commission staff and management partners from the Greater Atlantic Regional Fisheries Office and Northeast Fisheries Science Center, with input from other organizations as appropriate.

Agency	FMAT Role	Person(s)
MAFMC	Council staff (summer flounder)	Kiley Dancy
MAFMC	Council staff (scup)	Karson Coutré
MAFMC	Council staff (black sea bass)	Julia Beaty
ASMFC	Commission staff (summer flounder and scup)	Dustin Colson Leaning
ASMFC	Commission staff (black sea bass)	Caitlin Starks
NMFS GARFO	Sustainable fisheries	Emily Keiley
NMFS GARFO	NEPA	Marianne Ferguson
NMFS NEFSC	Socioeconomics	Greg Ardini
NMFS NEFSC	Stock assessment/population dynamics (consult as needed)	Gary Shepherd
NMFS NEFSC	Stock assessment/population dynamics (consult as needed)	Mark Terceiro
NMFS GARFO	General counsel (consult as needed)	John Almeida

Types of Measures Expected to be Considered: The Council and Board will review and consider revisions to the commercial/recreational sector allocations for summer flounder, scup, and black sea bass. Specific possible reallocation approaches have not yet been identified. Following the scoping process, the Council and Board will confirm the issues to be addressed and the scope of the amendment. The FMAT is expected to develop a range of management options specific to commercial/recreational allocation for the Council and Board to consider, potentially including, but not limited to the following approaches:

- No action/*status quo*;
- Updating the current allocation percentages using the existing base years but with revised MRIP data;
- Using alternative base years to derive new allocation percentages;
- Using different allocation approaches which do not rely on base years;
- Considering whether each allocation should be catch based or landings based;
- Using socioeconomic data or evaluations to consider modifying the allocations based on optimization of economic efficiency and socioeconomic benefits from each fishery;
- Considering separate allocations to modes within the recreational fishery (for-hire vs. private/shore fisheries);
- Considering whether a transfer of allocation from one sector to another should be allowed through specifications or a framework action;
- Considering whether allocations should be made in pounds and/or numbers of fish;
- Considering whether future allocation changes could be made through a framework/addendum rather than an amendment;
- Considering whether allocations should be static or dynamic, including possible approaches that evaluate these allocations on a more frequent basis;
- Other approaches to be determined.

Applicable laws/issues:

Magnuson-Stevens Act	Yes
Administrative Procedures Act	Yes
Regulatory Flexibility Act	Yes
Paperwork Reduction Act	Possibly; depends on data collection needs
Coastal Zone Management Act	Possibly; depends on effects of the action on the resources of the coastal states in the management unit
Endangered Species Act	Possibly; level of consultation, if necessary, depends on the actions taken
Marine Mammal Protection Act	Possibly; depends on actions taken
E.O. 12866 (Regulatory Planning and Review)	Yes
E.O. 12630 (Takings)	Possibly; legal review will confirm
E.O. 13123 (Federalism)	Possibly; legal review will confirm
Essential Fish Habitat	Possibly
Information Quality Act	Yes

Expected Amendment Timeline (as of February 2020; assuming EA; subject to change):

October 2019	Amendment initiated
Early 2020	FMAT formed
December 2019	Council and Board approve a scoping document for public comment
February-March 2020	Scoping hearings and comment period
April 2020	APs review scoping comments and provide input to Council and Board
April 2020	FMAT reviews scoping comments and provides recommendations to Council and Board on scope of action and possible approaches
May 2020	Council and Board review scoping comments and FMAT and AP recommendations; define scope of action
May 2020	FMAT begins to develop draft alternatives
June 2020	Summer Flounder, Scup, Black Sea Bass Committee of the Whole and Board meeting to refine draft alternatives
June-July 2020	Continued FMAT development and analysis of alternatives; Advisory Panel input on draft alternatives
August 2020	Council and Board approve a range of alternatives for inclusion in a public hearing document
Fall 2020	Development of public hearing document and hearing schedule
December 2020	Council and Board approve public hearing document
Early 2021	Public hearings
Spring 2021	Final action
Summer 2021	EA finalized and submitted; NMFS and other agencies review; final edits completed
Summer/Fall 2021	Rulemaking and comment periods (4-7 months from after EA finalized)
Late 2021	Final rule effective



NEW JERSEY COUNCIL OF DIVING CLUBS

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COMMENT REGARDING NARROW SLOT LIMITS FOR SUMMER FLOUNDER

Mr Dustin Leaning, Fishery Manager,
ASMFC

Mr Kiley Dancy, Fishery Manager,
Mid Atlantic Fishery Management Council

Dear Mr. Leaning and Mr Kiley Dancy:

The NJCDC is an organization of 14 sport diving clubs in New Jersey and nearby states. Sport divers and spearfishermen can actually observe fish in the underwater environment, and can sometimes note developing problems. There are at least 28 dive shops, about 10 commercial dive boats, many private dive boats, and an expensive equipment industry that makes up and supports our sport in New Jersey. This is an industry estimated to be worth well over 200 million dollars in NJ alone, and generates significant tax revenue for the state.

I would like to comment on the proposal for a narrow slot limit for Summer Flounder (17 – 20 inches) that apparently was tabled at the December joint meeting (ASMFC/Mid Atlantic Fishery Management Council) pending additional analysis. Summer Flounder is the number 1 fish targeted by the recreational Sport Diver/Spearfisherman in NJ. Sport divers have taken Summer Flounder since the late 1950's in New Jersey, so we have a long history of taking this fish. Furthermore, to my knowledge recreational spearfishing is allowed in all states from Mass. to Florida.

Unlike the hook and line fisherman, the spearfisherman does not have the option of measuring a fish first and then releasing it. The sport diver/spearfisherman has to safe-side or safe-size by taking a fish substantially larger than the minimum size limit, usually at least 2 inches larger. When there is a slot limit, the sport diver also must safe side down from the upper limit to assure a legal fish. With a 17 to 20-inch slot, how could the sport diver/spearfisherman safe-side at both ends?

At the past hearing in New Jersey regarding Addendum XXXI, I made it very clear that a narrow slot limit for fluke would cause serious problems for the sport diver/spearfisherman. We do not want to be forced out of the summer flounder fishery based on an unrealistic and extremely narrow slot limit. The whole sport diver industry would be adversely impacted (closing dive shops and putting dive boats out of business) by such a move. Please consider this in your analysis before making any decisions regarding a narrow slot limit. Please make this letter available to the Summer Flounder Board and decision makers.

Respectfully,

Jack Fullmer, Legislative Committee, NJCDC

jf2983182@msn.com

PS – I do understand that there are a lot of hook and line fishermen who would like to take 17-inch fish. Our concern is about an unrealistic and very narrow slot that appears to be designed only for one type of recreational fishing. All fishery methods have their advantages and disadvantages! The sport diver/spearfisherman needs to safe-side!

CC David Golden, Director, NJ Division of Fish & Wildlife

Caitlin Starks

From: Jim Dawson <jimdawson1@verizon.net>
Sent: Wednesday, December 18, 2019 11:02 AM
To: Caitlin Starks
Subject: [External] Dawson comments on BSB December council meeting

Importance: High

Hello from Jim Dawson, commercial sea bass fisherman in Virginia.

I am deeply disturbed that our councils are not doing their respective duty to ensure overfishing does not continue to occur. It was indicated that the MRIP data “must be accepted” and yet again we received a “status quo” vote for the recreational fishery? Year after year this keeps happening and to stay status quo with no changes is an indication that each member is absolutely not doing the jobs that they were specifically hired to do!

We can speak more when you have time, but a letter is going out to the Secretary of Commerce as soon as I speak with our members about this subject. I’d like to receive your comments and also hear what you have to say about this.

Jim Dawson
757-336-6590

RECEIVED

FEB 18 2020

February 12, 2020

ASMFC

TO: Executive Director, ASMFC

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

Subject: Recreational Discards

In the December 2019/January 2020 issue of ASFMC Fisheries Focus, Page 5, there is a statement that 3.13 million fish, equal to 44% of the total recreational (harvest plus dead discards).

As an inshore hook and line fisherman, I have fished Rhode Island waters primarily for fluke and black sea bass with a state selling license since 1996. Over those years, by preference, I have landed fluke at 16 inches and the same with black sea bass – higher prices when fishing under limited allocations. I can say that I almost never have a dead discard although my brother and I, discard as much as 20% of our total daily catch.

The reason for the no dead discards is we never use a hook smaller than a size number 5. I have enclosed three configurations of number 5 hooks for an example. The circle hook generally catches fish even when the pole is unattended. The rig I have enclosed has a single hook with 50lb test line because fluke in the 8-10 class may sometimes swallow the hook and the heavy line survives the sharp teeth. The number 5 hook will also catch scup of a size "worth saving." The problem that exists is because most recreational fishermen buy ready made rigs that advertise use for fluke, scup and sea bass and hooks that the fishermen will try to save with long nose pliers.

I believe it would be a first if the Mid-Atlantic Council and ASMFC legislated hook size, but, considering the totally unacceptable discards, I thought it was worthwhile to have a discussion on the subject.


James A. McCauley

Memo

To: Atlantic States Marine Fisheries Commission
Mid-Atlantic Fisheries Marine Council

From: Thomas B. Smith

Date: February 11, 2020

Re: Proposed Summer Flounder Recovery Plan for Management Consideration

I mentioned in an email last week framing a recovery plan for the Commission and Council's consideration in rebuilding the summer flounder fishery. A plan which focused specifically on correcting the issues causing the stock's decline as opposed to simply reducing catch quotas. Future quota levels will obviously be arrived at through the mandated processes in place today but the recovery plan needs to address specifics causing the decline and catch alone is not the answer as past decades have taught us. The key emphasis with the plan needs to address rebuilding egg production, survival rates of new recruits and overall recruitment through the harvest of less sexually mature age classes, in particular the more fecund female breeders. Optimum yield can't exist without sustainability and sustainability can't exist when recruitment drops by 38% this past decade or in excess of 200 million less recruits barely covering natural mortality levels. Reduced discard and discard mortality rates, protection of the mega breeders and the spawn and rebuilding recruitment levels and the female gender composition of SSB are all pre-requisites to sustainability and optimum yield. Even with complexities involved in fisheries management, it really is that simple. If recruitment doesn't improve dramatically, the fishery won't recover. Because of the substantially below average recruitment levels since 2011, it'll take years if not decades for this fishery to recover as those depressed recruitment classes continue to be impacted by natural mortality and the continued harvest of older age classes by commercial and recreational sectors.

Please review the below table, in particular the highlighted summary.

Year	Natural Mortality (000's)	Recruitment (000's)	Surplus / (Deficit) (000's)	Catch (000's)	Impact Biomass Population (000's)	Ratio R to Natural Mortality
1982	(33,795)	81,955	48,160	(39,510)	8,650	2.43
1983	(40,373)	102,427	62,054	(50,039)	12,015	2.54
1984	(31,084)	46,954	15,870	(56,531)	(40,660)	1.51
1985	(29,730)	78,263	48,533	(47,076)	1,457	2.63
1986	(31,772)	81,397	49,625	(37,820)	11,805	2.56
1987	(27,596)	53,988	26,392	(34,304)	(7,912)	1.96
1988	(15,768)	12,474	(3,294)	(42,018)	(45,313)	0.79
1989	(12,465)	36,963	24,498	(15,365)	9,133	2.97
1990	(15,368)	44,019	28,651	(13,052)	15,599	2.86
1991	(18,436)	47,704	29,268	(20,970)	8,298	2.59
1992	(19,518)	47,264	27,746	(24,682)	3,064	2.42
1993	(18,095)	43,928	25,833	(20,894)	4,939	2.43
1994	(21,120)	58,403	37,283	(22,807)	14,475	2.77
1995	(27,173)	78,348	51,175	(17,497)	33,678	2.88
1996	(29,954)	59,520	29,566	(22,632)	6,934	1.99

1997	(29,388)	52,374	22,986	(18,381)	4,604	1.78
1998	(29,578)	54,518	24,940	(20,339)	4,602	1.84
1999	(27,030)	44,100	17,070	(16,476)	594	1.63
2000	(36,600)	60,551	23,951	(21,738)	2,213	1.65
2001	(39,286)	64,979	25,693	(15,261)	10,432	1.65
2002	(43,470)	67,860	24,390	(16,312)	8,078	1.56
2003	(42,176)	50,131	7,955	(17,420)	(9,466)	1.19
2004	(45,837)	71,270	25,433	(19,587)	5,845	1.55
2005	(40,619)	40,634	15	(18,106)	(18,091)	1.00
2006	(38,357)	48,153	9,796	(16,712)	(6,917)	1.26
2007	(38,917)	52,646	13,729	(13,045)	684	1.35
2008	(42,493)	62,460	19,967	(10,124)	9,843	1.47
2009	(48,590)	73,747	25,157	(11,901)	13,256	1.52
2010	(47,287)	51,331	4,044	(12,740)	(8,696)	1.09
2011	(40,587)	31,296	(9,291)	(14,589)	(23,880)	0.77
2012	(35,910)	35,187	(723)	(13,954)	(14,677)	0.98
2013	(33,254)	36,719	3,466	(14,503)	(11,038)	1.10
2014	(32,507)	42,271	9,765	(12,440)	(2,675)	1.30
2015	(29,524)	29,833	309	(10,995)	(10,686)	1.01
2016	(29,043)	35,853	6,811	(9,656)	(2,845)	1.23
2017	(30,457)	42,415	11,958	(7,622)	4,336	1.39

80 - '89	(278,230)	618,026	271,837	(403,328)	(50,825)	2.17
90 - '99	(235,660)	530,178	294,518	(197,730)	96,788	2.32
00 - '09	(416,345)	592,431	176,086	(160,208)	15,878	1.42
10 - '19	(348,209)	381,131	32,923	(120,624)	(87,701)	1.11

Key Points:

- Recruitment level this decade to prior will decline by more than 200 million recruits. Lowest levels in over 50 years.
- Catch levels (000's) over same time period are down by 70% from 403 million to 120 million fish, 283 million less fish caught (landings and dead discards).
- Ratio of recruitment "R" to natural mortality "M" has declined significantly.
 - 25% of years in current decade natural mortality numbers alone exceeded recruitment.
 - ratio of 1.11:1 means recruitment is barely keeping pace with natural mortality before removals, an extremely dangerous statistic and trend,
- Decade of '80 to '89, net deficit between removals and recruits was ~51 million leading to the crash in 1988
 - current decade net deficit increased to ~88 million which includes ~280 million less fish caught than the decade of the 80's, an almost unimaginable relationship.
 - recruitment between current decade and 80's is lower by ~240 million recruits, the major cause of the deficit.

Recovery Model:

Excessive harvest of older age classes and related issues has twice over the past 45 years caused this fishery to experience significant declines. Once crashing in 1989 when SSB hit its lowest level on record of ~7,000 metric tons preceded by annual recruitment hitting its lowest level in 1988 at ~12.5 million recruits. We're currently in the throes of a 17-yr decline, involving every key metric of the fishery causing a trend which predicts the fishery will experience a second crash within the next 5 years if causes of the decline aren't addressed and remedial measures taken. Significant changes in harvest composition involving older age classes is the primary reason driving a significantly lower proportion of females in the population, historically high discard rates both commercial and recreational and lower levels of egg production resulting in

historically low recruitment numbers. Discard mortality rates are assumed at 80% commercial are 10% recreational. Recreational dead discard rates while significantly lower are causing considerably higher levels of discards due to the increased size minimums regulating recreational anglers. Obscene numbers considering the ratio of fish being harvested to fish being discarded. Proposed solutions as such for each sector in addressing the below objectives and their individual contribution to the overall recovery plan will require different measures to be considered.

Objectives of Recovery Plan:

1. Rebuild female gender composition of biomass and SSB
2. Protect efficacy of spawn
3. Reduce harvest of older age classes
4. Reduce discard rates
5. Increase recruitment
6. Remove disparities between sectors in size minimums and harvest rights to biomass

In general, when this fishery experienced explosive growth between 1989 and 2003, we were harvesting a higher percentage of younger age classes which comprised a high percentage of the biomass population and largely left the older age classes untouched. Today the younger age classes have been destroyed due to record low recruitment levels and we're harvesting the older age classes, the prime producers, which makes up a significantly lower percentage of the biomass driving discard rates to record high levels. The data suggests the build-up of the off shore commercial harvest during the fall / winter months in the mid-nineties as well as increases to recreational size minimums have had deleterious impacts on the efficacy of the spawn. Below three charts support that.

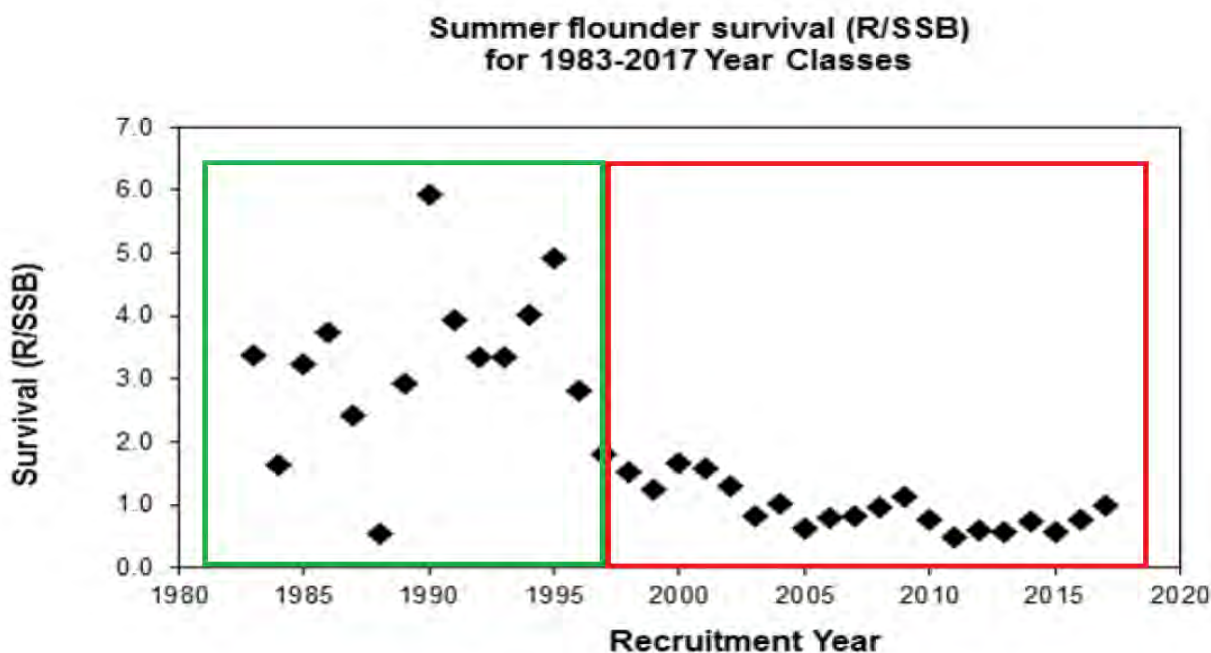
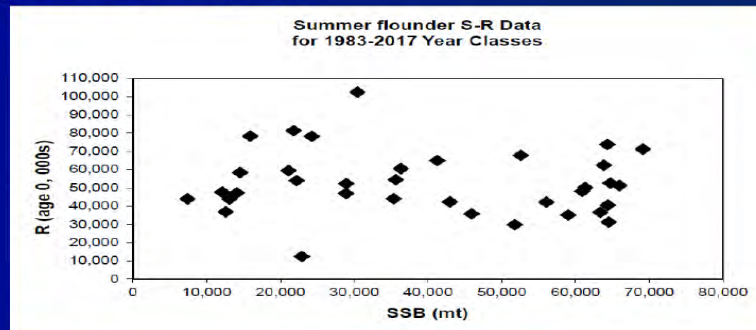


Figure A5. Recruits per Spawning Stock Biomass ratio (R/SSB) plot indicative of the relative survival of the summer flounder 1983-2017 year classes.

MC Comments: Biological Implications of Size Limits

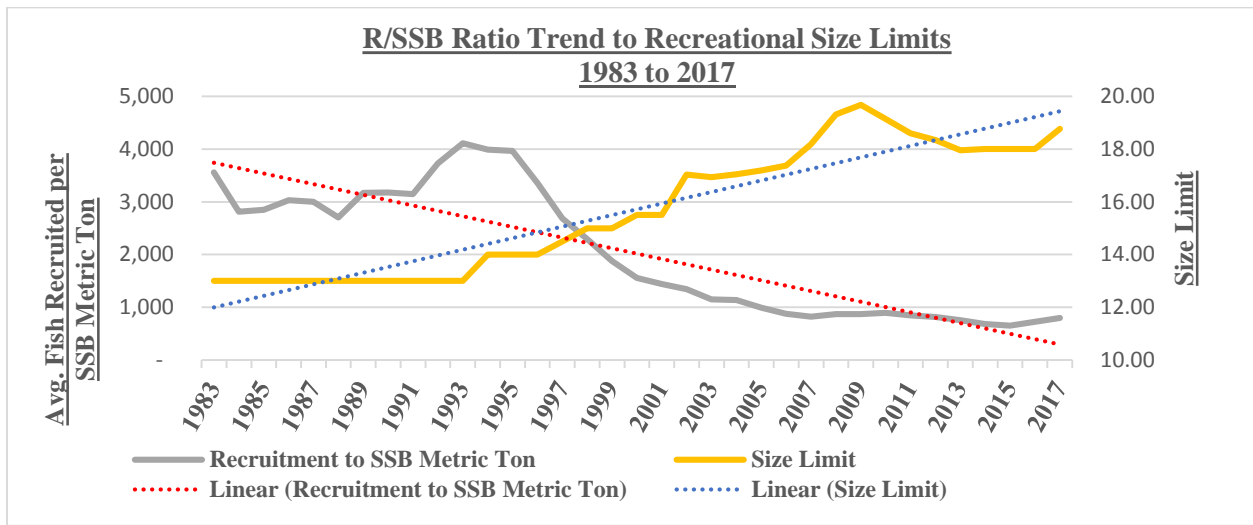
- No defined stock-recruitment relationship for summer flounder (flat relationship)
- Several factors appear to be affecting recruitment including environmental



The above chart was included in the presentation at the December Annapolis meeting. A few observations. The title of the slide is “MC Comments: Biological Implications of Size Limits”. The first bullet suggests there’s no defined stock recruitment relationship for summer flounder (flat relationship). If that statement were true, why would the below chart reflect the exact opposite which couldn’t more clearly show the inverse relationship between recruitment levels and SSB to recreational size minimum increases and the increased harvest of older age class fish commercially. The chart illustrates a strong and linear relationship between recruitment and SSB through the mid-nineties when size limits were 13” or 14” and younger age classes were the target of both sectors harvest. When recreational size limits began a series of increases (yellow line) accompanied by the selective harvest commercially of older age classes in 1997, the relationship of recruitment to SSB (grey line) developed an inverse relationship becoming more pronounced as size minimums continued increasing and the percentage harvest of older age classes intensified. This isn’t supposition, it’s a fact.

Not sure what the purpose of the scattergram in the above presentation is since it doesn’t factor size limits into the equation or trend based on years, just SSB and R randomly plotted. Yet it’s reflected on a slide titled “Biological Implications of Size Limits”. If anything, it reflects the fact steepness does not exist within this fishery as the relationship of SSB to R bears no trend to support that theory. If it did exist, we’d see a pattern completely different in the above scattergram.

1997 is when the relationship of R/SSB changed dramatically for the worse which coincides with the advent of recreational size minimum increases and commercial operators reverting back to the selective harvest of older age classes which in large part is what caused the collapse of this fishery in 1988. That and substantially greater harvest levels. Unabated harvest of sexually mature older age classes, a proportionately higher percentage representing female predators, crashed the fishery. Same reasons are well on their way to causing it again. If both these matters aren’t factored into the rebuilding plan, the stock can’t recover.

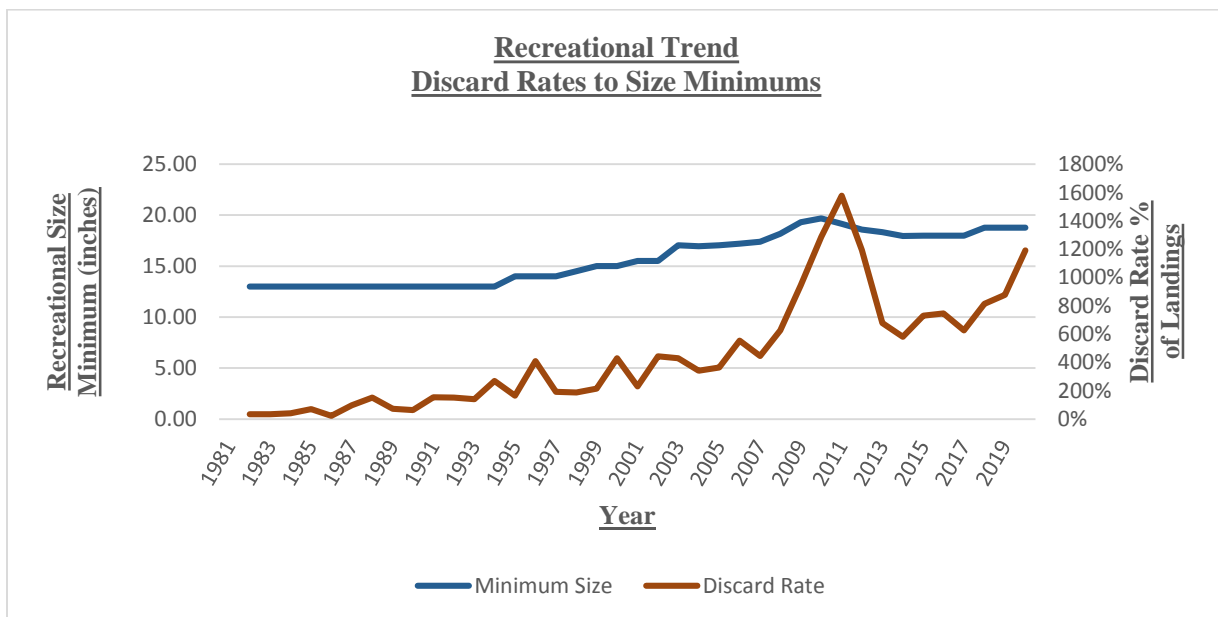


Recreational Sector:

Reduce size minimums back to 14". Reduce the harvest of the most fecund female breeders and sexually mature fish of both sexes, radically reduce recreational discard rates, rebuild SSB both in size and female composition, rebuild egg production and as a result rebuild recruitment levels.

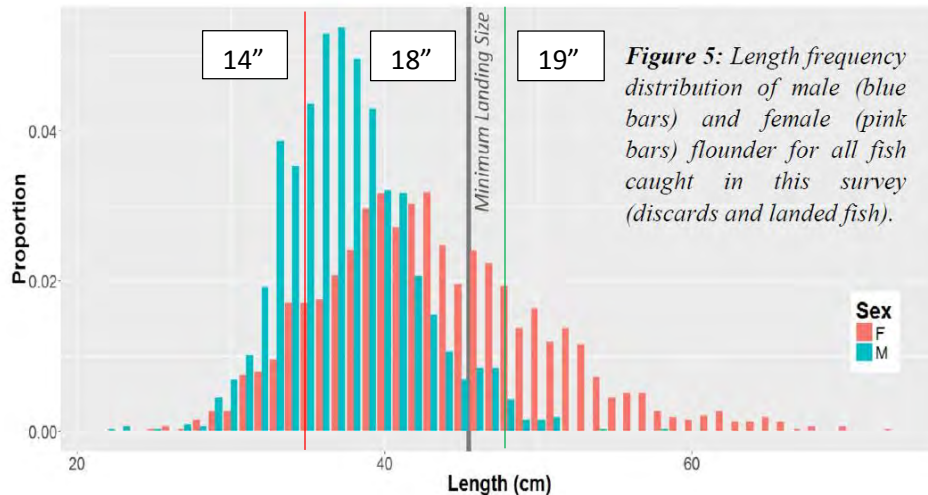
Recommendations:

- Reduce size minimums:
 - Convert 2 fish of each states daily possession limit to 14" minimum for 2021, retain remainder at existing size minimum with the entire possession limit phased back to 14" in 2022. Recreational and commercial size minimums at that time will be identical at 14". Special area regulations should be maintained and assessed for fairness to proposed changes.
 - Example, NJ regulations would remain at 3 @ 18" minimum in 2020, 2 @ 14" minimum and 1 @ 18" in 2021 and the entire possession limit @ 14" minimum in 2022. New York would be 4 @ 19" minimum in 2020, 2 @ 14" minimum and 2 @ 19" in 2021 and the entire possession limit @ 14" minimum in 2022. Same for every state. Addresses objectives 1,3,4,5 and 6 above.



When recreational size minimums were 13" and 14" between 1981 and 1996, recreational discard rates as a percentage of landings averaged 129% or 212 million fish in total, a sixteen-year period averaging 13 million discards a year. From 2009 to 2019 when a majority of the

recreational quota consisted of size minimums approaching 19”, the percentage grew to an alarming 937% of landings or 400 million fish in just eleven years, representing an average of 36 million discards per year. ***For the years 2009 through 2011 alone, recreational anglers discarded 154 million fish to harvest 11.5 million.*** Numbers like that can’t possibly be benefitting the fishery. For comparison sake, sixteen years at that run rate would equate to 582 million discards, an almost 400 million increase in discard from an equivalent time period when size minimums were significantly lower. 23 million less discards a year when size minimums were set at 13” / 14”, that alone should be all the justification necessary to phase recreational size limits back to 14” coastal-wide by the year 2022.



In addition to the positive impact on discards, review the above chart from Rutgers 2016 Sex and Length study. Moving the recreational size limits back to 14” will result in the harvest or discard of a materially lower percentage of female breeders. At 14”, ratio is more than 2:1 in favor of males to females, at 18” and 19”, the ratio moves closer to 3:1 or 4:1 in favor of females to males. Clearly objectives 1,3 4 and 5 will be favorably and significantly impacted moving size minimums and landing in that direction.

Commercial Sector:

The two most significant and immediate impacts the commercial sector can make to the recovery of this stock are protection of the spawn and the biomass in general while staging offshore during the winter months as well as the protection of older age class fish being harvested. Especially larger sexually mature age groups of both sexes being targeted as eluded to in the following bullet by the MC at the Annapolis meeting. The fishery, as any other, can’t endure the pressures of being harvested year round inshore and offshore, during the spawn, target the older age classes or SSB causing epic levels of dead discards and sustain itself especially with today’s advanced technologies. We shouldn’t need anything more than the knowledge of what happened in the 70’s and 80’s leading to the crash in 1988 to comprehend that concept. Forty to fifty years later, we’re managing the fishery in a similar manner trending the stock to the same outcome.

MC Comments: Biological Implications of Size Limits

- Protecting large females in rec. fishery does not reduce their availability to commercial fishery (likely to increase it)

The above bullet was part of a slide at the December Annapolis meeting cited by the MC arguing against the inception of a slot limit. The same logic can be applied to why recreational size limit increases and disparities they created between the recreational and commercial sectors should have been more thought out 25 years ago. Disparities as eluded to earlier I believe are in direct conflict and a violation of MSA and FMP legislation. 25 years later, when conservatively 60% - 75% of the harvestable biomass has been shifted exclusively to the commercial sector and ~800 million discards were incurred since 1997 recreationally to harvest a mere 143 million fish, it's now not a good idea.

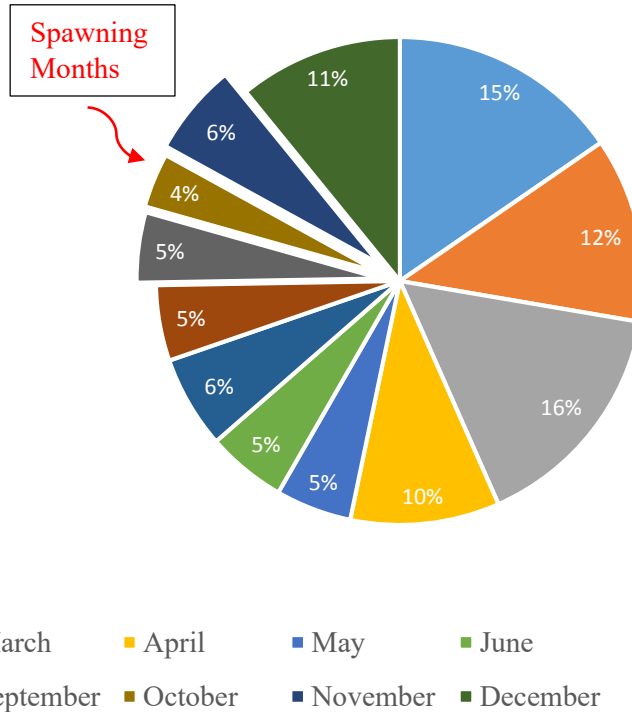
The point is regulations and the results they're intended to attain need to be in sync for both the commercial and recreational sectors whether the biomass is being harvested inshore or offshore. If not, any benefits derived from one will be offset by the other which is the point I believe the MC comment is attempting to make. When the proposed regulatory changes for recreational anglers accomplish the outlined results of protecting older age classes while driving discard rates significantly lower, complimentary regulations need to be in place during the commercial fall / winter harvest offshore. If not, benefits will be negated during the offshore harvest and the fishery will continue its decline.

The question then turns to how to protect the older age classes and the primary spawn when the biomass migrates east to their offshore wintering grounds. Reallocating seasonal quota would cause the least disruption to the commercial sector but other options if necessary should be considered. I'm not suggesting or recommending changes to ACL's, I'm advocating changing the allocation of monthly / seasonal quotas to protect the spawn and reduce the harvest of the biomass at the time of year it's most concentrated and vulnerable. My understanding is different states have different seasonal allocations, that would probably need to change or be modified in order to accomplish the above two objectives.

Please reference the below chart illustrating monthly commercial landings averages from 2010 to 2018 (source ACCSP) and proposed reallocation of monthly quotas to accomplish the above stated objectives.

Percentages obtained from Atlantic Coastal Cooperative Statistics Program "ACCSP" and represent average lbs. of summer flounder landed commercially by month covering the years 2010 to 2018

Monthly % of Commercial Harvest Based on lbs Landed



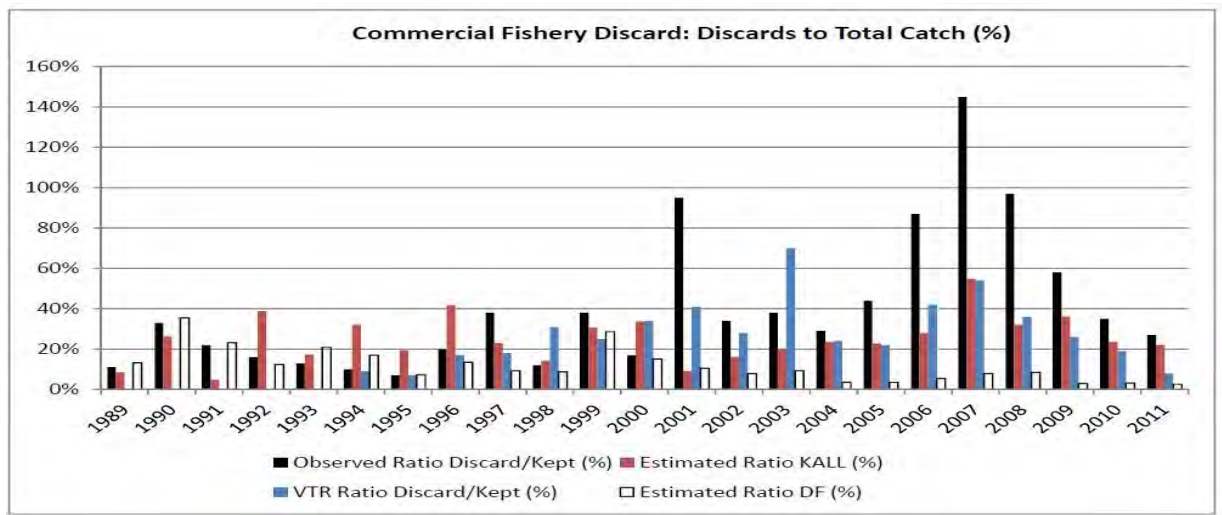
<u>Month</u>	<u>% of Commercial Harvest</u>	<u>Proposed Quota Allocation</u>
January	15%	10%
February	12%	10%
March	16%	10%
April	10%	10%
May	5%	10%
June	5%	10%
July	6%	12.5%
August	5%	12.5%
September	5%	0%
October	4%	0%
November	6%	0%
December	11%	15%
Total	100%	100%

The above chart as mentioned outlines the current average landings by month based on statistics obtained from the Atlantic Coastal Cooperative Statistics Program "ACCSP". Observations:

- 43% of the commercial harvest occurs when summer flounder are staging offshore during the months January through March
- 15% occurs during September thru November, the primary spawning months of the fishery. The spawn extends into November and occurs sporadically throughout the entire winter, but September through mid-November appear to be the primary period for the northern biomass which by far represents the significant portion of the biomass remaining today.

Recommendations:

- Close the fishery from September through November to protect the spawn, and redistribute the allocation.
- Increase December quota to 15%, 2% less than the average landings over the last nine years between November and December.
- Reduce the quota for January through March from an average of 43% over the period mentioned to 10% a month or 30% in total and redistribute that allocation between the months April through August. In 2017, 72% of annual commercial landings consisted of age classes 3-6. Age classes 3-6 make up a mere 25% of the biomass population. Harvesting 43% of the commercial quota during three months when the biomass is at its most concentrated level with proportionately 72% of landings coming from 25% of the population is a recipe for disaster regarding discard rates. It's precisely why commercial discard rates, per the below chart, trended higher post 1997 commensurate with the decision to harvest older age classes and a significantly higher percentage during the offshore fishery.



Another option worthy of discussion given the high mortality rates (80%) associated with commercial discards and selective targeting of older age classes is adopting a “keep what you catch” policy. Immediately eliminates commercial discards and high grading. Whatever comes up in the nets is retained, even if daily trip limits are exceeded on the last tow. Between 2000 and 2018, commercial sector generated 22,000 metric tons of dead discard or 1,160 metric tons on average a year. Divide that by the average landings weight over the same time frame discounted 10% for presumed lower weights of discards and on average ~1.3 million fish are discarded dead annually or ~25 million fish over the period referenced. That’s a significant amount of wasted resource for a fishery in a substantial state of decline.

In the short term, we can’t continue harvesting all sexually mature fish with a high degree of female breeders and expect the 200 million plus drop in recruitment this decade or the gender composition of the biomass to correct itself. The older age classes need protection as does the spawn. “Keep what you catch” for the commercial sector, smoothing out the seasonal allocations and reducing recreational size minimums will accomplish the above.

Table 4: Statistical areas that accounted for at least 5 percent of the total summer flounder catch in 2018, with associated number of trips.⁷

Statistical Area	Percent of 2018 Commercial Summer Flounder Catch	Number of Trips
616	34%	1,062
537	17%	1,199
613	13%	1,553
612	6%	1,281
539	6%	2,473
622	6%	263

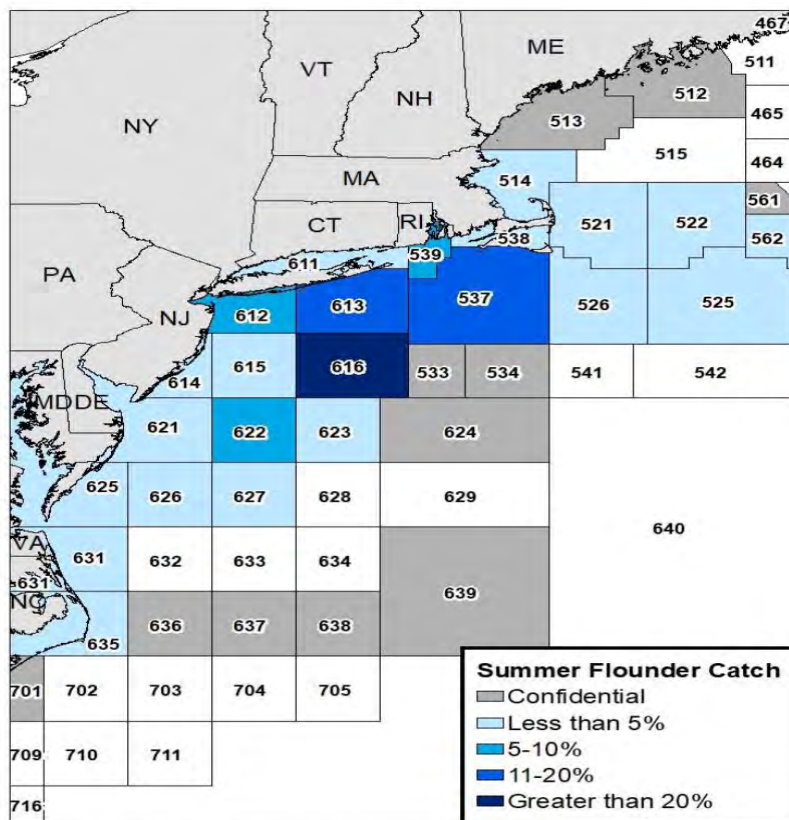
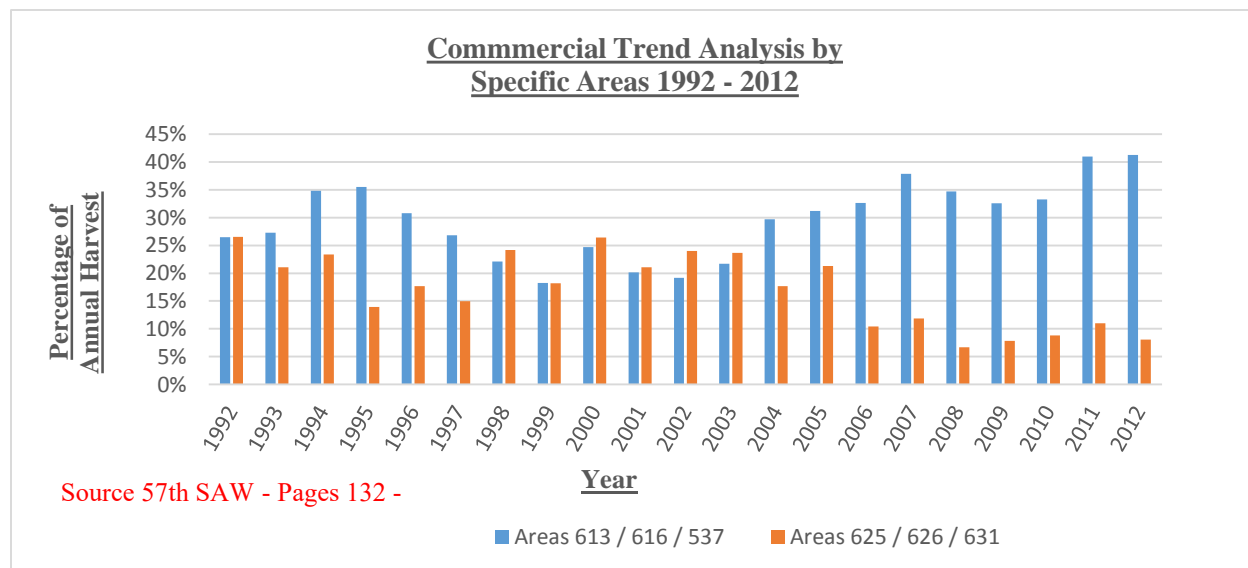


Figure 5: NMFS statistical areas showing percent of total commercial summer flounder catch in 2018, according to VTR data.⁷

Source MAFMC Summer Flounder Fishery Information Document August 2019 - page 9.

The above chart reflects the commercial catch distribution for 2018 revealing 64% of the total catch coming from three areas, 613, 616 and 537 representing statistical areas located in SNE and NYB. I would venture to say those percentages increased in 2019 and will continue increasing in the immediate future.



Source 57th SAW - Pages 132 -

The above graph from the 57th SAW shows the significant shift in the trend of commercial landings in metric tons in areas 613, 616 and 537 (the SNE and NYB biomass) and corresponding reduction from areas 625, 626 and 631 (the Delmarva and Norfolk Canyon biomass). Per table 4 above, areas 613, 616 and 537 increased to a significant 64% of annual catch with no reason to believe the increase won't continue.

Commercial Fishery

The available VTR time series begins in 1994, just when summer flounder populations began rebuilding. Heaviest commercial catches (and by inference, effort) are reported just off of Cape Hatteras, concentrated around the entrances to Hudson Bay and Narragansett Bay, and offshore along the shelf edge from the Chesapeake Bay entrance through SNE (Figure A7; brown to purple squares). Large catches of summer flounder continued along the shelf from 2001-2005 with concentrations slightly farther north off DelMarVa (Figure A8). This northerly trend of offshore commercial catches continued through the present decade with the largest shelf catches now in SNE just south of Rhode Island. While a few inshore hot spots still remain (mainly at the entrance to Delaware and Chesapeake Bays and down the coast to Cape Hatteras), VTR reported commercial catches of summer flounder at its southern extent are reduced after 2005 (Figures A9-A11).

Please read the above excerpt from the 66th SAW. A well distributed biomass along the coast didn't suddenly decide to migrate north. The southern biomass was decimated and what's left is the northern biomass located in SNE / NYB. If that biomass fails, this fishery fails with it and data from fisheries management's own science strongly supports this.

There two choices the Commission and Council have. Continue on the current path and by 2024, 2025 at latest, the fishery will test its lowest levels over the last 50 or more years under current regulations. Catch levels are down 70% in the current decade compared to the 80's and still the fishery is in a freefall decline. Catch is not the issue management should be focused on, catch composition and the timing of the commercial harvest are. 200 million less recruits in the current decade combined with the 50% increase in the commercial catch quota handed out for the years 2019 – 2021 along with a materially impaired female gender composition of every relevant age group in the fishery guarantee this fishery's continued decline until it eventually crashes for a second time. That time is just around the corner. When it happens, the fishery loses, the commercial and recreational sectors lose and the stock will be so impaired it'll take decades if ever to recover. We're at the crossroads.

OR management can acknowledge the data science has provided, the trends and negative impacts to the fishery that data reveals, and act accordingly in managing this fishery by adopting the changes outlined or alternate measures addressing the issue identified leading to the stock's decline.

This fishery in many ways is no less impacted than the issues currently impacting the striped bass fishery. Harvesting too many breeders, a plunging recruitment line and a declining biomass with significantly less females. The Commission and Council have to ask themselves why the proposed amendments currently being discussed for adoption in the striped bass fishery to protect breeders, the female population overall, increase recruitment levels and reduce discard levels to rebuild the stock are not precisely the same discussions and measures being considered to manage and rebuild the summer flounder fishery. The recommended steps I've outlined, both

recreational and commercial, will facilitate the pre-requisite objectives needed in order for this stock to recover.

Fortune of the fishery rests in your hands. You can turn a blind eye, the fisheries fate is sealed and everyone loses. Or management can make the necessary changes and take a more prudent course of action to achieve a sustainable fishery for both commercial and recreational interests to reap the benefit from. Decision is yours to make how you wish to proceed.

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