

Atlantic States Marine Fisheries Commission

Summer Flounder, Scup, and Black Sea Bass Management Board

February 4, 2014

1:15-4:15 p.m.

Alexandria, VA

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. Pierce</i>) | 1:00 p.m. |
| 2. Board Consent | 1:05 p.m. |
| • Approval of Agenda | |
| • Approval of Proceedings from October 2013 | |
| 3. Public Comment | 1:10 p.m. |
| 4. Draft Addendum XXV for Final Approval Final Action | 1:15 p.m. |
| • Review of Draft Addendum XXV (<i>K. Rootes-Murdy</i>) | |
| • Public Comment Summary (<i>K. Rootes-Murdy</i>) | |
| • Consider final approval of Addendum XXV | |
| 5. Consider Approval of State Scup Recreational Proposals (<i>K. Rootes-Murdy</i>) Action | 3:45 p.m. |
| 6. Elect Vice Chair Action | 4:10 p.m. |
| 7. Other Business/Adjourn | 4:15 p.m. |

The meeting will be held at the Crowne Plaza Hotel, 901 North Fairfax Street, Alexandria, Virginia; 703-683-6000

Healthy, self-sustaining populations for all Atlantic coast fish species or successful restoration well in progress by the year 2015

**DRAFT ADDENDUM XXV TO THE INTERSTATE FISHERY
MANAGEMENT PLAN FOR SUMMER FLOUNDER, SCUP, AND BLACK
SEA BASS**

PUBLIC HEARINGS SUMMARIES

<u>Date</u>	<u>Location</u>
January 8, 2014	Newport News, VA
January 9, 2014	Berlin, MD
January 10, 2014	Dover, DE
January 13, 2014	Toms River, NJ
January 14, 2014	East Setauket, NY
January 14, 2014	Old Lyme, CT
January 15, 2014	Narragansett, RI
January 16, 2014	Sagamore Beach, MA

January 2014

PUBLIC HEARING SUMMARY
Draft Addendum XXV to the Interstate FMP For Summer Flounder, Scup, and Black Sea Bass

Virginia

*Virginia Marine Resources Commission Building
4th Floor Conference Room
Newport News, Virginia*

1/8/2014

Public Attendance: see sign-in sheet (6 members of the public)

State and ASMFC Personnel:

Kirby Rootes-Murdy, ASMFC

Toni Kerns, ASMFC

Sally Roman, VMRC

Rob O'Reilly, VMRC

Summary:

Summer Flounder Options

Two out of six participants in attendance voiced their preference for option 1, conservation equivalency, with varying support of option 2 in conjunction. Those supporting option 1 cited concern over being locked into a mandatory region, reducing flexibility to set measures on the state level, and the belief that the regional management would largely benefit the state of New York. Reasons given in support of option 2 in conjunction with option 1 were that they felt it was a good idea. Other general comments cited less sightings and harvest of summer flounder than expected given that the stock is rebuilt; the need for states to be punished if they go over their target and the coastwide limit isn't exceeded; and the degree of uncertainty in predicting landings in the summer flounder fishery from year to year.

Black Sea Bass Options

All six attendees voiced their preference for continuing the ad hoc regional approach (option 2) as has been done over the last few years as well as indicating support for extending it for more than one year. Reasons supporting this option included the preferred bag limit in option 2 (15 fish) and that a possession limit below this amount would impact the financial viability of fishing trips for charter boats.

Other Comments

-There's been a decrease in the number of 14-15 inch summer flounder both in terms of landings and sightings

-Current biological assessments of summer flounder are not accounting for a decrease in these sized fish, and the impact of warmer winters, increased rain fall, and weather.

**Draft Addendum XXV to the Summer Flounder, Scup, and Black Sea Bass Fishery
Management Plan for Public Comment**

Atlantic States Marine Fisheries Commission
January 8, 2014
Virginia

-- PLEASE PRINT CLEARLY --

<u>Name</u>	<u>Company/Organization</u>	<u>City, State</u>
Frank Kearney	CCA VA	Hampton, VA
DAVID AGEW		Yorktown VA
Denny Dolbow	Port Angler	Chesapeake VA
DAVID DEW	VIRG PTAC	Lorton, VA
BOB PRIDE	VCBA	POQUOSON VA
Skip Feller	Rudee Angler	Virginia Beach, VA
KRM		
Rob		
Sally		
Toni		

PUBLIC HEARING SUMMARY

Draft Addendum XXV to the Interstate FMP For Summer Flounder, Scup, and Black Sea Bass

Maryland

Worcester Library

11107 Chartell Rd

Berlin, Maryland

1/9/2014

Public Attendance: see sign-in sheet (12 members of the public)

State and ASMFC Personnel:

Kirby Rootes-Murdy, ASMFC

Steve Doctor, MD DNR

Mike Luisi, MD DNR

Summary:

Summer Flounder Options

All in attendance who spoke voiced their preference for option 3, adaptive regional management. Reasons cited included a preference for the same regulations between neighboring states within a region, potential improvements in the estimation of recreational harvest through aggregating data across regions, and improving business competitiveness. While all in attendance voiced their preference for option 3, there was no specific preference indicated for the two regional options.

Black Sea Bass Options

All attendees in attendance voiced their preference for continuing the ad hoc regional approach (option 2) as has been done over the last few years, with some indicating support for extending it for more than one year. Reasons cited included the continuing need for regional management due to different fisheries along the coast- specifically in the type of fish caught in the southern regions vs. the northern regions and the perception that the northern states (MA-NJ) were catching more fish while Maryland as a southern state was getting punished. Many indicated they felt ad hoc regional approaches would mitigate this issue.

Other Comments

-The habitat in southern new England has become viable for increased production of black sea bass, which could account for increased landings in MA-NH

-The creation of artificial reefs off MD's coast has significantly contributed to habitat and abundance of black sea bass in the MD waters

-The addendum was too long and should be shortened to 4 pages

-There's a need for improvements in the accuracy of the MRIP harvest estimates as well as better science around fisheries science and ecology

-Option 2 in the Summer Flounder section is the utilization of underutilized quota, and not species. Commenter mentioned that utilizing underutilized species is not good citing the use of sea robins for cat food

PUBLIC HEARING SUMMARY

Draft Addendum XXV to the Interstate FMP For Summer Flounder, Scup, and Black Sea Bass

Delaware

DNREC Auditorium

89 Kings Highway

Dover, Delaware

1/10/2014

Public Attendance: see sign-in sheet (2 members of the public)

State and ASMFC Personnel:

Kirby Rootes-Murdy, ASMFC

Stewart Michels, DNREC

Richard Wong, DNREC

John Clark, DNREC

Summary:

Summer Flounder Options

Two attendees from the general public voiced their preference for option 2, adaptive regional management. Reasons cited included preference for similar regulations between neighboring states because it would improve the competitiveness of DE businesses relative to their neighboring states, as the commenter cited the current regulatory differences between VA, MD, DE drives business away from DE.

Black Sea Bass Options

A majority of those in attendance voiced their preference for continuing the ad hoc regional approach (option 2) as has been done over the last few years, with some indicating a support for extending it for more than one year. Reasons cited included a preference for how management has worked over the last few years; the economic costs of a fishing trip with smaller possession limit would hurt the industry by having to travel further out to sea for less fish.

PUBLIC HEARING SUMMARY
Draft Addendum XXV to the Interstate FMP For Summer Flounder, Scup, and Black Sea Bass

New Jersey
Ocean County Administration Building, Public Hearing Room 119
101 Hooper Ave
Toms River, New Jersey

1/13/2014

Public Attendance: see sign-in sheet (52 members of the public)

State and ASMFC Personnel:

Kirby Rootes-Murdy, ASMFC
Peter Clarke, NJDFW
Tom Baum, NJDFW
John Clark, NJDFW
Brandon Muffley, NJFG

Summary:

Summer Flounder Options

20 attendees voiced their preference for option 1, conservation equivalency, with mixed support of option 2 in conjunction. All others in attendance appeared to agree with the sentiments expressed by those who spoke, indicating a clear majority in favor of option 1, conservation equivalency. Reasons cited included concern over the accuracy of MRIP estimates, the use of MRIP harvest estimates in management, the MRIP estimates of effort (in relation to a perceived reduction in effort due to super storm Sandy), and a preference to continue management with current state allocation. Other reasons were the perception of loss of harvest in a regional management, that regional management option was derived from a political process and not based on science, and being in region with New York. One person specifically requested that option 1, conservation equivalency be extended for two years (option 2). No one spoke in favor of option 3, regional management. A number of people who spoke questioned whether additional options should be considered that weren't included in the draft addendum.

Black Sea Bass Options

9 attendees voiced their preference for continuing option 2, the ad hoc regional approach, as has been done over the last few years. All others in attendance appeared to agree with the sentiments expressed by those who spoke, indicating a clear majority in favor of option 2. One attendee who voiced their preference for continuing the ad hoc regional approach also indicated their support for extending the measures for more than one year.

Other Comments

- Reassessing the allocation of Summer Flounder between the commercial and recreational sectors
- Uncertainty in the estimates and biological assessment of summer flounder
- Estimates of mortality rates were wrong

Draft Addendum XXV to the Summer Flounder, Scup, and Black Sea Bass Fishery
Management Plan for Public Comment

Atlantic States Marine Fisheries Commission
January 13, 2014
New Jersey

-- PLEASE PRINT CLEARLY --

<u>Name</u>	<u>Company/Organization</u>	<u>City, State</u>
BOB HERMES		TOMS RIVER NJ
CHAS DeWATERS		BERLIN NJ
CASEY CAMP	H. MAN STRIPER CLUB	HIGHLANDS NJ
CHRIS ZEMAN	MAFMC	RIVERVALE, NJ
Bill Boardman		Rumson NJ
James MASSIMINO		Neptune NJ
WILL NITSCHMANN	FOLSOM CORP	MAHWAH, NJ
Tom Trebeser		Brick, NJ
Jim STIGLIANO		WARD TOWN
BOB BOGAN	UNITED BOATMEN NJ	PT. PLEASANT NJ
RONALD KISH	UNITED BOATMEN NJ	BELMAR NJ
Dan MARANTZ	NJREC / NJRFA	CLARKSBURG, NJ
JOHN TOTIT	JCAN / NJCA	MORRISTOWN NJ
BOB WINGAL	NJST. Veleation Sports	PT. PLEASANT NJ
BILL BRADLEY	CJB TACKLE LLC	W. WINDSOR NJ
Henry CAWADO		SEA GIRT WT. 08700
Greg Huth		HAMILTON SA NJ
RON TRIESSER		Wall NJ
Ken Morse		TOMS RIVER
JACK AURNHAMMER		
STEVE WESSER	H. MAN	
BOB CAMUSKA	H. MAN	
Terry McCorkill		Reel Seat, NJ
Bob Caracozzo	REEL SEAT	BRIELLE NJ
VALE Arbeitman	The Reel Seat	Brielle NJ
NICK CICERO	FOLSOM CORP	MAHWAH NJ
John Oswald	Isbury Park Press	Neptune, NJ
NOCC ANGIUCCI	FORTESCUE ANGELUS	SEWELL NJ
RALPH LEYLER	LASTLADU Fishing	NEPTUNE NJ
Peter SYKES	PARKER pete Fishing	BELMAR

Name	Company/Organization	City, State
Tom Donald		Point Pleasant NJ
Ken Wachal		Atlantic Highlands NJ
James Krauss	Recreational Fishing Alliance NJ Chapter	Atlantic Highlands NJ
Bruce Smith	Sunday Hook Bay Anglers	Ocean NJ
Frank J. Parke	Shark River Surf Anglers	Belmar NJ
CAPTAIN BUOKE	MAN GLFEE	NEPTUNE
DANNI DANNICKEN	MAN GANFEN	ELMINGTON NJ
Lopid Lomelino	ACCSP	
Ray Bascy	WB	PT-OT Bch NJ
FRED STONE	TOTAL FLUKE	SUCCESSA NJ
Frank Stone		Toms River NJ
JOHN DEBONA	THE FISHERMAN	BRICK NJ
AL RISTORI	STAR LEDGER	BRICK NJ
JOHN THOMAS	Shark River Surf Anglers	Belmar
Jerry Pasterino	Fish Mungie	PT Pleasant
Dawn Flynn	Fish Stick	Belmar
MICHAEL YOUNG	JERSEY SHORE BEACH BOAT	BEACH HAVEN, NJ
Angler Mike Cerelli	BEACH BOAT Fishing	OCEAN CITY NJ
JAMES CSAKANY	OPTAMIST	AVON N.J.
Steve O'CONNOR		TOMS RIVER, NJ
Willie Egenter	Dauntless	PT Pleasant, NJ
STEVE WIEBER	HE-MAR STRIPER	ATLANTIC HIGHLANDS NJ
Todd Hooper	Log Bowes	Whiting NJ

PUBLIC HEARING SUMMARY
Draft Addendum XXV to the Interstate FMP For Summer Flounder, Scup, and Black Sea Bass

New York

*NYSDEC, Bureau of Marine Resources
205 North Belle Meade Road, Suite 1
East Setauket, New York*

Public Attendance: see sign-in sheet (31 attendees many of which represent fishing and trade groups)

State and ASMFC Personnel:

Toni Kerns, ASMFC
John Maniscalco, NYSDEC
Steve Heins, NYSDEC
Jim Gilmore, NYSDEC
Pat Augustine, ASMFC Commissioner
Tony Dileria, MAFMC Council member
Kathy Heinlein, ASMFC Commissioner (Proxy)

Summary:

Summer Flounder Options

Summary: When polled almost all attendees favor option 3, using the ad hoc regional approach. Of those that spoke about the regional approach there was a mix of support for 3a (8 in favor) and 3b (2 in favor). The group placed an emphasis on the importance of having equitable access to the resource along the Atlantic coast and the changing stock dynamics which makes it very important to have adaptable management plans. Several commenters were concerned that issue of any accountability measures is not clearly addressed. Plans are approved that on paper say they will constrain harvest within the harvest limits, yet states accountable if they exceed and the technical process to determine the measures is not addressed. The recreational fishery is still dealing with the uncertainty of historical MRFFS data and the infancy of MRIP data. The Addendum should clearly state no recreational accountability measures will be in place. It is the belief of several commenters that there should not be any accountability measures enforced during this regional trial period. However, if the coast did go over and accountability was triggered, then, all participants in the region must equally share the overage in year one of reinstating any state-by-state measures.

If the Board does not move forward with an ad hoc regional approach, then the group was in favor of approving option 2, the sharing of additional RHL. Several people spoke in favor of having the regions in place for 2 years.

Many people express concerns with the 2013 MRIP data for both New York and New Jersey. The data did not reflect the conditions along the coast that were still rebuilding after hurricane Sandy. Many people lost boats and dockage yet effort numbers remained high.

The group is also concerned the measuring practices for summer flounder are not consistent between states. Fisherman are concerned that Rhode Island boats are allowing fishermen to measure the fish with the mouth open which allows the fish to appear longer than it really is.

PUBLIC HEARING SUMMARY

Draft Addendum XXV to the Interstate FMP For Summer Flounder, Scup, and Black Sea Bass

Black Sea Bass Options

When polled, 23 people favor option 2 Ad Hoc regional approach. 19 people favor having the approach put in place for 2 years.

Other comments: There were several individuals in the group indicated a preference for the fishery to open in January and February. There was one individual that had concerns with opening the winter fishery because it concentrates on large males needed for spawning. The fishery is also occurring in deep waters so any released fish have a low survival rate. The summer fishery is a better utilization of the fish.

**Draft Addendum XXV to the Summer Flounder, Scup, and Black Sea Bass Fishery
Management Plan for Public Comment**

Atlantic States Marine Fisheries Commission

January 14, 2014

New York

-- PLEASE PRINT CLEARLY --

<u>Name</u>	<u>Company/Organization</u>	<u>City, State</u>
Jim Hutchinson	NEW YORK SPORTFISHING FEDERATION	FOREST HILLS, NY
Lisa Poyer	NYFITA	Hempstead Bays, NY
Adam Ulrich	RECREATION	Farmingville, NY
William Young	NYCRF	MASSAPEQUA, N.Y. 11758
John Schoenig	SUFFOLK AMPHIBIOLOGICAL CLUB	Greenlawn NY 11740
PAUL RISI	MRAC	
TODD Smith	NMFS	Bellport, NY
Melissa Deebum		REH HUNT NY
John Mantura	NYFITA	PETENOUVE, NY
Reed Riemer	NY Sportfish Federation	Ocean Side NY
STEVEN R. Withybur	Capt Monwak	Greenlawn NY.
Robert A Rocchetto	CAPT. N.F.C.A	Soufield N.Y.
Nancy Solomon	LONG ISLAND TRADITIONS	Port Washington, NY
Tomoko Kuroki	TOP HOOK	EAST NORTHPORT
NEIL DELANOY	FV/LAURA LEE	CAPTREE, NY
George Bartenbach	FV/CAPT JZOV	Captree, NY
PATRICK GILLEN	FV / CAPT EILLOW	CAPTREE, NY
James Schindler	F/V James Joseph II	Huntington NY
James W. Schindler	F/V James Joseph II	Huntington NY
Mike Weiner	F/V James Joseph II	New York NY
Thomas Mikolajski	Grand Slam Charter, Inc	Ridge NY 11961
Richard Jensen	NANCY ANN CHARTERS	EAST MARIÓN NY 11939
Philip KESS	FISHY BUSINESS CHARTERS	AQUEBOGUE N.Y. 11931
Victor Uellio	NOAA NMFS	EAST HAMPTON, NY
MARK HARRINGTON	NEWSDAY	MELVILLE, NY 11949
ANTOINETTE CLAMETSON	NY Sea Grant	RUGENHEAD NY 11901
CHARLUS WITTEK		WEST BABYLON NY
Margaret Hart	USCG Auxiliary	Bellport, NY
Bob Danielson	NY Sport Fishing Federation	S. Setauket, NY
JOE Paradise	NY Sport Fishing Federation	North Fork Captains Association Bellport, NY
BOB BUSBY	NORTH FORK CAPTAINS	PECONIC NY

PUBLIC HEARING SUMMARY
Draft Addendum XXV to the Interstate FMP For Summer Flounder, Scup, and Black Sea Bass

Connecticut

*Marine Headquarters, Boating Education Center
333 Ferry Rd
Old Lyme, Connecticut*

1/14/2014

Public Attendance: see sign-in sheet (20 members of the public)

State and ASMFC Personnel:

Kirby Rootes-Murdy, ASMFC
David Simpson, CDEEP
Greg Wojcik, CDEEP
Mark Alexander, CDEEP

Summary:

Summer Flounder Options

8 members of the public voiced their preference for option 3, adaptive regional management. Those speaking represented a clear majority of those in attendance. Reasons cited included a preference for same regulations between neighboring states within a region, and concern over the state allocation for 2014 based on the preliminary 2013 harvest as indicated under option 1, conservation equivalency, as well as concern regarding the preliminary MRIP estimate of state harvest in 2013. One attendee indicated that because they had doubts about the accuracy of the harvest estimates for 2013, that they were initially in favor of option 1, conservation equivalency, but because they believe the estimates will not be changed, they are in favor of option 3, adaptive regional management.

Black Sea Bass Options

4 members of the public voiced their preference for continuing the ad hoc regional approach (option 2) as has been done over the last few years, with some indicating a support for extending it for more than one year. Reasons cited for this included having measures in 2014 that are similar to those in 2013, a preference for state management in the northern region instead of a coastwide measure, and the need to have the season extend further into the fall months than the proposed coastwide measures allow in option 1 (June 1- September 30).

Name

Company/Organization

City, State

Bill Scalise
Bob HUTCHINSON

Rec Fishing
REC FISHING

Dorset, CT
SOUTHINGTON CT

T.S. Karbowski

Rock & Roll Charters Clinton, CT

Heather Griffith

Middlebrook, Conn

Norwalk, CT

Tony NOTARO

Lucky Hook Charters

Clinton, CT

Chris Vann

Recreational fisherman

E. Hartford, CT

Ron Hagenau

REC. FISHERMAN

STAFFORD SPRINGS CT.

PUBLIC HEARING SUMMARY
Draft Addendum XXV to the Interstate FMP For Summer Flounder, Scup, and Black Sea Bass

Rhode Island
URI Coastal Institute Auditorium
South Ferry Rd
Narragansett, Rhode Island

1/15/2014

Public Attendance: see sign-in sheet (61 members of the public)

State and ASMFC Personnel:

Kirby Rootes-Murdy, ASMFC
Nicole Lengyel, RI DEMFW
Bob Ballou, RI RIDEM

Others in attendance to note:

Frank Blount, RI (NEFMC Council member)
Rick Bellavance, RI (Board Commissioner Proxy)

Summary:

Summer Flounder Section

8 members of the public spoke in favor of 1, conservation equivalency. There was no evidence of any attendees in favor of option 3. Many who spoke in favor of option 1, a likely majority, also voiced support for option 2 in conjunction with option 1. Reasons cited for supporting option 1 were that the current system is working for the state of RI. Many attendees cited that RI has used conservative measures to hold landing to their state target, and in turn have worked well in conserving the resource. Few reasons were cited for option 2 in conjunction with option 1, but a common notion of 'helping other states out' was evident when reasons were given. Some who voiced support for option 1, but explicitly voiced opposition to option 2 in conjunction, cited the need to have any 'leftover fish' be used to replenish the resource.

Those explicitly voicing opposition to option 3, cited the regions were not based on science, that construction of regions were done through politics, and that supporting this option would be rewarding 'bad behavior' observed by other states who've exceeded their state target. This notion of accountability- the need to not reward states who've exceeded their state targets- was prevalent across many testimonials. Additional concern raised, both in opposing option 3, and/or for maintaining the status quo, was the lack of confidence in the current state harvest estimates from MRIP. Others commented that with the transition from MRFSS to MRIP not fully complete, there was the need to 'correct/fix' the recreational landing estimate system before any changes to the management set up. Also cited was the belief that summer flounder exhibit an east to west migration from coastal bays/estuaries to the continental shelf, rather than a north to south trend, and as such the move to appropriating more 'quota' to other states such as New York would result in a reduction of the biomass in close proximity to New York.

PUBLIC HEARING SUMMARY

Draft Addendum XXV to the Interstate FMP For Summer Flounder, Scup, and Black Sea Bass

Black Sea Bass Section

3 members of the public spoke in favor of option 2 ad hoc regional approach. A majority those voicing support for option 2, also expressed interest in the option of extending it more than 1 year.

There were few if any reasons given for why they were in support of option 2, both those that did cited that extending the regional ad hoc approach as has been used the last three years has 'worked well for them'.

Draft Addendum XXV to the Summer Flounder, Scup, and Black Sea Bass Fishery
Management Plan for Public Comment

Atlantic States Marine Fisheries Commission

January 15, 2014

Rhode Island

-- PLEASE PRINT CLEARLY --

<u>Name</u>	<u>Company/Organization</u>	<u>City, State</u>
Edwin Cook	RISAA	N. Kingstown RI
DICK FERLIS	RISAA	WESTERLY RI
John Bruno	RISAA	Westerly RI
Donald Smith	RISAA	No. Kingstown, RI
PETER VICH	ALSO	P. GREENWICH
ROGER TELLIER	RISAA	N. KINGSTOWN CT
DIANE VALERIE	II	COVENTRY, RI
Stephen Meeker	RAT	Coventry CT
Robert Redinger	RISAA	Hope Valley, CT
JEFF BARKER	West Bay Anglers	WARWICK RI
Steven Anderson	BARBONES CHARTERS	WARWICK, RI
KEN COURT	JACKIE SEA CHARTERS	WAKEFIELD RI
Charlie Danilon	Suappa Charters	Wakefield RI
DAVE SWEET	RISAA	SANPETERS TOWN, RI
Matt Grinnon	---	North Kingstown, RI
Lance Bartfield	---	South Kingstown, RI
JAMES MULLIKANS	PERSUADE II	NARRAGANSETT RI
AWANTUCK	GALILEE BAIT & TACKLE	NARRAGANSETT RI
Barry Chermot	CJ Charters	Wakefield RI
Lyn Safford	Cherry Pepper Charters	Charlestown, RI
GARY PERSCHAG	RISAA	Weymouth, RI
Bob Cavanagh	RISAA	Wakefield, RI
MATT DAVIDSON	RISAA	SITUATE RI
Robert S. Murray	RISAA Board	Foster RI
Michael Warner	RISAA Board	Hope Valley, RI
BRUCE LAWING	RISAA	West Greenwich RI
Michael Lawing	RISAA	Richmond RI
JEROME HATFIELD	RISAA	RICHMOND R.I.
WILLIAM E GEORGE	RISAA	GREENVILLE RI
DAVE DISANTIS	RISAA	North Providence RI

(61)

<u>Name</u>	<u>Company/Organization</u>	<u>City, State</u>
MIKE BUCKO	RISAA	TIVERTON RI
NORMAN CABANA	RISAA	PAWUCKET RI
ROBERT FERIOLO	BRISTOL COUNTY S.C.	LINCOLN RI
GEORGE ALLEN	NEWPORT COUNTY	PORTSMOUTH, RI
Harold Gibson	SALTWATER FISHING CLUB RISAA	Warwick, RI
Andy Dangelis	RIPCBA charterboat Maridee II	W. Kingston RI
Cory Blount	Francis Fleet	South Kingstown RI
Frank Blount	FRANCIS FLEET	NARR RI
Ken Booth	RTMFC	LINCOLN RI
Debra Lane	R.I.S.S.M.	Charlestown RI
Paul B. Johnson Sr	RIPCBA - CABONJ	Wakefield RI
JOE PAGANO	STUFF IT SPORT FISHING	SCHUATE RI
TOM SMOTHERMAN JR.	RISAA	W. WARWICK, RI
PETER O'BISIO	RISAA	S. KINGSTOWN RI
SUSAN LEMA	RISAA	CHARLESTOWN STR.
Bob Bowen		JAMESTOWN, RI
David Garzoli	RISAA	Cumberland, RI
Lary Norin	RISAA	Cumberland, RI
Bon Borsary	RI Fisherman	South Kingstown RI
Russell Blank	RIPCBA - STRIKER	North Kingstown, R.I.
Jenny Cavalho	RIFA	RI
Kevin Smith		WAKEFIELD, RI
Paul Kennedy	RISAA	Narragansett, RI
Richard Golembeski	RISAA	Woonsocket, RI
Gisele Golembeski	RISAA	Woonsocket RI
David Manti	REC. Fisherman / RIPCBA	Warwick, RI
NO Raso	RISAA - ST	RI - Wakefield
RICK Bellavance	RI Legislative Proxy	NK RI
JEFF HALL	RIFPCB	EAST GREENWICH RI
Travis Barao	RISAA	East Providence, RI
Parker Bucko	RISAA	Tiverton RI

PUBLIC HEARING SUMMARY
Draft Addendum XXV to the Interstate FMP For Summer Flounder, Scup, and Black Sea Bass

Massachusetts
Bourne Fire Station #3
53 Meetinghouse Lane
Sagamore Beach, Massachusetts

1/16/2014

Public Attendance: see sign-in sheet (21 members of the public)

State and ASMFC Personnel:

Kirby Rootes-Murdy, ASMFC
Dr. David Pierce, MA DMF
Nichola Meserve, MA DMF
Paul Diodati, MA DMF
Paul Caruso, MA DMF
Dan McKiernia, MA DMF

Summary:

Summer Flounder Options

8 members of the public spoke in favor option 1, conservation equivalency. Those speaking represented a clear majority of those in attendance. Reasons cited for this option was the potential for significant liberalization in 2014 based on preliminary 2013 harvest estimates in relation to 2014 state target under option 1, and concern over regional management rewarding states who exceeded their target. There was varying support of option 2 in conjunction with option 1. Those in favor of option 2 in conjunction with option 1 cited an interest in helping other states out in need, with the hope of the same gratitude being extended if their own state became in need of additional harvest.

Black Sea Bass Options

4 members of the public spoke in favor of continuing the ad hoc regional approach (option 2) as has been done over the last few years, with some indicating a support for extending it for more than one year. This seemed to represent the majority opinion as no one spoke in favor option 1, status quo, coastwide measures. Reasons cited in support of option 2 included the likelihood that a stock assessment would not be completed within the next year, and that option 1 would significantly hurt business opportunities as much of the state's come from out of state.

Written Comment Summary on Draft Addendum XXV to the Interstate FMP for Summer Flounder, Scup, and Black Sea Bass

In total 225 written comments were received, with 13 comments provided on behalf of groups or organizations. Six additional written comments were received after the deadline and not included in the summary numbers below.

Individual Comments

Summer Flounder Options

More than half (146) of the individual comments received were in favor of option 1, status quo conservation equivalency or coastwide measures for the summer flounder recreational fishery in 2014. Among the individual commenters in favor of option 1, nearly all (128) in favor of option 1 in conjunction with option 2, utilization of additional RHL. Reasons cited in support of option 1 included preference on current state level management, the ability of states to work within their harvest limits is working well, a need to keep status quo as the current recreational catch and effort data estimates are fully transitioned from MRFSS to MRIP, and concern over reallocation of quota to states at the expense of others, and the belief that other options aside from status quo would penalize states.

Many of the individual comments received in favor of option 1 also noted opposition to option 3, adaptive regional management. Reasons for opposition included preference for current state level management (including current management measures), perceived inequities that would come from proposed region they would be included in, concern over MRIP harvest estimates for Summer Flounder, and concerns over how harvest overages within regions would be handled in subsequent years.

Of those in favor of option 3, adaptive regional management, reasons cited included inequities that anglers in the state of New York have experienced relative to other states; the need to address 'outdated allocations' to the states; the measure would bring the fishery management plan into compliance with federal mandates; concerns over the accuracy of the recreational catch data. Of these commenters, most indicated that if option 3 was not adopted that option 2, utilization of additional RHL should be approved.

Black Sea Bass Options

More than half (133) of the individual comments received were in favor of option 2, continuation of ad-hoc regional approaches for the black sea bass recreational fishery in 2014.

The majority of comments received in favor of option 2, ad hoc regional approach also specified a preference for it being utilized for multi-year. Reasons cited for continuing the ad hoc regional approach as has been used in past years included satisfaction with the current regulatory set for their state, preference of ad hoc regional approaches over coastwide measures, concern over data indicating more restrictive measures are needed and concern over the economic viability of the industry if coastwide measures were adopted.

Four individual commenters indicated a preference for option 1, coastwide measures. Reasons cited in support of this was the belief that the current recreational harvest limit is 'unrealistically low' and that the coastwide recreational harvest limit is being reduced to overfishing by certain states.

Many of the individual comments (148) received were provided in form letters. A breakdown of these form letters is provided below and an example of each is provided at the end of the summary.

Form Letter Stated Position regarding Draft Addendum XXV Options			
Form Letter	Support for	Opposition to	Count
"A"	Summer Flounder Option 1 & Option 2; Black Sea Bass Option 2	Summer Flounder Option 3	101
"B"	Summer Flounder Option 1 & Option 2	Summer Flounder Option 3	10
"C"		Summer Flounder Option 3	3
"D"	Summer Flounder Option 3; Black Sea Bass Option 2		3
"E"	Summer Flounder Option 3; Black Sea Bass Option 2		23
"F"	Not Specified	Not Specified	8
Total			148

Other Comments

Public comments (approx. 17) received not specifying a preference for an option outlined in Draft Addendum XXV provided comment on a variety of topics related to regulations, harvest estimates, and economic concerns regarding the recreational summer flounder and black sea bass fisheries. A majority of these comments (10) cited concern over the proposed regulations and potential economic impacts to the recreational sector. Other comments included concerns over discrepancies between observations of the fishery and MRIP harvest estimates (both for summer flounder and black sea bass); concern over the development of the regional management option and the need for more time to evaluate the concept of regionalization; concerns over bycatch of summer flounder by commercial gillnets in the Chesapeake Bay; request for size and possession limits to remain unchanged for 3 years; and the need to address invasive species that are being attributed to the decline of some fish species.

Group/Organization Comments

Summer Flounder Options

Slightly more than half (7) of the comments received from groups/organizations were in favor of option 1, coastwide or conservation equivalency, with option 2, utilization of additional RHL, for the recreational summer flounder fishery in 2014. Reasons cited included concern over mandatory regions, the belief the option 3 was a political proposal rather than a scientific one, and that regional management may require a reallocation of a state’s target quota.

Four groups/organizations were in favor of option 3, adaptive regional management. Reasons cited for supporting option 3 included concern over current inequities in the fishery, the perception that current management includes ‘punitive measures’, and concern over that current harvest estimates do not incorporate the best available science. Two groups/organizations specified their preference for option 3A,

a region including Rhode Island through New Jersey. Three of groups/organizations specified that if option 3 was not adopted, their preference was for option 2, utilization of additional RHL to be used.

Black Sea Bass Options

Five of the groups/organizations also indicated support for option 2, continuation of ad hoc regional approaches for the recreational black sea bass fishery in 2014. When indicating preference for option 2, opinions were split over extending the option for one or two years. Two organization also prefaced their support for option 2 by expressing concern over the ‘fatally flawed’ recreational harvest methodologies used in estimating harvest. Only one group/organization indicated support for option 1: status quo, coastwide measures. Reasons cited for supporting option 1 included concern overfishing from one state resulting a coastwide overage of harvest, as well as concern over that the current recreational harvest limit is too low.

Written comments were received from the following organizations:

- Berkeley Striper Club
- Cape Cod Charter Board Association
- Captree Fishing Fleet
- Coastal Conservation Association Virginia (CCA)
- Regal Marine Products
- Hi-Mar Striper Club
- Manasquan River Marlin & Tuna Club
- New Fishing Tackle Trade Association (NYTTA)
- New York Sportfishing Federation (NYSF)
- Jersey Coast Anglers Association (JCAA)
- New Jersey Federation of Sportsmen’s Clubs (NJFSC)
- New Jersey Outdoor Alliance (NJOA)
- Rhode Island Saltwater Anglers Association (RISSA)

United States Senate
WASHINGTON, DC 20510

January 23, 2014

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

RE: Draft Addendum XXV

Dear Representatives of the Atlantic States Marine Fisheries Commission,

Over the past decade, I have worked with the Commission, the National Oceanic and Atmospheric Administration (NOAA), and other stakeholders regarding the inequities plaguing the hardworking men and women of New York's commercial and recreational summer flounder industry. Since my last correspondence dated February 19, 2013, I have arranged a congressional hearing in the U.S. Senate on this issue and introduced legislation, the Fluke Fairness Act of 2013, that would require the Commission and the Mid-Atlantic Fisheries Management Council (MAFMC) to work together to amend the summer flounder management plan using the best science and data available. I have also worked with the Commission and Council leadership and our New York State representatives to enact changes through the Addendum process. Therefore, I am encouraged that the Commission is considering Draft Addendum XXV after many years of pressure from my office, colleagues and constituents.

For summer flounder, the Draft Addendum proposes options that allow for management measures by region, a cause I have long championed that will insert equity, fairness and good science back into summer flounder management. According to the Addendum, the specific regions being considered are (1) Massachusetts; Rhode Island through New Jersey; Delaware through Virginia; and North Carolina and (2) Massachusetts and Rhode Island; Connecticut through New Jersey; Delaware through Virginia; and North Carolina. Either of these regional options would be a historic breakthrough in the decades-long stalemate that has plagued New York's recreational summer flounder industry. For the first time in years, New York fishermen would have parity with their neighboring states with a size limit of 18 inches and a bag limit of 4 fish. I strongly support these approaches and urge the Commission to approve one of them. If the Commission refuses to approve one of these options, then the only fair alternative is to go back to a full Coastwide allocation system. Under no circumstances

should the Commission allow summer flounder management to remain on the status quo state-by-state plan.

According to the Commission, the Draft Addendum was "initiated to address a growing concern that current summer flounder management measures are not providing recreational fishermen along the coast with equitable harvest opportunities to the resource." On behalf of hundreds of thousands of recreational fishermen and charter boat captains, I can tell you that the State of New York wholeheartedly agrees and urges you to adopt regional management measures for the 2014 recreational summer flounder fishery.

Please feel free to reach out to Gerry Petrella of my Washington staff at 202-224-6542 with any questions.

Sincerely,

A handwritten signature in blue ink that reads "Charles E. Schumer". The signature is fluid and cursive, with a long horizontal stroke at the end.

Charles E. Schumer
United States Senator

Congress of the United States
Washington, DC 20515

January 22, 2014

Louis B. Daniel, III
Chair
Atlantic States Marine Fisheries
Commission
1050 N. Highland Street
Suite 200 A-N
Arlington, VA 22201

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

Dear Dr. Daniel and Mr. Beal:

We are writing to express concern regarding Draft Addendum XXV to the Summer Flounder, Scup and Black Sea Bass Fishery Management Plan (FMP) being considered by the Atlantic States Marine Fisheries Commission (Commission). Draft Addendum XXV includes a proposal to replace the current summer flounder management plan with one that would require states to combine their quotas in regional groups of states, known as regionalization. This is a sweeping change that requires careful consideration and analysis before any action to adopt it is taken.

While we are sensitive to the fact that Addendum XXV is an attempt to address concerns that the current summer flounder management measures are inadequate, we believe that it is in the best interest of all fishermen that the Commission ensures there is a fully inclusive process which allows for carefully developed public input. Furthermore, we believe that the Commission should first commit to more fully evaluating the impacts that the proposed changes will have on state regulations and whether there are better alternatives that will still address the concerns that have been raised.

The Commission has cited reliance upon recreational harvest estimates from the year 1998 as the basis for individual state targets as a reason to move to regionalization. Yet, we have not seen any formal explanation as to why regionalization is the best response. Addendum XXV states that regionalization would “allow states the flexibility to mitigate potential disproportionate impacts” and “pursue more equitable harvest opportunities,” but does not explain what those specific impacts are or why regionalization is the most effective and fair method for improving management. There may be a need to reconsider the state-by-state allocations, but there must be a careful consideration of how this would be accomplished and why any option would be the best course of action for the states.

In addition, the Commission first proposed Addendum XXV at the December meeting, then began meetings to hear public comment this month and plans on considering its adoption at next month's meeting. This is hardly enough time for all constituent groups and interested parties to analyze the consequences of such a radical departure from current management measures or for the Commission to make a fully informed decision. As such, we are concerned that the process is being rushed.

Furthermore, there are alternatives available that will allow states to combine quota while the Commission engages in a full review of the best options and allows for an inclusive process. The current FMP allows states to voluntarily combine their quotas with neighboring states. Making regionalization mandatory at this time, while perhaps addressing the concerns of some states, would be inequitable in its application for the majority of affected states.

We understand that at a public hearing on Addendum XXV in New Jersey there was unanimous opposition to the proposal to mandate regionalization next year. In light of this opposition and the concerns we have laid out above, we urge you to take all appropriate action to ensure that further public input and evaluation of alternative management plans is carried out before regionalization of quota is considered for adoption.

Thank you for your attention to this matter.

Sincerely,


FRANK PALLONE, JR.
Member of Congress


ROBERT MENENDEZ
United States Senator

THE SENATE
STATE OF NEW YORK
ALBANY 12247



SENATOR LEE M. ZELDIN
3RD DISTRICT

CHAIR

CONSUMER PROTECTION

COMMITTEES

AGING

HIGHER EDUCATION

INVESTIGATIONS & GOVERNMENT OPERATIONS

JUDICIARY

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VIA ELECTRONIC MAIL ONLY
krootes-murdy@asmfc.org

January 24, 2014

Attn: Kirby Rootes-Murdy
Fishery Management Plan Coordinator
1050 N. Highland St., Suite 200 A-N
Arlington, VA 22201

RE: Summer Flounder/Black Sea Bass Draft Addendum XXV

To whom it may concern:

As State Senator for the 3rd Senate District of New York State, I hereby submit the following comments on behalf of the individual constituents, members of the for-hire fishing boat and fishing tackle industry in the 3rd Senate District, and the community of saltwater anglers of New York State at large, all of whom rely on a healthy and robust summer flounder (fluke) fishery. As such, I strongly support **Option 3 – the Adaptive Regional Management** approach to summer flounder management, and in particular **Option 3a-Region 1**, which creates a “Region” consisting of Rhode Island, Connecticut, New York and New Jersey. Under this approach for 2014, the anglers of these states would enjoy a 135-day season, an 18-inch minimum size limit and four fish bag limit.

New York anglers have been unfairly hampered by the most restrictive summer flounder regulations along the entire Atlantic Coast for over a decade, due to the implementation of state-by-state “conservation equivalency,” which appears to run afoul of certain federal fisheries mandates. Approval and adoption of Option 3a-Region 1 of Addendum XXV is necessary to finally bring the management of summer flounder into compliance with federal fisheries management mandates. The consistent use of state-by-state allocations in the recreational summer flounder fishery over the last decade is, and has been, in direct contravention with several National Standards of the Magnuson-Stevens Act. Addendum XXV will enable ASMFC to implement regional management of summer flounder, bringing it into a management process similar to every other regulated species.

National Standard Two states that “management measures shall be based upon the best scientific information available.” Some have claimed that our current MRFSS/MRIP system is the “best science available,” however a superior solution can be achieved simply by increasing the geographic scale of the management area to fit the scale for which the MRFSS/MRIP system was originally designed and intended. Specifically, this is achieved by moving from a state-by-state system, to a regional or coastwide management regime. In short – the choice of management regime should be driven by the nature of the available science, rather than forcing a politically preferred management regime to function using substandard scientific data. The former approach will achieve superior stock conservation as well as equity among geographically diverse user groups, whereas the latter approach can only result in failure of both of these ideals.

National Standard Three states that “to the extent practicable, an individual stock of fish shall be managed as a unit throughout its range...” This standard is marginalized each year when state-by-state conservation equivalency is used. Individual summer flounders are targeted by fishermen from different states, often fishing in close proximity to each other, yet each may be subject to significantly different regulations. This scenario has the result that an individual fish landed by an angler will either be retained or discarded dependent upon which state that angler is from. Obviously any conservation benefit here is lost to the interest of states with smaller size limits, thus good management practices are abandoned in favor of retaining favorable regulations for individual states, and commensurately the intent of National Standard Three is subverted.

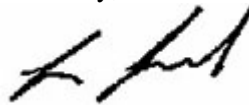
National Standard Four states that “conservation and management measures shall not discriminate between residents of different States.” The use of state allocations under the mere euphemism of “conservation equivalency” does not necessarily make the regulations of different states equivalent. For example, one particular state delegation opposes entering a regional plan that includes New York, because the anticipated result will be that less New York residents will continue to drive several hours out of state in order to fish in that other state, rather than in New York. This is clear evidence of discrimination against New York State fishermen, in that a significant number of fishermen would choose to drive three or four hours to avoid fishing in their own state due to onerous regulations, rather than patronizing their home state fishing businesses. In fact, it is not unusual for New York fluke fishermen to travel to New Jersey, Massachusetts, or Rhode Island, on a regular or exclusive basis, to fish for summer flounder for this very reason. Thus, this “discrimination” standard has not been faithfully observed, and adoption of Regional Management will alleviate this inequity, bringing Summer Flounder management into compliance with this national mandate.

National Standard Six states “conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches.” It has become strongly evident that some states, which formerly had high availability in this fishery, now have significantly less summer flounder available to their recreational anglers since the “proxy” year of 1998, while some other states have significantly more. It is clear the fishery is not even similar to what it was sixteen, or even ten years ago. However, managers still adhere to the same state allocations based on 1998 data, without regard for the variations clearly evident in the fishery in recent years. Changing to a regional management regime will bring the fishery back into compliance with this standard, and reassert equitable distribution of the resource in accordance with its natural distribution.

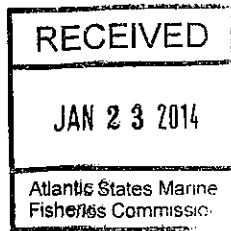
Finally, we would request that Commissioners, Councilors, and fisheries managers indefinitely suspend the implementation and enforcement of punitive ‘accountability measures’ against the recreational sector. The Commerce Department’s failure to meet its congressional mandate to incorporate National Research Council recommendations into the Marine Recreational Fishing Statistical Survey (MRFSS) makes it patently unfair and unjust to base accountability measures and resultant punitive “paybacks” upon this metric, which is “fatally flawed” and inherently unreliable.

Thank you for the opportunity to submit these comments for your review.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Zeldin', written in a cursive style.

Lee M. Zeldin
Senator



9 Barlow Drive
Califon, NJ 07830
Gabrown48@yahoo.com

15 January 2014

Kirby Rootes-Murdy
Atlantic States Marine Fisheries Commission
1050 North Highland St., Suite 200 A-N
Arlington, Va. 22201

Mr. Rootes-Murdy:

I wish to comment on Draft Addendum XXV to the summer flounder, scup and black sea bass fishery management plan.

Let me state unequivocally and for the record that I oppose any regionalization of the Fluke quota. The typical recreational fisherman is seeking only to catch a few fish for sport and dinner. It is my opinion that allowing the commercial fishermen to take Fluke smaller than the size limit for recreational fishermen is unfair to the recreational sector and unreasonably depletes the stocks. The recreational sector contributes more to the economy through tackle sales, boat sales, fuel and related purchase than the commercial sector yet we have the smaller quota and larger size limits. To make this worse through regionalization would further disenfranchise recreational fishermen.

Regarding summer flounder in section 3.1 I support option 1: Status Quo: Coastwide or Conservation Equivalency. I believe that the state-by-state measures under the conservation equivalency are the fairest way to divide the quota. While quotas are, in fact, based on harvest estimates for a single year (1998), there was sound reasoning for this. When the Management Board first considered how to equitably allocate the quota, and, thus, the conservation burden among its member states, it spent considerable time in analyzing various time periods. After much discussion it was agreed by the states that the single year of 1998 was the most representative and fairest.

Additionally, state-by-state measures allow my home state to be flexible in setting regulations. My state is often divided between back bays and southern New Jersey fishermen preferring an earlier shorter season with a smaller size limit and central and northern New Jersey fishermen preferring a later and longer season with a

higher size limit. State-by-state measures allow the public to have input and the New Jersey Marine Fisheries Council considers all of this before voting on the compromise they feel meets the needs of the majority of our fishermen. We would lose this flexibility under any regional plan.

I also support Option 2: Utilization of Additional RHL. This option would allow New Jersey and other states facing a reduction to not to have as severe a cut. This worked out well last year in that it allowed New Jersey to extend its season and allowed New York to lower their size limit. Though New Jersey was granted an extra 88,000 fish which should have been more than ample to extend our season by 11 days, the New Jersey Marine Fisheries Council chose to only extend the season by 8 days. That was because the Council justifiably does not trust the numbers generated by the Marine Recreational Fisheries Statistical Survey (MRFSS) or Marine Recreational Information Program (MRIP). The Council's concerns were confirmed again in 2013 by the distorted MRIP numbers that were changed several times.

I am strongly opposed to any mandatory regionalization plan as described in option 3. The existing FMP allows for states to voluntarily combine their quotas with neighboring states, i.e., regionalize, yet none have done so. While we sympathize with the tougher regulations that our fellow fishermen in New York have, **we are concerned that regionalization may result in some of New Jersey's target quota being reallocated to New York.** Most likely, any regionalized plan would result in New York's regulations being liberalized at the expense of New Jersey's regulations being made more stringent. Further, under the adaptive regional approach outlined in option 3, if a region was to over fish, that region would be penalized the following year. If we opted to go back to conservation equivalency the following year "the technical committee will use the harvest from 2014 to predict the harvest in 2015 and compare that to the 2015 state harvest target (derived from the state's 1998 based portion of the 2015 RHL). If a state's predicted harvest is higher than the target, the state must adjust their regulations to constrain harvest to the 2015 target." It is almost a certainty that with relaxed regulations, New York would harvest far more fish in 2014 than in 2013. Then New York would be forced to make draconian cuts in 2015.

Addendum XXV suggests that under a regional approach New Jersey might have an 18" size limit with a 4 fish bag limit and a season from May 1st - September 30th. **However, that is based on the current MRIP numbers that might change yet again. We also believe that these potential regulations would cause New York to significantly overfish their target quota which would negatively impact the entire region the following year.** Consider the fact that in 2013, New York overfished its quota with a 19" size limit. For a regionalized plan to work, any region with New York in it would have to receive a substantially higher quota than

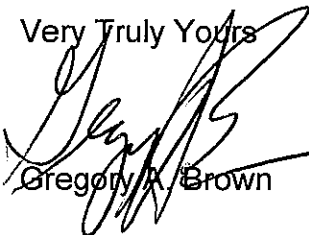
the sum of what each state would receive under state-by-state measures. Again, any regionalization plan should be voluntary and it should be mutually beneficial to all the states within a particular region.

I also question why you would consider making a small state like Massachusetts its own region. They should be in a region with other states. If any state should be its own region, it should be New Jersey because we account for the most fluke. There are also vast differences in the times and sizes of fluke that are available in different parts of our state.

NJ has the most fluke and the most fluke fishermen. A higher percentage of our fishing trips target fluke than any other state. Still we are forced to have a shorter season than almost all the other states. In many of the more recent years our traditional early spring and late fall fishing has been taken away from us while other states are open year round. That is patently unfair and deprives New Jersey recreational fishermen of some of the best fishing days are in the fall and spring.

Finally, I would like to suggest a change to the way bag limits are set. Since mortality of short fish can be high due to hooks being swallowed, mishandling etc., I suggest that we set a total bag limit as the total length of fish caught combined with a numerical limit. For example; suppose that the current limit for a fish is 18" and four fish. That totals 72" of fish. We could a set a total limit of five fish with a total length of 72" or less or a total of four fish with any combined length. Require fishermen to use a minimum size hook to exclude small fish and to keep all fish caught. Once you reach five fish totaling 72" or less or four fish totaling greater than 72" you stop fishing. This would reduce mortality and keep total landings in check. This method of setting bag limits could be applied to the entire east coast by your agency.

Very Truly Yours



Gregory A. Brown

CC: New Jersey Marine Fisheries Council
NJOA

Kirby Rootes-Murdy

17 January 2014

Atlantic States Marine Fisheries Commission

1050 North Highland Street Suite 200A-N

Arlington, Virginia

I am a recreational Summer flounder fishermen in the state of Virginia and I would like to thank the ASMFC for the opportunity to submit comments to the Draft Addendum XXV Summer Flounder and Sea Bass Management Plan. Below are the comments that I would like to submit.

1. Regional Management has been available for many years; why has no one wanted to change from conservation equivalency to regional management until now? What is the overall benefit, other than provisions for several northern states to catch more fish.
2. In option 3 Adaptive Regional Management; why would the technical committee want to place themselves in the role of establishing regulations for regions now? In the past they just validated what each state submitted to meet their quotas.
3. Why is it that conservation equivalency is not used in the Regional Management options?
4. The addendum gives the appearance that politics are having a larger influence on the decision making process than scientific data is. On page 4 of the addendum it states "any attempt to allocate harvest opportunities on the basis of recreational harvest for a given year is fraught with uncertainty and error" and that is exactly what an adaptive regions is. However, is this not a contradiction?
5. Under regional management options, it appears that a target of 97.7% of the RHL is the goal, however in the state by state conservation equivalency system that high of a percentage was never aimed for.
6. Under the regional management options it is established that some of the northern states will have an opportunity to increase their recreation flounder harvest, however southern states are expected to remain static to their 2013 catch. Does it not appear that the southern states are favored in this scenario?
7. It appears that the technical committee is putting a lot of faith in the Recreational Management option that resulted in landings in 2014 which is similar to the ones in 2013, and it appears there is not consideration for the historical data that points to the fact that one or more states usually exceeds its quota.
8. Under the regional management plan if the total coast wide quota is exceeded, the region that had the overages would have to pay it back in 2015. The regional plan does not provide an option for the states in that region to utilize their 1998 allocation combined together for pay packs that are required.

9. Under the regional management plan it appears that the technical committee expects every state to repeat their 2013 harvest except New York and New Jersey, which in my opinion is not in line with historical data that is contrary.

10. Under the regional management plan; if a region exceeded their quota in 2014 and ASMF decides to use the regional plan again in 2015, the region that went over would have their 2015 allocation adjusted for the overage, but without the benefit of using their combined 1998 allocation

11. It seems that the regional management plan favors the states of New York and New Jersey over other states.

12. In the regional management plan it would prohibit any region from lowering their size limit or increasing their bag limit.

In my opinion, the only way the regional management plan option will work fairly for all states (particularly Virginia) is to try this approach for 1 year allowing for the utilization of the original 1998 state allocations for those states in the region that have overages.

Based on the above comments to the draft addendum 25, I think the best choice for Virginia is Option 1 which is state by state conservation equivalency and option 2 for the summer flounder.

I personally support option 2 for Sea Bass Ad-Hoc Regional measures, and option 2 as well for the time frame measure for Sea Bass.

James D. Agee

702 Lake Dale Way

Yorktown, Va 23693

January 16, 2014

Via email to: krootes-murdy@asmfc.org

Kirby Rootes-Murdy
Atlantic States Marine Fisheries Commission
1050 North Highland Street, Suite 200A-N
Arlington, VA 22201

Re: Summer Flounder Management Board

Dear Kirby,

My name is Peter O'Biso and I am a recreational angler living in South Kingstown, RI. I first want to thank you for coming to RI and presiding at the public hearing held at the University of Rhode Island Bay Campus on January 15, 2013.

I would like to present for the record, the following comments:

I support option 1, status quo, conservation equivalency managed by each state.

RI and other states have been conservative in their approach and fishing to conservation equivalency. This has resulted in harvest levels well within Rhode Island's harvest limit, proving that the current management structure of State by State conservation equivalency works well.

I also support, but with reservations, option 2 as this would allow states facing a reduction not to have as severe a cut in allocation. To my understanding summer flounder do not migrate up and down the coast as much as other species such as striped bass. They migrate in shore and offshore, so much of a state's biomass of summer flounder is more their's than another state's. Therefore, any additional usage of "borrowed quota" will only be temporary relief and will ultimately be hurting the biomass of the involved state, and will eventually increase the damage of over fishing by that state. The only solution to stop over fishing and subsequent damage to the local fluke population would to have the individual state police it's own ranks and adjust seasons and size limits responsibly.

I am opposed to any mandatory regionalization as outlined in option 3. The existing Management Plan allows states to voluntarily combine their quotas with neighboring states, yet none have done so. If regionalization as outlined in option #3 was selected, other states like New York, would have relaxed regulations, they would harvest far more fish in 2014 than in 2013, very likely overfishing their quota again. Then NY would be forced to make very large cuts in 2015, which is not good for NY or any other state. Also, the combining of quotas will only increase the damage to a state's own biomass, because of the Fluke migration patterns, as stated in the previous paragraph.

Respectfully submitted,

Peter O'Biso
273 Balsam Road
South Kingstown, RI. 02879

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

January 9, 2014

Reference: Public Comment on Draft Addendum XXV to the Summer Flounder, Scup, Black Sea Bass Fishery Management Plan

Dear Sir or Madam:

Thank you for providing me this opportunity to provide comment on the referenced Addendum. I will specifically address the options being presented with regard to the Summer Flounder FMP in an effort to encourage you to adopt Option 1: Status Quo.

I am an avid coastal saltwater fisherman in the State of Rhode Island and have strong concerns with two (2) of the options being considered by the ASMFC Management Board. Those options are described as Option 2: Utilization of Additional RHL and Option 3: Adaptive Regional Management.

With regard to both option 2 and 3, each can be described as a mathematical manipulation designed to give temporary relief to a few states (mostly NY) while ignoring the basic requirement for a long term durable solution that are best for all states rather than best for a single state. Imbedded in each of these two options is a method to allow the State of NY to continue to ignore their responsibility to effectively manage their Summer Flounder fishery. In both Option 2 and 3, the mathematical sharing of numbers of fish to give NY relief from restricting their catch rate, ignores the fact that Summer Flounder do not migrate between states in any significant numbers. It is well known that these fish migrate between the continental shelf and coastal bays, so any relief given to NY will result in a continued depletion of the fisheries in their geographic area. This result cannot be remotely close to the ASMFC commitment to find long term, durable solutions that are best for the Atlantic Coast fishery.

I encourage you to adopt Option 1: Status Quo and use additional time to create a long term, durable solution that addresses the chronic overfishing of a few geographic areas. Given additional time, better understanding of the Summer Flounder fishery can be developed, its distribution among the states and how to address the intense fishing pressure of states like NY simply due to the population density in that area. Neither option 2 or 3 will resolve NY excessive demand for the Summer Flounder, these two options as proposed, are temporary at best and will only exacerbate NY state circumstances as their fishery is depleted in their state.

Sincerely,
Richard Ferris, 10 Gounod Road, Westerly, RI 02891

January 13, 2014

Robert A. Schrader

106 River Ave.

Point Pleasant, NJ 08742

Atlantic States Marine Fisheries Commission

Dear Commissioners,

I would like to try to address, at this time, a matter that has been a major bone of contention between fisheries experts and the recreational fishing community concerning statistics on the 2013 participation numbers.

I own and operate a small boat hauling company in northern Ocean County and have for the past twenty-three years. My business is rather unique to this area. People, who do not want to be bothered with trailering their own boats prefer to have me haul them out in the fall, block them up in their yard and launch them again in the spring. Without giving out all my personal information I would like to say that my customer base is in the "Hundreds."

In August of 2013, having witnessed a forty percent drop off in business I took a ride from Bay Head to Sea Side Heights to try to calculate how many customers I lost in just that area. I counted forty-two that either did not have their house or their boat any longer and did not therefore need my services. Now keep in mind that there are quite a few others who have similar type businesses.

If my information were extrapolated out a bit from say Atlantic Highlands to Atlantic City, common sense would indicate (not that that would come into play here) that the amount of participants in the fluke fishery as well as the sea bass fishery was down considerably. I'm quite certain that anyone involved in recreational fishing, from head boats, charter boats, tackle shops, fuel docks and boat hauling companies will confirm the accuracy of my statement. My hope here is that you don't consider my comments merely, "Anecdotal."

Another point I would like to make is about how many participants actually catch their limit. In the fall of every year when I meet people at the boat ramp to haul them out of the water for the winter, I "ALWAYS" ask them how they did for the year. Judging from their responses I find it very difficult to find any truth in the number of fluke that you say were caught in 2013, (1,065,998) especially since I have not met anyone yet who has been surveyed. Nobody ever says they caught their limit each time out, very few say they were successful most of the time and most say, "I very seldom, if ever caught the limit." Quite a few of my customers have said they wanted to sell their boats because it wasn't fun anymore having to throw most of what you catch back overboard and their kids don't want to go fishing any more for the same reason. (Why have a boat if you can't fish with your children?)

In closing I would like to give you some food for thought as you go through this process of determining how many fish the general public can catch and how it relates to "Overfishing." During the late fifties and early sixties, when I was growing up on the Manasquan River, it was near impossible to fish for fluke in the river because you couldn't get your bait down to the bottom because of the millions of blow fish that would get to the bait first. You could literally use a crab net to scoop up all you wanted when a school went by. (They taste like? CHICKEN!) The blowfish then disappeared for about forty years and it was NOT from overfishing because there was no market for them, therefore commercial fishermen did not pursue them. Now in the last few years the blowfish is being caught again from the Mantoloking Bridge and south. Is it then possible that fluctuations in biomass are not connected to human activity alone but greatly influenced by natural cycles?

Sincerely,

Robert A. Schrader

106 River Ave

Point Pleasant, NJ 08742-2139

(732) 330-7041

My name is Roger Tellier and I am a recreational angler. I support option 1, status quo, conservation equivalency managed by each state

- RI and other states have been conservative in their approach and fishing to conservation equivalency. This has resulted in harvest levels well within Rhode Island's harvest limit, proving that the current management structure of State by State conservation equivalency works well.
- Recreational catch and effort data estimates serve as the basis for management recommendations and the data we have now is not precise at best. We are in the midst of a data transition from MRFSS to MRIP this year so it makes no sense to change management approaches before this data is available.
- State by state measures allow Rhode Island to listen to and try to address the needs of various recreational fishermen. We have diverse needs, some users such as charter and party boats want a higher bag limit for full (and half day) fishing trips and yet other recreational anglers would be happy with a smaller bag limit with a smaller minimum size. The state by state conservation equivalency approach allows angler input into this process we would lose this flexibility under a regional plan such as the ones related in option 3.
- While quotas are based on harvest estimates for a single year, 1998, the Management Board spent considerable time analyzing various time periods and found this to be the most equitable period. The states agreed 1998 was the most representative and fairest, if this is now not the case, we should not make an arbitrary change but rather an informed change based on (MRIP) catch and effort data..
- I am opposed to any mandatory regionalization as outlined in option 3. The existing Management Plan allows states to voluntarily combine their quotas with neighboring states, yet none have done so. Although I sympathize with tougher regulations that fellow fishermen may have to endure, regionalization as recommended in option 3 would result in RI's quota being reallocated to other states that are being liberalized at the expense of RI where regulations would get more restrictive.
- If regionalization outlined in option 3 was selected, other states like New York, would have relaxed regulations, they would harvest far more fish in 2014 than in 2013, likely overfishing their quota. NY would be forced to make very large cuts in 2015 which is not good for NY or any other state.
- To my understanding summer flounder do not migrate up and down the coast as much as other species such as striped bass. They migrate in shore and offshore, so

much of a state's biomass of summer flounder is more there's than another states. So if a state overfishs and there are no summer flounder around who is to blame? Should we allow states to overfish to the point that it damages the biomass of summer flounder permanently? What impact would this have on neighboring states? Which one of these options is sticking up for the summer flounder? Not option 3!

- Adopting a regional plan such as the ones outlined in Option 3 with no scientific basis is not good management. Option 3 is short term in nature and is not in tune with the long-term sustainable solution that is in the best interests for all states.

From: [Linda Buonantuono](#)
To: [Kirby Rootes-Murdy](#)
Subject: Draft addendum xxv option 2
Date: Friday, January 24, 2014 11:54:40 AM

Sent from my iPad

From: dfgalante@aol.com
To: [Kirby Rootes-Murdy](mailto:Kirby_Rootes-Murdy)
Subject: Proposed Summer Flounder and Sea Bass regulations
Date: Friday, January 24, 2014 11:22:32 AM

To krootes-murdy@asmfc.org:

I recently sent you a comment endorsing regionalization of the (New Jersey) fluke quota. That comment was sent out of ignorance to the facts I have recently learned. I now would like to retract that endorsement as I have learned much valuable information since my initial comment. I now would like to reject the proposal of regionalization and support option # 2.

Thank you for your considerations,
Dennis Galante
1149 Cherokee Court
Toms River N.J. 08753

732-270-8912

From: [Mike](#)
To: [Kirby Rootes-Murdy](#)
Subject: Draft Adendum XXV to the Summer flounder Management Plan
Date: Thursday, January 23, 2014 10:10:36 PM

I am writing in support of Option 2 within the Draft Adendum XXV to the Summer Flounder, Scup, Black Sea Bass Fishery Management Plan.

Michael J Murphy
149 New Hillcrest Ave
Ewing NJ. 08638-3521

Sent from my iPhone

From: marlin@btrfishing.com
To: [Kirby Rootes-Murdy](#)
Subject: Summer Flounder and Sea Bass regional regs
Date: Thursday, January 23, 2014 2:09:37 PM

Kirby,

As a avid fisherman and owner of a Charter Boat in Cape May NJ, I am against the regional regulations. I beleive NJ does a great job with the state regs and should remain in control. As a state already hit hard by Hurricane Sandy a reduction in our allowable catch will be devastating to our local economy in many ways. Chart boats, marinas, tackle and bait shops and local eateries to name a few can not endure any more flounder and sea bass regulations.

As a operator of a fishing forum the voice of our members do not mind the 18" reg with 5 fish, as that is plenty of fish per person. An extension of the seasons would be great and helpful to everyone. With an increase season and reduction to 4 fish would be well received.

Good luck.

Thanks,

Capt. Scott

From: [Judith Vann](#)
To: [Kirby Rootes-Murdy](#)
Subject: 2014 CT Summer Flounder Recreational Harvest Plan Comments
Date: Wednesday, January 22, 2014 10:14:40 PM

Dear Mr. Rootes-Murdy:

I attended the public meeting on 1/14/2014 in E. Lyme, CT. I was highly disappointed in the 2014 ASMFC Draft Plan for Recreational Summer Flounder harvest in CT waters. It was clear early on that the 2013 estimate of 269,653 fish being used by ASMFC to establish new regulations for 2014 is grossly incorrect. This estimate was obtained from a new first time survey vendor used in CT for 2013 and was approximately 5 times the 2012 estimate compiled by CT DEEP of 62,000. The CT Marine Fisheries Director was also concerned with these numbers and cautiously suggested he would try to "correct" this problem at the February meeting. I really can not understand how a body of knowledgeable marine fishery managers would accept these obviously inflated numbers without great concern and then draft a plan to substantially restrict recreational summer flounder harvest based on them. This type of "science" is what leads fishermen like me to quickly lose support for Federal marine fishery management and object to any increased fishing restrictions based on questionable scientific estimates. CT Marine Fisheries Director indicated several other survey indicators that show CT Summer flounder numbers are healthy and harvest was believed consistent with past years. Again, the gross overestimate reportedly taken by CT recreational fishermen this year should have been professionally discounted as a sampling error and the "2014 Plan" should retain the same harvest restrictions as in 2013. All said, I really don't support any of the options due to the inaccurate sampling data used to draft them. If I had to accept one of these I would support 3b. regional management with an 18", 4 fish per day limit. Thank you.

Sincerely,
Chris Vann
16 Margery Drive, E. Hartford, CT 06118

From: [Patrick Lyons](#)
To: [Kirby Rootes-Murdy](#)
Subject: Support of option2
Date: Wednesday, January 22, 2014 5:51:58 PM

My name is Patrick Lyons and I support option2 1114 clarence ave box New York 10465
Sent from my iPad. I fish in new year jersey and New York

From: [Comments](#)
To: [Kirby Rootes-Murdy](#)
Subject: FW: Summer Flounder
Date: Wednesday, January 22, 2014 2:25:11 PM

From: JEMannone@aol.com [mailto:JEMannone@aol.com]
Sent: Thursday, January 09, 2014 9:54 AM
To: Comments
Subject: Summer Flounder

I read the recent proposal regarding the summer flounder regulations. I fish Long Island and have been for the last 72 years. We have been penalized regarding size and limits on this fish. New Jersey and Connecticut having different smaller size limit and larger quotas. The new proposal of Connecticut, New York and New Jersey having the same regulations makes more sense and is a fair way of regulating the fishery.

John Mannone
18 Alice Court
East Rockaway, NY

From: [Comments](#)
To: [Kirby Rootes-Murdy](#)
Subject: FW: Draft Addendum XXV
Date: Wednesday, January 22, 2014 2:24:58 PM

From: Ed Holtzhauser [mailto:fishinquest@comcast.net]
Sent: Thursday, January 09, 2014 1:22 PM
To: Comments
Subject: Draft Addendum XXV

I don't know how you came up with a 13" size limit on sea bass. The 12-1/2" size limit is way too big already. The 5 fish limit is way too few. How do you defend cutting the creel limit by 75%? Anybody fishing from a small boat is already out of the ballgame. I have a 19' Grady-White which is a good sea going boat. To get more than a few keeper 12-1/2" sea bass I have to go out at least 15 miles. Sooner or later somebody in a small boat, like mine, is going to go out there and not come back. Last year (June) I fished a good wreck that is 3 miles out. I fished hard all day and ended up with 2 barely 12-1/2" bass while throwing back at least 100 that were from 11" to 12-1/2". It going from very difficult to nearly impossible to get enough legal fish (of any kind) for a square meal.

The artificial reefs are full of commercial sea bass traps. I understand that the commercial limit was recently increased from 500lbs to 1000lbs per day. Their limit got doubled while our limit gets cut by 75%.

To return to my dock at Sea Isle going through Townsends Inlet I have to run a gauntlet of overzealous Avalon Police, Coast Guard, Marine Police and gun toting C.O.'s. Some of the things I forgot to mention are boat registration, trailer Registration, ramp fees, cost of bait, ice, gas for truck, gas and oil for boat and poorly operated jet skis.

How about giving the recreational people a break for a change?

Captain Ed Holtzhauser

From: whbogan@aol.com
To: [Kirby Rootes-Murdy](#)
Subject: Comments on DRAFT ADDENDUM XXV
Date: Wednesday, January 22, 2014 10:04:44 AM

Attn: Kirby Rootes-Murdy
Atlantic States Marine Fisheries Commission
1050 North Highland Street, Suite 200A-N
Arlington, VA 22201

Comments on DRAFT ADDENDUM XXV

As relates to the current Draft Addendum XXV to the Summer Flounder and Black Sea Bass fisheries, I support the continuation of regional management for Black Sea Bass and would support an effort to go to state by state management for the fishery.

I do not, however, support anything but state by state conservation equivalency for Summer Flounder. I agree that using a single base year (1998) is problematic and have suggested in the past, more than once, that a series of base years be used as has been done in other fisheries. There have even been proposals from the ASMFC that did that very thing. Unfortunately with the ineptness of the MRIP system and the MRFSS system before it we will never have a management system that accurately reflects what the fishery can sustain and the anglers want and the businesses need. Simply stated, the data sucks. I know it, you know it and NMFS knows it. Difference is we care, NMFS does not.

So, in light of that fact, the only equitable solution is to use a series of years from prior to the implementation of regulations throughout the coast. Once the fishery was artificially restricted through regulation there is no way to tell for sure what a "fair" distribution would be. Unless you could say with 100% assurance that a given states regulations were 100% accurately reflecting their fishery. Something that is not possible.

An average of landing from the years prior to the first conservation equivalency will improve the distribution amongst states by accurately reflecting what each state is capable of through angler participation and fish availability. If there is accurate information to show shifts in abundance/availability over more than just a single given year then some adjustments could be made as well. But, lets not go to an average of years for landings only to turn around and change those distributions based on any single year data.

If you would like to talk historic distribution then NJ was actually screwed the most when the year 1998 was chosen as the base year. Of the years of data to the time of choosing a base year there were only 2 where NJ could get less than about 40% of the landings. And oddly enough one of those two years was chosen (the other was marginally different, so each would have given NJ roughly the same percentage)

So we currently have a system, and have had one for more than a decade, that assigns the lowest possible percentage of quota for NJ it could statistically get based on the entire series of landings data from the inception of MRFSS through the base year, a time span almost as great as the amount of time the base year has been used!

Any option that gives NJ a smaller percentage of the fishery is unacceptable. We have already had our quota allotted for over a decade at a level on par with the worst year of landings on record for the state, when there is no other year or combination of years that could have given NJ a lower level of landings.

NJ has been fishing on the SMALLEST percentage of the recreational Summer Flounder quota statistically possible based on the base years available and the type of management used from the time of its inception to the present.

As was recommended publicly by United Boatmen in the past, an average of landings from multiple years prior to the implementation of conservation equivalency should be used.

Howard Bogan
125' Jamaica
Bogan's Deep Sea Fishing Center
Brielle, NJ

From: [Mike Grecco](#)
To: [Kirby Rootes-Murdy](#)
Cc: njfishing@aol.com
Subject: FISHING REGULATIONS
Date: Tuesday, January 21, 2014 12:01:29 PM

Dear Sir... I have been a charter fishing boat captain for over 45 years sailing from the Atlantic Highlands area. I have seen the ups and downs of various fishing stock over the years. Regulations have help with a massive rebound of many species with fluke, striped bass and sea bass in particular (although for some reason the sea bass are heavily restricted). The New Jersey waters have more fluke now than they did back in the 50's. Why New Jersey is the mecca for fluke to reside is beyond me. I do know they follow the squid and bait. So New Jersey must be bless with a massive bait population to draw so many fluke.

Please do not lump New Jersey in with the population of other states. The fish that are in New Jersey according to availabe reseach, migrate north as the grow.

Fluke respond to water temperature and bait population. Other states may have adverse conditions that cause fluke to migrate out of their area or avoid entering their waters. Reducing the catch in New Jersey , will not help southern states. In fact it may not help northern states if water and bait conditions are not conducive to the needs of the fluke population. We see many more big fluke here than ever. It seems they now come to N.J. waters and few migrate north. Regional restrictions will not , in my opinion, help northern states much less the southern states.

Each state should have its own regulations to conform to the population at hand. Please allow New Jersey to continue to successfully regulate our own fluke population.

Thank you for you attention to this very important matter.

Cordially
Capt.Mike Grecco
Westwind Charter Fishing
3 Auditorium Drive
Atlantic Highlands , N.J. 07716
732-291-1632

From: jmpall@aol.com
To: [Kirby Rootes-Murdy](#)
Subject: Draft Addendum XXV
Date: Sunday, January 19, 2014 8:44:03 AM

I am in favor of OPTION # 3 , Capt. Jim Palladino , Capt. Jim III Freeport, New York

From: [matthew spano](#)
To: [Kirby Rootes-Murdy](#)
Subject: 2014 Fluke Limit
Date: Sunday, January 19, 2014 8:04:36 AM

Option 3: 5 fish @17.5" for 94 days

From: [JULIE STEIN](#)
To: [Kirby Rootes-Murdy](#)
Subject: Fuke and Seabass Regulations
Date: Saturday, January 18, 2014 10:52:54 AM

Please maintain status quo for 2014 regarding New Jersey size and bag limits on fluke and sea bass. I am against any regional grouping of states. Keep NJ regulations separate from New York. These fisheries are rebuilt and no reductions are needed.

Rick Scott
176 Susan Dr
Jackson, N.J. 08527
gizelle@optonline.net

From: [Paul Risi](#)
To: [Kirby Rootes-Murdy](#)
Cc: [Paul Risi](#)
Subject: Public Comment, Addendum XXV, Summer Flounder, Scup, Black Sea Bass FMP
Date: Friday, January 17, 2014 5:26:27 PM

Approval of Addendum XXV is a necessary step to allow the management of summer flounder to become compliant with fisheries management requirements. The consistent use of state allocations to harvest recreational summer flounder is in contravention to several National Standards of the Magnuson-Stevens Act. With Addendum XXV in place, ASMFC can move into regional management of summer flounder, bringing it into a management process similar to most every other regulated species. I encourage all Commissioners to vote favorably on this addendum, and to choose adaptive regional management of some design, or coastwide management. If a commissioner, or state, chooses conservation equivalency, I would ask that they qualify this choice with an explanation. It has become very clear that the management of summer flounder has very little to do with the good stewardship of the resource and equity to user groups, and is nothing more than political maneuvering by several states to retain outdated allocations that are very favorable to them, at the expense of other states. Some states feel that any change from the current system would result in possible overages for a season. Whether this is a realistic fear or not, it is certainly not a reason to continue using an improper management system. The reluctance to fix new issues is no reason to retain old ones.

National Standard Two declares that “management measures shall be based upon the best scientific information available.” It is often claimed that our current MRFSS/MRIP system is the best available, because it is the only available method. It has been stated on several occasions, by several entities, that this data is much more accurate on larger scales. I propose that there are, in fact, more than one set of scientific information available. There is the set we have seen for so long during our use of conservation equivalency in managing summer flounder, as we know. There also is better science available. This science is obtained simply by increasing the scale of the area managed, specifically, moving from a state-by-state system, into regional, or even more accurate, to coastwide management. It is my opinion that choosing individual state allocations to manage summer flounder is a certain move into the use of lower quality science. In the interest of keeping favorable regulations, managers have ignored this important tool in our management process.

National Standard Three states that “to the extent practicable, an individual stock of fish shall be managed as a unit throughout its range...” interrelated

stocks of fish shall be managed as a unit or in close coordination. It is obvious this concept is ignored each year when conservation equivalency is used. Individual summer flounders are targeted by fishermen from different states, often fishing amongst each other, but with significantly different size and seasonal regulations. The outrageous concept that an individual fish can be landed by an angler, and either be retained or discarded dependent upon where that angler is going home to, is lost once again to the interest of individual states disregarding good management practices in an effort to retain favorable regulations.

National Standard Four states that “conservation and management measures shall not discriminate between residents of different States.” The use of state allocations and calling it conservation equivalency, does not make the regulations of different states equivalent. Specifically, one state is opposed to entering a regional plan that includes New York, because if that becomes the case, less New York residents will continue to drive several hours to fish in that state. This is clear evidence of an inequity, that a significant number of fishermen would drive three or four hours to not fish in their own state. In fact, it is not unusual for New York fluke fishermen to travel to New Jersey, Massachusetts, or Rhode Island, on a regular or exclusive basis, to fish.

National Standard Six states “conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches.” It is evident that some states have remarkably less summer flounder available to their recreational anglers since 1998, and some states have significantly more. What is clear, is that the fishery is definitely not even similar to what it was sixteen, or even ten years ago. However, we still adhere to the same state allocations based on 1998, and managers still choose to manage this fishery on the inefficient state level. This shift of population is the reason. Some states take advantage of this by continuing to elect state allocation management for the fishery.

The FMP establishes a biomass to be maintained for the coast, not each state, even though each state is given a set quota to harvest. It stands to reason that if a state realizes a great increase in its available population as time progresses, but is constrained to harvest based upon what the population was sixteen years ago, several things will happen. The first evident issue is that the state will have to harvest a significantly smaller percentage of the fish available to it, which means regulations become stricter each year as the population increases. The less evident issue is that the excess of fish in this state's waters which are not being harvested, form a type of "fish bank," or cushion, that other states can benefit from. These extra fish constitute a significant portion of the biomass that is required to be maintained by the FMP. As long as this state is not harvesting at the same rate as other states, it

will leave many more fish in the local biomass, which allows other states to remove more fish from the biomass in their area. It is my opinion that some states are pushing state allocation management of summer flounder not as a viable management tool, but as a political method of attaining better availability of the resource for their fishermen, in full realization that it is being done at the expense of New York anglers, and the best interest of the resource.

With a higher percentage of the population being in a certain state, there is obviously less in at least some other states. These other states, however, are still encouraged to harvest fish at a rate relative to when their local population was larger. This means they are removing fish at a higher rate, facilitated directly by the excess of fish left unharvested by the other state. To subject a fishery to varying F rates, not only throughout the range, but increasing and decreasing indiscriminately due to outdated state allocations and shifting biomass is very poor management. Southern states are not seeing the availability of the fish that they had ten years ago. In ignorance to this observation, the continued use of state allocations is increasing the F rate on the depleted population in the southern range. This is not only poor management, it borders on negligence to consciously encourage higher mortality of a species where it is becoming scarcer. But, once again, the good stewardship of the resource is completely neglected so some states can bring better opportunities to their fishermen.

In conclusion, I submit that if adaptive regional management is not pursued in this fishery, this year, then the only alternative that the Commissioners have available, as responsible stewards of the fishery, would be coastwide management. Of course I am writing under the assumption that the ASMFC is a managing body that has the best interest of the fisheries and users at the forefront of its decisions. In the case that this Commission is simply a platform where states come to extract the most favorable regulations for their fishermen as a primary and solitary function, I humbly apologize for wasting my and your time by sharing these thoughts. If I am correct in my view of the agency, I request that Commissioners produce beneficent support for state allocation management to controvert the possessive ones mentioned herein. I welcome the opportunity to learn how the status quo may be the better management process for the fishery and the recreational fishermen.

Respectfully,

Paul Risi
NYDEC MRAC

Summer Flounder Advisory Panel, ASMFC

From: [Chris](#)
To: [Kirby Rootes-Murdy](#)
Subject: Comment in SUPPORT of Addendum XXV, Option 3 for Adaptive Regional Management
Date: Thursday, January 16, 2014 6:46:20 PM

To whom it may concern,

Thank you for the opportunity to comment on the proposed Addendum XXV. I am writing in support of Option 3 - Adaptive Regional Management.

I am a recreational marine angler living on Long Island, New York. I trailer my boat, and travel through and fish for summer flounder (fluke) in and adjacent to NJ state waters in the New York Bight, CT state waters in the Long Island Sound, and RI state waters in Block Island Sound. Disparate state regulations have created much tension in these "border areas" as NY has consistently suffered under some of the most restrictive fluke regulations on the East coast, while all of our neighboring state anglers enjoy relatively liberal regulations, literally, just a boat length away from us. The system is broken, and NY has suffered unfairly and unjustly for the past 15 years. Option 3, Adaptive Regional Management is a good step in the direction of fixing this inequity in the individual state-by-state regulations.

I believe that a region which incorporates NY with NJ, CT, and RI would incorporate most of the situations that anglers from all of these states would be fishing along side of one another. There are significant interactions between NY/NJ anglers throughout the NY bight; NY/CT anglers down the entire length of the Long Island Sound; and NY/RI anglers in Block Island Sound fishing from Montauk and around Block and Fisher's Islands. A region including these four states would also reflect the "epicenter" of where the fluke population is found. This region would provide the most equitable and "fairest" distribution of the fluke quota.

Thank you for your time and consideration in this matter.

Chris Spies
1794 Lincoln Ave.
Holbrook, NY 11741

From: [Patrick Gillen](#)
To: [Kirby Rootes-Murdy](#)
Subject: Draft Addendum XXV - Summer Flounder
Date: Wednesday, January 15, 2014 9:47:30 PM
Importance: High

Hello,

We own a party/charter vessel located in New York, I would like to take this opportunity to comment on Draft Addendum XXV for Summer Flounder. We are in favor of Option 3a: Region 1 where the recreational harvest limit would be divided into four regions: 1)Massachusetts 2)Rhode Island-New Jersey 3)Delaware-Virginia and 4)North Carolina.

Sincerely,
Patrick Gillen
F/V Capt Gillen
(631)586-5511

From: [John Sousa](#)
To: [Kirby Rootes-Murdy](#)
Date: Wednesday, January 15, 2014 9:34:47 PM

Recreational angler fluke positions

Hello: Your presence at the ASMFC public hearing is appreciated. What counts though is to get you into the record by briefly speaking. Below are several statements. Select ANY ONE to use in your statement; even if someone else has used the one you select, it is OK to say it a second time (or make up your own).

My name is **John C Sousa**_____ and I am a recreational angler. I support option 1, status quo, conservation equivalency managed by each state in conjunction with option 2 because ...

(use sample from below such as) RI and other states have been conservative in their approach fishing to conservation equivalency. This has resulted in harvest levels well within Rhode Island's harvest limit, proving that the current management structure of State by State conservation equivalency works well.

Select one reason or make up your own

-

RI and other states have been conservative in their approach and fishing to conservation equivalency. This has resulted in harvest levels well within Rhode Island's harvest limit, proving that the current management structure of State by State conservation equivalency works well.

-

Recreational catch and effort data estimates serve as the basis for management recommendations and the data we have now is imprecise at best. We are in the midst of a data transition from MRFSS to MRIP this year so it makes no sense to change management approaches before this data is available.

-

State by state measures allow Rhode Island to listen to and try to address the needs of various recreational fishermen. We have diverse needs, some users such as charter and party boats want a higher bag limit for full (and half day) fishing trips and yet other recreational anglers would be happy with a smaller bag limit with a smaller minimum size. The state by state conservation equivalency approach allows angler input into this process we would lose this flexibility under a regional plan such as the ones related in option 3.

•

While quotas are based on harvest estimates for a single year, 1998, the Management Board spent considerable time analyzing various time periods and found this to be the most equitable period. The states agreed 1998 was the most representative and fairest, if this is now not the case, we should not make an arbitrary change but rather an informed change based on (MRIP) catch and effort data. John c Sousa

• I also support option 2 as this would allow states facing a reduction not to have as severe a cut.

This seemed to work well last year as it allows New York to lower their minimum size and New

Jersey to extend their season.

• I am opposed to any mandatory regionalization as outlined in option 3. The existing

Management Plan allows states to voluntarily combine their quotas with neighboring states, yet

none have done so. Although I sympathize with tougher regulations that fellow fishermen may

have to endure, regionalization - as recommended in option 3 - would result in RI's quota being

reallocated to other states that are being liberalized at the expense of RI where regulations

would get more restrictive.

• If regionalization outlined in #3 was selected, other states like New York, would have relaxed

regulations, they would harvest far more fish in 2014 than in 2013, likely overfishing their quota.

NY would be forced to make very large cuts in 2015 which is not good for NY or any other state.

• To my understanding summer flounder do not migrate up and down the coast as much as other

species such as striped bass. They migrate in shore and offshore, so much of a state's biomass

of summer flounder is more there's than another states. So if a state overfishes and there are no

summer flounder around who is to blame? Should we allow states to overfish to the point that

it damages the biomass of summer flounder permanently? What impact would this have on

neighboring states? Which one of these options is sticking up for the summer flounder? Not

option 3!

- Adopting a regional plan such as the ones outlined in Option 3 with no scientific basis is not

good management. Option 3 is short term in nature and is not in tune with the long-term

sustainable solution that is in the best interests for all states.

From: [arthur james](#)
To: [Kirby Rootes-Murdy](#)
Subject: summer flounder
Date: Wednesday, January 15, 2014 8:03:44 PM

As a point of reference only, I have fished the south shore bays of Long Island from Long Beach to Bay Shore since the 1970s. Once the size limits of summer flounder (fluke) exceeded 18", regardless of bag limit and season, I generally stopped buying bait or fishing tackle for fluke and instead went after other species. Catching 19" fluke in the back bays simply became a large waste of time as most were shorts which were returned to the water with unknown mortality rates. I myself have always thought slot limits (perhaps 17" to 22") and a smaller bag limit (perhaps three or even two) would conserve the resource and still provide some hope for anglers not able to afford ocean going pleasure boats or regular party boat trips. But all of this pales in comparison to the totally asinine regulations that have New York fishermen at such a disadvantage to New Jersey and CT fishermen in terms of coming home with a fish dinner for the family. Last I heard, certain size fluke did not stop crossing an imaginary line near Sandy Hook, NJ or mid Long Island Sound to avoid being a legal catch outside of NY waters. I still don't understand why in the Carolinas one can catch and keep fluke that have yet to spawn. Anyway, my own preference for NJ to CT including NY regs would be two or three at 17" I just don't see why people have to keep four fish apiece. This bag limit allows a guy to bring his wife and two young daughters aboard, all on the NY registry, stow three or four rods and catch and keep 16 fish, even if he is the only one fishing. Granted, this would be a fabulous catch but remains legal at present. Why ?
Art James

From: [David Fewster](#)
To: [Kirby Rootes-Murdy](#)
Cc: [Stephen J. Medeiros](#)
Subject: fluke change
Date: Wednesday, January 15, 2014 5:01:44 PM

My name is David Fewster and I am a recreational angler at times. I support option 1, status quo, conservation equivalency managed by each state in conjunction with option 2 because RI and other states have been conservative in their approach fishing to conservation equivalency. This has resulted in harvest levels well within Rhode Island's harvest limit, proving that the current management structure of State by State conservation equivalency works well. We have proven we can be conservative and fish responsibly. Managing our quota differently is simply a bad decision. Joining with A State like N.Y is a huge mistake, the fish will surely loose from a change like this. Again I ask for Option 1 status quo.

Thank you for your time David Fewster

•

From: [Luca Razza](#)
To: [Kirby Rootes-Murdy](#)
Subject: Proposed Fluke Reg Changes 2014
Date: Wednesday, January 15, 2014 4:28:27 PM

To whom it may concern:

*My name is Luca Razza and I am a recreational angler. **I support option 1**, status quo, conservation equivalency managed by each state in conjunction with option 2. I support this option because the recreational catch and effort data estimates that serve as the basis for management guidance are not complete. We are in the midst of a data transition from MRFSS to MRIP this year so it makes more sense to change regulations until this data becomes available . Once that is complete a full review is necessary to see if any changes are beneficial to ALL states.*

Thankyou,

Luca

Luca J. Razza
RI resident
Recreational Fisherman (affiliatd with RISAA)



From: [jeff](#)
To: [Kirby Rootes-Murdy](#)
Subject: Rhode Island Fluke Regs
Date: Wednesday, January 15, 2014 9:35:27 AM

To Whom it may concern;

I am a Rhode Island recreational fisherman. I primarily fish for ground fish in RI waters and fluke is one of the main species that I routinely target each spring and summer. I never get out enough to fish, but when I do, I appreciate the length of the current season in RI as it gives me numerous opportunities to fish. I have yet to keep my catch limit, and only take what my family and I will be able to consume. In this way, I consider myself a responsible fisherman conscientious about preserving the stock for future years.

I would hate to see the current management approach for RI change. I feel that here, in RI, we have managed our Fluke stock pretty well, and underfished our quota in recent years. I support allowing RI to continue to manage its own Fluke stock and fully support the Rhode Island Saltwater Anglers Association position on the management of this fishery.

Therefore I am in favor of **Option #1** (keeping the status quo). I am strongly opposed to **Option #3** (regionalizing quotas). As I think that this unfairly lumps RI in with other states that have not been as successful in their management programs for their recreational Fluke stocks.

Thank you for your time,

Dr. Jeffrey C. Smith
Chiropractic Physician
Sport and Spine Center

7293 Post Road
North Kingstown, RI 02852
401 295-8606

www.oceanstatesportandspine.com

jcschiro@hotmail.com

From: [DaveG.](#)
To: [Kirby Rootes-Murdy](#)
Subject: RI Fluke management
Date: Tuesday, January 14, 2014 8:26:31 PM

Dear Sirs and Madame's (if appropriate),

My name is David Gordon and I live Rhode Island, all ways have. I fish quite a bit when I can steal away from the chores that my wife thinks are more important than fishing. I am a recreational fisherman who hasn't taken more than 10-12 flounder home a year for quite some time. My wife and I prefer fresh fish to freezing. We here in Rhode Island don't like to waste or exploit our resources. Please, please let us continue to manage our own fisheries and stock. Sometimes we make some small errors in management but we get to correct it the following year, such as changing size limits and bag limits. We have done very well with taking care of our resources. We are a small state with a small slice of the big Ocean pie.

Please let our state remain as option 1 or at the worst, option 2. It is not fair at all to say that if we don't catch enough fish then neighboring states should be able to catch more. That would just make people want to go out and catch more than they normally should or would, just to make sure they caught their share! Why do recreational fishermen need to feel that they have to fill their freezers every time they go out? If we are forced to share our resource with other states then it will lead to more of that.

Thanks for listening, David Gordon

From: [Stephen Babigian](#)
To: [Kirby Rootes-Murdy](#)
Subject: summer Flounder
Date: Tuesday, January 14, 2014 7:39:54 PM

I would like it known that as a Recreational & Commercial angler and a Charter Boat Captain I am against Option 3 and strongly support a state by state method for determining fluke quotas and harvest rates. R.I. has done much work in these areas to improve the status of Summer Flounder and is better positioned to help its anglers on a case by case basis.

Capt. Steve Babigian
Lady K Charters
Wakefield, RI

From: [Peter Fay](#)
To: [Kirby Rootes-Murdy](#)
Subject: Public Hearing on Summer Flounder Draft Addendum XXV
Date: Tuesday, January 14, 2014 6:46:54 PM

Dear Mr. Rootes-Murdy,

My name is Peter Fay and I am a recreational angler. I support option 1, status quo, conservation equivalency managed by each state in conjunction with option 2 because:

RI and other states have been conservative in their approach and fishing to conservation equivalency. This has resulted in harvest levels well within Rhode Island's harvest limit, proving that the current management structure of State by State conservation equivalency works well. There is no need to change this.

Sincerely,

Peter Fay
1 Swinburne St.
Jamestown, RI 02835
401-423-3027

--

Peter Fay
peterfay@gmail.com

From: william_d06791@yahoo.com
To: [Kirby Rootes-Murdy](#)
Subject: Recreational fluke position
Date: Tuesday, January 14, 2014 5:48:37 PM

My name is William Doyle and I am recreational fisherman. I support option 1 status quo, conservation equivalency managed by each state in conjunction with option 2 because I am opposed to option 3. #3 would result RI's quota being reallocated to other states that are being liberalized at expense of RI. here reg,s would get more restrictive This is not a good option for rec. fishermen in RI.

Thank you,
Sent from my iPad

From: [Hal Gibson](#)
To: [Kirby Rootes-Murdy](#)
Subject: Summer Flounder Draft Addendum XXV
Date: Tuesday, January 14, 2014 4:53:40 PM

January 15, 2014

Kirby Rootes-Murdy

Atlantic States Marine Fisheries Commission

1050 North Highland Street, Suite 200A-N

Arlington, VA 22201

Re: Draft Addendum XXV to the Summer Flounder, Scup, Black Sea Bass Fishery Management Plan

Dear Sirs:

As a Rhode Island resident, angler and member of the Rhode Island Saltwater Anglers Association, I

recognize that a problem currently exists which is perceived by some as an inequitable distribution of the resource.

I strongly urge the Management Board to approve **Option #1 (Status**

Quo/Conservation Equivalency) which will allow all states to continue operating in a conservation mindset, and set

regulations that adapt to their own region and citizens. Status quo has worked, as intended, for most states, and we

believe that the sudden suggestion to change into arbitrary regions, as proposed by Option #3, is not appropriate at this time.

Respectfully,
Harold Gibson

From: [William Matteson](#)
To: [Kirby Rootes-Murdy](#)
Subject: Fluke Regulations for Rhode Island
Date: Tuesday, January 14, 2014 4:29:59 PM

Dear Sirs:

Rhode Island has taken a very conservative approach to fluke regulations over the years. As a recreational fluke fisherman in Rhode Island over the past 50 years, I support Option 1 and Option 2 and strongly oppose Option 3.

William R. Matteson
11 Ministerial Rd.
Wakefield, Rhode Island
02879
matteson@uri.edu

From: [tom trageser](#)
To: [Kirby Rootes-Murdy](#)
Subject: Asfmc draft addendum
Date: Tuesday, January 14, 2014 10:35:53 AM

Thank you for presenting on Monday night in toms river. I attended the meeting and gained valuable insight to the issue any hand.

My initial reason for attending was to voice my concern about the overall estimates and assumptions which are driving the regulations.

Recreational fisherman are conservative by nature. We have been living with limits in nearly everyone of our fisheries and are used to keeping rational amount of fish. We have learned to have self imposed limits.

My issue is nobody, including the managers, believes the data being used to draft regulations. This is going to create a perverse disincentive for recreational fisherman to adhear to enhanced regulatory restrictions. You are on the verge of waking a sleeping giant.

As I expressed last evening, I feel the proposal under consideration is really aimed at a new way to divide the pie. I want more data and the studies behind the 7.01 million pound RHL shown on page 8 of the draft addendum. In addition, the basis on which the mean size of 2.89 pounds was derived.

Angler effort and related "failure" to catch is also a great concern to the recreational community. It is my understanding these factors are outputs of the MRFSS and MRIP survey estimates. I would also appreciate access to the detailed data on these surveys. I moved to NJ in 2000 and fish or attempt to fish at least one day per week. I have never been surveyed. In my marina I can count the times on one hand where people limited out on fluke in 2013.

Related to the addendum, I am against option 3 as I believe it created more long term problems than solutions. Additionally, I feel it is a political stunt.

Option 1 followed by option 2 I reluctantly support.

As far as timelines, I support option 2 as it provides consistency to the fishery. Heretofore my efforts in fisheries management has been poor. However, I am going to be a very active participant going forward to ensure the utterly stupid and senseless regulations and management practices utilized to this point no longer occur.

From: [Jim](#)
To: [Kirby Rootes-Murdy](#)
Subject: Fluke size for Keepers
Date: Tuesday, January 14, 2014 10:05:04 AM

To whom it may concern,

I support the motion to reduce the keeper size for fluke to 18 inches . We just want to be on equal footing with the surrounding states. I go fishing on the Captain Whitaker out of Captree.
Thank you. Jim Ansaldi

Sent from my iPad

From: [Jeff](#)
To: [Kirby Rootes-Murdy](#)
Subject: addendum XXV
Date: Monday, January 13, 2014 11:39:40 PM

As a fishermen from New Jersey in regards to summer flounder I support option 1: Status Quo: Coastwide or Conservation Equivalency and Option 2: Utilization of Additional RHL. For Black sea bass I support Status Quo.

**Thanks,
Jeff Gutman
42 Dale Road
Middletown, NJ 07748**

From: martyoflodi@aol.com
To: [Kirby Rootes-Murdy](#)
Subject: comments on draft addendum XXV (against a regionalization plan)
Date: Monday, January 13, 2014 7:22:28 PM

Kirby,

I support option 1: I believe that the state-by-state measures are the fairest way to divide the summer flounder quota. I'm against any type of regionalization plan.

Thank you,
Martin Adamkiewicz

From: [Comments](#)
To: [Kirby Rootes-Murdy](#)
Subject: FW: Fluke and Seabass Comments
Date: Monday, January 13, 2014 11:19:07 AM

From: bob rush [mailto:starfishboats@gmail.com]
Sent: Monday, January 13, 2014 9:31 AM
To: Comments
Subject: Fluke and Seabass Comments

To Whom It May Concern,

I **Do Not** support the regionalization of the Fluke quota in the MidAtlantic this upcoming year. Many states have adopted more conservative approaches to managing the fluke quota and they should not be penalized for other not adopting the same or having other states go over their allowed quota.

As for the Seabass options **I DO NOT SUPPORT** the option of 5 fish bag limit, 13min size and a season of June 1-Sept 30. This would totally destroy the for hire industry boats that target Seabass. NJ should be lumped in with the southern states when it comes to this fishery.

Bob Rush
StarfishBoats.com

From: [tim_molchan](#)
To: [Kirby Rootes-Murdy](#)
Subject: Fluke Options
Date: Sunday, January 12, 2014 11:45:38 AM

In favor of options 1 or 2, New Jersey has and continues to support the fluke fishery, in both the recreational commercial fisheries.

Thank you,
Tim Molchan

From: [George Strathern](#)
To: [Kirby Rootes-Murdy](#)
Subject: FLUKE Addendum XXV
Date: Sunday, January 12, 2014 10:55:02 AM

Dear Sir,

I am a long time fisherman and life long resident of the state of New Jersey. After reading the above captioned proposals I strongly urge you to adopt Options 1 and 2 as I believe they are the fairest and best options for all involved.

Sincerely,

George A. Strathern
426 Sixth Terrace
Ortley Beach, NJ 08751

From: [Paul Hipkins](#)
To: [Kirby Rootes-Murdy](#)
Subject: Draft Addendum XXV
Date: Sunday, January 12, 2014 8:59:02 AM

Kirby Rootes-Murdy
Atlantic States Marine Fisheries Commission
1050 North Highland St., Suite 200 A-N
Arlington, Va. 22201

Mr. Rootes-Murdy:

We [NJOA, JCAA, NJSFSC] and Paul Hipkins and family appreciate this opportunity to comment on Draft Addendum XXV to the summer flounder, scup and black sea bass fishery management plan.

Regarding summer flounder in section 3.1 we support option 1: Status Quo: Coastwide or Conservation Equivalency. We believe that the state-by-state measures under the conservation equivalency are the fairest way to divide the quota. While quotas are, in fact, based on harvest estimates for a single year (1998), there was sound reasoning for this. When the Management Board first considered how to equitably allocate the quota, and, thus, the conservation burden among its member states, it spent considerable time in analyzing various time periods. After much discussion it was agreed by the states that the single year of 1998 was the most representative and fairest.

Additionally, state-by-state measures allow our state to be flexible in setting regulations. Our state is often divided between back bays and southern New Jersey fishermen preferring an earlier shorter season with a smaller size limit and central and northern New Jersey fishermen preferring a later and longer season with a higher size limit. State-by-state measures allow the public to have input and the New Jersey Marine Fisheries Council considers all of this before voting on the compromise they feel meets the needs of the majority of our fishermen. We would lose this flexibility under any regional plan.

We also support Option 2: Utilization of Additional RHL. This option would allow New Jersey and other states facing a reduction to not to have as severe a cut. This worked out well last year in that it allowed New Jersey to extend its season and allowed New York to lower their size limit. Though New Jersey was granted an extra 88,000 fish which should have been more than ample to extend our season by 11 days, the New Jersey Marine Fisheries Council chose to only extend the season by 8 days. That was because the Council justifiably

does not trust the numbers generated by the Marine Recreational Fisheries Statistical Survey (MRFSS) or Marine Recreational Information Program (MRIP). The Council's concerns were confirmed again in 2013 by the distorted MRIP numbers that were changed several times.

We are strongly opposed to any mandatory regionalization plan as described in option 3. The existing FMP allows for states to voluntarily combine their quotas with neighboring states, i.e., regionalize, yet none have done so. While we sympathize with the tougher regulations that our fellow fishermen in New York have, **we are concerned that regionalization may result in some of New Jersey's target quota being reallocated to New York.** Most likely, any regionalized plan would result in New York's regulations being liberalized at the expense of New Jersey's regulations being made more stringent. Further, under the adaptive regional approach outlined in option 3, if a region was to over fish, that region would be penalized the following year. If we opted to go back to conservation equivalency the following year "the technical committee will use the harvest from 2014 to predict the harvest in 2015 and compare that to the 2015 state harvest target (derived from the state's 1998 based portion of the 2015 RHL). If a state's predicted harvest is higher than the target, the state must adjust their regulations to constrain harvest to the 2015 target." It is almost a certainty that with relaxed regulations, New York would harvest far more fish in 2014 than in 2013. Then New York would be forced to make draconian cuts in 2015.

We also suggest that New York or anyone else develop a plan that shows how each state would benefit from a regional plan and then it could be considered. More specifically, pertaining to the stated problem in section 2.1., we would like to see studies showing how the distribution, abundance, and size composition of fluke as well as the abundance and distribution of fluke anglers along the coast have changed over the years.

Addendum XXV suggests that under a regional approach we might have an 18" size limit with a 4 fish bag limit and a season from May 1st - September 30th. **However, that is based on the current MRIP numbers that might change yet again. We also believe that these potential regulations would cause New York to significantly overfish their target quota which would negatively impact the entire region the following year.** Consider the fact that in 2013, New York overfished its quota with a 19" size limit. For a regionalized plan to work, any region with New York in it would have to receive a substantially higher quota than the sum of what each state would receive under state-by-state measures. Again, any regionalization plan should be voluntary and it should be mutually beneficial to all the states within a particular region.

We also question why you would consider making a small state like Massachusetts its own region. They should be in a region with other states. If any state should be its own region, it should be New Jersey because we account for the most fluke. There are also vast differences in the times and sizes of fluke that are available in different parts of our state.

NJ has the most fluke and the most fluke fishermen. A higher percentage of our fishing trips target fluke than any other state. Still we are forced to have a shorter season than almost all the other states. In many of the more recent years our traditional early spring and late fall fishing has been taken away from us while other states are open year round. How is that fair?

We would also like to point out that the commercial quota is divided up on a state-by-state basis. It is simply the fairest way to do things whether it applies to commercial or recreational fishermen.

Regarding sea bass, we believe that they should be managed on a state-by-state basis through conservation equivalency as well. Since that is not an option, regarding section 3.2, we reluctantly support option 1: Status Quo We are aware that over fishing has occurred in many years but believe this is due to an unrealistically low RHL. We also do not agree with the fact that the overall coastal quota is being reduced due to over fishing that occurred in Massachusetts state waters.

From: seatriever@comcast.net
To: [Kirby Rootes-Murdy](#)
Subject: Flounder
Date: Sunday, January 12, 2014 6:49:19 AM

All of my fishing friends and myself ask for the support of status-quo in regard to the 2014 fluke harvest.

Steve Wurst

From: [Joe Sullivan](#)
To: [Kirby Rootes-Murdy](#)
Subject: Sea Bass
Date: Sunday, January 12, 2014 2:01:39 AM

I strongly recommend the Rfa position on this issue

Joe Sullivan
484-571-5356

From: [Ed Holtzhauser](#)
To: [Kirby Rootes-Murdy](#)
Subject: Draft Addendum XXV
Date: Thursday, January 09, 2014 1:17:41 PM

I don't know how you came up with a 13" size limit on sea bass. The 12-1/2" size limit is way too big already. The 5 fish limit is way too few. How do you defend cutting the creel limit by 75%?

Anybody fishing from a small boat is already out of the ballgame. I have a 19' Grady-White which is a good sea going boat. To get more than a few keeper 12-1/2" sea bass I have to go out at least 15 miles. Sooner or later somebody in a small boat, like mine, is going to go out there and not come back. Last year (June) I fished a good wreck that is 3 miles out. I fished hard all day and ended up with 2 barely 12-1/2" bass while throwing back at least 100 that were from 11" to 12-1/2". It going from very difficult to nearly impossible to get enough legal fish (of any kind) for a square meal.

The artificial reefs are full of commercial sea bass traps. I understand that the commercial limit was recently increased from 500lbs to 1000lbs per day. Their limit got doubled while our limit gets cut by 75%.

To return to my dock at Sea Isle going through Townsends Inlet I have to run a gauntlet of overzealous Avalon Police, Coast Guard, Marine Police and gun toting C.O.'s. Some of the things I forgot to mention are boat registration, trailer Registration, ramp fees, cost of bait, ice, gas for truck, gas and oil for boat and poorly operated jet skis.

How about giving the recreational people a break for a change?

Captain Ed Holtzhauser

From: Dean.Herfindahl@dupont.com
To: [Kirby Rootes-Murdy](#)
Subject: flounder
Date: Wednesday, January 08, 2014 11:29:48 AM

I vote for the regional options

Thank you,

Dean Herfindahl
Newark, DE 19702

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From: [Capt. Cindy/ Atlantic City Fishing Charters](#)
To: [Kirby Rootes-Murdy](#)
Subject: black sea bass comment
Date: Tuesday, January 07, 2014 9:44:43 AM

It is my feeling that if any regulations are placed on the recreational sector then there should be no commercial harvest for profit. The recreational sector supports the economy. We buy food and drinks to go fishing. We buy equipment, supplies, gas, cars, tools. We charter boats and to get to them we pay tolls, put wear on our vehicles which increases maintenance. We stay at the casinos, rent hotel rooms or houses for longer periods of time. Do you really think we could make this kind of investment if the limit for Black Sea Bass is lowered again? We cannot be expected to drive over an hour for 5 fish. We feed our families and have fun doing it. Leave the bag limits alone or raise them but you have taken enough away. The only reason we have a size limit is so the commercial sector can catch their quota easier and they do not pay tax on their boat, fuel or supplies. Is it fair that a single commercial fisherman can keep up to 5000 pounds of sea bass per day as a bycatch at 10 inches; (that doesn't even include the ones that are actually targeting sea bass) and recreational is limited to 25 fish at 12.5 inches. Give us back our no closed season and size limit of 10 inches and 50 fish bag limit.

Capt. Cindy/ Atlantic City Fishing Charters

accharter@aol.com / 609-926-5353 

From: [robert cope jr](#)
To: [Kirby Rootes-Murdy](#)
Subject: draft addendum XXV
Date: Thursday, December 26, 2013 5:41:02 PM

i am a full time charter Boat owner in Cape May N.J. and believe that changing the Sea Bass regs to a 5 fish limit will do us in for good. If there was any good science to prove that this was a measure that needed to be taken i would be willing to listen and might change my opinion but having participated in this fishery for many years i have seen quite an explosion in the Sea bass population. It is not uncommon to catch 500 fish a day and never fish the same place two days in a week.

There fore i believe we should keep the regs at STATUS- QUO

Thank You Capt Bob Cope
Owner/operator: Full Ahead Charters
Cape May N.J.

From: [Comments](#)
To: [Kirby Rootes-Murdy](#)
Subject: FW: Atlantic Fish Quotas
Date: Monday, December 23, 2013 10:35:15 AM

[Public comment on Draft Addendum XV.](#)

From: asiganuk@comcast.net [mailto:asiganuk@comcast.net]
Sent: Saturday, December 21, 2013 1:13 PM
To: Comments
Subject: Atlantic Fish Quotas

To all, Please leave fishing limits as they are for fluke & seabass! Don't drop down the seabass fishing with a five fish limit! Regards, Andy Siganuk

From: [peter_bonilla](#)
To: [Kirby Rootes-Murdy](#)
Subject: shutdown
Date: Thursday, January 23, 2014 7:37:49 AM

Need to get a more accurate method of how many fish being caught. Especially for the recreational fishing person. The new regulations I am hearing about will kill the recreational fishing.

From: jeffleopold@verizon.net
To: [Kirby Rootes-Murdy](#)
Subject: Fishing
Date: Thursday, January 23, 2014 2:20:28 AM

Please don't make the regulations harder on the Recreational fishing.

Thanks, Jeff Leopold
Sent from my iPhone

From: [Chris Arico](#)
To: [Kirby Rootes-Murdy](#)
Subject: Fluke Regulations 2014
Date: Wednesday, January 22, 2014 5:55:28 PM

Dear Sir:

I write to you to offer my opinion on the upcoming 2014 proposed Fluke Regulations for New Jersey. As an avid fisherman who fishes for Fluke over 100 days a year, in more than one state, I see many factors in the upcoming regulations. Regionalized quotas, incidental killing due to hooking fish that have no chance to survive, commercial fishing, seasonal migration effects, hurricane damage to habitat, bad weather, law enforcement, and a numerous amounts of other factors. I would like to go on record, that many people would like to take home a fish to eat, considering the enormous amount of money that fishing and tourism bring to the local, regional, and national economies!

I would favor 1 slot fish between 16" and 17 1/2", and a limit of four fish over 17 1/2" for a total of 5 fish. The season should be June 1, 2014 to October 1, 2014 which is 122 day season (down from 130 day season). I think this is fair and would be adequate for the state regulations and obviously monitored at the end of each year for Federal compliance to the set quotas. Thank-You for your consideration in the upcoming proposal and adoption of the 2014 New Jersey Fluke regulations !!!!

Sincerely,

Chris Arico
16 West Chelsea Avenue
PO Box 246
Ocean Gate, NJ 08740

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From: [kabasi](#)
To: [Kirby Rootes-Murdy](#)
Subject: XXV
Date: Sunday, January 19, 2014 9:37:53 AM

I have read the proposal for fishing regulation for 2014 and feel once again your wrong with your findings. I have kept a fishing log recording my trips, catch and location in the past seven years. I added the amount of fluke that made the trip home to my dinner table total legal fish to feed my family was Nine fish in a seven year period, total amount of fluke caught in the seven year period was three hundred twenty six fish. The 2013 season was greatly affected by Hurrricanes Sandy the marina that I launch at was not operable till early August and that was on a limited basis. My fluke season this year was a complete failure twenty six fish all well under the seventeen and half inch legal limit. I don't know where you get your information from I would like to state that in sixty nine years of salt water fishing I was only asked once if my catch could be checked and recorded at dock side for research use. I belong to the national registry as well as many of my fishing friends and we can honestly state NO ONE HAS EVER CALLED US TO SEE HOW OUR FISHIG WAS GOING. Our fishing Habits include the use of private boats, head boats and charter boats.

I fish

I marched

And still I'm I losing

From: [GlennSuter](#)
To: [Kirby Rootes-Murdy](#)
Subject: Addendum XXV
Date: Saturday, January 18, 2014 5:11:31 AM

The tighter regulations proposed because of supposed overfishing by NJ recreational fisherman contradict my observations of lack of participation due to lingering effects of Hurricane Sandy and often poor fishing conditions throughout the summer and fall seasons. Also I have never been contacted or approached by surveyors despite being enrolled in the Federal saltwater and NJ registries which also increases my doubts about the accuracy of the numbers involved in the projections.

From: [Comments](#)
To: [Kirby Rootes-Murdy](#)
Subject: FW: flounder
Date: Friday, January 17, 2014 5:10:46 PM

From: Moyehoist@aol.com [mailto:Moyehoist@aol.com]
Sent: Thursday, January 16, 2014 9:04 PM
To: Comments
Subject: flounder

The Winter and Summer flounder regs are ruining a way of life and the recreational industry.

Russ Chelak

Moye Handling Systems, Inc
PO Box 785
236 Dukes Parkway East
Somerville, NJ 08876
908/526-5010
f 908/707-1686 www.hoistdepot.com

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Thank You.

From: [Dave Scanlan](#)
To: [Kirby Rootes-Murdy](#)
Subject: Foulder fishery
Date: Friday, January 17, 2014 11:47:13 AM

To whom it may concern,

I would like to express my concern over the alarming decline in the flounder population in the Lower Chesapeake Bay and the possible effects which commercial gill netting may be having. I have fished the Lower Chesapeake for many years and have noticed some patterns. For many seasons, one of the best times to fish for flounder was in the spring. A few years ago I noticed many gill nets appearing in the exact areas which we would fish. The placement of these nets coincided so precisely with the grounds we fished one might have thought they used the exact tracks I had recorded on my GPS. Year by year the spring flounder fishery in these areas declined to the point where it was no longer productive. Late summer was also a very reliable time to catch flounder and we fished an area well known to many local fisherman. As with the spring fishery, gill nets began appearing in massive quantities on the summer fishing grounds and the population plummeted. These nets were so numerous and so long as to prevent us from accessing areas known to be productive.

I don't know the workings of these commercial gill nets and I don't know what species they are targeting. It seems unlikely to me that a bottom dwelling fish like a flounder would be caught in these nets yet I can't deny the apparent cause and effect. Could they possibly be removing the source of food so effectively that the flounder no longer appear in these areas? As I've mentioned, I have spent years on the water and I don't remember seeing gill nets in these areas in the large concentrations which have appeared in recent years.

Thank you for giving me the opportunity to express my concerns.

Dave Scanlan

Dave Scanlan, CDT
COO Accutech Orthodontic Lab
accutechortho.com

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From: [Comments](#)
To: [Kirby Rootes-Murdy](#)
Subject: FW: tri state-approach setting fluke limits
Date: Tuesday, January 14, 2014 10:56:34 AM

From: Kammy Ball [mailto:happ2@optonline.net]
Sent: Tuesday, January 14, 2014 7:41 AM
To: Comments
Subject: tri state-approach setting fluke limits

What happened to NYState commercial quota increase? Paper says recreational quota easing restrictions. Schumer and Coumo publicly supported **Commercial** fluke quota increases.....see nothing about that...only recreational increases. Get behind the commercial fishermen please!!

F/V JenLissa. Don Ball

From: [Dimitry DiRienzo](#)
To: TheSec@doc.gov; [Kirby Rootes-Murdy](#)
Cc: [Dimitry DiRienzo](#)
Subject: Personal comments regarding sea bass
Date: Monday, January 13, 2014 7:19:45 PM

Hello:

I am writing to express my concern regarding the recreational sea bass regulations that are currently in place and being discussed in the upcoming meetings.

I am an avid recreational fisherman and I fish on both my private boat and on charter boats for sea bass in New Jersey principally, and on occasion in NY.

I cannot believe the chasm between current measurement techniques versus my personal observation of sea bass stocks in our local waters. I understand that current measurement techniques and assessments which drive the fishing seasons and bag limits result in the current seasons. These assessments, in my view, are substantially less than what I have personally experienced over the years.

This baffles me...

Every time I fish wrecks (dozens of times across March through December) I am shocked at the substantial biomass that is out there. I understand that my observations are purely casual and not scientific, but they encompass a wide range of depths (from 60 feet to 150 feet) and a wide range of calendar months. The amount of sea bass is enormous - I REFUSE to believe that the stocks are in trouble.

I stay out of politics and believe in what I see. What I see is an incredibly off-base assessment method/process that produces a completely inaccurate regulatory result - instead of setting a regulation that maximizes sustainable yield for the greatest economic benefit (and social benefit - a lot of kids, fathers/mothers, grandparents, etc forge lifelong memories while doing this exciting and action-packed fishing that sea bass provides) the current regulations are far from this goal in my opinion. We see copious amounts of sea bass on every drop and most times we are letting them go either because of our caught limit or more likely, because the season is closed.

I also have another observation. I enjoyed two trips on party boats last winter. On both trips we experienced instant, non-stop fishing on the first and only stop of substantial numbers of very large sea bass. We caught our limit within minutes - not hours. Minutes. The entire boat experienced this non-stop action the entire time, allowing the boat to leave after only being on the wreck for a short time to begin the trek home. I understand this was the experience of every party boat during the two (?) month season.

What does this experience tell me? Those offshore wrecks are LOADED with sea bass. It wasn't just a concentration of one wreck or for only a short time period - this was experienced on EVERY WRECK by EVERY BOAT on EVERY TRIP! I don't need a scientist to tell me whether there is enough seabass out there for a winter fishery. Even my 6 year old boy could get this answer right.. But I watched in complete bewilderment as the season closed this year on 12/31/13.

Forgive my candor - this issue is personal and I'm trying to convey this in this letter to you. This issue affects hundreds of thousands of fisherman that are the lifeblood of many communities, and they also provide experiences and dreams for countless children and families that are strengthened from these experiences.

Please step back and think about what your decisions mean. Challenge your scientists. Make them produce the best available science we, and the sea bass, deserve. I'm convinced they are not.

I encourage you to call me to discuss this further. I would be happy to answer any questions you may

have to understand my perspective.

Respectfully,

Dimitry DiRienzo
Blue Bell, PA
215-284-0511
d.dirienzo2@verizon.net

From: Sbazdep@aol.com
To: [Kirby Rootes-Murdy](#)
Subject: Fwd: Setting Sea Bass Quotas
Date: Monday, January 13, 2014 6:29:41 AM

From: Sbazdep@aol.com
To: TheSec@doc.gov
Sent: 1/13/2014 6:15:43 A.M. Eastern Standard Time
Subj: Setting Sea Bass Quotas

As you contemplating revising sea bass quotas for 2014, it is important to consider the historical catch data you will be using. They lack reliability almost by definition when you notice the yearly peaks and valleys in the recreational catch. In the real world, that just does not happen.

My suggestion would be to leave catch and size limits unchanged for at least three years to see what happens to your estimates. If you are still getting wide swings, you know it is due to your methodology. Specifically, I'm referring to your method of weighting data.

S. M. Zdep, Ph.D.

From: [Buddy Seigel](#)
To: [Kirby Rootes-Murdy](#)
Cc: smitty3894@aol.com; "[Budd Heim](#)"
Subject: Summer Flounder
Date: Sunday, January 12, 2014 11:41:55 AM
Attachments: [SF to 2011.xlsx](#)

Kirby,

Due to prior commitments, I was unable to attend the meeting at the Ocean Pines, MD Library. I am the 'Numbers' guy that many referred to during the meeting. Some of the issues that came up seem to be old and ones that I suggest are new.

Looking at the entire coast was what MRFSS was about but was not used as it was intended. The numbers were broken down by state and 'quotas' were generated. (NOT the intent.) I was told that one could not isolate the Eastern Shore and Western Shore of our state (MD). In the Fish Dump data (which is now closed to the public), there was information about the site that the fish were generically caught and where the interviewer did the interview. One could glean a great deal of information from that data. This is what the interviewer saw or heard about.

We found, because of the location/site data, that the information was skewed in order to meet the daily minimum survey requirements and salary expectations.

In the past year, much has changed and we have expectations that things will get better! We don't have a baseline and can't for several years because of new interview techniques and new algorithms. How can we make any adjustments with so little data and very limited knowledge? How skewed are our data now? The move towards distributed areas for quotas is fine if we understand the data. Using MRIP, one could see the distribution easily.

My excel spreadsheets are available if you want any of the information from 2000 thru 2011 for Summer Flounder, Black Sea Bass, Striped Bass, and Tautog for the state of Maryland. I have attached the Summer Flounder work book for your review and comments.

Thank you,
Buddy

Allen "Buddy" Seigel
1091 Ocean Parkway
Berlin, MD 21811
(h) 410-208-3887
(c) 443-340-2833

From: tom_trageser
To: Kirby_Rootes-Murdy; TheSec@doc.gov
Subject: Nj Seabass and Fluke regulations
Date: Sunday, January 12, 2014 8:59:24 AM

Thank you for the opportunity to comment on the pending sea bass and fluke regulations impacting me, my family and neighbors.

To begin with, I completely reject the catch statistics that are the foundation of the changes being proposed.

The sampling you use to create the estimates is simply wrong. I have been fishing my entire life and can count on one hand I have been surveyed (this includes tuna, fluke, sea bass, etc).

The combined impact of hurricane sandy and high fuel costs led to a decreased effort on these fisheries. In my wide circle of friends our efforts were reduced probably 40%. Fewer fishermen were on the water from South Jersey to Connecticut. This fact doesn't seem to be in your estimate.

Your lack of understanding and knowledge driving lower bag limits and higher minimum sizes is beginning to fall on deaf ears. You see, people do not believe the "scientific" foundation on which your proposals sit upon. The impact is people will simply ignore your proposals and keep what they think is ok.

In reality any fishery that is regulated, exception of Striped bass, the fishery simply has not responded. I question the value of what your organization actually does? Just leave it alone. Recreational fisherman are a conservative bunch to begin with. We should be more self regulated.

Each catch-estimate's effect on regulatory tightening cumulative; here's a run-down of recent management actions due to estimate spikes.

Management employed the MRFSS assertion of a 1,122% spike in Massachusetts [Private](#) Boat sea bass landings during [Wave 4](#) (July/Aug) 2009 to create an "Emergency Closure" in the [fall of 2009](#).

Rhode Island anglers had no similar summer success, nor did Massachusetts' party/charter operators.

The following year those private boaters are again asserted to have caught an incredible number of sea bass, far more than the whole coast's for-hire fishers - but this time in spring.

Although a shortened season, a regulatory-caused [economic](#) collapse in the coast-wide for-hire fishery was averted by quota increase.

As I recall, in 2011 we were left alone with the remnants of our historical fishing season because MRFSS data came in low – our quota was not 'exceeded.'

In 2012, however, Massachusetts's private boat spring catch again sprang-up by

200,000 fish (despite their lowest bag limit ever) & NY's private boat catch also climbed 100,000 fish.

These "amazing" assertions of catch are far higher than any amount of for-hire catch. Convicted of being over quota by MRIP/MRFSS centerpoints; there is again an "Emergency Closure" in the fall of 2012.

These MA private boat anglers who outfished the coast's for-hire fleet so amazingly in the summer of 2009 & again in the spring of 2010 & 2012 then caught virtually no sea bass when their bag limit doubled in summer.

In 2013 a status quo is negotiated — but 'status quo' is regulation at its historical strictest.

For 2014 a total closure looms because of 2012's asserted overage & a new round of incredible assertions, including NY private boats outfishing the entire coasts' for-hire yearly total while NY party/charter is said to have their second-worst (post-Sandy) sea bass season in a decade. Recreational Accountability Measures averted by hard work on managers' part; There is a strong likelihood of smaller bag limits & shorter seasons for recreational sea bass fishers in 2014 owing, as always, to incredible spikes in landings that no one believes.

Taking shots at us constantly, its only a matter of time until an estimate catches the sea bass fishery square in the forehead.

MRIP created no repair to our recreational catch estimates. It failed and is dragging the sea bass fishery down with it.

The 'repair' to recreational estimates, if there is to be one, must be in management's use of the full statistical spread.

We have not gone over-quota.

Further regulation will not benefit sea bass, nor has any regulatory tightening of the last 12 years.

I would encourage managers to consider shifting 'age at maturity' stock enhancement/diminishment & also consider whether reef-fish require reef; consider whether reef restoration is a viable restoration strategy for our region's primary reef-fish.

My Regards,

Thomas Trageser

From: [Jerry Salzer](#)
To: [Kirby Rootes-Murdy](#)
Subject: Draft plan for Flounder
Date: Wednesday, January 08, 2014 4:53:19 PM

I don't know how to format this according to the proper alphabet soup names that these regulations seem fond of adopting.. I don't know the difference between ASMFC and a host of other initials that stand for various "conservation" groups. I put the word conservation in quotes because I don't even know if conservation is really your purpose and endeavor, or if you function to regulate between commercial catches and recreational catches. I am not clear what function you serve!

I am a boat owning recreational angler. I am writing to express my belief that you ought to better publicize what all those initials stand for, and what function you perform.

From my location in Smith Creek, off the Arthur Kill, it costs about fifty dollars in fuel, in my boat, to go out to the tip of Sandy Hook. It costs another fifty dollars in fuel to get back to my dock. The boat and it's upkeep and repair cost thousands more per year. These dollars go into the economy and help support a large list of merchants and suppliers. The bait used, or the artificial bait used, and the purchase of fishing gear all contribute to the welfare of many businesses.

It would be nice to be able to fish for a couple of average sized flounder (12 to 13 inches) to take home for dinner. The requirement for the flounder I am allowed to keep is different in NY. (even larger fish are required). In order to keep a NY fish I have to catch a giant fish. The NJ fish intermingle with the NY fish in my fish well. Anyone looking will not be able to identify the NY fish from the NJ fish. If in New York, an inspector will judge that my NJ caught fish will be illegal!

How about recognizing the realities? I can buy a flounder that is 10 or 12 inches long, commercially caught, at any super market.....but with all the money my boat costs I must throw back (sometimes to certain death) anything except a huge record breaking fish!

Now, I know there must be some smart people on your various committees. They surely must know the chaos their rulings cause. This communication is to beg that some sense be brought to these regulations so that recreational fishermen on boats or on shore might be allowed to catch a few standard size fish for personal consumption. Compared to the commercial catch what we recreational fishermen catch is insignificant. Why not recognize these facts and allow recreational fishermen to catch a few for dinner. What an economic shot in the arm it would be if that would happen.

Thank you,

Jerry Salzer

From: [Comments](#)
To: [Kirby Rootes-Murdy](#)
Subject: FW: Summer flounder and black fish
Date: Tuesday, January 07, 2014 3:47:30 PM

From: Ryan Laurentus [mailto:rlaurentus@gmail.com]
Sent: Tuesday, January 07, 2014 3:25 PM
To: Comments
Subject: Summer flounder and black fish

None of your meeting targets a potentially successful method to restore the fishery. How about eliminating the source of the problem and opening a season to hunt cormorant? The invasive species can be directly attached to the decline in the fisheries numbers. It's time to finally do something.

From: [Comments](#)
To: [Kirby Rootes-Murdy](#)
Subject: FW: Commercial fishing not controllable!
Date: Monday, December 23, 2013 10:35:47 AM

[Public comment on Draft Addendum XV.](#)

From: Robert McCandless [mailto:mccandrj@hotmail.com]
Sent: Friday, December 20, 2013 5:43 PM
To: Comments
Subject: Commercial fishing not controllable!

Why do the commercial fishing factories have basically no limit or size on summer flounder (fluke). So, it is easier to manage the public/recreational fishermen. That is a lack of really wanting to affect the outcome, and a typical another government failure because of it is easier and lack of desire to change! Or, corruption, which is the most-likely answer.

Thanks.

RJ

Robert J. McCandless
Proprietor of
RJ's Mobile Bait and Tackle
59 Lexington Ct.
Holmdel, NJ 07733
Cell: 609-254-6102
FAX: 732-817-7108
<")))><(

From: [JAMES DESTEPHANO](#)
To: [Kirby Rootes-Murdy](#)
Subject: fisheries
Date: Thursday, December 19, 2013 7:45:36 PM

The current system is working. Why change it?

Form Letter "A" : 101 received

From: [Ehala, Andrew](#)
To: [Kirby Rootes-Murdy](#)
Subject: fishing regulations
Date: Friday, January 24, 2014 3:07:07 PM

To whom it may concern,

My name is Andrew Ehala. As one of 603,000 recreational salt water fisherman in the state of NJ which represents \$1.1 billion in sales revenue, I would like to voice my support of Option 2 within the Draft Addendum XXV to the Summer Flounder, Scup, Black Sea Bass Fishery Management Plan. This would specifically allow states to lend or give their underutilized quotas to states in need of fish to offset exceeding of their annual harvest target or to liberalize their regulations.

Under Option 2: Utilization of Additional RHL, once states with the opportunity to liberalize their recreational fishery in 2014 have finalized their management plan, any other state would be allowed to request access to the recreational harvest limit (or RHL) that is not going to be utilized by that state.

Based on the 2013 recreational harvest information coming from the Marine Recreational Information Program (MRIP), there are six Atlantic Coast states which can liberalize their regulations in 2014 based on last year's numbers, with three states that will be forced to take a reduction in harvest. Because Massachusetts significantly fished under their RHL in 2013 according to MRIP, that state can take a 304% liberalization, while North Carolina in turn can liberalize upwards of 195%. Massachusetts anglers fished for 132 days in 2013 on a 16-inch size limit, while North Carolina's season was open year-round with a 15-inch size limit. Considering that North Carolina especially can't liberalize their season, size and bag much more than that, there should be additional quota available to states in need under Option 2 measures in the current addendum.

I'm also concerned about the push to create regions of shared limits, particularly because of the 'accountability measures' which were hardcoded into the Magnuson Stevens Act back in 2006. In 2013 for example, MRIP showed that Connecticut went over RHL to the point that that state must make a 67% reduction in harvest, while New Jersey must take 21% and New York 15% in 2014. Based on the punitive nature of the 'accountability measures' and the payback mechanisms in the law, if MRIP shows a similar overharvest in 2014 in that region, instead of sharing an 18-inch size limit these same states could end up looking at 19- to 20-inch size limits in years ahead as payback.

I further oppose Regionalization that causes undo economic harm to my state already devastated by Hurricane Sandy and reduces my rights as an angler to fishing opportunities based on Arbitrary Flawed data to a rebuilt fishery which is NOT overfished and where overfishing is NOT occurring.

As far as Black Sea Bass, I am also opposed to coastwide federal regulations and support the current regional measures.

I would hope that efforts be redirected to Magnusson Reform and a better Landings Data Collection program which is needed sooner than later.

Thank You.
Andrew Ehala

Form Letter "B" : 10 received

From: [Tom K.](#)
To: [Kirby Rootes-Murdy](#); [Comments](#)
Subject: Draft Addendum XXV
Date: Tuesday, January 21, 2014 3:35:39 PM

Please understand that NJ Fishermen have suffered considerably since Superstorm Sandy: destroyed docks, fewer boats, out-of-business party boats and tackle shops.

I feel that "Regional Management" of NJ's fisheries would further hurt our shore economy and will drive those that persevered Sandy even further into debt. Please maintain NJ's Status Quo and please consider Quota Sharing between states . . . Many thanks for your consideration,

*Tom Kowalak
Byram, NJ*

Form Letter "C" : 3 received

From: [Comments](#)
To: [Kirby Rootes-Murdy](#)
Subject: FW: Draft Addendum XXV
Date: Wednesday, January 22, 2014 2:08:11 PM

From: fishinfoem@aol.com [mailto:fishinfoem@aol.com]
Sent: Friday, January 17, 2014 5:32 PM
To: Comments; Kirby Rootes-Murdy
Subject: Draft Addendum XXV

Good evening,

Its one thing to have had Super Storm Sandy take our homes, our belongings and basically everything I have ever worked for due to mother nature. Its another to sit here and allow the one thing my family still bonds around get taken away from us or be "Regionally Managed" and not speak up!

Please take a long hard look at what is being proposed here. It not only affects the recreational anglers like my family but will put an already struggling industry out of business.

If this information was based on solid science of actual catch landings and not flawed science that has not been updated in decades i could deal with that. To turn a blind eye and not even base the information on facts is something i find extremely disturbing. The term best Science available is an easy way of saying we arent willing to go down a new path. Its like me saying to a game warden "the fluke looked like a keeper i measured it with my foot and it seemed ok." He wont accept that answer because there are much better ways to measure a fish. I cant accept Regional Management thats based on the same premise.

Thanks for you time,

SH

Form Letter "D" : 3 received

From: hotmail_2fb2a24da1565ab4@live.com on behalf of [MARK KELLER](#)
To: [Kirby Rootes-Murdy](#)
Subject: Public Comment
Date: Friday, January 24, 2014 3:15:36 PM

Kirby Rootes-Murdy
Atlantic States Marine Fisheries Commission
1050 North Highland Street, Suite 200A-N
Arlington, VA 22201

January 24, 2014

I am submitting comments for draft Addendum XXV to the Summer Flounder, Scup, Black Sea Bass Fishery Management Plan.

With regards to Summer Flounder, I would support Section 3.1: Option 3: Adaptive Regional Management with Option 3a: Region 1 (NJ to RI) and Section 3.1.1: Option 2 for a one year extension. If this is not approved I support Option 2: Utilization of Additional RHL.

With regards to Black Sea Bass I support Section 3.2 Option 2: Ad Hoc Regional Measures and Section 3.2.1: Option 2 for a one year extension.

Sincerely,

Mark Keller

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From: [James Korzik](#)
To: TheSec@doc.gov; [Kirby Rootes-Murdy](#)
Subject: Sea Bass and Summer Flounder Management
Date: Tuesday, January 14, 2014 3:01:36 PM

I Strongly Support Regionalization of Sea Bass & Summer Flounder Management — Its biologically mandatory to moving management forward.

However, There Is No Poorer Choice For Foundational Management Data Than Recreational Catch Estimates.

Sea bass restoration, an honest re-creation of historical reef-fish populations, is inescapably stuck in a MuRFSS/MRIP created quagmire. Wild assertions of incredible spikes in catch are not true and never have been.

Each catch-estimate's effect on regulatory tightening cumulative; here's a run-down of recent management actions due to estimate spikes.

Management employed the MRFSS assertion of a 1,122% spike in Massachusetts Private Boat sea bass landings during Wave 4 (July/Aug) 2009 to create an "Emergency Closure" in the fall of 2009.

Rhode Island anglers had no similar summer success, nor did Massachusetts' party/charter operators.

The following year those private boaters are again asserted to have caught an incredible number of sea bass, far more than the whole coast's for-hire fishers - but this time in spring.

Although a shortened season, a regulatory-caused economic collapse in the coast-wide for-hire fishery was averted by quota increase.

As I recall, in 2011 we were left alone with the remnants of our historical fishing season because MRFSS data came in low – our quota was not 'exceeded.'

In 2012, however, Massachusetts's private boat spring catch again sprang-up by 200,000 fish (despite their lowest bag limit ever) & NY's private boat catch also climbed 100,000 fish..

These "amazing" assertions of catch are far higher than any amount of for-hire catch. Convicted of being over quota by MRIP/MRFSS centerpoints; there is again an "Emergency Closure" in the fall of 2012.

These MA private boat anglers who outfished the coast's for-hire fleet so amazingly in the summer of 2009 & again in the spring of 2010 & 2012 then caught virtually no sea bass when their bag limit doubled in summer.

In 2013 a status quo is negotiated — but 'status quo' is regulation at its historical strictest.

For 2014 a total closure looms because of 2012's asserted overage & a new round of incredible assertions, including NY private boats outfishing the entire coasts' for-hire yearly total while NY party/charter is said to have their second-worst (post-Sandy) sea bass season in a decade. Recreational Accountability Measures averted by hard work on managers' part; There is a strong likelihood of smaller bag limits & shorter seasons for recreational sea bass fishers in 2014 owing, as always, to incredible spikes in landings that no one believes.

Taking shots at us constantly, its only a matter of time until an estimate catches the sea bass fishery square in the forehead.

Form Letter "F" : 8 received

From: [Keith Kowalak](#)
To: [Kirby Rootes-Murdy](#)
Subject: Draft Addendum XXV
Date: Friday, January 24, 2014 10:50:30 AM

Please re-consider proposed punitive bag limits for recreational fishermen.

These draconian regulations will severely punish and possibly bankrupt multiple small business bait, tackle, and sandwich shops, marine mechanics, etc.....; not to mention private charter or party boat operators who cater to the Average Joe who would like to take his kids Ocean-fishing for a day of family fun.

I hope that my heirs will one day be able to enjoy saltwater fishing as much as I do. Thank you for insuring that this can happen.

Regards,

T. Keith Kowalak
Bayonne, NJ

From: AnglerPMH@aol.com
To: [Kirby Rootes-Murdy](#)
Subject: Comments on Addendum XXV
Date: Sunday, January 19, 2014 8:05:31 PM



P.O. Box 9
Seaside Park, N.J. 08752

1/20/14

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

Kirby,

The Berkeley Striper Club of Seaside Park, New Jersey has approximately 200 members and fully agrees with the position of the Jersey Coast Angler's Association regarding Addendum XXV. More specifically:

- 1. Regarding summer flounder in section 3.1 we support option 1: Status Quo: Coastwide or Conservation Equivalency.**
- 2. We also support Option 2: Utilization of Additional RHL**
- 3. We are strongly opposed to any mandatory regionalization plan as described in option 3.**
- 4. Regarding section 3.2, support option 1: Status Quo**

Respectfully submitted,

Craig Lorenz, President
Berkeley Striper Club



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Past President – Buddy Wilson

Mr. Kirby Rootes-Murdy
Fisheries Management Plan Coordinator
1051 N Highland St, Suite 200A-N
Arlington, VA 22201

January 17, 2014

At its Wednesday January 8 membership meeting, the **Cape Cod Charter Boat Association** voted unanimously to request that black sea bass regulations remain the same in 2014 as they were in 2013.

The 2013 regulations in themselves represented a dramatic cutback in catch allowance, with for-hire vessels enduring an 8 week closure during the season. This placed many of our vessels at risk of not being able to continue their businesses financially, with the commensurate impact on families and local economies. To now impose a bag limit of 4 fish daily will frankly put many for-hire charters out of business. In our opinion, this is not sound fishery management practice. Many of our members fish Cape Cod Bay, and the resurgence of black sea bass has been remarkable. Even when not targeted, we are catching them jigging with 300 foot wires, tube and worm, and on umbrella rigs. When they are targeted, it is non-stop action. If this resurgence is typical of other water bodies in Massachusetts, imposing further reductions is unfathomable.

The main tenants of the **Cape Cod Charter Boat Associations'** charter are to promote sport fishing and sustainability of our fisheries. We do not view maintaining sea bass regulations at their 2013 levels in conflict with these goals. Thank you for your time and consideration regarding this matter.

Respectfully,

Captain Robert Hussey
President
Cape Cod Charter Boat Association

CAPTREE FISHING FLEET
Captree State Park
244 Bayport Ave.
Bayport, NY 11705

Kirby Rootes-Murdy
Fishery Management Plan Coordinator
1050 N. Highland St., Suite 200 A-N
Arlington, VA 22201

RE: Summer Flounder/Black Sea Bass Draft Addendum XXV

Dear Sir:

The Captree Boatmen's Association, located at Captree State Park NY, representing 24 party/charter boats and is the largest fishing fleet in NYS, supports Option 3 – the Adaptive Regional Management approach to summer flounder.

As stated by the NYSF: "Of the three options contained within Draft Addendum XXV to the Summer Flounder, Scup, Black Sea Bass Fishery Management Plan for Public Comment, specifically with regard to summer flounder (fluke), New York anglers get the most socioeconomic relief under this regional approach to fluke regulations, particularly Option 3a-Region 1 which gives Rhode Island, Connecticut, New York and New Jersey a 135-day season and similar 18- inch size limit and four fish bag limit, and Option 3a-Region 2 which would include Connecticut, New York and New Jersey in a 128-day season and similar 18-inch size and four-fish bag limit.

We would also ask Commissioners, Councilors, legislators and fisheries managers for a unified push to suspend punitive 'accountability measures' and make a concerted effort to fix the recreational data collection so that the best available science is available to establish the most fair and sensible distribution of commercial and recreational fluke quota along the Atlantic Coast. The Commerce Department's abject failure to meet their congressional mandate to incorporate National Research Council recommendations into a "fatally flawed" Marine Recreational Fishing Statistical Survey (MRFSS) has become most apparent during this recent series of meetings.

In a question and answer period on January 14th at New York Department of Environmental Conservation headquarters in East Setauket, NY, ASMFC noted that it may not be possible at this time to even consider opening the traditional January/February black sea bass fishery along the Atlantic Coast given that NMFS does not coordinate any angler surveys during that timeframe.

As for vessel trip report (VTR) data required by federally permitted vessels which might target black sea bass offshore, it was corroborated by ASMFC on January 14th that NMFS is not analyzing this VTR data from charter fishing vessels, a clear contradiction of section 109-479 of the Magnuson Stevens Act as it pertains to recreational fisheries' data collection methodology.

In terms of the black sea bass options under Draft Addendum XXV to the Summer Flounder, Scup, Black Sea Bass Fishery Management Plan for Public Comment, New York Sportfishing Federation supports Option 2: Ad Hoc Regional Measures, while recognizing of course that the Commerce Department's continued use of "fatally flawed" recreational harvest methodologies are in clear violation of the spirit and intent of the Magnuson Stevens Act."

We support the statements also made by the Tackle Trade Association as well.

Thank you for your time with this matter.

Katherine Heinlein
President, Captree Boatmen's Association
Director, NYSF

Officers

Larry Snider
Chairman

Tom Raffetto
Vice Chairman

Keith Workman
Vice President
Membership

Frank Kearney
Vice President
Gov. Affairs

Hugh Miller
Treasurer

Heidi Workman
Secretary

Directors

Rob Allen
John Bello
Frank Kearney
Hugh Miller
Timothy O'Brien
Carl Onesty
Tom Raffetto
Larry Snider
Murphy Sprinkel
Penn Vaughan
Tom Welch
Peter Wingate
Heidi Workman
Keith Workman



Coastal Conservation Association Virginia

January 24, 2014

Attention: Kirby Rootes-Murdy
Atlantic States Marine Fisheries Commission
1050 North Highland Street, Suite 200A-N
Arlington, VA 22201

Comments of the Coastal Conservation Association Virginia on Amendment XXV to the Summer Flounder, Scup and Black Sea Bass Fishery Management Plan.

The Atlantic States Marine Fisheries Commission is to be commended for exploring alternative approaches to management as the distributions of fish and fishermen change over time. However, it strikes us that the most direct way to address these concerns is to conduct a rigorous analysis of the current allocations, both between the commercial and recreational fisheries and, in the case of summer flounder, between states, and adjust them on a regular basis.

SUMMER FLOUNDER

Both methods of redistributing summer flounder seem to be fair and equitable but we find it difficult in this instance to favor one over the other.

BLACK SEA BASS

We support Option 2: Ad Hoc Regional Measures. Since there are differences in the seasonal movements and availability of black sea bass to near shore fishermen, it makes sense in this instance to adopt a regional management strategy.

We particularly like the provision: "States would not implement measures by mode or area unless the PSE of the mode or area for that region is less than 15%." We believe such provisions should be clearly stated in any fishery management plan when management is contemplated for a finer scale than coast-wide management.

Thank you for the opportunity to comment on Amendment XXV to the Summer Flounder, Scup and Black Sea Bass Fishery Management Plan.

Larry Snider

Chairman CCA Virginia

Dedicated to Conserving, Protecting and Restoring Virginia's Coastal Fisheries

CCA Virginia 213 Skipper CT, Hampton, VA 23669
Phone 747-850-4912 VA Website: www.ccavirginia.org

Dedicated to Conserving, Protecting and Restoring Virginia's Coastal Fisheries

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Regal Marine Products, Inc.
198 West 9th Street
Huntington Station, N.Y. 11746
www.regalbait.com
631-385-8284 Fax: 631-271-5294



January 24, 2014

Kirby Rootes-Murdy
Atlantic States Marine Fisheries Commission
1050 North Highland Street, Suite 200A-N
Arlington, VA 22201

RE: Public Comments for Draft Addendum XXV

I am writing to you today on behalf of Regal Marine Products, Inc., regarding draft Addendum XXV. Regal Marine Products Inc., is a wholesale fishing bait and tackle distributor. We have over 300 accounts and service the NJ, NY, CT and RI region. Over the years, regulations, weather and economic challenges have had major impacts on our industry. Being based in NY, one of the largest recreational regulatory disparities for our state has been with the Summer Flounder fishery.

I fully support the position submitted by the New York Fishing Tackle Trade Association regarding draft Addendum XXV to the Summer Flounder, Scup, Black Sea Bass Fishery Management Plan.

With regards to Summer Flounder, I support Section 3.1 Option 3: Adaptive Regional Management with Option 3a for region 1(NJ-RI) and Section 3.1.1 Option 2 for a one year extension. If this option is not adopted, I support Option 2 for the Utilization of Additional RHL.

With regards to Black Sea Bass, I support Section 3.2 Option 2: Ad Hoc Regional Measures and Section 3.2.1 Option 2 for a one year extension.

It is my hope that these regional approaches will help ease some of the inequities that have built up in the Summer Flounder fishery until a more extensive Amendment is drafted.

Sincerely,

Melissa Dearborn

Melissa Dearborn
Vice President
Regal Marine Products, Inc.

Robert Kamienski

From: Tim Behany [timjb31@aol.com]
Sent: Sunday, January 12, 2014 5:24 PM
To: SMachalaba@aol.com; capncasey@msn.com; 77transam.sw@gmail.com; Robert Kamienski
Cc: edwardaras@gmail.com
Subject: RE: HEARING ON FLUKE ADDENDUM XXV
Attachments: HEARING ON FLUKE ADDENDUM XXV.doc

Steve, Casey-

I edited our language a little by incorporating some of JCAA/NJOA language.

Let me know if this sounds ok.

Thanks
Tim

HEARING ON FLUKE ADDENDUM XXV

My name is KEVIN CAMPI I am SECRETARY of the Hi-Mar Striper Club which is a 40+ year old fishing organization based in Middletown, New Jersey. I am authorized to speak on behalf of the Hi-Mar Striper Club regarding Addendum XXV. We are in support of and endorse Option 1, Coast wide or Conservation Equivalency, and also support and endorse Option 2, Utilization of additional RHL. Additionally we would like to state our strong opposition to Option 3, the proposed mandatory regionalization plan.


We believe that the state-by-state measures under the conservation equivalency are the fairest way to divide the quota

Our opposition to Option 3 is rooted in our concern that the proposed regionalization plan is poorly composed, vague, and does not address the various factors that must be considered for proper fisheries management. While we sympathize with the tougher regulations that our fellow fishermen have in New York, we are concerned that regionalization may result in some of New Jersey's target quota being reallocated to New York. Most likely, any regionalized plan would result in New York's regulations being liberalized at the expense of New Jersey's regulations being made more stringent. Until a proper plan is developed to demonstrate a more accurate method of identifying catch data which would outline how each state would benefit from this proposed regionalization plan, we will continue to oppose any regionalization efforts.

The Hi-Mar Striper Club sees no other realistic direction other than to maintain the Status Quo, Coast wide Conservation Equivalency for the allowable Summer Flounder/Fluke catch quota.

Additionally, we would also encourage New Jersey's state Senator's, Menendez and Booker, as well as other elected legislators to become involved in this issue to properly represent their constituents and to help protect the Summer Flounder catch quota that New Jersey's recreational anglers are rightfully entitled to.

Thank you.



1/13/14



Manasquan River Marlin & Tuna Club

Established in 1936

January 23, 2014

Kirby Rootes-Murdy
Atlantic States Marine Fisheries Commission
1050 North Highland Street, Suite 200A-N
Arlington, VA 22201 Draft

Email: krootes-murdy@asmfc.org

Fax: (703) 842-0741

Re: Draft Addendum XXV Fluke

Dear Kirby,

Manasquan River Marlin & Tuna Club (www.mrmtc.com) is the second oldest formally organized recreational fishing club in the United States. We are a 501(c)(7) nonprofit, members only, sport fishing and conservation club based out of Manasquan Inlet, NJ. With 238 members strong, the MRMTC hosts numerous fishing tournaments and social events that promote our passion for fishing and marine conservation. We raise money to support philanthropic endeavors which include the George Burlew Scholarship, Catch A Dream Foundation, Rutgers University Marine Field Station, NJ Artificial Reef Program and various legislative and recreational fisheries issues.

In regards to the fluke changes offered for comment, we:

Support Option 1 and Option 2

Object to Option 3

We strongly oppose option 3. Mandatory regionalization is not in the best interest of NJ anglers especially when the region includes NY. We see this proposal as one being political rather than scientific, pitting one state against another.

Respectfully submitted,

Steven Mellett, President

New York Fishing Tackle Trade Association
P.O. Box 3210
Patchogue, NY 11772
nyftta@gmail.com

Public comments for Draft Addendum XXV to the Summer
Flounder, Scup and Black Sea Bass Fishery Management Plan.

January 13, 2014

Kirby Rootes-Murdy
Atlantic States Marine Fisheries Commission
1050 North Highland Street, Suite 200A-N
Arlington, VA 22201

The New York Fishing Tackle Trade Association (NYFTTA) represents retail and wholesale bait and tackle dealers in the New York Marine district. The livelihood of our members, our industry, depends upon healthy stocks of many species of fish. Our mission is not just to promote the sport of fishing, but also to do our part in conserving resources for the future. Conserving resource for the future is not just managing the fishery from a conservation or regulatory approach, but also maintaining equitable access to such fisheries. As such, one of the most important statements within this draft addendum is in section 2.1.1, “It is important that Commission fishery management plans strive to provide recreational anglers with equitable access to shared fishery resources throughout the range of each managed species.”

While preparing comments for this Addendum XXV, I happened across comments from January 2004 for draft Addendum XI, which addressed regional or state specific management on Scup. At that time we believed in a regional approach for both Scup and Summer Flounder. Here we are 10 years later, and while the status of the Summer Flounder stock has certainly come a long way, being designated rebuilt in 2010, the inequitable access to the fishery remains. The recreational fishing community in the state of NY has been victim of the inequities in the Summer Flounder fishery for far too long.

As stated within draft Addendum XXV, “since 2001 the FMP has allowed for and the Commission and Council have utilized, a state-by-state allocation formula, based on estimates of state recreational landings in 1998.” To take a single snapshot of a fishery and hold individual states accountable back to that one base year for over 15 years, while a fishery recovers and is rebuilt, while studies and assessments indicate a geographic shift in the stock, while the MRFSS is recognized as flawed by NMFS and the new and “improved” MRIP is still “evolving”, scream of the inequalities that still exist in the Summer Flounder fishery.

With regards to section 3.1: Summer Flounder Options, NYFTTA holds the same position as we did 10 years ago, regional management. And therefore supports Option 3 for an adaptive regional management approach, **only** if coupled with Option 3a for Region 1 (RI-NJ). In section 3.1.1, we support Option 2 for a one year extension. As a message to our NY representatives, we accept this only if equality is also applied within NY’s recreational community by equally spreading any reduction in days of harvest from

both the beginning and end of the season. This will fairly distribute fishing opportunities from the western to eastern regions of NY.

In the event that regionalization is not adopted we would support Option 2: State-by-State equivalency with the utilization of RHL.

There are several additional concerns within the draft addendum to point out. The first is that the issue of any accountability measures is not clearly addressed. Technical committees approve plans that will constrain harvest within the harvest limits, yet will then hold the states accountable if they exceed. We follow the rules, but are still penalized. The recreational fishery is still dealing with the uncertainty of historical MRFFS data and the infancy of MRIP data. It needs to be clearly stated in this Addendum that no recreational accountability measures will be in place. If in one or two years it was deemed that the regional approach was not working and the management went back to a state by state approach, no one state in the region should be unequally penalized in the following year. We do not believe that there should be any accountability measures enforced during this regional trial period. However, if the coast did go over and accountability was triggered, then, **all participants in the region must equally share any regional overage in year one of reinstating any state-by-state measures.**

Another concern is regarding effort data. Table 2 shows angler participation through 2012. However, it does not show participation for 2013, by coast, mode or by state. Yet NJ, NY and CT, states severely impacted by Hurricane Sandy, are the only states who overharvested Summer Flounder in 2013. With a 39.1% and 17.6% allocation, NJ and NY alone comprise almost 57% of the Summer Flounder allocation. The fishery opened May 1 in NY with little fanfare as many areas in the NY Marine district were still recovering and rebuilding from Sandy. The same applied to regions of NJ and CT. Overall, the 2013 season got off to a very late start, marinas were not filled to capacity and many access points opened late or not at all. To see just these three states facing 2014 reductions from a 2013 overharvest once again calls to question the validity of the recreational harvest data.

With regards to Section 3.2 Black Sea Bass options, we support Option 2: Ad Hoc Regional Measures and Section 3.2.1 Option 2: for a one year extension.

The reality is that this Addendum is just a stopgap to a more equitable solution. Is it the right solution? The constant annual regulatory changes that have occurred in the last 15 years have left an inequitable mess. A regional approach may or may not be the right answer. But with a set of consistent regulations among several bordering states in place for a couple of years, it is finally a step towards a more equitable solution.

Respectfully Submitted by,

Melissa Dearborn
Vice President, NYFTTA



January 21, 2014

Attn: Kirby Rootes-Murdy
Fishery Management Plan Coordinator
1050 N. Highland St., Suite 200 A-N
Arlington, VA 22201

RE: Summer Flounder/Black Sea Bass Draft Addendum XXV

The New York Sportfishing Federation, on behalf of our members, the saltwater anglers of New York, as well as those members of the for-hire and tackle industry which rely on a healthy and robust fluke fishery, supports **Option 3 – the Adaptive Regional Management** approach to summer flounder.

Of the three options contained within Draft Addendum XXV to the Summer Flounder, Scup, Black Sea Bass Fishery Management Plan for Public Comment, specifically with regard to summer flounder (fluke), New York anglers get the most socioeconomic relief under this regional approach to fluke regulations, particularly **Option 3a-Region 1** which gives Rhode Island, Connecticut, New York and New Jersey a 135-day season and similar 18-inch size limit and four fish bag limit, and **Option 3a-Region 2** which would include Connecticut, New York and New Jersey in a 128-day season and similar 18-inch size and four-fish bag limit.

New York anglers of course have been hampered by the largest size & smallest bag combination along the entire Atlantic Coast:

2010 21 inches, two fish
2011 20-1/2 inches, three fish
2012 19-1/2 inches, four fish
2013 19 inches, four fish

By this ‘pattern’ one might think that 2014 could bring us the opportunity to get down to the more reasonable limit enjoyed by our neighboring states, where Rhode Island had an 18-inch size limit in 2013 (245 days), Connecticut (168 days) and New Jersey (130 days) both with 17-1/2 inches, versus our 152-day season in 2013. Regrettably, at the given rate and considering the current management regime, it would take another 6 years at least before New York could see an 18-inch size limit coupled with reasonable days of fishing opportunity during any given season..

In addition to the obvious disparity amongst bordering states in the northern Mid-Atlantic region, the higher size limit forced on New York’s angling community in recent years to accommodate a reasonable season for Long Island Sound, East End, South Shore and Staten Island anglers has also increased bycatch mortality on released fish, something ‘NMFS’ focused significant attention to in recent months through various workshops and outreach sessions.

To reduce bycatch mortality in the fluke fishery here in New York, it’s imperative that a more sensible size limit of 18 inches or less be implemented; the only way for New York state to get down to an 18-inch size limit under status-quo management we would be by forcing our state anglers to accept an abysmal 70- to 90-day season at best, clearly an inequitable situation given other Atlantic states.

Of concern to New York Sportfishing Federation members is with regard to the ‘accountability measures’ associated with any overage of recreational harvest levels in 2013. We would point out on page 10 of the public scoping document, where ASMFC says that “*Under this adaptive regional approach, the Technical Committee would develop proposed measures for each region, that when combined with other regions, would constrain the coastwide harvest to the RHL (recreational harvest limit).*”

Under either *Option 3a-Region 1* or *Option 3b, Region 2* alternative where coastwide recreational harvest limit of fluke is divided into regions, it is based on the Technical Committee's recommendation that these regional measures "would constrain the coastwide harvest to the RHL."

Therefore, New York Sportfishing Federation believes it is critical that the Department of Commerce suspend any overharvest restrictions and accompanying 'accountability measures' for 2014, given scientists and technical experts have thusly determined that this particular regional measure would effectively constrain the harvest to the proper recreational harvest levels.

It is the ASMFC Technical Committee and NOAA Fisheries which approve recreational limits to constrain harvest, meaning that any use of highly suspect, random recreational harvest data for 2014 to inflict further punitive measures against the recreational sector in 2015 and beyond would amount to double-jeopardy.

If fisheries experts feel that recreational harvest levels can be properly constrained with a four-fish bag, 18-inch size limit and a 128 to 135 day season for this region, then New York Sportfishing Federation believes that the ASMFC and members of the Mid Atlantic Fishery Management Council, with support from Congress and the U.S. Commerce Department must work together to suspend recreational accountability measures which may result if "fatally flawed" harvest data in 2014 indicates any recreational overage.

New York anglers have been slighted by the ever-tightening noose of season, size and bag limit restrictions over the past decade, and we're often reminded about use of a 1998-baseline for setting state-by-state fluke allocation. Many feel that the 17.6% of quota, second only to New Jersey's 39.1%, is unjust – more egregious perhaps is the fact that New York anglers harvested 1.2 million fluke in 1998 with that 17.6% quota, at a time when the summer flounder population was still rebuilding.

In 2014, with a healthy, fully-rebuilt fluke stock, New York's target for number of fish according to page 9 of the scoping document shows that if ASMFC takes no action on this addendum, only 426,223 fluke will be allotted to our New York marine district anglers; a fully rebuilt stock, New York anglers would receive a third of the fishing opportunities we had when the stock was still below the rebuilt threshold.

In recent congressional hearings, we've heard a bipartisan call for 'flexibility' in federal fisheries, with statements from key leaders that the Magnuson Stevens Act simply does not work for the recreational community. The fact that recreational data collection shows that the only Atlantic Coastal States that went over their allotted recreational harvest levels in 2013 were Connecticut, New York and New Jersey tells us two things:

ONE, NOAA's mission to migrate from MRFSS to MRIP has simply not been met, not when you consider that a Post-Sandy fishing world in our region shows markedly less effort and participation – even the Commerce Department's own post-Sandy analysis proves a significant loss of infrastructure, so surely those recreational numbers are suspect.

TWO, if page 9 of the ASMFC document is any indication of fish migration, it's clearly evident that the major body of fish is to the northern Mid-Atlantic region where New York, New Jersey and Connecticut are fishing fewer days than our southern counterparts, yet finding more of the fish that we're currently allowed.

*Our industry simply can't wait any longer; New York Sportfishing Federation supports **Option 3 – the Adaptive Regional Management** approach to fluke.*

*As a fall-back measure, if Option 3 fails to progress, New York Sportfishing Federation would also support **Option 2 - Utilization of Additional RHL** to allow states to request access to additional RHL.*

We would also ask Commissioners, Councilors, legislators and fisheries managers for a unified push to suspend punitive ‘accountability measures’ and make a concerted effort to fix the recreational data collection so that the best available science is available to establish the most fair and sensible distribution of commercial and recreational fluke quota along the Atlantic Coast. The Commerce Department’s abject failure to meet their congressional mandate to incorporate National Research Council recommendations into a “fatally flawed” Marine Recreational Fishing Statistical Survey (MRFSS) has become most apparent during this recent series of meetings.

In a question and answer period on January 14th at New York Department of Environmental Conservation headquarters in East Setauket, NY, ASMFC noted that it may not be possible at this time to even consider opening the traditional January/February black sea bass fishery along the Atlantic Coast given that NMFS does not coordinate any angler surveys during that timeframe.

As for vessel trip report (VTR) data required by federally permitted vessels which might target black sea bass offshore, it was corroborated by ASMFC on January 14th that NMFS is not analyzing this VTR data from charter fishing vessels, a clear contradiction of section 109-479 of the Magnuson Stevens Act as it pertains to recreational fisheries’ data collection methodology.

In terms of the black sea bass options under Draft Addendum XXV to the Summer Flounder, Scup, Black Sea Bass Fishery Management Plan for Public Comment, New York Sportfishing Federation supports **Option 2: Ad Hoc Regional Measures**, while recognizing of course that the Commerce Department’s continued use of “fatally flawed” recreational harvest methodologies are in clear violation of the spirit and intent of the Magnuson Stevens Act.

Sincerely,



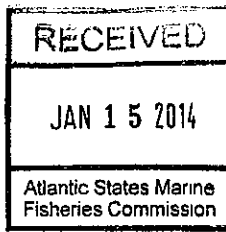
Jim Hutchinson, Jr.

President, New York Sportfishing Federation, on behalf of members and Board of Directors:

Vice-President Chuck Hollins; Secretary Jeffrey Leavitt; Treasurer Tom Wallace;

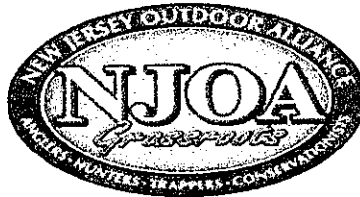
Mike Barnett, Bob Danielson, Kathy Heinlein, Alberto Knie, John Malizia, John Meringolo, Joe Paradiso, Reed Riemer

ⁱ *The New York Sportfishing Federation is a non-profit organization founded in 1981 to protect and promote the interests of the marine recreational angler and to develop and promote programs designed to both protect and conserve the marine environment and fisheries in the area of the eastern seaboard of the United States of America, including but not limited to the southern part of New York State and its environs.*



JERSEY COAST ANGLERS ASSOCIATION
Working For the Saltwater Resource and Marine Anglers
1201 Route 37 East, Toms River NJ 08753
Phone 732-506-6565 Fax 732-506-6975
Web Site <http://www.jcaa.org>

NEW JERSEY FEDERATION OF SPORTSMEN'S CLUBS
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NEW JERSEY OUTDOOR ALLIANCE
Working for the Sportsmen and Sportswomen of New Jersey
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Web Site <http://www.njoutdooralliance.org>.

1/13/14

Kirby Rootes-Murdy
Atlantic States Marine Fisheries Commission
1050 North Highland St., Suite 200 A-N
Arlington, Va. 22201

Kirby,

The Jersey Coast Anglers Association, the New Jersey State Federation of Sportsmen's Clubs and the New Jersey Outdoor Alliance collectively represent more than 100,000 saltwater anglers throughout our state. We appreciate this opportunity to comment on Draft Addendum XXV to the summer flounder, scup and black sea bass fishery management plan.

Regarding summer flounder in section 3.1 **we support option 1: Status Quo: Coastwide or Conservation Equivalency.** We believe that the state-by-state measures under the conservation equivalency are the fairest way to divide the quota. While quotas are, in fact, based on harvest estimates for a single year (1998), there was sound reasoning for this. When the Management Board first considered how to equitably allocate the

quota, and, thus, the conservation burden among its member states, it spent considerable time in analyzing various time periods. After much discussion it was agreed by the states that the single year of 1998 was the most representative and fairest.

Additionally, state-by-state measures allow our state to be flexible in setting regulations. Our state is often divided between back bays and southern New Jersey fishermen preferring an earlier shorter season with a smaller size limit and central and northern New Jersey fishermen preferring a later and longer season with a higher size limit. State-by-state measures allow the public to have input and the New Jersey Marine Fisheries Council considers all of this before voting on the compromise they feel meets the needs of the majority of our fishermen. We would lose this flexibility under any regional plan.

We also support Option 2: Utilization of Additional RHL. This option would allow New Jersey and other states facing a reduction to not to have as severe a cut. This worked out well last year in that it allowed New Jersey to extend its season and allowed New York to lower their size limit. Though New Jersey was granted an extra 88,000 fish which should have been more than ample to extend our season by 11 days, the New Jersey Marine Fisheries Council chose to only extend the season by 8 days. That was because the Council justifiably does not trust the numbers generated by the Marine Recreational Fisheries Statistical Survey (MRFSS) or Marine Recreational Information Program (MRIP). The Council's concerns were confirmed again in 2013 by the distorted MRIP numbers that were changed several times.

We are strongly opposed to any mandatory regionalization plan as described in option 3. The existing FMP allows for states to voluntarily combine their quotas with neighboring states, i.e., regionalize, yet none have done so. While we sympathize with the tougher regulations that our fellow fishermen in New York have, we are concerned that regionalization may result in some of New Jersey's target quota being reallocated to New York. Most likely, any regionalized plan would result in New York's regulations being liberalized at the expense of New Jersey's regulations being made more stringent. Further, under the adaptive regional approach outlined in option 3, if a region was to over fish, that region would be penalized the following year. If we opted to go back to conservation equivalency the following year "the technical committee will use the harvest from 2014 to predict the harvest in 2015 and compare that to the 2015 state harvest target (derived from the state's 1998 based portion of the 2015 RHL). If a state's predicted harvest is higher than the target, the state must adjust their regulations to constrain harvest to the 2015 target." It is almost a certainty that with relaxed regulations, New York would harvest far more fish in 2014 than in 2013. Then New York would be forced to make draconian cuts in 2015.

We also suggest that New York or anyone else develop a plan that shows how each state would benefit from a regional plan and then it could be considered. More specifically, pertaining to the stated problem in section 2.1., we would like to see studies showing how the distribution, abundance, and size composition of fluke as well as the abundance and distribution of fluke anglers along the coast have changed over the years.

Addendum XXV suggests that under a regional approach we might have an 18" size limit with a 4 fish bag limit and a season from May 1st - September 30th. However, that is based on the current MRIP numbers that might change yet again. We also believe that these potential regulations would cause New York to significantly overfish their target quota which would negatively impact the entire region the following year. Consider the fact that in 2013, New York overfished its quota with a 19" size limit. For a regionalized plan to work, any region with New York in it would have to receive a substantially higher quota than the sum of what each state in that region would receive under state-by-state measures. Again, any regionalization plan should be voluntary and it should be mutually beneficial to all the states within a particular region.

We also question why you would consider making a small state like Massachusetts its own region. They should be in a region with other states. If any state should be its own region, it should be New Jersey because we account for the most fluke. There are also vast differences in the times and sizes of fluke that are available in different parts of our state.

NJ has the most fluke and the most fluke fishermen. A higher percentage of our fishing trips target fluke than any other state. Still we are forced to have a shorter season than almost all the other states. In many of the more recent years our traditional early spring and late fall fishing has been taken away from us while other states are open year round. How is that fair?

We would also like to point out that the commercial quota is divided up on a state-by-state basis. It is simply the fairest way to do things whether it applies to commercial or recreational fishermen.

Regarding sea bass, we believe that they should be managed on a state-by-state basis through conservation equivalency as well. Since that is not an option, **regarding section 3.2, we reluctantly support option 1: Status Quo** We are aware that over fishing has occurred in many years but believe this is due to an unrealistically low RHL. We also do not agree with the fact that the overall coastal quota is being reduced due to over fishing that occurred in Massachusetts state waters.

Respectfully submitted,

Paul Haertel, President
Jersey Coast Anglers Association

Frank Virgilio, President
New Jersey State Federation of Sportsmen's Clubs

Anthony Mauro, Chairman
New Jersey Outdoor Alliance

C Governor Chris Christie
DEP Commissioner Bob Martin
Division of F&W Director Dave Chanda
BMF Chief Brandon Muffley



RHODE ISLAND
SALTWATER
ANGLERS
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January 15, 2014

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2nd Vice President
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Roger O. Tellier
Secretary
401-398-2670

Re: Draft Addendum XXV to the Summer Flounder, Scup, Black Sea Bass Fishery
Management Plan

Peter R. O'Biso
Treasurer
401-783-2364

Dear Sirs:

William S. Sosnicki
Sargeant-At-Arms
401-822-2979

The Rhode Island Saltwater Anglers Association, representing 6,500 recreational anglers and 30 affiliated clubs, presents these comments to the Management Board for their consideration.

Travis E. Barao
Director
401-301-7944

Concerning Summer Flounder, we recognize that a problem currently exists which is perceived by some as an inequitable distribution of the resource. Further, we understand that the purpose of ASMFC managers is to find long-term durable solutions that are best for all. Jumping into the Option 3 regional management schemes creates arbitrary regions, with no scientific basis, and is not good management. Since this is proposed as a short term, one-year program, it will not solve any problems or generate any long-term solutions.

Capt. J. Edwin Cook
Director
401-885-0679

Michael W. Lawing
Director
401-255-7866

Since recreational catch and effort estimates serve as the basis for managing recreational fisheries, and since those estimates are known to be imprecise, it is necessary to improve the accuracy of the estimates before changing management approaches, especially now while we are in the midst of a transition from MRFSS to MRIP!

Kevin C. Miller
Director
401-497-6794

Robert S. Murray
Director
401-378-5895

Over the past several years, Rhode Island has consistently maintained a conservative approach when setting conservation equivalency regulations each year. Over the past several years, Rhode Island's conservative-minded commitment has resulted in harvests that are well within Rhode Island's harvest limit, proving that the current management structure DOES work.

Capt. Michael A. Warner
Director
401-364-0027

The Rhode Island Saltwater Anglers Association represents over 6,500 recreational anglers and 30 affiliated clubs

Blue Water Anglers • Bowling Green Fishing Club • Bristol County Striper Club • Benjamin's Fishing Club • Buckeye Brook Coalition
Buzzards Bay Anglers Club • Connecticut Surfcasters Association • CT/RI Coastal Fly Fishers • East Bay Anglers • East Greenwich Yacht Club
Galilee Tuna Club • Italian Progressive Fishing Club • Jamestown Striper Club • Massachusetts Beach Buggy Association • Massachusetts Striped
Bass Association • Narragansett Pier Sportfishing Association • Narragansett Salt Water Fishing Club • Narragansett Surfcasters • Newport County
Saltwater Fishing Club • Ocean State Surfcasters • Old Colony Amphibians • Pioneer Valley Boat & Surf Club • Princeton Fishing Team
Rhode Island Marine Trades Association • Rhode Island Mobile Sportfishermen • Rhode Island Party & Charter Boat Association
Rhody Fly Rodders • Slater Mill Fishing Club • St. John's Fishing Club • Stripercoast Surfcasters • Thundermist Striper Club
United Fly Tyers of Rhode Island • Weekapaug SurfCasters

The Rhode Island Saltwater Anglers Association strongly urges the Management Board to approve **Option #1 (Status Quo/Conservation Equivalency)** which will allow all states to continue operating in a conservation mindset, and set regulations that adapt to their own region and citizens. Status quo has worked, as intended, for most states, and we believe that the sudden suggestion to change into arbitrary regions, as proposed by Option #3, is not appropriate at this time. Much more study should be required before any regional change is considered. Our Association also supports **Option #2 (Utilization of Additional RHL)**, as a complement to Option #1, for the purpose of lending assistance to other states.

Respectfully,

Stephen J. Medeiros
President

		Public Hearings		Written Individual Comments		Written Group Comments		Total Support	Total Opposed	
		Support	Opposed	Support	Opposed	Support	Opposed			
Summer Flounder Recreational Fisheries Management Options										
	Option 1	Status Quo: Conservation Equivalency	140		146		6	292	0	
	Option 2	Utilization of Additional RHL	107**		130		7**	130	0	
	Option 3	Adaptive Regional Management	65	134	35	127	4	2	104	263
**Includes additional support for Option 2 if option 3 is not adopted										
Black Sea Bass Recreational Fisheries Management Options										
	Option 1	FMP Status Quo: Coastwide Measures	8		4	3	4	1	16	4
	Option 2	Ad Hoc Regional Approaches	197		132	1	5	0	334	1