

# Summer Flounder Amendment Scoping Comments Summary



December 2014

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



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## 1 INTRODUCTION AND COMMENT SUMMARY

### 1.1 SCOPING OVERVIEW

The Mid-Atlantic Fishery Management Council and the Atlantic States Marine Fisheries Commission have proposed to develop a Comprehensive Summer Flounder Amendment. This amendment was initiated in order to perform a comprehensive review of all aspects of the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP) related to summer flounder. The amendment will consider updating the FMP goals and objectives for summer flounder management, and modifying management strategies and measures as necessary to achieve those goals and objectives. Additional information and amendment documents are available at: [www.mafmc.org/actions/summer-flounder-amendment](http://www.mafmc.org/actions/summer-flounder-amendment).

A scoping process was conducted from September 16, 2014 through October 31, 2014. Scoping is the process of identifying issues, potential impacts, and reasonable alternatives associated with a particular management issue. It provides the first and best opportunity for the public to make suggestions or to raise issues and concerns before development of an amendment begins.

Fourteen public scoping hearings were held from Massachusetts through North Carolina (Table 1). Hearings were attended by approximately 200 people in total.

In addition, a total of 100 written comments were received via email (49), web form (31), mail (17), or fax (3). Written comments were received from all states Massachusetts through North Carolina, however, the greatest

representation was from New Jersey (primarily from those with recreational fishery interests) and New York (primarily from those with commercial fishery interests).

This document summarizes the major themes of written and hearing comments (section 1), in addition to providing detailed scoping hearing summaries (section 2) and copies of all written comments received (section 3).

**Table 1: Scoping hearing schedule.**

Date and Time	Location
Monday, September 29, 2014, 6:30 p.m.	Kingsborough Community College 2001 Oriental Blvd., Building T3, Room 303, Brooklyn, NY 11235
Monday, September 29, 2014, 6 p.m.	Somers Point City Hall 1 West New Jersey Avenue, Somers Point, NJ 08244
Tuesday, September 30, 2014, 5:30 p.m.	Montauk Library 871 Montauk Highway, Montauk, NY 11954
Tuesday, September 30, 2014, 6 p.m.	Belmar Municipal Court 601 Main St. Belmar, NJ 07719
Wednesday, October 1, 2014, 7 p.m.	CT DEEP Marine Headquarters Boating Education Center (Bldg 3), 333 Ferry Rd, Old Lyme, CT 6371
Wednesday, October 1, 2014, 6:30 p.m.	NYDEC Bureau of Marine Resources 205 North Belle Mead Road, Suite 1, East Setauket, NY 11733
Thursday, October 2, 2014, 6 p.m.	Ocean Pines Library 11107 Cathell Rd, Berlin, MD 21811
Thursday, October 2, 2014, 5 p.m.	Bourne Fire Station, #3 Meeting Room 53 Meetinghouse Lane, Sagamore Beach, MA 02561
Monday, October 6, 2014, 6 p.m.	DNREC Auditorium 89 Kings Hwy, Dover, DE 19901
Wednesday, October 8, 2014, 6 p.m.	University of Rhode Island Bay Campus, Corless Auditorium South Ferry Rd, Narragansett, RI 02882
Tuesday, October 14, 2014, 6 p.m.	Virginia Marine Resources Commission 4th Floor Meeting Room 2600 Washington Avenue, Newport News, VA 23607
Wednesday, October 15, 2014, 6 p.m.	NCDMF Pamlico District Office 943 Washington Square Mall, Highway 17, Washington, NC 27889
Tuesday, October 21, 2014, 6 p.m.	Washington Marriott at Metro Center 775 12 <sup>th</sup> St NW, Washington, DC 20005
Wednesday, October 22, 2014, 6 p.m.	Internet webinar: <a href="http://mafmc.adobeconnect.com/summerflounder_scoping/">http://mafmc.adobeconnect.com/summerflounder_scoping/</a>

## 1.2 SUMMARY OF WRITTEN COMMENTS

A total of 100 written comments were received via email (49), web form (31), mail (17), or fax (3). Table 2 summarizes the major themes of the written comments, with the corresponding number of comments received on each issue. This list reflects the most commonly raised themes for each general topic, and does not reflect all issues raised in written comments. See section 3 for the full text of written comments.

The most frequently discussed general categories (as described in Table 2) were commercial issues and recreational issues. Regarding the commercial summer flounder fishery, landings flexibility and the current state-by-state commercial quota system were two of the more commonly discussed themes. Comments regarding landings flexibility were approximately split for and against incorporating landing flexibility into the commercial management of summer flounder. Comments regarding the current state-by-state commercial quota system were largely in favor of maintaining the current state quotas; however, there were several other comments requesting that the Council and Commission reconsider the current state-by-state commercial quota allocation strategies.

Regarding the recreational fishery, concern over the high level of regulatory discards and current regional management measures (bag limit, size limit, and season length) were two of most commonly cited issues. Many comments spoke to high regulatory discards and discard mortality as the result of high recreational size limits, and dissatisfaction with high ratios of caught fish to fish to legally retainable fish. Some commenters addressed concern with commercial discards specifically, as well as concern with the overall amount of discards in both sectors.

**Table 2: Summary of major written comment themes, and number received. Because most commenters addressed multiple issues, numbers do not add to total number of written comments.**

Topic	Number of written comments received
<b>FMP Goals and Objectives</b>	
Goals and objectives should be re-evaluated and/or revised	8
Supports maintaining one or more of the current objectives	4
<b>Commercial/Recreational Allocation</b>	
Supports current 60/40 commercial/recreational split	25
Opposes current 60/40 split or supports re-evaluation	18

Table 2, Continued:

Topic	Number of written comments received
<b>Commercial Issues</b>	
Supports landings flexibility	13
Opposes landings flexibility	16
Satisfied with current commercial regulations (state and/or Federal)	10
Dissatisfied with current commercial regulations (state and/or Federal)	10
Current state-by-state quotas should <u>not</u> be changed	18
Supports reconsideration or reallocation of state-by-state quotas, or consideration of alternative quota strategies (e.g., coastwide, regional, scup seasonal model)	13
Concerned about commercial fishery depleting the stock (sustainability)	7
Permits and/or management strategies by gear type should be reconsidered	5
Supports consideration of spawning time/area closures for the commercial fishery	4
Supports re-evaluation of permit qualifications/addressing latent effort	6
Opposes re-evaluation of permit qualifications/addressing latent effort	9

<b>Recreational Issues</b>	
Dissatisfied with high catch: keeper ratio (high regulatory discards)	25
Current bag/size/season combination is not optimal	24
Satisfied with current recreational measures	2
Concerned with recreational vs. commercial size limit discrepancy	10
Supports improved management strategies specific to shore mode	8
Supports regional recreational measures	6
Opposes regional recreational measures (as configured in 2014)	11
Concerned with different regulations in shared waters	11
Concerned with high size limits putting pressure on large females	5
Supports recreational gear requirements/restrictions	4
Concerned with reduced recreational opportunities across species	3
Concerned with reduced opportunities for anglers to take home food fish	9
Opposes sector separation (private anglers vs. for-hire)	3

*Table 2, Continued:*

Topic	Number of written comments received
<b>Discards</b>	
Concerned with high recreational discards (including regulatory discards)	22
Concerned with high commercial discards (including regulatory discards)	15

<b>Data &amp; Science</b>	
Dissatisfied with MRIP and/or other recreational data	11
Need better economic data/understanding of economic impacts	2
Concerned with timing of fishery data as related to the assessment process	3
Better science is needed	6

<b>Ecosystem/Habitat/Forage</b>	
Forage species should receive more consideration	3
Supports habitat protection, creation, or restoration	2
Concerned about water quality	3
Supports transition toward ecosystem-based management and/or increased consideration of species interactions	2

<b>General or Other Issues</b>	
Concerns about enforcement & poaching/illegal landings	6
Management is biased toward certain interests and/or does not represent interests of general public	4
Success rates/availability down	2
Success rates/availability up	4
Concerned with rising cost of fishing (fuel cost concerns, etc.)	3
Supports discontinuation of RSA program	3

### 1.3 SUMMARY OF PUBLIC SCOPING HEARINGS

The following section contains brief summaries of attendance and major comment themes at each of the fourteen public scoping hearings (listed north to south). For a more detailed record of hearing comments, see section 2.

#### **Sagamore Beach, MA**

Approximately 12 people attended the hearing in Sagamore Beach, MA, and 8 gave comments. The majority of attendees were commercial fisherman. Of those who offered comment, many spoke in favor of maintaining the current 60/40 split between the commercial and recreational allocation. On commercial management issues,

many spoke in favor of incorporating landings flexibility into management, especially for those holding permits from other states. These commenters suggested that fishermen could land their catch in either the closest or preferred port, and then truck the landings to the state associated with the permit (e.g., fishermen with a Virginia permit would land summer flounder in a New York port, then truck the fish down to Virginia, with both states then accounting for transfers).

Other comments from commercial fishermen focused on the state's ability to fish within its commercial quota, even though abundance and availability has increased. Others spoke to errors in historical accounting for landings in other states, arguing that more landings should have been attributed to Massachusetts in the initial designation of state-by-state commercial quota. These participants spoke to the need for the current state-by-state commercial quota to be reevaluated. Lastly, a few comments focused on Massachusetts fishermen's efforts to reduce both bycatch and regulatory discards in the trawl fishery through a larger codend, and that these efforts should be recognized.

Some comments were offered regarding recreational summer flounder management, indicating a preference for state-by-state management under conservation equivalency due to the belief that their state is best equipped to manage their fishery. Additionally it was noted that the size distribution of recreationally caught summer flounder varies along the coast. Those in attendance preferred that Massachusetts maintain a minimum size limit of 16 inches, so as minimize regulatory discards. See section 2.1 for additional detail.

#### **Narragansett, RI**

Approximately 25 people attended the hearing in Narragansett, RI, and approximately 17 people chose to give comments. Attendance was split about evenly between commercial and recreational interests, and the majority of the recreational participants were associated with the for-hire sector. Commercial participants agreed that information regarding the extent of regulatory discards is critical when discussing the issue of overall discards. Commercial attendees also generally agreed that managers should work to ensure that quota underages are not occurring in the commercial fishery, and that any underages could be rolled over into the next year. A couple of attendees spoke in favor of landings flexibility.

Recreational for-hire attendees were generally in strong agreement that the for-hire sector should be managed separately from the private angler recreational sector, and most agreed that any for-hire quota would be taken out of the existing recreational quota. Several commenters asked that a lower minimum size be considered for the recreational fishery. See section 2.2 for additional detail.

#### **Old Lyme, CT**

Approximately 7 people attended and gave comments at the hearing in Old Lyme, CT. A majority of the attendees were commercial fishermen. On commercial issues, a few attendees highlighted the need to change the current 60%/40% allocation of the Total Allowable Landings between the commercial and recreational sector, with interest in increasing the commercial allocation. Reasons cited for this change centered on commercial fishermen's livelihood, and the value of landings. Several commenters also focused on changing the state-by-state commercial quota from year-round to summer only, while the rest of the year would be a coastwide quota (similar to scup commercial quota management). This would be accomplished through having a coastwide set of management measures for 2/3 of the year, with the other 1/3 left to the states to determine appropriate management measures to achieve their state quota. In addressing both commercial bycatch and discards and the Research Set-Aside (RSA) Program, one attendee offered that there should be an exemption that allows for catch on trawling vessels to keep their total catch when an observer is on board. This was brought up due to concerns that effort differs between when observers are on board vs. when they are not, as well as the mortality on bycatch

species that are measured and recorded. This additional non-targeted catch could be used as a de facto research set-aside or could simply be kept for market sale. These comments coincided with sentiments offered by attendees regarding the RSA program and their issues with the program's utility and oversight.

A few attendees commented on the need to address latent effort in the fishery by creating tiered access permits. The tiers could be broken down along those actively fishing over certain period of time, and those who enter into the fishery more recently and/or in the future. This was addressed regarding a situation where multiple family members had summer flounders permits but are not able to utilize the same vessel to fish with. See section 2.3 for additional detail.

### **Montauk, NY**

Approximately 34 people attended the hearing in Montauk, NY, and 20 people gave comments. A majority of the attendees were commercial fishermen. A significant theme was the interest in moving to a more flexible landings system, which would allow for out of state vessels to land their catch at ports closer to where they fished. This point was raised on a number of fronts, from the angle that would provide a better market for summer flounder in the northeast region, to a safety concern. Many vessels fishing for fluke from the southern states have to make longer trips, both costing the vessel more money and putting the crew at greater risk in inclement weather, due to the stipulation that landings of vessels with federal permit but specific to their home state, are compelled to land their catch in their home state. Most who spoke in favor of landings flexibility felt the landings should apply to each states' quota in the same way it does currently, but that the vessels should land them in which ever state they prefer. It was a stated goal by a number of attendees that the amendment address this issue.

Other comments revolved around commercial quotas. Many were in favor of maintaining the current 60/40 split between the commercial and recreational sectors, with a few in favor increasing the commercial quota to either 70 or 80 percent. In discussing the current state-by-state commercial quotas, many pointed to many southern states having higher quota when many southern vessels historically landed their catch in New York. This was described as a source of initial misallocation. There was interest voiced by a number of the attendees to move away to from the current state-by-state year round quota, and move to a more similar system utilized in the Scup commercial fishery (state-by-state quota during the summer; coastwide quota for the rest of the year).

Additional comments focused on concern over the current state/federal permit system, with the notion of latent effort developing in part through permit banks. The concern is that these banks hold summer flounder permits and even though there is a control date, over time people may enter back into the fishery using these permits. It was a stated goal by a number of attendees that the amendment address this issue.

Some recreational fisherman were in attendance, and indicated their interest and preference for regional management continue into the future. Those who spoke in favor of regional management requested that Rhode Island be added to the current Connecticut-New Jersey Region, to promote more uniform measures across the states. A couple of attendees spoke in favor of a separate sector allocation for the for-hire fleet relative to the rest of the recreational fishery. See section 2.4 for additional detail.

### **East Setauket, NY**

Approximately 20 people attended the hearing in East Setauket, NY and about 15 people chose to comment publicly. The majority of participants represented for-hire recreational fishermen, followed by commercial fishermen, and a small number of private anglers. Commercial participants agreed that the 60/40 allocation split should be maintained, but were divided on the issue of landings flexibility. Commercial participants also requested that carryovers from any quota underages be allowed. Recreational commenters agreed that regional



management should be maintained, but they would like to see a longer season. Additionally, recreational participants spoke to the poor quality of the MRIP estimates, and encouraged managers to use VTRs. See section 2.5 for additional detail.

#### **Brooklyn, NY**

Eight members of the public attended the Brooklyn, NY hearing. Nearly all attendees were private recreational or for-hire stakeholders. All attendees indicated their preference for the current (2014) regional management strategy for the recreational summer flounder fishery. No comments were provided commercial sector issues. Other comments noted that there may be a shift in the biomass occurring due to foraging or prey availability, as well as the possibility of poor water quality. One attendee expressed concern over the number of discards that may be occurring in conjunction with higher harvest. See section 2.6 for additional detail.

#### **Belmar, NJ**

Approximately 20 people attended the hearing in Belmar, NJ, and 9 people gave public comments. A slight majority of attendees were representatives of the commercial fishing industry. There was general agreement among commercial participants that the discussions of reallocation have political roots, that other states are interested in taking New Jersey fish, and that state-by-state quotas and the 60/40 split should remain the same. Several participants noted that New Jersey's commercial regulations are working well and are not in need of revision. Several others noted that overall regulations have become increasingly burdensome and are destroying the industry. Those speaking from a recreational perspective indicated that managers should focus on better science and recreational data collection, as well as better habitat protection. Several noted that outside data (beyond MRIP) needs to be considered when looking at recreational fishery trends. One participant suggested that the recreational/commercial allocation be revised to 50/50. Both recreational and commercial attendees commented that regulatory discards are too high in the recreational fishery and are hurting the stock. See section 2.7 for additional detail.

#### **Somers Point, NJ**

Approximately 30 people attended the hearing in Somers Point, NJ, and 13 individuals gave public comments. Attendance was split about evenly between commercial and recreational interests. All commenters speaking to recreational issues were in strong agreement that regionalization under conservation equivalency, as configured in 2014, has been bad for New Jersey, particularly southern New Jersey. There was agreement that regionalization simply shifted the problem of different regulations in shared waters to the Delaware Bay. New Jersey for-hire businesses have been at a significant disadvantage due to more restrictive measures than Delaware, and are losing business. Several commercial and recreational attendees agreed that size limits and regulatory discards are too high in the recreational fishery. Many were also concerned about declining recreational access and increasing privatization of the shoreline in southern New Jersey. A few commercial participants spoke in favor of landings flexibility, and at least commenter noted that allocations should remain status quo. See section 2.8 for additional detail.

#### **Dover, DE**

One recreational fisherman attended the hearing in Dover. No public comments were given at this hearing; the one attendee submitted written comments.

#### **Berlin, MD**

Approximately thirteen people attended the hearing in Berlin, MD, nearly all representing recreational fishing interests. The majority of attendees gave public comments or participated in back and forth discussion of the issues in the scoping document. There was general agreement that recreational discard mortality, and specifically

the effects of different recreational gear types, should be better understood and taken into account. Bycatch and dead discards were a concern for the majority of participants, as were recreational data collection methods (MRIP/MRFSS). There was general agreement that managers should better consider forage fish and ecosystem interactions. See section 2.10 for additional detail.

#### **Washington, DC**

Two members of the public attended the hearing in Washington, DC. Only one attendee, representing Fisheries Survival Fund, gave public comments. Fisheries Survival Fund represents the majority of the scallop limited access fleet, and does not want the important contributions of the scallop fleet to be glossed over. In addition, they commented that the scallop fleet should be able to maintain the summer flounder permits that they've qualified for, as an important part of their current bundle of fishing rights. See section 2.11 for additional detail.

#### **Newport News, VA**

The Newport News, VA hearing was attended by approximately 14 people, representing a mix of Council members, NOAA staff, the Virginia Institute of Marine Science, the Virginia Marine Resources Commission, recreational anglers, and the commercial fishing industry. Five people gave public comments. There was a lengthy discussion of the science supporting distribution changes for summer flounder, and it was noted by several participants that the apparent shift northward is actually best interpreted as an overall population expansion along the entire coast. Several people pointed out that other factors need to be considered when looking at effort reductions in the commercial and recreational fisheries, such as economic factors and the effects of precautionary management and conservative regulations. There was some discussion about concerns with MRIP methodology, and some clarification of recent changes made to improve recreational data collection. One commercial industry representative noted that the goals and objectives of the FMP should reflect economic goals as well, and additionally noted that the state-by-state commercial allocation should not be modified. See section 2.12 for additional detail.

#### **Washington, NC**

The Washington, NC hearing was attended by approximately 16 people, nearly all of which were representatives of the commercial fishing industry. Eight people gave public comments. Several attendees noted that commercial discard rates should be re-evaluated and dealt with by state due to differing regulations and different directed fisheries. Most of those who spoke indicated that the 60/40 commercial split should remain intact, or more quota should be allocated to the commercial sector as they are providing a product to a broad consumer base. It was also noted several times that North Carolina should retain its current portion of the state-by-state commercial quotas, as North Carolina vessels have always been highly mobile and historically landed in northern states, thus contributing to the landings history of northern states and giving them a higher allocation. There was general frustration that the stock is rebuilt and in good shape, but managers would like to continue modifying the system and potentially put more restrictions on the fisheries. Many noted that the current system of accountability is unfairly lenient for the recreational sector, while the commercial sector submits detailed records and is always made to pay back overages on a pound for pound basis. See section 2.13 for additional detail.

#### **Internet Webinar**

In addition to one Council member, two members of the public attended the internet webinar public hearing: one from NOAA's Chesapeake Bay Office and another from George Mason University. Both agreed that ecosystem factors, climate change, and habitat issues should be focused on through the amendment process. Other comments related to getting an improved estimation of natural mortality, and improving data collection methods and protocols. See section 2.14 for additional detail.

## 2 SCOPING HEARING SUMMARIES

### 2.1 SAGAMORE BEACH, MA

Thursday, October 2, 2014, 5 p.m.

<u>Name</u>	<u>Company/Organization</u>	<u>City, State</u>
JOHN HARAN	SECTOR 13	DARTMOUTH MA
Michael MATULAITIS	P/V ROSE MARIE	Brewster, MA
RAYMOND KANE	MFAC	CHATHAM, MA.
Ed Barrett	FV SIRIUS	Green/Hanover
Jim Kedany	P/V Shearwater	Plymouth MA
Bob SNOW	SELF	Plymouth MA
Phil Michaud Jr	FV charger	Sandwich MA
Ron Borjeson	FV Angenette	Plymouth MA 02360
Wally Fed Danne M	FV SIRIUS	Marshfield, MA 02052
Romenc Santos	FV SaintCarlin	Chatham MA 02633
Dan McKiernan	MA DMF	Boston
Mike Bednarke	MA DMF	New Bedford MA
Stephen Welch	FV Mystic	Hanover MA
Tim Barrett	FV Odessa	Duxbury MA
Kirby Kooter-Murdy	ASMFL	

#### Dan McKiernan

The Council and Commission should liberalize the transfer rules to allow transfers for any reason. With practical experience, we know that transfers should be able to happen for other reasons than those imagined when the rule was originally written.

#### Unknown

Strongly favors state-by-state allocation and conservation equivalency. Would rather leave faith in hands of the state and avoid the politics involved in larger decisions. The closer to home the decisions are made, the better off the fishery is. There's a lot of variation in size distribution and other factors from state to state.

#### Ed Barrett

Owens the fishing vessel Sirius. We have a rebuilt, healthy fishery, but in the past 3 years, we've taken a 39% cut. From 1.1 million lbs. in 2011 to 688 thousand lbs. this year. That's excessive; the 300 thousand pounds we lost is not going to make a difference in the stock. In the summer quota we've had a pretty good fishery with low discards for the most part. When towing with their mesh, gets very few small fish. The 300 lb. drag limit provides an appropriate amount of catch to the fleet that it serves.

He was disturbed at the amount of observer coverage imposed on them this year, believing it was excessive and he felt harassed. This is an example of a bureaucracy looking to spend money and he was offended as a tax payer. The state has done a great job of collecting the information needed. The observer coverage was redundant and wasteful.

Favors continuation of the 60-40 split.

**John Haran, Sector Manager**

Manager of boats from MA to NC. They would like to see some flexibility in the landing. They are not asking to harvest more. They would like to land fish in Massachusetts and have the corresponding allocation for the state of Rhode Island be trucked to Rhode Island. Reasons include: a) Saving fuel b) a safer fishery (a death recently occurred because of this).

To help states with accountability and traceability, they would offer to put VTRs on our boats so they can track through SAFIS, who gets what fish immediately. SAFIS said it can be done, it could track landings for every state. All fish landed in a state's waters would be trucked back to that state instead of boated.

**Unknown**

Would like to see the 60-40 split maintained. If there is pressure to change it, keep that a mid-Atlantic issue west of the 72 degree line.

**Ron Borgeson, Commercial fisherman**

Concerned with the minimum recreational size. Rhode Island and Connecticut have a large minimum size (18"), so numerous discards are involved to achieve that. Massachusetts is better at 16".

The inshore fleet in Rhode Island and New York are only required a 5.5" codend to fish inshore waters. MA has a 6.5" codend which is a significant difference in retention of small fish and Massachusetts and federal data will reflect that. Massachusetts needs to be given credit for this mesh size. They've made many concessions to address the discard problem and should get recognition for that effort.

Federal observers are overwhelming.

**Dan McKiernan**

Referring to the above comment about trucking allocations back to states. The Commission and Council need to collect evidence that there may be a shift in the stock. Twenty years ago, there wasn't pressure to have them land at a certain port. The fish are congregated here, not because of abundance but because of distribution. The pressure to land in ports close to home is a reflection of the redistribution of the stock.

**Jim Kedin, Shearwater**

Supports the 60-40 split, but would like it to be revisited in regard to how it's distributed, and how they get the 6.8%. Look at present landings. They have always caught their quotas. Massachusetts needs more quota.

**Unknown**

For context, Massachusetts manages 70% of the quota for the summer fishery which starts second week of June. Have 5 day a week fishery, 300 lb drag limit, and a night closure. Most of the guys are done in four to six hours of towing. There is bycatch of horseshoe crabs and conchs. Thirty to forty boats make a living on this in the summer. The most predictable fishery they have; the only thing that changes is the quota being dialed back. If the fish are really abundant they can reach the quota in 2 months.

Big boats don't pressure them because they can't deal with the small trip limits. They lowered the bycatch on horseshoe crabs and conchs because they don't want boats to continue to tow after they've reached the limit and discard the fluke. With the 6.5" mesh too, we've been pretty progressive.

**Raymond Kane**

In regard to the 60-40 split, you have to go back and research the historical landings to find out what was landed in New Bedford by all boats if you want to modify the FMP.

**Unknown**

To that point. There was a fleet of New York, North Carolina, and New Jersey large boats in Nantucket Sound every summer to fish the migration route of SF. The quota would go against whichever state that boat hailed from.

**Unknown**

The fleet could save 9" fish and I believe the limit was 13, so that added to weight landed in New Bedford. They gave credit to the Carolinas. That's the history.

**Unknown**

In 2011, during the 1.1 million lb quota, with the currently existing summer fishery fleet, they were able to keep the season open for the entire time that summer flounder are naturally in their waters. It wouldn't take that many more fish to make this possible. As this is a rebuilt fishery, it's fair to ask.

**Unknown**

Consider the science. A lot has been done to the fishery, particularly offshore. That should be considered in regional management. We know that the biomass is moving off, and that should be looked at more closely, and an adjustment should be made to what they receive for fluke.

**Unknown**

There is a very high discard rate in George's Bank flounder where they are mature fish, large size. No recreational fishery there. Maybe a small area allocation quota can be given there, a 68-50.

**Unknown**

We should create mechanisms for southern and mid-Atlantic states to shift quota or give some authorization for vessels to land in another state. Currently, it is administratively burdensome to do the transfer or it comes off of their quota, which is not good. If the southern states continue to lose access to summer flounder due to this shift, an arrangement needs to be made for the fish to be landed elsewhere. Also there exists a grab for each state that does a limited entry scheme. So by reallocating fish, you are also reallocating them to a different set of permit holders. The middle ground is if another state wants to give its fleet permission to land in New Bedford, they'll take it.

**Unknown**

They suggested trucking the fish back because they didn't want to flood the market with all the fluke, but also want to maintain the integrity of southern fishing ports. They want those ports to stay in business. Also to save fuel, and enforcement issues would be reconciled.

2.2 NARRAGANSETT, RI

Wednesday, October 8, 2014, 6 p.m.

<u>Name</u>	<u>Company/Organization</u>	<u>City, State</u>
Rick Bellavance	RI Party + Charter	NK RI
Scott Dumbell	Keep to Keep Sportfishing Inc.	CAUCEE F.I.
STEVEN ANDERSON	RI Party Charter	WARWICK
Paul Johnson	Carol J. Charters	Narragansett RI
Edwin Gogh	R3589	
STEVE BABIGIAN	LADY-K CHARTERS	Wakefield R.I.
Andy Dangelo	Manice # Charters	SIC RI
Walter Anoushian	NOAA	Narr. RI
mark Ambrosia	misty Charters	Wakefield, RI
JOHN HARAN	SECTION 12	DARTMOUTH MA
Tom Williams	F/V Heritage F/V Tradition	Westerly RI
DAYE MONTI	RISAA/ APOCISA	Warwick RI
ERIC REID	Seafreeze Ltd.	Narragansett RI
Joel Hovanesian	F/V Defiant - RIFA	WAKEFIELD RI
Ed EVERLYK	F/V OSPREY	CHARLESTOWN, RI
Jerry Cavallo	RIFA	RI
Carol Borden	RI COMM.	
Ted Platz	Ocean Harvest	Newport B.I.
Jeff Taylor	May Day Group	Prov. RI
Donald Fox	Town Dock Fish Co. Inc	Narragansett, R.I.
Nan Barlow	F/V Crackerjack	PTJUD RI
DEMYN DILLON	F/V Persuader II	NAIPA, RI
David Tyrrell	Charter Marie II	Narragansett

**Joel Hovanesian- F/V Defiant, Rhode Island Fishermen’s Alliance**

In the information considered by the Council and Commission, discards should be broken out by regulatory discards vs. other types of discards.

**Donald Fox – Town Dock Fish Co, Inc**

Information should be provided about how specifically the trends in the recreational and commercial fisheries have changed over the last 20 years.

**Eric Reid – Seafreeze Shoreside, Inc**

When the SSC came up with the current specifications, originally they wanted to use a CV of 100%, which is very high. They arbitrarily lowered it to 60%, which is still relatively high.

Currently Rhode Island does not yet have a vote on the Council, though they do have say with the ASMFC. Summer flounder is very important to the industry in Rhode Island. In 2013, Pt. Judith was the number three port of landings. Stakeholders in Rhode Island have had a hand in a long rebuilding process, and the result is a robust and rebuilt stock. After 32 years, 19 or so amendments, multiple frameworks and addendums, the Council and Commission are charged with developing a comprehensive amendment to the plan. Given the multitude of stakeholders involved, it’s hard to imagine a more complex task. At this point in the process, he would suggest:

The Council and Commission should do everything in their power to improve the quality, reliability, and especially the credibility of the science used to understand and manage the summer flounder fishery as a whole. The



resources and inputs of all stakeholders must no longer be discounted. The best available science and the sources of that science has changed substantially over the last 32 years. The Council and Commission would be remiss in not taking advantage of the knowledge of all the stakeholders involved in this fishery.

From 1980-1989, the years used to set current state quotas, Rhode Island had strong landings and good record keeping, earning their existing piece of the pie. Now Rhode Island must protect this historical fishery. To quote from one of Senator Schumer's testimonies, "New York commercial fishermen used a different method of calculating landings. We did a bad job of keeping records."

Rhode Island needs to maximize their future position, which means working together, industry and ASMFC representatives, to ensure a future in the fishery. They also need to work with the state to ensure full utilization of quota on the state level.

**Ted Platz – Ocean Harvest, Inc.**

Agrees that making a distinction between regulatory discards and other discards would be helpful in making management decisions in this fishery. It's important to understand where they're coming from and what's causing them. On the commercial side, are they being caused by lack of a permit, a seasonal closure, or a low limit that bycatch is exceeding? To come to a sound management position, we need to make a distinction between discard types rather than have them lumped under single regulatory banner.

**Jerry Carvalho – Rhode Island Fishermen's Alliance**

If 80% of commercial discards are assumed dead: that's a lot and probably represents quite a lot of regulatory discards.

**Tom Williams – Fisherman**

It should be considered in this amendment to allow boats with multiple state permits to take out in their own home port, rather than having to steam to a different state.

**Rick Bellavance – Priority Fishing Charters, Rhode Island Party & Charter Boat Association**

The first objective of the FMP should be changed. The resource is rebuilt and not overfished, so we don't need to reduce fishing mortality. A more appropriate goal would be to achieve fishing mortality (F) rates that allow optimal harvest without overfishing. In regards to the 60/40 quota split, managers should examine the current split to see if it still represents the best and most equitable allocation of the resource, with consideration of economic value.

It's also extremely important to develop a separate allocation for the for-hire industry. With regards to recreational summer flounder fishing, electronic reporting such as SAFIS eTrips mobile could be mandated for a census survey for the for-hire fleet region-wide, and it could include discard information. The Council should work with GARFO to make sure that reporting isn't duplicative.

Managers should consider developing recreational fishing regions based on the range of the resource and practicability, instead of state-by-state. For example, splitting along Eastern and Western Long Island – fish don't follow state boundaries. Regulations should be consistent throughout each region and across jurisdictions (state and federal waters) if possible.

We should work to reduce regulatory discards. Data gathered in the Rhode Island pilot catch share program could be used as an example of a management strategy that reduces discards, and also maximizes the value of the resource. Managers should promote equity by working to reduce the recreational size limit to 16 inches, which is

closer to the commercial size limit. This size limit has been shown to be beneficial to the Rhode Island recreational experience.

**Denny Dillon – Persuader II Charter Boat**

The party/charter fishery should form their own identity and go their own way as an organization. Party/charter operations are both commercial and recreational. The difference is that party/charter boats take their market to the product, while the commercial fishery takes their product to the market. Party/charter operations are not entirely recreational; they are their own entity. The party/charter sector should have its own allocation, in all fisheries. Restrictions have been put on them for multiple species, often leaving them with little to fish for.

**Paul Johnson – Carol J charters**

Agrees with Capt. Dillon that the party/charter fishery should be their own group. This could be coupled with an electronic reporting system that would result in excellent data on the fishery: discards, size, catch, etc. for every trip. Typically this data is extrapolated, but if you had data for the entire group with an allocation and electronic monitoring, you would have data that would be relevant, accurate and helpful in making future decisions.

**Andy Dangelo – Maridee II Charters, Rhode Island Party & Charter Boat Association**

Agrees that the for-hire sector should be separate from the private sector. The party/charter sector gives good data, including VTRs, some electronically. They keep records of kept fish as well as the size and amount of discards. Rhode Island DEM comes once or twice a month to compare VTRs to fish they're actually bringing in. By being lumped with the private recreational sector they're being penalized for doing the work that they're doing. The for-hire sector should be separate.

**Steve Anderson – Rhode Island Party & Charter Boat Association**

Agrees with others that the party/charter sector should be managed separately.

**Mark Ambrosia – Misty Charters**

Agrees with others that the party/charter sector should be separate. Is there ever going to be a time that there they won't have to worry about size limits and other measures becoming more and more restrictive? He would like to see more stability in recreational regulations.

**Scott Lundburg – Reel to Reel Sportfishing**

Agrees that there should be a separate party/chart sector quota.

**Joel Hovanesian- F/V Defiant, Rhode Island Fishermen's Alliance**

Rick Bellavance mentioned taking economics into account. The argument is always that there are many more people who fish recreationally than commercially. What should also be taken into account is who commercial fishermen fish for: the general public and those who can't afford boats, fishing equipment, or fares. Those people are the overwhelming majority. This needs to be taken into account also: commercial fishermen provide fish to people who cannot afford to go out and catch them.

**Dave Monti – No Fluke Charters, Rhode Island Party & Charter Boat Association**

There should be recreational sector separation. A precedent has been set, as we've started to separate shore anglers and boat anglers within the recreational sector. This has recently been done with scup by allowing shore anglers to take smaller scup. There are also different components of the commercial industry that are managed separately. It makes sense to separate the for-hire sector as well.



**Donald Fox – Town Dock Fish Co, Inc**

Question for party/charter attendees: Where would party/charter separate quota come from? Recreational quota, commercial quota, or total quota?

**Rick Bellavance – Priority Fishing Charters, Rhode Island Party & Charter Boat Association**

This is the appropriate time to look at overall allocation. Whether the current split is right or wrong, it should be looked at. In regards to an allocation specific to the for-hire fleet, there is general agreement among party/charter attendees that it should come from the recreational allocation.

**Dave Tyrrell – Charter Mako II**

Agrees with others that the for-hire sector should be separate.

**Jerry Carvalho – Rhode Island Fishermen’s Alliance**

In his experience with the Council/Commission joint meetings for recreational specifications, his understanding was that the large size limit was requested by the recreational people being represented. Two commercial people, himself and Jimmy Ruhle made a request was made for 14-inch recreational size limit, because the recreational anglers, especially shoreside anglers, were being disenfranchised. Council members at the time would rather have had a larger size limit where most needed boat access to get to it, and increase the numbers of larger fish, because it was advantageous to them. Unfortunately, there’s still the discrepancy in the size limits. He is in favor of the size limits being the same, and not in favor of disenfranchising anglers, especially the shoreside fishermen.

**Denny Dillon – Persuader II Charter Boat**

Speaking to the issue of where the separate party/charter quota would come from, their proposal is that it would not come off of the commercial quota. The for-hire sector is lumped under the recreational sector now, so it should come from the recreational quota. This issue is important because if the recreational sector goes over quota, then they’re penalized, but they may not have had that impact on the quota. If the for-hire sector were to go over the quota, it would be their responsibility. They hate to be told to stop fishing because they’re lumped in with other groups and even other states, so they have to stop fishing.

Consideration should also be given to a provision that would allow quota transfers between the commercial and recreational sectors if one sector doesn’t reach their quota in a particular season.

**Ed Everich – F/V Osprey**

Agrees with Jerry regarding the large recreational size limits. When there’s a small amount of fish, rod and reel fishermen have astronomical discard rates with these high size limits. If they could keep a 14-inch fish, it would make enforcement issues a lot easier and allow people that only have a limited amount of time to get a meal out of their trip.

**Jerry Carvalho – Rhode Island Fishermen’s Alliance**

[Speaking to issue of quota rollover provision] History has shown us that the recreational and the commercial fishery have totally harvested their share. One year, the recreational fishery harvested twice what it was supposed to, and in following year both the commercial and the recreational fisheries took a hit from it. The overage was because of the amount of fish that were available that science hadn’t recognized. Both commercial and recreational sectors have the full capacity to harvest the entire quota. One sector could harvest the entire other sector’s quota if given the opportunity. There’s no excess of quota available, unlike with bluefish.

**Eric Reid – Seafreeze Shoreside, Inc**

Rhode Island is one of the only states that hasn't harvested their full commercial quota in last few years, and left quota on table last year. On the recreational side, New York was lucky enough to get regionalization with other states this year, and their double or triple digit overage was absorbed by their neighbors. Regionalization on the recreational side may not be good for everyone.

The science is no good. The better the science is, the higher the quota's going to be. We shouldn't leave quota on the table. When discussing economic value, certainly the recreational sector cost per unit effort is much higher. But the total economic value on the commercial side is much higher. Commercial quotas were set using 1980-1989, and for the recreational guys, their quota was set using one year: 1998. Some of that data is 35 years old. This needs to be addressed. A CV of 60% for one of the most analyzed, best assessed fisheries in mid-Atlantic does not help anybody.

He would also like to thank the Mid-Atlantic Council for doing away with the RSA (Research Set-Aside) program. Part of the problem is that the way RSA data is handled is extremely problematic to reporting.

**General Discussion**

There were some questions and discussion regarding the assertion that Rhode Island's commercial fishery has not been achieving their quota in recent years. Some expressed concern about the economic impact in terms of revenue loss. Jason McNamee (RI DEM) noted that in fact Rhode Island has not been under their commercial quotas in recent years and has come in very close to their quotas. It was noted by several participants that if there is a discrepancy in landings data provided from different sources, this should be resolved, as it is very important to get accurate information about landings data and fishery performance to the public and to managers.

**Joel Hovanesian- F/V Defiant, Rhode Island Fishermen's Alliance**

The RSA program has been curtailed this year, but some feel managers will try to re-institute it. If that's the case, the Council and Commission need to take into account the current makeup of the fleet. For example, some operations have the ability to benefit from both sides of equation – harvest and wholesale – which puts fishermen who don't have this at a distinct disadvantage. What the RSA program is becoming is a catch share program for people with deep pockets. This is disenfranchising those who don't have the ability to benefit from both sides of the equation.

**Denny Dillon – Persuader II Charter Boat**

Hopes the Council and Commission abandon the RSA program and never let it come back. He sees other boats next to them catching the same thing and keeping everything, while they have to throw everything back, because the other boat bought RSA quota for 20 grand. This doesn't go over well.

**Tom Williams - Fisherman**

Whatever the Council does, it should not follow the lead of the New England Fishery Management Council. Whatever New England does, if the Mid-Atlantic can go 180 degrees opposite, that'd be for the best.

**Donald Fox – Town Dock Fish Co, Inc.**

Understands some of the problems people have with RSA, but would like folks to keep in mind that Jimmy Ruhle's trawl surveys were funded with RSA money, so some good can come out of it.

**John Haran – Sector 13**

Attended the scoping meeting in Massachusetts and one of key points was that many liked the 60/40 split, but they were very scared of Sen. Schumer and New York getting more quota. They weren't sure that the bloodbath from the fight would be worth the effort. Attendees at that hearing brought up that they may want to keep the quotas as they stand instead of losing to New York in a big battle.

Sector 13 has an issue with landings flexibility. They are in favor of allowing landings in one state and those landings being counted toward other states.

2.3 OLD LYME, CT

Wednesday, October 1, 2014, 7 p.m.

<u>Name</u>	<u>Company/Organization</u>	<u>City, State</u>
Bob Guzzo	H/V Jenna Lynn II	N. Stratford CT
Bob Harris	FW ADHOC	Guilford CT
FRANK Camarato	FW B. Sue	Guilford CT
Mike Gambardella	Gambardella Wharf	Stonington-Essex CT
Mike Beebe	M&M Fisheries	Norwalk CT
DAV MACONE	SANTANA FISHING	MYSTIC CT
GARY YERMAN	SAMANTHA BROOKS	New London CT

**Unknown**

If they could keep what they catch, they'd stay home for a few days rather than burn fuel. 5.5" mesh is fine.

**Frank Camarato**

What if they all got equal amounts in every state? What will that do to the price? Why can't they shut down North Carolina, and open Virginia, then go up the coast state by state? Why should recreational people get 40% of any quota? What do they do with it? That should be revised.

**Unknown**

How do you tally what the recreational fishery harvests? Angler survey? They lie. Has never even seen these surveys. There should be more commercial allocation.

**Unknown**

The commercial/recreational split should be 80-20 or 70-30 (commercial-recreational). We don't know the total that the state is going to be allocated. The percentage need to support the commercial boats would depend on the total allocation. Enforcement says that DEEP wants to reduce the commercial fishing industry in Connecticut down to a few large boats that they can keep their thumb on.

**Dave Simpson**

That's just hearsay.

**Unknown**

What will happen with the licenses? The guys that have been struggling are going to have a relaxing of fishing licenses so we can build the fishery. But it doesn't do any good because we can't make any more money. The market will be flooded with fishermen.

**Unknown**

If the permit requirements were tiered... Like they have now with the bycatch permit; you have fishermen hanging on to that permit. When permits open up again, they could tier the requirements so those current fishermen could get a better permit than others. So the guys who have been hanging on through the rebuilding process have a license that's a higher amount.

**Unknown**

Everybody should have equal landings, up and down the coast. A reasonable quota once a week to stretch it out all year for a continuous flow in the marketplace.

**Unknown**

North Carolina wants to keep their own quota and land it anywhere. Throw that away: in the winter we should have one quota and all fish the same trip limits. In the summertime, customize with state quotas.

**Unknown**

This has to do with scup. A lot of fishermen think the 50 thousand pounds is too high. We need to have a steady stream, not this swinging influx.

**Unknown**

We can't figure that out until we know what allocation we're working with.

**Unknown**

Supports going to a statewide quota in the summer and a coastwide quota in the winter.

**Unknown**

They've been forced to take observers along. There should be an exemption where you can keep whatever you catch on the days you take observers along. You'd see better data than what you're getting. Two reasons. A) no one wants to take an observer along, and B) fishermen are afraid they'll get in trouble because they may be doing something wrong. If you gave this exemption, you'd have people calling and volunteering to take observers along. And then you'd get a truer picture.

**Unknown**

These observers take so long to measure the fish before they throw them back. They'll die. If it's going to die, don't waste it. They kill hundreds of pounds of fish.

**Unknown**

Whenever they take observers along, they lose something. That's why fishermen are so reluctant.

**Unknown**

On fleet capacity...didn't realize that two license holders couldn't fish the same vessel in Connecticut. If the fishery is rebuilt, would that then be possible?

**Unknown**

Suggests that latent effort gets eliminated.

**Unknown**

It's not fair to the ones who have stuck with it. They haven't paid for their permit. Make it a tiered license.

**Dave Simpson**

The Council has the strength of federal law behind it, and the Commission has federal law behind it but it's much more flexible. We've become the problem solvers for these joint plans. This recreational issue have become a real problem. Coastwide rules weren't fitting; state-by-state rules worked for a while before the fish distribution changed. The Commission worked on compromise agreements to fairly share the fish among everyone; their flexibility allowed them to. The Council largely stayed out of it.

**Unknown**

So they made the recreational side coastwide, but they never did for the commercial? That's not fair.

**Dave Simpson**

At the beginning the decision was that commercial would be managed state-by-state and recreational would be managed coastwide, one set of rules. You can use the force of Magnuson and the Council side to set the quota and the overfishing limit. You can use the Commission to manage the quota because of their flexibility and because the northern states get a vote.

**Unknown**

If you have a certain mesh size plan in effect, anything that remains on the boat after that should be a sellable product to eliminate discards. Should focus more on bringing in our dead than pushing it overboard.

**Unknown**

It's such a low quota that it causes a lot of high-grading. A bigger quota would reduce discards. Reduce the number of fishing days and give a bigger quota.

**Unknown**

Again, keep what we catch on the days that we have observers. Why would you throw back those dead fish when you could sell them?

**Unknown**

The big boats beat the bottom up so bad, you catch nothing but dead fish behind them.

**Unknown**

What about keeping endangered species when the observer is on the boat? That's a tough question.

**Dave Simpson**

How about 5.5" mesh. Is that right for fluke or is that too small for this day and age?

**Attendee**

Depends on how much fluke you get. You don't really see any small fish. It shouldn't be a bigger mesh.

**Attendee**

Would like to see a 5" mesh. A lot of legal fluke will still go through a 5" mesh.

**Attendee**

The whole thing has to be changed, including better representation on the Council, having a vote up here. One or two votes each state. Why doesn't Connecticut get a vote?

**Dave Simpson**

The Senate version of Magnuson has text to put Rhode Island on the Council. Make your officials aware that you want the vote.

**Attendee**

Research set aside is a joke. Do away with it. The fishery is rebuilt.

**Attendee**

When the observer comes out on the boats, and holds the fish so long that they die, how about he keeps those for research instead of throwing them over. That would be more efficient.

2.4 MONTAUK, NY

Tuesday, September 30, 2014, 5:30 p.m.

Name	Company/Organization	City, State
Kevin Maguire	F/V EVENING PRAYER	Montauk, NY
BRAD Lowery	LET FISH COMMUNE	LETNY
Annaes Leo	Town of East Hampton	" "
Donato D. Ball	F/V JEN-LISSI	Amagansett N.Y.
ROGER F. BOYLE	F/V OLD SQUARE	MONTAUK NY
Mike Decher	Mr. DeV/Sea Angel	Montauk NY
VINCENT CARILLO		MONTAUK NY
James Mangano	F/V Knaut Huddle	E. H. NY
Stacie Cook	F/V Jason + Plum	Montauk NY
Dan Lenox	2 Sun Sons	Montauk NY
Mike Etzel	MRCA	Montauk
Ed Andersen	F/V PETER	Montauk
CHRIS WOOD	F/V SYLVIA S	Montauk
Wesley Petrin	F/V 2 Sun Sons	Montauk
PJ Beckwith	F/V Allison Lisa	Montauk
Chuck Weiman	F/V RYLANDS	Montauk
Mike Fallon	BARBARA JOAN FISH	Montauk
Ryan Fallon	Barbara Joan Fisheries	Montauk N.Y.
DAN FARNHAM	F/V MEGAN MARIE	Montauk N.Y.
RICHARD JONES	F/V Pansos	
Bill Grimm	Perception	Montauk NY
Janie Quarasimo	Miss Montauk	Montauk NY
Tyler Quarasimo	Ms. Ruth	Montauk
Sharon Quarasimo	MISS MONTAUK	Montauk N.Y.
Christopher M. M. M.	SAULT ANTLER	Montauk NY
Charles Mowen	ACT I	Montauk NY
Charles Etzel	Clouet	Montauk, NY
Bonnie Brady	WICFA	Montauk, NY

Name	Company/Organization	City, State
[Signature]	F/V Old Square	Montauk
Ed Rennar	F/V Aunt Gerda	Montauk NY
J. Rade	F/V STARFISH	Montauk N.Y.
Ted Sturms	STORM KING	"
DAUG DRISCOLL	F/V CATCH & MAINTENANCE	MONTAUK, N.Y.
JAY SCHNEIDERMAN	SUFFOLK COUNTY LEGISLATOR	MONTAUK, NY
Jim Gilmore	NYDEC	
Laurie Nolan	MAFMC	
Kirby Rootes-Murdy	ASMFC	
Emerald Hasbrouck	ASMFC	

**Asa Gosman - Gosman Fish Market**

The quotas are allocated on such old data. Quotas go from 50 lb in NY, and Jersey's open at 2,500 lb if you have a Jersey permit. If you're fishing with that permit near Montauk you have to steam all the way back down to the Jersey just to ship them back up to New York. There needs to be some landings flexibility. Look at what boats have caught over the years, and then determine the quota off of that. You should land your quota in your own state. You don't have steady market, the price fluctuates. You're going out fishing on a \$4 fish, and then you get back to shore and it's now a \$2 fish. With the openings and closings, it doesn't allow for people to build a business around the fish, and there has to (Discussion of permits and landings flexibility, with emphasis on who's been landings fish in recent years, as well as the role of landings fixed to certain states creating issues with the market, primarily a drop in the price per pound of fluke.

**Hank Lackner – Commercial Fisherman**

Because of the accounting scheme used to determine quota, this state was not the same as other states. He is one hundred percent in favor of the current 60/40 split of quota between the commercial and recreational sectors. The logistics of this are simple: the commercial quotas have hard caps, and you can track them through landings. The recreational sector is still based on MRFSS, which takes intercepts of fish caught from a few boats and extrapolates those out to other vessels, with an uneducated guess used to determine discards. Until hard numbers are able to be used in the rec sector, there shouldn't be a change in the allocation between commercial and recreational. In considering whether to separate the for-hire sector from the rest of the rec sector (i.e. private anglers), any quota given to the for-hire sector should come from the current 40% quota for the recreational sector.

He is 100% against catch shares or ITQs. It's time for the Council and Commission to create a plan that is consistent with the MSA; it's taken 9 years for the industry to rebuild the fishery, and the plan so far has failed in achieving their goals. The plan should be to get fresher fish to the market, increase safety, reduce fuel consumption and carbon footprint, and devise a strategy to put more money into the pockets of fishermen. The current spatial distribution of summer flounder, seems to be shifting in biomass to the north and east. The ASMFC & MAFMC should make it their priority to adopt a landings flexibility policy, as we all know that the majority of the quota is with VA and NC, these fish are landed in the winter months in the EEZ, and they're caught nearly 300 miles from the nearest southern port. They're not taken to the nearest port or safest port, so if you have a summer flounder permit, you should be able to land those fish in the nearest port or whatever state they want. This is not a re-distribution of quota, the state with which the permit holder resides would be credited with the landings history. By implementing this plan, the fishermen are safer, they'll bring a better product to market, and ultimately become more profitable. John Bullard has said that this could be done sooner than the Amendment process, and it should be done under its own amendment. Currently the Council staff is in the middle of two important issues (this amendment and the coral amendment), and should not be bogged down by this in trying to get landings flexibility. The Council should handle the relatively simple task of the landings flexibility immediately. Lastly the document mentions discards. Discards are due to the federal and state regulations, this in direct contradiction to the Council plan for ecosystem management.

**Brad Loewen - Commercial Fisherman**

Has been participating in this process for many years, and this is new, and he's glad it's happening. He represents a community of stakeholders in East Hampton, where they have local government to make comments and make decisions that help the fisheries, and it's a unique situation. While it's good that the Council and Commission is here to listen to individuals, it's not a common voice. They may have a common goal, but you might not hear that



initially, and so the Committee would like to get information, express the information, and the comment deadline of October 31<sup>st</sup> should be extended so that there is enough time to provide comment.

**Chuck Weimar – F/V Rianda S**

We're down a 100 lb now, and there are not a lot of boats that can steam out for that amount. New York is getting screwed, steaming out for 100 lb of fluke, and the fluke fishery isn't really a fishery for New York; that's not enough given the cost of fuel. Would be in favor of a reallocation.

Who's keeping track of the recreational fishermen? Commercial boats have to fill out a piece of paper, call in ahead of time with poundage.

**Bill Grimm – F/V Perception**

If this is a going to take three years, and there's a lot of boats that have New Jersey permits, North Carolina permits that steam over here, and then they have to steam back to North Carolina and ship fish up to New York. Why not just land them here? They should be able to land wherever.

**Hank Lackner – Commercial Fisherman**

Landings flexibility would add more stability to the market. The way it is now, there's a lot instability, and there's an immediate fix.

**Asa Gosman - Gosman Fish Market**

When you have those fish in front of you, you can create different markets, but when there's a one day opening in the middle of the winter...it would make a big difference for them [on Long Island], and it would create jobs.

**Dave Aripotch – F/V Caitlin & Mairead**

Agrees with landings flexibility. Has permits from other states, and you go where you have to go to land the fish. The carbon footprint is huge. They could cut \$100,000 in fuel costs from current trips if they were able to land them at home. Regarding revisiting the 60/40 split, this is a fear they've had for a long time. There is less quota now, and as Asa said, fluke use to be open for a lot longer. There was a market in California for sushi, but when the quota starts going down, then the markets start to get constrained. Looking back at the Scup plan, years after the fluke plan, and states decided they wanted to go state-by-state quota for the summer only, but it was determined that way. Because of the failure in the fluke plan in having that year around, we should have flexible landings.

**Jamie Quaresimo – Party/Charter Boat Captain, Miss Montauk**

One of the things that worked well for this year was regional management. No one uses party/charter VTRs for management, despite how we always hear about the need to use the best data. It's not being used, so either it should be used or not required. Regarding allocation, the party/charter boats should be a separate category from recreational, on their own. There are more recreational fisherman, and it's tough on the party/charter boats, because they're subject to all of these rules that create uncertainty. A separate system would be more useful. The VTRs provide the best guesstimate, and it should be used over MRFSS. Regional management worked. Additionally, would like to see Rhode Island come into their region.

**Vincent Carillo**

Could we separate the amendment and make an amendment just for the 40 percent split, and make the party/charter sector a separate fishery from the recreational sector? If there was a separate amendment they could be dealt with separately. The VTRs are used differently in [the commercial] fishery relative to the recreational side.

State-by-state quota allocation doesn't work, and New York has never had a fair share of the quota. This is something that this amendment should look at (trimesters). They are all fishing in federal waters in the winter, and so there's really no state fishery at that time. If they had 30,000 lb to deal with, it would be easier, and they could go do something else. When those fish are 60 miles off here, everyone could go through. He has VA permits and knows what it's like to have to steam up from there.

There are two separate fisheries: the recreational and commercial sides are so different, and so are the problems with both of them. The issues should be dealt with separately.

**Hank Lackner – Commercial Fisherman**

Splitting the amendment is very much a reality that's been done before, such as what was just done for monkfish. They've been asking for this for multiple years.

**Jim Gilmore - NYDEC**

Monkfish is a federal fishery, while this a joint plan. The summer flounder plan has a lot more pieces given the number of people and management groups involved. If this is split into multiple amendments, my kids are going to retire before this is done.

**Ryan Fallon – Barbara Joan Fisheries**

If vessels from down south are allowed to land up in New York, some guys down there would probably be opposed to that since they'd be getting less business down there. His question is, what's going on with that whole process?

**Laurie Nolan – MAFMC**

We've been trying to work on flexibility for the last 6 years. North Carolina and Virginia swap fish all the time, but as has been pointed out before, everyone's looking for something with this amendment.

**Rick Etzel – Montauk Boatman Captain's Association**

In favor of the recreational regional management that was used this year. The only thing that was not great was the short season, other than that it worked well, and it was very important that CT, NY and NJ all had the same regulations. Would like to see Rhode Island in there with that region as well. They are currently losing a lot of customers to Rhode Island.

**Ed Rennar**

Has been a rod and reel fluke fishing since 1978. The fluke fishery is a shared resource and it's going to be hard to get a plan that everyone's happy with. This year, his catch has been off by 50%, and it's not clear what's going on.

**Dave Aripotch**

Has gone back and forth with Jimmy Ruhle for three or four years now, because he saw a decline. While he doesn't think they're in trouble, it's a bit annoying that PEW uses summer flounder as the poster child for a rebuilt fishery. He thought it was rebuilt earlier [before it was declared rebuilt] and now it's on the decline as part of a natural cycle. Do we really know what the stock is supposed to do or where it's supposed to be?

**Dan Farnham**

We should keep the 60/40 split, and also have a flexibility plan for landing in other states.

**Chuck Weimar – F/V Rianda S**

What are the options that are going to be in the document? Hopefully status quo won't be an option, and there should be state specific quota in the commercial fishery similar to scup. Flexible landings limits should be in there

as well. If it can be done sooner, that would be for the best. It eliminates the regulatory discards, and in the meantime we should fast track the flexible landings. There's no reason to change the 60/40 split now, but down the road it should be 70/30, and if they don't get to go out there and fish for them, there's only going to be tilapia in the stores.

**Charles Etzel [?]**

Supports a coastwide quota for the commercial summer flounder fishery.

**Wesley Peterson**

Represents one of the smaller boats, and is fully in favor keeping the 60/40 split, as well as flexible landings. Landings in New Jersey they were \$5/lbs, but fishing off Montauk, and then you have to burn fuel and take a huge chunk of your expenses getting out there, there's definitely been trips that weren't safe to go out on but were taken anyway.

**Jim Gilmore**

Is there anyone in the room who's not in favor of landings flexibility?

**Donald Ball**

In the winter months sure, but not in the summer months. The markets are going to be flooded, if it's year round, the price will drop. He is in favor of the 60/40 split, and the state should get its fair share.

**Jim Reano**

In terms of flexibility of landings, in the winter months it's fine, in the summer months it's a problem. He would like to see the flexibility for offshore fishing in the winter months, and there has to be accountability on where it goes. You have to respect the inshore fishery. The current state-by-state allocation is ridiculous.

**Hank Lackner**

With the landings flexibility, this is where we proposed that you declare into the fishery: you would tell the DEC where you're going to land, use VTRs, you'd be monitored from start to finish, and they'd be able to verify where you're going to go.

**Jim Gilmore**

The DEC is short staffed, so monitoring is hard.

**Dave Aripotch**

Is there any talk of going to ITQs? It's been done for groundfish and squid, it's crazy. You have to look at the permit banks. If the state goes and buys these, that should be another amendment (to address latent effort).

[General discussion about the summer flounder control date, permit history, and the Gloucester Fisherman's Permit Bank, and whether there is Summer Flounder permits in that bank.]

2.5 EAST SETAUKET, NY

Wednesday, October 1, 2014, 6:30 p.m.

<u>Name</u>	<u>Company/Organization</u>	<u>City, State</u>
Capt. Bob Busby	North Fork Capts	NY
Chaf Tom Mikerski	Grand Slam Charters	Montauk, NY
Phil KESS	North Fork Capts	ORISBT N.Y.
John Schoenig	IMPERIAL & SUFFOLK SENIORS	GREENLAWN
Adam Ulrich	Recreational Fishermen	Long Island, NY
STEVEN R Withuhn	TOPHOOK COMM CHARTERS	Greenlawn NY
Brian Cullane		Sagville NY
Wendy Solomon	LT TRADITIONALS	West Washington, NY
John (DAN)	MRAC	
Tara Makis		
Victor Makis	Commercial fishing	LI NY
ANTONETTE CORLESON	NY SEA GRANT	RIVERHEAD NY
Bill Reed		
Pat Augustine	Consultant	Catskill NY
ARTHUR KRETSCHMER	COMMERCIAL FISHING	MATTITUCK NY
Beed Bremer	Recreational Fishermen	Oceanside NJ
Joe FINK	Comm	Beaumont NY
Jamie Quaresimo	Miss Montauk / party	Montauk, N.Y.
Sharon Quaresimo	Miss Montauk / party	Montauk, N.Y.

[Summary Provided by NYDEC Staff]

**For-Hire Recreational Sentiments:**

**General**

- Tweak regional management, in particular extend season to include more of May
- MRIP estimates are poor, utilize for-hire VTRs to estimate harvest
- Maintain regional management
- Sector separation: For-hire should be managed differently than private anglers, they have the same overhead concerns as commercial operations
- Annual rule-making does not allow for stability
- MRIP estimates should NOT be used as the basis for sector separation

**Additional**

- VTR validation should be explored
- Enhanced for-hire sector programs (LOA/exemption) should be allowed everywhere, if they are allowed anywhere
- Question the basis for the 10% discard mortality rate

**Commercial Sentiments:****General**

- Annual carryover of commercial underages should be an option
- Landings flexibility needed. They burn gas and face dangerous weather to land elsewhere (**disputed**) – Some fishermen argued that the markets couldn't absorb out-of-state fish and that the price residents received would drop as a result
- Maintain 60/40 sector split
- High commercial discard rate due to regulatory discards
- Overages in the recreational sector should not impact the commercial fishermen's access
- State-by-state commercial allocation is not fair

**Additional**

- Provide grant money for required gear modifications
- Provide for mentorship/transferability of permits to address the ageing population of commercial fishermen
- Commercial fishing should be subsidized since quotas decrease and overhead (fuel, insurance, etc) becomes more expensive. Fishing becomes dangerous as fishermen are forced to work solo on ageing boats and equipment because it's harder to make ends meet
- Reporting is burdensome and unnecessary for individuals carrying both fishing and dealer licenses
- IFQs like in groundfish, but how do you split it up?
- Cormorants and seals are important predators on valuable stocks and they should be researched and controlled
- Farm raised fish compete and take market share away from commercial fishermen, especially when they are mislabeled as wild-caught
- Pesticides, fertilizers, discards and habitat issues should receive more consideration
- Lack of true controls on recreational fishing effort (vs. commercial licensing and quota monitoring)

**Private Recreational Angler Sentiments:****General**

- Out-of-state commercial vessels follow the fluke and they have moved North
- Maintain regional management, not state-by-state Conservation Equivalency
- Better data collection is required w/ more real-time reporting
- Annual rule-making does not allow for stability
- New York needs a longer recreational fluke fishing season

**Additional**

- If For-hire is allowed to become its own sector, then fish should come from commercial quota
- Reconsider the 60/40 split since it was established so long ago, review the economic effects of the split

2.6 BROOKLYN, NY

Monday, September 29, 2014, 6:30 p.m.

<u>Name</u>	<u>Company/Organization</u>	<u>City, State</u>
STUART FRIES	BROOKLYN YACHT CLUB	BROOKLYN, N.Y.
NICK TRAMONTANO	EXCELSIOR YACHT CLUB	BROOKLYN - N.Y.
Charles Cactors		BROOKLYN NY
FRANK BELLITO		BROOKLYN, NY
ANTHONY BELISARIO	BARBARA ANNE CHANDLER	STATEN ISLAND NY
BO NEWELLMAN	FISHING UNITED	SHEEPSHEAD BAY
GENE ANDERSON	Gateway Station	BROOKLYN, NY
JOE MARESCA	FREEDORT BOATMEN ASSOC.	FREEDORT, N.Y.
Jim Gilmore	NYDEC	
Steve Heins	NYDEC	
Tony Dikernia	Kingborough CC/MAFMC	
Kirby Rootes-Murdy	ASMPAC	

**Stuart Fries – Brooklyn Yacht Club**

He is a local resident and a fish tagging committee member of the Brooklyn Yacht Club, but is not speaking on their behalf. He has tagged 560 fluke this year. 5 fish at 18" is more than he needs. If everyone went out and had a slot for two of those fish, people would be able to go out and keep a fish. If you had 2 fish you could count at 17", so in that count of 5, you would have less discards going back. Let the ones go whose you haven't killed, but if it's already dead, count it to the bag limit. The point is if it's 17", he would rather count a dead fish to his bag limit.

**Steve Canizo**

Speaking on behalf of Fishing United. Is in favor of regional management and thinks it should continue into 2015. Regional management provides a stable regulatory environment for the coming years for one of the most economically important species for the recreational fishing industry. The summer flounder fishery has radically changed since the original 1998 allocation, and the stock has shifted north and eastward. There have also been changes in the socioeconomic and demographic makeup of anglers, and their spending habits. Regulatory constraints for other species have also affected the fishery. In allocating a public resource, equity is important so that an angler fishing in the waters of a neighboring state is on a level playing field with what they can retain.

We've come a long way since the 1980s and 1990s and the rebuilding period. Continually each year they were squeezed by regulations, not only in what you could possess, but in forcing all types of anglers to catch a fluke jokingly called a "New York Bight baby halibut." Anglers in New York for years have been catching a number of fluke with very able to be legally harvested due to unfair regulations. Compliance by the recreational angling community prior to 2014 was questionable, and problematic given a somewhat accurate picture of what anglers were harvesting and discarding. The old fluke allocation scheme did neither the resource nor managers much good since it greatly increased underreporting in harvest. It worsened over the years.

Fish do not know of state boundaries, but recreational fishermen do not there is inequity compared with neighboring states. We've seen the summer flounder biomass rebound to the point where it was rebuilt. Summer flounder regionalization provides the transparency and clarity to the laymen, the recreational anglers who is not concerned with fishery jargon. Most fish to get away from the hustle of daily life and bring home fresh seafood. We should not be bogged down in fighting for a greater percentage of the fishery against commercial fishermen, nor should we look for sector separation in this fishery.

**Anthony Belisario – Barbara Anne Charters**

Under regional management two things happened: it increased yield to the customer and resulted in more of a season for the fishermen, and it's worked out very well.

**Steve Canizo**

This region is having a real issue with water quality. If you move away from regionalization, you're going to have people keeping fish (in violation of the rules).

**Gene Ander**

Has caught maybe two fish this year, if they're catching more fluke, then they're killing more fluke.

**Stuart Fries – Brooklyn Yacht Club**

Most of the fish he's tagged move east or north if they're caught out in the ocean, but the ones caught close to the beach, they're caught near where they're tagged.



2.7 BELMAR, NJ

Tuesday, September 30, 2014, 6 p.m.

<u>Name</u>	<u>Company/Organization</u>	<u>City, State</u>
John Oswald	Asbury Park Press	Neptune NJ
CAPT GEORGE STELLEN	TERI JEAN II CHARTERS INC	Belmar, NJ
PHILIP SIMON	SELF	WARETOWN NJ
Greg DiDomenico	GSSA	
Thomas P. Andean	Fishy Business Inc.	Brick, NJ
DENIS LOVGREN	F.V. KAILEY A/W	PT. PLEASANT
Joshua O'Connor	Port Agent - NOAA	Cape May
(TIM BRINDLEY)	W E COMM. FISH	BARNEGAT LIGHT NJ
ERIC LUNDWALL F/U	BAYNA & KERSTIN	BARNEGAT LIGHT NJ
Jim Brindley	REBAIT INC COMMERCIAL	BARNEGAT LIGHT NJ
ROY DREH	BELFORD COOP	
Jim Lovgren	F.B. COOP	Pt Pleasant NJ
TOM FOX	GA TO ASMFC	
PAUL EIDMAN	Anglers Conservation Network	Tinton Falls NJ
Wayne Reichle	Lund's Fisheries	Cape May, NJ

**Phil Simon – Waretown, NJ**

The Council and Commission should give more guidance in terms of alternatives to just increasing size and bag limits each year to deal with problems. Specifically, changes that allow alternate approaches, such as cumulative measurement indices, slot limits, and other approaches, should be considered. We're fighting ourselves: we've increased the minimum size, we're taking away more females that we need to increase the stock, and we're forcing people to discard more fish. Some alternatives should be considered.

Another responsibility that the Council and Commission have, in addition to setting quotas, is making sure habitats are maintained. In the case of summer flounder, even though spawning occurs offshore, the young fish have to survive in the coastal estuaries. He would like to see some activity from Council and Commission to put pressure on folks who are not doing their job in this respect, including the states and the EPA. Our bays and estuaries are going down the tubes.

[In regards to data and science] It's garbage in, garbage out. We shouldn't be using the recreational estimates of catch that much, because there are independent methods of estimating stock size and recruitment. The Spawning Stock Biomass has been maintained pretty steady since 1998, and that's a better index than trying to gauge how many fish people are catching. Same thing with young-of-the-year. Things look more even right now, and trying to worry about how many fish you caught each year, it's not really helping. If you have the size of stock, recruitment, etc. – you can solve the equation for the unknown, which is recreational catch.

**Jim Brindley – Commercial Fisherman**

He is very concerned about a reallocation effort. In a recent Fisheries Focus letter put out by ASMFC,<sup>1</sup> they talk about reallocating fish to the northern states based on the abundance. Inshore trawl surveys in the summer months are seeing more fish further north. He does not disagree with that, but has a problem with the whole proposal: they want to take fish from southern states and allocate to northern states. New Jersey can't stand for

<sup>1</sup> Referencing ASMFC's Management and Science Committee work highlighted in August/September 2014 Fisheries Focus: [http://www.asmfc.org/uploads/file//540a30e8FishFocus\\_AugustSept\\_2014.pdf](http://www.asmfc.org/uploads/file//540a30e8FishFocus_AugustSept_2014.pdf).



that. They have quota to live by, and they haven't had any problems. New Jersey shouldn't be giving up quota. The scoping meetings are going up to Massachusetts, Rhode Island, Connecticut, New York, and these states don't have very big quotas, so there will be good representation up there. They only stand to gain.

He agrees with recreational guys that the size limits are too big. It might make sense up north, but it's ridiculous how many fish you have to catch to land one keeper. It's common sense: if you're handling that many fish, you're really killing more fish to keep one. The recreational guys need a break, and this should be re-evaluated.

**Tom Fote – Governor's Appointee for New Jersey, Atlantic States Marine Fisheries Commission**

He was serving on the Commission's Board in 1993. Some proposals in the original meetings when looking at the stock assessment said we basically have to raise Spawning Stock Biomass to 350 million lb. It was a ridiculous number that was fought for years. When that was discussed during rebuilding, they looked at quotas of probably about 45 million lb, and that never occurred. Especially after 2006 Magnuson Stevens Act, things changed.

Better science is needed. In 1990, most recreationally caught fish were 1 and 2 years old, mostly 14 inches, and had spawned maybe once before. With the first recreational coastwide limit, those that really suffered were the southern states, because they had 12 inch size limits, while the northern states got away with increasing their catch. Size limits have increased and the age structure is expanding. Summer flounder, as they get older, move up in a zigzag pattern and move further north. With climate change now, some people argue that fish are moving further north. But if we were to go back to a 12 or 14 inch size limit in the southern area, they would go over their catch dramatically. The real difference has been because we're looking at pounds of fish and not numbers of fish.

The evaluation of statistics is also a problem. In 2007 and 2005 we had 22 million recreational fishing trips. In 2013, we're down to 14 million trips. That was not a dramatic drop from Superstorm Sandy. Boat registration in New Jersey has gone from over 230,000 recreational, mostly private, boats down to 140,000 boats in 2013. MRIP doesn't show any comparison to trips or boats lost. Despite being down in trips last year, we went over the harvest from the year before. According to NMFS, success rates are way up. We're stuck with this bad information and we need change in the Magnuson Stevens Act. We spend the most money on summer flounder, and have the best data. Yet when we go to the SSC, they basically reduce our quota every year because they're not comfortable with the information. It doesn't look like the assessment will ever get to level 1. We should not penalize fishermen for bad data.

Hook release mortality on the recreational side used to be a small percentage of the catch. With a species like summer flounder, people go out to catch fish to take home to eat, so release mortality shouldn't be that high. We're almost killing as many fish by catch and release mortality as we are by landings. That shouldn't be happening – that's not a catch and release fishery.

It's frustrating for the general public to try to make sense of how MRIP is better than before. Winter flounder catches in New Jersey went from about 37,000 lb in 2011 to 40 pounds in 2012, and it wasn't due to Sandy, because winter flounder season happens before Sandy happened. The response from NMFS was that these numbers are not significantly different because the PSEs are so bad. The Magnuson Act required that recreational data be fixed in 2006, but after many years of working on it, it's still as bad as before. If we've lost 8 million of trips in the mid-Atlantic region in the last 6 or 7 years, that's like shutting down New Jersey's recreational fisheries for 2 years. Consider the economic impact, not to mention the quality of life.

**Jim Lovgren – Commercial Fisherman, F/V Shadowfax**

Why does New York have three hearings, and Virginia and North Carolina with half the commercial quota only get one each? A lot of the allocation issues are coming from New York – the recreational people suffered from that last year. New York is out to steal fish.

There should be an increase in the overall summer flounder quota. Biologically, there's no justification for keeping it where it is. Every time the biological target is reached, the Science Center moves the goalposts. They're playing with the numbers, such as with the new methodology for summer flounder discards. This agency wants to put fishermen out of business, and they are doing a very good job of it. Recreational participation is down 35% in the last 10 years. How many commercial boats have been lost?

In the 70s and 80s, fluke landings were 60 to 80 million lb per year, and recruitment was the highest on record. The age structure was truncated because summer flounder were being fished, and they didn't see a lot of jumbo fish. When all age classes are present, that's a rebuilt stock, which is what is out there now. Increase the quota. For the recreational fishery, the size limit should be decreased. There's a simple mathematical equation where fishing at a certain size limit – whether it's 16, 17, or 18 inches, that you're discarding so many fish that you're hurting the fishery. The ratio of discards to keepers is too high. Set the size limit at 16 inches, and when they catch the bag limit, they can go home and stop killing them.

The 60/40 allocation should remain intact. It's based on historical landings. The commercial state-by-state allocation should also remain intact. In New York, fishermen were selling out of the back of trucks in cash so they didn't have to pay the IRS money. There were about 10 boats in the 70s and 80s working the south side of Long Island for fluke – that's it. They got the allocation they earned. They shouldn't come back later and say they got fewer fish than they deserve...they can't prove it, they have no records.

If there were to be a separate party/charter quota, it should come out of the recreational and not the commercial quota, because it's been part of the recreational quota.

They are happy with the commercial size limit of 14 inches. Mesh studies show 50% retention of 14 inch fish with 5.5 inch mesh, meaning they're losing half of the fish. This is an effective mesh size. Commercial discards are not in directed fluke fishery, and if action is taken to reduce discards, it should be in the scallop dredge fishery.

New Jersey put the best state-by-state system together for the state, and refined it, and it's very effective. Originally New Jersey probably set a qualifying base that was too low, and ended up with more permits than there should have been. New York has two or three times more permits than we do. The state kept the qualifying period open and there are a lot of part time fishermen that are catching a lot of quota. This is going on in Massachusetts as well.

The ASMFC will likely come up with a plan in a back room. North Carolina can be outvoted very simply, and quota could be redistributed to northern states.

Recreational fishing on an 18 inch fish, or 20 inch fish means targeting big breeding fish. What effect is that having on biomass? What effect is density dependence having on the fishery? The more fish are removed, the harder they spawn to make up for removals, and we are ignoring that.

Everything that the Science Center is doing seems to be to put the industry out of business. Windowpane flounder have always been a minimal presence in Jersey, but now every trip for summer flounder, there are observers all

over counting windowpane flounder, because it's a big issue in New England. It's a non-existent issue in New Jersey.

As for camera monitoring on boats – enough is enough. At the New England Council, it was once proposed to have 75% coverage on certain groundfish trips, when the Science Center said that 8% coverage would give the same data. This is a waste of taxpayers' money. Who are the stakeholders? Commercial and recreational fishermen should be - not a bunch of NGOs.

He is totally opposed to catch shares or ITQs, which have a track record of destroying the majority of industry while benefitting a handful of individuals. The scallop industry is a perfect example. Guys with decent amount of scallop quota were basically made millionaires overnight. If ITQs were to be implemented for fluke, even though he would make out fairly well, would it be enough if there are so many people out there? If the quota gets cut again? Scallop guys could end up with all the fluke quota too. We need to look at these consequences.

**George Steller - Charter boat captain, Terry Jean II**

Summer flounder is very important to the economy in New Jersey as well as other east coast states. Marine fisheries should use better updated science. Summer flounder are very important to commercial and recreational fishermen, but there are a lot more recreational fishermen than commercial fishermen. A more equitable allocation would be, at a minimum, 50% commercial and 50% recreational. Regionalization of states should be voluntary, not mandatory. New Jersey should be allowed to withdraw from regionalization and have their quota returned to them.

The waste of discarded fish should be stopped or minimized. Anglers should be allowed to keep smaller sized fish. The same sized fish should be allowed for commercial and recreational fishermen. If it's 14 inches commercial, New Jersey anglers should be allowed to keep 14 inch fish.

**Ray Bogan**

The backdrop in which we'll be working for this amendment is the onerous and punitive legislation that has its effect, if not its goal, of driving fishermen from the water. Much of what's covered here applies to other species, including scup and black sea bass. For FMP goals, one thing that the FMP has failed on is that if you tell fishermen, "conserve and you will benefit," abide by the promise. The Council and the Commission have never done that. They have created increasingly burdensome regulations that have resulted in more pain and suffering for the recreational industry. The only things that we can verify that have occurred as result of present management system are a rebuilt stock, but also destruction of the traditional fishery. If you're going to have a goal, either state it as elimination of the fishery, or create a management system that will help those folks get through.

Deficiencies in MRIP continue to be a problem. There are no substantive differences between MRFSS and MRIP. One strategy or goal that should be adopted is to admit the data failure and work to improve it. Another problem is the failure to pick up huge decreases in numbers of recreational boats. This trend is substantive and empirical, not anecdotal. It is not just in New Jersey. Rhode Island, Connecticut, New York, and others have shown the same trend, though not all to the same degree. There are fewer boats on the water. Only an intellectually dishonest person would try to use MRIP to argue that there's somehow increased pressure or static participation. The system ignores external data such as boat registration, tackle sales, and decrease in for-hire vessels. The Council and Commission should incorporate that data and admit the inconsistency. This has been asked and ignored for many years, after substantial decreases in fuel and tackle sales, substantial decreases in license sales, decreases in the number of party/charter boats, etc. The Council and Commission have ignored it and just used MRFSS.

One strategy managers should use is to maintain flexibility in management. With our toolboxes, including size and creel limits, the more tools you have, the greater flexibility is given to managers and the greater ability managers have to address percentage increases and decreases. The tools that are in there now are necessary and shouldn't be tinkered with.

If we have a 16 inch recreational size limit, with a 6 or 8 fish creel limit, you have massive savings compared to what was historically landed by anglers. In New Jersey, there used to be 11, 12, and 13 inch size limits in the past. With a 16 inch limit, biologically this brings one more year class into fishery, and you no longer have up to a 50% maturity rate, but up to 60 or 70%. We don't have to keep doing what we're presently doing by way of a yo-yo system. But as long as the Council and Commission insist on doing so, we have to have as many tools as possible.

When have the Council and Commission made a good faith effort to look at countervailing information associated with registrations, fuel sales, etc.? When MRFSS/MRIP comes in and says that catches are up – when will there be an honest look at outside, empirical data compared to MRIP? When the trends are shown to be inconsistent with MRIP, will there be recognition of the mistakes made, and efforts to help fishermen? The strategy should be continued flexibility, but with incorporated sense, logic, and compassion into what is presently a destructive system.

Although MRIP isn't under the control of the Council and Commission, and they may protest the data on occasion, they are still used, without the kind of protest or statement that is ethically required of them. Council members have an ethical obligation to address things they know to be wrong. It doesn't make sense to implement stuff that will hurt people when you know it's wrong. The Council should fight NMFS on this.

On the issue of sector separation of the for-hire and private angler recreational fisheries: we're screwing up the entire recreational data keeping system. Putting another system in would exponentially increase screw ups.

Past estimates of target biomass were outrageous, but it was what was being put forth as the science. What was empirically true to the Council and Commission stopped being true, and a new truth emerged. There is a lack of confidence in the science and data, and MRIP is big part of it.

#### **Richard Issacson – Belford Seafood Cooperative**

The Council and Commission should stop making regulations period and back up and see what they've done to the industry: destroyed it. Our port is struggling to stay alive. The draggers are last ones standing and they're going too. All they've done is destroy the industry, and now they're working on sport fishermen. Commercial guys used to fight with them, now they feel sorry for them because they're being destroyed too. There are a bunch of idiots running the Councils. He has been to the Atlantic States Commission and seen the guys running things. They don't know what's going on in the water. Top scientists in the world say they know nothing about the ocean, and these guys say they know everything. Stop and see what you've done to the industry before you make another regulation, because you're wiping it out.

#### **Greg DiDomenico, Garden State Seafood Association**

Right now, the way the commercial industry looks at this amendment is that both the commercial and recreational sectors should use this to their benefit to make their fishery perform better. The fishery is recovered and things are managed well in terms of a conservative quota, good monitoring in the commercial fishery, etc. This is an opportunity to make things better.

Because in a lot of ways the issues and fixes are separate, the Council and Commission should consider splitting this amendment into commercial only and recreational only issues, to avoid having one sector's issues hold the other back.

It's going to take a lot of work to preserve this quota for both commercial and recreational fishermen. They have the likelihood of getting picked to death at the Commission, because of possible revisions to the state-by-state quotas – this may not play out with the Council system, but with the Commission, they have no control – they're beyond lawsuits, are not subject to National Standards, and unfortunately New Jersey is not only outvoted, but some people are jealous of New Jersey quotas. To the Council and Commission: please think about it in that manner. This is an amendment where you'll have to fight to preserve individual quotas.

The issue of reallocation between the commercial and recreational fisheries has origins going back to 2003 with a petition from the RFA. That was debated for about 6 or 7 years and it was found that there was no technical merit for reallocation, according to the Technical Committee, and the issue was dropped. We should not lose momentum for things that are best for both sides by getting bogged down by that issue.

New Jersey voluntarily sets aside 10% of their commercial quota for discards. He is not sure if other states do that. They are not asking for this to be mandatory, but it's an important thing to understand about discards.

The 14 inch commercial size limit should be continued – it's scientifically justified, and works well for their fisheries.

#### **Bruce Smith – Sandy Hook Bay Anglers**

Previous commenters have made good points, from both commercial and recreational perspectives. These comment have been made time and time again but are not being picked up on. MRIP didn't seem to produce any positive results. No one believes the information that is put out there; there are real confidence issues. A lot of recreational fishermen are wearing big boots now, and a lot of those short fish go in the boots. If they're going to spend big bucks to go out there, they're going to want to take a fish home to eat. When you keep increasing the size limit of fish, you create a self-fulfilling prophecy. Requiring bigger fish, exceeding the limit, raising the size again, killing the breeders and females, increasing the mortality – it doesn't make any sense. A lot of guys on water have said it for a long time. There is no logic. Those who are still able to fish would like to be compliant with the regulations, but managers don't make it easy – they're hard to follow when they don't make any sense to begin with. Give more weight to the comments of fishermen and you'd have better results overall.

2.8 SOMERS POINT, NJ

Monday, September 29, 2014, 6 p.m.

<u>Name</u>	<u>Company/Organization</u>	<u>City, State</u>
Jeff Leckie	Lund's Fisheries	Cape May, NJ
Jim Flanagan		Seaville, N.J.
Bill Shillingford	SFEC	Swainton NJ
Joe Zaborowski		Galloway N.J.
Don Stein	FORTESCUE CAPS ASSO	FORTESCUE N.J.
Mike Rothman	FCBOA / Bonanza 2	Fortescue NJ
Pat Clark	USDEW	Port Republic, NJ
Paul Thompson	UNITED BATMEN	CAPE MAY CO. N.J.
DAVID WISCOTT	F/U SUSAN L.	CAPE MAY N.J.
JAKE WISCOTT	F/U Susan L.	Cape May NJ
IRV HUFF	FV Miss Avalon	Avalon NJ
BRADY LYBARGER	FU ELISE G	Cape May, NJ
Jesse Lybarger	FV SUSAN - 2	CAPE MAY N.J.
HAROLD MEYERS	F-U JESSICA HEATHER A-C. N.J.	CAPE MAY N.J.
Gil Cwing		CAPE MAY N.J.
Tom McCloy	SELF	Tabernacle NJ
Ron Munchler	City of Somers Point	Somers Point, NJ
ERIC LUNDALL	F/U RAYNA & KERSTIN	Barnegat Lt. NJ
MIKIE SHIFFLEBORD	FISHING COMMUN	LINWOOD NJ
ROBIN SCOTT	RAY SCOTT'S DOCK	MARGATE, N.J.
Patrick Campbell	FV - CYCLOPS	Shawcrest, NJ.
VICTOR GANO		LINWOOD, N.J.
John A. A. A. F. L.	RECREATIONAL	E. H. T. N.J.
Jim Brindley		
David Westcott	F/U Susan L.	
Ed Blaine	Common Fish	
Nick Manero	Rec.	

**Bill Shillingford – Swainton, NJ**

In running a tag and release program for the American Littoral Society, he has tagged about 8,000 flounder and has tracked the data by size, date, location, and water temperature, all of which are documented. The data is clear over the last 10 years: the average size of summer flounder in Cape May County has not changed over half an inch overall, despite minor fluctuations. But when looking at tag returns, tags that have been out a year come from about 50 miles north, or further. So when New Jersey went to regionalization of recreational measures this year and got lumped with New York, the size limit in New Jersey went up half an inch, and it was the wrong decision for South Jersey. In South Jersey, in Cape May County, the biggest fish are found in April, or early May. After that, the size goes down. July is the when the smallest fish are observed, so we are killing a lot of small fish in July due to the size limit. We need to look at the distribution of sizes. There may be a shift in the population, but from a South Jersey standpoint, average sizes here are closely tied with Delaware average sizes. The Delaware average size is about the same as in Cape May County. When setting size limits, managers should look at the spread of fish, and look at sizes for a given area.

**Joe Zaborowski – Galloway, NJ**

It's a travesty that regionalization was forced upon New Jersey by the state of New York, and all it did was shift the problem from the Hudson River to the Delaware Bay. This has significantly affected business in New Jersey,



because people will easily go to Delaware to fish under more liberal regulations. The chances of keeping and catching fish are reduced in New Jersey, but travel time is very similar. People go where they can keep fish. If regionalization is ever used, it should take into account environments more so than state-by-state allocations. In the coastline geology of New Jersey, Cape May heading north is mostly sandy bottom, mud, and shallow water, and the further north you go in New Jersey, there's more and more rock - more habitat for fluke. This is part of the reason you've got bigger fish. You catch bigger fish around structure. There's more structure up north, hence bigger fish. Regionalization should go away, and we should let states go back to managing themselves as they once were.

#### **Don Stein – Fortescue Captains Association/Charter boat captain**

Last year the MAFMC and ASMFC changed the New Jersey flounder regulations and regionalized with New York and Connecticut. This was done to promote better equality and conservation between states. All materials referenced the New Jersey and New York regulation split, and how those fishing in the same waters had different regulations. They could be fishing within sight of each other and have different regulations. When they put regionalization in place, they didn't realize the economic impact to party/charter boats fishing in Delaware Bay. Delaware regulations were liberalized by them being placed with the southern region, and they're now advertising a 16 inch size limit and year round season. New Jersey has an 18 inch size limit with approximately a 19-week season.

Fortescue and the surrounding marinas cannot compete with the new laws and ads that Delaware is putting out, and they have lost a large percentage of charters and South Jersey business to Delaware. Managers have put New Jersey and Delaware fishermen in same exact position as New York and New Jersey were in last year, with the exception that New Jersey fishermen have to purchase a Delaware license before they can attempt to fish on the Delaware side of the bay. Even with this license, they have to follow New Jersey state laws. It's frustrating to fish next to Delaware boats taking 16 inch flounder. He doesn't understand where the equality or conservation comes from. A reasonable alternative and fair solution would be regionalizing the entire Delaware Bay and having the southern region contain the very southern part of New Jersey. They're paying for the privilege to fish on the exact same stock as they do in the southern region. If this is not done, the laws should be made the same on each side of the bay. If this could happen, hopefully the New Jersey party/charter fishery in southern NJ would regain some of their lost revenue and business caused by last year's poor decision.

#### **Brady Lybarger – Commercial Fisherman/Lund's Fisheries**

Managers should analyze allowing other states to offload catch in New Jersey. With New Jersey, Virginia, and North Carolina permits, sometimes they travel all the way up off of Massachusetts to catch flounder. This would allow them to come down the coast and bump their way along rather than traveling all the way down the coast just to land, sometimes up to 500 miles round trip. This would save money on fuel, would save time, days at sea, and risk to fishermen.

On the issue of scallop dredge discards, he is also a full time limited access scallop dredge captain. Discards are due to regulations: because they have a weekly or monthly quota, they could be on a 10 day trip, and the last seven days of the trip start keeping fluke. If the fishery closes on a Sunday, and they're landing on Monday, then that 2,000 or 2,500 lb of fluke they've been saving are dumped because they'd be put in handcuffs when they got to the dock. They could do something on BoatTracs declaring fish before landing so everyone knows the boat's coming in with it. At the very least, they should be able to donate the fish.

There's a conflict of New Jersey not cooperating with Virginia and North Carolina in terms of flexible landings and quota. They work together and they allow this in their states because they're neighbors, and for some reason New Jersey can't get along with them. An idea for conservation law enforcement is that they could send a weekly email saying how many pounds are allocated in each state during that week or that month. Another objective could be

going into port could send a BoatTracs and split landings by state: a certain amount of poundage could be applied toward each state quota that they have permits for.

#### **Tom McCloy – Recreational fisherman**

Regionalization and the discrepancy in size limits may really be just an ASMFC matter, and could be addressed without modifying the FMP. It might be time to cut the state of New Jersey in half somewhere, and that might resolve part of the problem, if regionalization is to continue.

Regarding the joint plan, there is still an issue in the recreational fishery with states that still refuse to prohibit mutilation or fileting and cleaning fish at sea. As long as you continue to permit that activity, you don't have a size limit. People can bring in filets that don't have to meet the size limit. There's been a mutilation prohibition in New Jersey forever. It's time that the playing field was leveled, and time for other states that don't have that provision to get on board.

#### **Robin Scott – Ray Scott's Dock**

Her goal is to preserve recreational access in New Jersey. She has seen it disappear over the last 20 years. A rental boat customer told her about recently catching a 17 inch gut hooked flounder. He hated to waste it, and had his 14 year old son with him, so he fileted the fish. Fish and Game had been videotaping him and immediately ticketed him, and tried to ticket his son. How does that keep recreational saltwater fishing on the map in New Jersey? New Jersey is morphing into a coastline with zero saltwater fishing.

Their operation has gone through legal battles with the town of Margate and some neighbors who tried to put her out of business. For her, this is not a hobby, it's how she earns a living to support her family. If they didn't have to charge to get people out fishing, they wouldn't. If their place goes, public access for a long stretch of the coast would go. Many areas have been privatized. People suggest that we need creative ideas. Maybe we should make the bag limit 5, or make it two 18-inch fish. There should be an open youth day where kids under 16 could take a 16 inch fish. Passing along fishing culture is one of the most valuable things we can do today.

Since regionalization, she's had people call and say they'd rather fish in Delaware due to the regulations, even though they've been a customer for years.

They are also noting far fewer young people that are educated about marine technology and repair. Today, we live in a much more high tech society, yet she increasingly has to convince people to rent a boat with an outboard motor, because people don't think they know how to drive it. All of this comes from the beginnings of recreational fishing. Young men will drive hours to get away from Philadelphia or Manhattan to come fish there if the fishing opportunities are there. There are few other opportunities to go out and catch something and bring it home for dinner. If the size limit is 16 inches, people can easily get a few fish and get off the water. That's where fishing in New Jersey starts, and where some commercial aspects grow from – getting out with your family where they can actually bring dinner home.

#### **Gil Ewing – Recreational Fisherman**

Commercial discards are a big problem. Commercial fishermen are by nature businessmen who need to make business decisions. When they have to throw away fish that they can sell, that's not a very good economic decision. If commercial fishermen were allowed to catch and keep anything that they could sell, it would be much better. They would reach the quota sooner. Wholesalers have said that typically the price to the boat is the same whether the fish are small, medium, large, or jumbo. Is a slightly larger price for jumbo fish worth the time and effort to upgrade to bigger fish? Is it worth the amount of time and wear on boat and equipment that they could save by going out and just catching what they can catch? Allowing them to keep more small fish would be okay as long as they still have the mesh sizes they have now. This would help with the breeding stock, by keeping bigger fish out



there. On the retail side, restaurants don't want a jumbo fish, because it doesn't fit on a plate. If they cut down a jumbo, people question whether it's really a flounder. They need to have a small fish that they can sell.

As far as the recreational fishery is concerned, the differences in cost and regulations to fish in Delaware Bay are not fair. He fishes in the same waters as Delaware boats, along with the party/charter boats, and if he catches a 16 inch fish, he has to throw it back, while Delaware boats catch a 16 inch fish, and they're keeping it.

Throwing fish back significantly decreases chances of survival. In the recreational fishery, survivability is higher than commercial, but it depends on handling. It's still a waste. So if we're going to go regional, New Jersey needs to be split. Or we need to do state-by-state regulations. We also need to work together commercial and recreational to bring the stock back. We're taking more fish, and we're taking the breeders.

#### **Jim Brindley - Commercial Fisherman**

The system we have now is pretty good with state-by-state quotas (commercial). We should keep status quo with state-by-state quotas, because they can work with the state of New Jersey, as fishermen – they can go to meetings, help tailor trip limits, and even the size limits for recreational guys. We shouldn't go regional with any commercial quotas. He has read the proposal<sup>2</sup> for northern states to get some quota from southern states, but in New Jersey they're not having any problems catching their quota. They're not open all the time, they are open and closed about evenly and are catching quotas quickly. He does not see any reason to give New Jersey's quota to northern states. On the recreational side, New Jersey shouldn't have a big size limit – it should be more like 16 inches. People that work for the state of New Jersey should work with fishermen. Under regional management, fishermen's voices are not going to be heard, so we should keep the status quo with state-by-state quotas. New Jersey shouldn't be giving something up and neither should any other states.

#### **David Wiscott – Commercial fisherman, F/V Susan L**

Holds a landing license for Virginia, North Carolina, and New Jersey. Currently, they steam up and down the coast with all these trip limits. If he's allowed a certain number of boxes of fish for each state, doesn't see any reason why they can't catch all the boxes for each state and *then* come back and unload. This is mostly winter fishing as well, when they're also dealing with weather issues. It shouldn't be a problem to keep all the trip limits for each state. There should also be a better reporting system for the recreational guys – it should not be difficult to come up with a better system to keep track of their catch.

#### **Ed Blaine – Commercial fisherman**

Common sense cures a lot of things. He has been a dragger for 30 years. On a dragger in January and February, they deal with weather. The fish that gets out of a 5 ½ inch twine is a large fish. If the commercial guys had to go up half an inch, it would look like they're selling halibut when they come to the dock. Small fish do get out, with the way the nets are currently configured. They're also very restricted at the dock in terms of poundage.

A friend of his has been fishing since age 4, and is now 85, and still handlines flounder. He can't land fish from federal waters in New Jersey, even though he has a federal fluke permit, because he doesn't have a landing license. He has a gillnet license for summer flounder. It's a lot easier at age 85 to be pulling hooks in than it is to be gillnetting. If you want to conserve, instead of putting in a net in the ocean and letting it soak overnight, why can't he go out with hook and line and catch his 200 lb of fish?

In the recreational fishery, when you get 15 or 20 days of hard weather, the boats aren't out. State and federal fisheries people can take those 20 or so days and when the end of October comes, add them to the end of the year. They do this for commercial quota that's left toward the end of the year – there are notifications to let you

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<sup>2</sup> Referencing ASMFC's Management and Science Committee work highlighted in August/September 2014 Fisheries Focus: [http://www.asmfc.org/uploads/file//540a30e8FishFocus\\_AugustSept\\_2014.pdf](http://www.asmfc.org/uploads/file//540a30e8FishFocus_AugustSept_2014.pdf).

know when quota is still available. Why can't the rec guys take those 20 days at the end of October when it's owed to them? For the commercial guys, if it's owed to them, they get it. Twenty more days would mean more customers, more fishing – it's good for the state, good for the economy, good for everybody.

Instead of holding grudges against people and fishermen, we should let states blossom with what we've got. Give recreational anglers a 16 inch fish, and after they catch their limit, they're going in. They're not going to keep fishing all day wounding fish once they've caught their limit.

Another thing is that flounder used to be found tight to the beach, back in the day. But in the last 20 or so years, fish get out of the inlet quickly. The [Municipal Utilities Authority] have the big five-fingered pipe – it's disgusting, but it doesn't have to be done like this. California wastewater through a system where it comes out a tap on the other end and some guy drinks it. The solution to pollution isn't dilution, and fish do not want to swim in it. The way Atlantic City sticks out, this stuff comes out there and shoots out 3 miles, and everything slides down the beach and these fish don't like swimming in chemicals. There have been no fish inshore for over 20 years – that inshore fishery is dead.

With any reconsideration of permit qualification dates, you need to consider where you'll be "bumping" large groups of fishermen out. They give out information faithfully on Vessel Trip Reports, and send it out to the fisheries agencies, but fishermen are hung on it. If you don't believe the information, go out on a boat where they didn't need paperwork for years and then it was required. You'll see how a lot of guys lost their livelihoods because of paperwork. That's why a lot of guys hate to do it, because it makes them feel like criminals.

**Nick Manero – Recreational fisherman**

There is a poor ratio of keepers to catch. Fishes about 1-3 days per week for deep water flounder. He has noticed having to go further out for same amount of fish. They have to catch anywhere from 75 to 150 fish in order to catch eight 18-inch keepers. If they had a 16-inch fish size limit, they would catch their 5 fish limit and go home in a couple of hours. He agrees that there needs to be more common sense going into this process. We're killing big fish that will reproduce better than the little fish, and we don't need that. It doesn't make sense to most of us.

**Ron Meischker – City of Somers Point Harbormaster/Somers Point Economic Development Advisory Commission**

A good point was made earlier about larger fish and the higher throwback to keeper ratios. It has a wide ranging impact not only on marina business, but also on other businesses such as marine repair shops, bait and tackle shops, etc. Fishing is an economic driver. When you hear people say they're driving over to Delaware, because travel time is similar but they don't want to catch 40 fish to take home one...this is a true story. If you talk to folks in the marine businesses here, they say the higher size limit really affects their livelihood. It affects the town as well. Fewer people come to town because it's more difficult to catch fish. If economics is truly one of the things you're looking at, you should really consider that perspective.

**Mike Rothman – Party boat owner**

Regionalization has affected him severely. He fishes in Delaware Bay – that's where the majority of his business is. He pays \$600 per year to another state and can't reap the benefits of fishing in that state. He is involved in advisory panel and goes to meetings. Regionalization has destroyed what they do. Who's going to come spend a day with them to fish in Delaware Bay, when boats come from Delaware come to Jersey, take their fish, and go back across the imaginary line? There are a lot of boats along the coastline that regionalization has affected.

## 2.9 DOVER, DE

Monday, October 6, 2014, 6 p.m.

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<u>Name</u>	<u>Company/Organization</u>	<u>City, State</u>
<u>ERIC BURNEY</u>	<u>CAPE GREENE</u>	<u>MILFORD DE</u>

No comments were given at the Dover hearing (written comments were submitted by the one attendee).

2.10 BERLIN, MD

Thursday, October 2, 2014, 6 p.m.

<u>Name</u>	<u>Company/Organization</u>	<u>City, State</u>
Bob Abele	MSSA, Anglers, MCBP	O. Pines
RICHARD NIEMAN	MSSA, OCEAN PINES ANGLERS, ASSOCIATE COMMERCE TRUST	BERLIN, MD
FRANK WATKINS	MSSA, CCA, OP Anglers	Ocean Pines
Buddy Seigel	MSSA, CCA, OP Anglers, ACCSP	Ocean Pines
Ron Smith	MSSA	Bishopville Md.
Clara Vaughan	Ocean City Tackle	Ocean City, MD
Jim Spiekman	MSSA / OP ANGLERS	OCEAN PINES, MD
Ken Wolf	CCA / MSSA / OP Angler	Ocean Pines MD
Monty Hawkins		
Victor Butler		
Kane Burns		
Steve Linhard	MAFMC	Annapolis, Md.

**Monty Hawkins – Ocean City, MD**

We have a recreational quota quandary, especially in the northern fishery, that has been somewhat alleviated by the regional approach. With anything as fast and loose with the facts as MRIP and MRFSS, the larger an area you can go to the less likely it will be that one of these spikes in catch will affect someone’s livelihood simply because of a statistical flaw. Very disappointed with the Council and the Commission that no one’s come forth with work about hook release mortality. Hook selection is so basic, and it’s so easy to recommend a hook that reduces discard mortality. There are hooks he will and will not allow his clients to use, based on his understanding of hook release mortality.

Another thing is that you’re using MRIP/MRFSS data to say that discard mortality has increased over the years. MRFSS data has sea bass releases in Maryland at about 50% prior to 1992, and that’s completely unrealistic. Nobody was throwing anything back, at least not in ocean waters.

**General Discussion**

There was general agreement that recreational discard mortality, and specifically the effects of different recreational gear types, should be better understood and taken into account.

**Buddy Seigel – MSSA, CCA, Ocean Pines Anglers, ACCSP**

The numbers we’re using for the recreational fishery are not acceptable. An example would be two fish in November through MRFSS got converted over to 15,000 fish. The reality is it doesn’t seem that the people who deal with statistics understand any part of fishery, either the location or season or number of available days of fishing. Somehow that’s got to be worked into formulas, and so far it hasn’t been. All of the parties are using many of the same formulas - one set of formulas comes in for trawlers, another set comes in for people measuring commercial and recreational, and they don’t come together. They’re not put together in a manner that makes sense. Going forward, it’s going to be difficult unless those figures are fully integrated, or at least described so that anyone can understand. If it’s too difficult to understand, the person explaining it can’t explain it acceptably.

**Dick Nieman – MSSA, Ocean Pines Anglers, Assateague Coastal Trust**

Some issues in the scoping document are pretty good. Sees the goal of this as protecting the fisheries for the future, and the present. The most important thing is protecting the fish so they're sustainable for the future, and that's what the overall management objective should be.

By the time this amendment process is finished, the original data that's the basis for the allocation between commercial and recreational fisheries is going to be 25-30 years old. Things have changed in both fisheries, including economic changes. There are different estimates of the value of commercial and recreational fisheries, and that's important to look at. If the recreational fishery is getting a certain percentage, someone should be able to give a valid explanation of why it's appropriate to change it (or leave it the same).

Agrees that anything to help reduce dead discards is important to help the stock. Bycatch is a concern: has seen a picture of hundreds of bycaught flounder laying on a deck that weren't the right size. This is frustrating to recreational anglers trying to catch flounder, and seeing all that waste in the commercial fishery.

One thing that would benefit recreational fishing and the stocks overall would be to have states ban commercial gillnetting within 3 miles. The states that have already banned this had a good idea, and they have found that their fisheries have been better overall. There should be an analysis of fisheries and outcomes between states that have and have not. In the Gulf of Mexico states for redfish, this has greatly enhanced the redfish stock in Florida. He would like to see it introduced in Maryland.

It's important that managers protect the stock by doing anything other than putting in a total ban. Anglers used to drop a line in the water and hope they could guess what was down there. As electronics keep getting better, targeting fish is now easier. The more you can target a specific fish, it may hamper the stocks. Managers should be looking at electronic advancements and how to protect stocks from that type of innovation. On the other hand, if you could see exactly what you were catching, it may help reduce bycatch or catch of short fish.

**Frank Watkins – MSSA, CCA, Ocean Pines Anglers**

Where are summer flounder spawning grounds? Part of managers' consideration should be protecting spawning grounds, if practical. May want to consider limiting trawling during peak spawning times if it's not done already.

**General Discussion**

An attendee inquired about how managers are looking at ecosystem interactions and approaches. Are we managing for abundance? Are we looking at forage fish? There was some back and forth discussion and general agreement from several attendees that managers should incorporate forage fish considerations into management decisions.

**Victor Bunting**

When are we going to get to the point where we're discussing quota allocations? The bottom line for them is how much quota is there going to be? Flounder are on an upward trend. They wouldn't want to be in situation like in the South Atlantic of Gulf for sea bass, or even with sea bass here – they have lowered the quota, and the northern states seem to catch them up. If the quota's set too low, or state's not given a quota, their hands are tied in terms of what they can do.

**Kane Bounds – Fish Bound Charters**

He is very happy with where everything lays with flounder now. Knows something is on the horizon, and a lot of people don't realize that the northern states would love to have some of their quota. What do they need to do to make sure that doesn't happen? They don't need to be giving up quota, because once they give it up they can't get it back.

**Buddy Seigel – MSSA, CCA, Ocean Pines Anglers, ACCSP**

We are currently using MRFSS down at the state level. This is a bit of conflict - when you turn around and say we're going to borrow from someone else to improve that, we've been through that before. Are we trying to learn from mistakes or are we going to do it over and over again?

**Frank Watkins – MSSA, CCA, Ocean Pines Anglers**

For summer flounder, we have biologically different migrating patterns up and down the coast. He does not hear that being addressed much in terms of managing the fisheries. Are migratory patterns of the stock being considered as part of this amendment? The concern here is that there is a stock here around Ocean City, and you can't give Ocean City fish to another group, because the fish are not going to go there. If we shift the quantity of fish that can be taken in the northern states, they're still taking it from their own stock. That's playing a numbers game, not a fish management game.

**Ken Wolf – MSSA, CCA, Ocean Pines Anglers**

There should be provision in the plan for some kind of accelerator in the quota, given successful efforts to improve habitat. For example, since this is a long-term amendment, if there are heroic efforts in the next ten years to build habitat and structure, could there be a provision to take that into consideration, provided it could be quantified? Having a specific provision in the FMP would provide incentives to build habitat, raise funds, etc.

**Frank Watkins – MSSA, CCA, Ocean Pines Anglers**

Maryland is talking about wind energy proposals. Windmills have structure around the base, so they would be creating a lot of structure right off of Ocean City. Could end up with substantial amount of new structure.

**Monty Hawkins – Ocean City, MD**

To Ken and Frank's points, it's always the case that stock assessment affects quotas. If you are able to create a production increase through habitat improvement, in theory it should show up in stock assessment, and you'd get a higher quota. Production increases could probably be arranged primarily through hard bottom. Squid spawn on hard bottom, and are a huge food source for fluke. This is that ecosystem component consideration.

He would also like to see sector separation, between for-hire, shore, and private angler sectors. But, if that's based on MRFSS or MRIP there's no possible way that could be done accurately or fairly. Maybe if it's based on VTRs we might be able to do something.

Quota allocation is the number one thing to address. He has heard from a few guys who were part of the original quota divisions, that they bartered some fluke quota for striped bass.

A production increase should equal a quota increase. Hook mortality is something we need to understand in addition to trawl mortality. Commercial discards at 8% of total flounder catch is a big number.

**Frank Watkins – MSSA, CCA, Ocean Pines Anglers**

With increasing use of certain types of recreational hooks that cause lower mortality, the assumed 10 or 15% discard mortality rate may not be applicable. This discard mortality rate should be re-evaluated. Credit should be given where improvements have been made. There should be studies into hook use and mortality rates.

## 2.11 WASHINGTON, DC

Tuesday, October 21, 2014, 6 p.m.

<u>Name</u>	<u>Company/Organization</u>	<u>City, State</u>
Drew Minkiewicz	Fisheries Survival Fund	Washington, D.C.
Bronwyn Sapiro	GMU	Virginia

**Drew Minkiewicz – Fisheries Survival Fund**

Fisheries Survival Fund represents the vast majority of the limited access scallop fleet. Almost all scallop vessels have a flounder permit as part of their bundle of fishing rights. Scallop vessels constitute a good amount of the catch of summer flounder, despite the fact that they don't tend to target it (although they used to back in the day when scallops weren't as abundant). It's an important part of the diverse fleet.

On the summer flounder control date, they are wondering what the true motivations are behind it. They do not want the scallop industry and their important contributions to the fishery to be glossed over – this is their most important concern. When the Mid-Atlantic Council finalized their Omnibus ACLs/AMs amendment, it was legally challenged by Oceana. Fisheries Survival Fund intervened on behalf of the government, and the result was a good decision. They've put their money where their mouth is to enter into that litigation and defend the Council's actions, because it's an important part of what they do. In the summer flounder amendment, nothing should be done that threatens or revisits the way that the current ACL/AMs structure was set up under the Omnibus ACLs amendment.

In the scallop industry, they are interested in maintaining what they've qualified for, like everyone else. All vessels with flounder permits have at one time met the requirements for those permits, and those shouldn't be removed.



2.12 NEWPORT NEWS, VA

Tuesday, October 14, 2014, 6 p.m.

<u>Name</u>	<u>Company/Organization</u>	<u>City, State</u>
Mike Ruggles	Tidewater Anglers Club	Virginia Beach, VA
Rick Robin	MAFMC	Scottdale VA
Jeff Deem	MAFMC	Alex VA
Meade Among	L.D. Among Co Inc	Hampton Va
KIM HUSKEY	VA. SEAFOOD COUNCIL	YORKTOWN, VA
W.C. Tice	Self	NPPT, VA
Denny Dobbins	Portsmouth Anglers	Portsmouth, VA
DAVID GILLINGHAM	UMAC	VA
DAVID AGEÉ	Peninsula Saltwater Sport Fishing Ass	NEWPORT NEWS VA
Jim Garthard	VIMS	Glow. Pt VA
Stan Elly	NOAA Fisheries	Hampton VA
JOE GREST	UMAC	NEWPORT NEWS, VA
William Goldsmith	VIMS	Glow Cester Pt, VA
Nadya Mamozaden	VIMS	Hayes, VA

**Jeff Deem – MAFMC**

There's been discussion of the stock having moved north, however, the latest set of pictures he's received from the NEFSC show that the stock has grown in size along the entire coast. Some of the larger fish have moved north, but there has still been an increase in flounder in Virginia. Virginia shouldn't have to cut back on their allocation. Fishermen were promised that once the fishery recovered that restrictions would be loosened, and they would be able to rebuild their businesses. The few that are left deserve to have a fair allocation.

A recent ASMFC newsletter shows two graphs: the summer flounder population from 1980 to 1989 and a more recent population. These images are shown in two different scales, implying that the fish have moved north. He went to the scientist that made these, and had him redo them on the same scale. The redone version shows that Virginia's population has increased both in the spring and in the fall. So, the attitude that Virginia's fish have moved north so they're not entitled to what they have is misinformed. Virginia's share for 2014 regional conservation equivalency is based on 2013 landings, which were the lowest on record. This could be a scientific snafu, fluctuations in recordings, whatever, but Virginia should not be pinned down to their worst year.

There is also talk about how effort has shifted. Virginia effort is reduced, because they've been strong on allocations and regulations, and have erred toward caution. That's why there's been a shift in Virginia. If the fishery was allowed to rebuild as promised, there would likely be a shift back toward Virginia. Virginia has been fishing within their limits, and the impact that it's had on the resource should be considered.

He is under the impression that the current FMP doesn't have the flexibility to allow slot limits. Would like to make sure that's in there, so pressure can be taken off some of the largest flounder. Would also like to ensure that state-by-state allocations remain an option (both commercial and recreational). States should have the ability to set their own size limits and measures, so that as long as they stay within their allocation, they can decide how to set their regulations. There should not be one size limit and season for the entire coast.

**Rob O'Reilly – VMRC, MAFMC**

What Jeff discussed in terms of shifting populations has been a big topic. It appears that there are states who want to grab onto something that proves the point. At a recent Council meeting, someone was touting an article citing the shift, but it wasn't yet peer reviewed. It's a phenomenon that's going on with a lot of fisheries. Climate change is a big topic right now. It's not as simple as the first set of data shown from the NEFSC trawl survey, showing concentrations of fish further north. After Virginia had a 19-inch recreational size limit, for the next few years, harvest went down and down. The economy was a big factor in that. Fishermen couldn't afford the same type of fishing they had in the earlier 2000s.

**Denny Dobbins – Portsmouth Anglers**

One issue is measurement and how the assessment of the stock is done. For example, with recreational surveys: having been involved in point surveys, they are totally useless. Surveys would occur from 8 a.m. to 4 p.m. and then surveyors would go home. Most people that fish are out earlier and come back later. Most of the fish that are actually caught are caught by individuals who fish beyond those time slots. If you do a point survey, it's got to be expanded and you have to survey where the fish are.

Why are we using the number of fish and the length of fish as the measurement standard? Why not use the total number of inches caught by the angler? It's harder to deal with, but it reduces discards, which is a big issue. If we did this by total length, for example 100 inches, you'd have a better management technique because fish would be taken across all age groups, not just biggest. Same thing goes for commercial hook and line. Different types of control techniques should be looked at. They desire more fish, more flounder, and to get the size limits down to about 15.5 inches. Too many smaller fish are discarded, many of them dead.

**Lewis Gillingham - VMRC**

[In response to concerns about MRIP surveys, briefly described recent changes to MRIP.] The review of MRFSS showed problems with the time slots and hours that surveys were conducted. MRIP has expanded the hours surveyed. Currently, they have the potential to sample around the clock. The other major part is still in progress – there are pilot studies finishing up this year. They are getting away from random digit dialing.

**Meade Amory – Amory Seafood**

As Mr. Deem said, they are concerned with the description of shifting biomass. It seems that the data supports the expansion of the stock overall, rather than just a shift. In the FMP goals and objectives, there isn't anything in there about the economic importance to the local communities, which should be highlighted. Particularly down in New Jersey, Virginia, and North Carolina, where the majority of the quota is, there are local communities that depend on this fish. Not a lot of other trawl fisheries around here. Flounder is one of the biggest and most important. We need to know not just the impact but how this will affect communities. They've worked hard to rebuild stocks over the years with management.

Does not see where any shift in allocation is good for them in Virginia. There have been many difficult decisions to rebuild the stocks, and they have worked closely with the state to be of help in rebuilding stocks. Reporting and validation is top notch – they pound for pound and work well inside that framework. Changing allocation could jeopardize the fishery in future, they'd like to see it left where it is.

2.13 WASHINGTON, NC

Wednesday, October 15, 2014, 6 p.m.

<u>Name</u>	<u>Company/Organization</u>	<u>City, State</u>
James Fletcher	Wanchese Fish Co	Wanchese
Ralph Crockett	Wanchese Fish Co	Wanchese
Mike Damer	Wanchese Fish Co	Wanchese
Art Small	General Public	Belhaven
Dewey Hemlight	MAFMC	Wanchese NC
Tony Frye	Wanchese Fish Co	Wanchese N.C.
Sherrill Styer	Garland Fulcher Sfd.	Oriental
JERRY SCHILL	NC FISHERIES ASSOC.	BAFFORD, NC
JAMES FLETCHER	WVFA	MANNS HARBOR
Chris Fulcher	FPPS	Oriental NC
Christina Fulcher	FPPS	Oriental NC
TIM DANIELS	OPP	NEWPORT NEWS VA
Fella Daniels	OPP	Newport News, VA
Michael Ireland	Misty Seas INC	Aurora, N.C. 27806
Brent Fulcher	Fulcher Trawling	New Beer NC 28564
Jim Williams		NC

**James Fletcher – Wanchese Fish Co.**

Discard mortality rates determined when fish are held in pens do not account for predation effects.

**General Discussion**

Commercial discard rates are not as high for North Carolina as those stated in the scoping document (which are coastwide rates), due to different regulations and different directed fisheries. Discard patterns should be examined by state.

Questions were also raised about catch accounting and why the commercial sector has pound for pound overage deductions when they go over their quota, but recreational overages are treated differently.

**Jerry Schill - North Carolina Fisheries Association**

Jerry was appointed to the South Atlantic Council, on the demersal committee, before North Carolina had a seat on the Mid-Atlantic Council. When the state-by-state allocations were first drafted, they were based on landings history. Recently, some of the current Council members from northern states indicated that they would like a share of North Carolina’s quota. They claimed that North Carolina boats landed in various northern places, and then trucks went north and brought the fish back to North Carolina, and those fish were counted as caught in North Carolina, thereby giving North Carolina a larger quota percentage. But North Carolina boats have always been mobile – they go where the fish are. If it weren’t for North Carolina vessels landing in those ports, some of those states may not have any quota. A risk in this amendment process is the lack of historical knowledge from people that participated in the fishery back then, in the 1980s. The Advisory Panels need to include fishermen that do have historical knowledge.

The 60/40 split should remain unchanged. States should be given as much leeway as possible for local control. The North Carolina Fisheries Association used to have yearly meetings to discuss seasons, trip limits, etc. It's better handled at the local level than out of Dover, DE or anywhere else away from North Carolina.

**Sherrill Styron – Garland Fulcher Seafood**

Agrees with Jerry: North Carolina boats have always been hardest working and the largest fleet up and down the coast, and have always gone where the fish were. North Carolina and Virginia don't need to lose quota to northern states, because southern states helped make the northern states what they are now. Recreational interests probably want more quota, and giving everyone more quota would solve a lot of problems. But the recreational allocation should not go higher than 40%.

**Mikey Daniels – Wanchese Fish Company**

Since the first quotas were implemented in 1993, commercial landings have been at or near their quotas while the recreational fishery has repeatedly gone over. Time and time again, the recreational fishery was over their quota, and nothing ever happened. In 1978, his family bought a fish company in New Bedford, MA to pack flounders. All those years they were going up and down the coast fishing. North Carolina fishermen have caught more flounder than anyone. North Carolina should not be giving anything up. In New Bedford, others were fishing yellowtail, blackback and sole. They worked on flounder. The flounder that they were catching was from New Bedford. People are way out of line in asking for reallocated quota and it's time that North Carolina stood up for their heritage.

Landings in North Carolina have also gone down because of Oregon Inlet – no one can get boats in and out. When his family couldn't land in Wanchese, they found an abandoned building in Norfolk and unloaded with a generator. After all of the things they've done to promote fishing in the Northeast, they need to get a fair quota.

**James Fletcher – Wanchese Fish Co.**

Going back into the 70s. The Council is using an aging system on summer flounder that was put in by National Marine Fisheries and proven incorrect by Rick Monahan and several others at a SAW/SARC. The Council has never changed the aging of fish, so the first thing they have to do is get aging correct.

The second thing proposed was a net size and no fish size limit. This was in the 80s. The Council needs to go back to a 12 inch fish for both recreational and commercial, because the best available honest science shows that 80% of the females have spawned at 12 inches, and 95% of males have spawned at 12 inches. The Council set up a system that was doomed to fail with incorrect aging.

The system has worked. Why mess with it? Why not leave it alone? A few people want change, but basically this system has worked. Why does the Council need to spend time and energy on reviewing it? The recreational fishery already got a break. The Council has set up a two tier system: the commercial fishermen have to pay back pound for pound. The Council danced around it to put in a 3 year rolling payback, but the truth is they don't have to payback. Pound for pound paybacks should apply for both sectors.

The Council and the Science Center have also never addressed whether it's possible that certain areas have predominantly male fish, and whether those areas could be fished at lower size limits, 12 inches. The Council put in a control date, but the control date only applies to the commercial fishery. If they put in the control date correctly, it would apply to both fisheries in the EEZ.

The recreational fishery could use smartphones to report. If the Council won't leave the system alone, we need honest reporting on recreational side and honest science. From 1993 to 2008, there were ten years that the

recreational fishery went over their harvest limit, for a total of 30 million+ lbs. The commercial fishermen have been danced around by the Council system, and it's been unfair. North Carolina didn't have a vote on the Council when the plan was put in. It's the northern states that are pushing for this. The Council and the people that represent the Council need to be honest and straightforward with the information the science that's put forward.

**Michael Ireland – Commercial Fisherman, North Carolina Fisheries Association**

In most cases, they come to the meetings and accept what the Council has put forward and move on. In this case, there's two issues. One is what's going on with the recreational fishery. A 3 million lb average overage per year in the recreational sector is unacceptable, and would not be accepted in the commercial fishery. On the docks, people are there making sure commercial fishermen are accountable for what they bring in. There is a burden on the state in terms of keeping track of every recreational fisherman, but there needs to be accountability, it needs to be done in this amendment, and it needs to be done now.

The potential redistribution of fish is also concerning. Throughout his life, he has landed a lot of flounder in North Carolina, as well as New York. There used to be plenty of 12 and 13 inch fish to land down south – and there still is, if they were allowed to fish them. They're targeting the bigger fish because they have to, and those fish have moved to the northeast. But that's no excuse to pick a control date or anything else to benefit northern states. North Carolina boats used to leave North Carolina waters in the spring to fish north around Long Island. They fished along the beach off Shinnecock and had the beach to themselves, because no one else was fishing for flounder. There were no New York or Pt. Judith fishermen, because the boats there were all targeting other species. A large portion of the fish landed in New York were landed by North Carolina fishermen. The northern states should not be allowed to take fish allocated to the southern states that they went up to catch and bring back.

There should be a system put in that more or less favors the current system. Summer flounder is doing well right now. If it's working, why change it? The recreational fisheries should have a system that penalizes them for overages.

**Fella Daniels – Old Point Packing Inc.**

As far as the recreational information gathering – every time the commercial boats come in, they have multiple reporting forms to make sure we're giving accurate figures. Who is validating the recreational data? On the 60/40 split, no way should the recreational fishery get more of the quota, especially considering the accuracy of commercial catch accounting vs. recreational. If anything, it needs to go the other way. Commercial fishermen are trying to make a living and trying to catch something to put something on people's plates. Disagrees with taking from them to give to the guys just trying to have fun. North Carolina guys are probably the guys who established much of the northern states' quota. Quota should not be shifted around or reallocated. If it were reexamined, we would probably actually find more is actually owed to southern states.

They have had issues getting boats through Oregon Inlet. They have unloaded in Virginia before, and that was worked out between the two states. They've also gone to other ports before if they had to. Between North Carolina and Virginia, there's been some transfers, and they've done what we've had to do to make the situation better. They're just trying to catch fish. Summer flounder is the only real volume fishery that these two states have, and quota should not be redistributed. For folks that went to groundfishing year ago, and that hasn't worked out for them, now they're trying to come back and fish for flounder. They made their choices and have to live with them.



Date gathering on the recreational side is also problematic. They should be penalized for going over. The commercial fishery uses all kinds of strategies to prevent going over. There needs to more effort made to get more accurate recreational data. It's hard to base any changes on anything without accurate recreational information.

**Brent Fulcher – Fulcher Trawling, Fulcher Inlet Fishing, North Carolina Fisheries Association**

The first problem with industry has with ASMFC and MAFMC: they know how to rebuild but don't know how to manage once they're rebuilt. We've seen this in other fisheries. Summer flounder is rebuilt and healthy and here we are looking at how to change things and put in more restrictions or manage in a different manner. This is really about reallocation. There's highly political rhetoric in some states to get more quota. The stock is good, but access is still relatively limited on the commercial side. The recreational fishery appears to have few limits. Commercial overages are always made to be paid back. That's because the plan says that's what got to happen for the stock to stay healthy. When the commercial fishery has underages, why can't they carry that forward? If they've helped stock to flourish that year, they should have poundage added to next year's quota.

The 60/40 split is already unjust because the biggest user group of all is the consumer, and managers have eliminated him, only allowing less than 2/3 access to the resource. The management plan is allocating to those who want enjoyment from fishing rather than to those using it as a food source.

There is a lot of rhetoric about warming climates and fish moving north. Fish are moving north because they're getting bigger. They could still catch fish off of North Carolina and Virginia, but no one wants to deal with the TED [Turtle Excluder Devices] requirements. No one wants to deal with dogfish. We've allowed them to grow, and lost the market, and now they will just add to predation in the whole ecosystem.

Fleet capacity has already been established. Every state has landing licenses. It doesn't matter if you have a federal permit if you don't have a landing license. It hasn't been addressed in the recreational fishery.

On landings flexibility, North Carolina was allowed a memorandum agreement and fishermen were told not to worry, that whatever fish they landed out of state was counted for North Carolina. That's not true – they were counted for other states. If you look at the short term, you've got increased landings in other states. This is because of untruths told when landings were in other states. Fishermen as recently as last year still thought that North Carolina landings were counted as North Carolina landings. They're counted against North Carolina because they have to transfer that amount of quota to Virginia, but the poundage went to Virginia or whatever other state they were landing in. There are problems there.

On commercial allocation strategies, moratorium permits are already in place. Managers are now affecting people's financial decisions by going back and changing something 15, 20 years down the road. If someone bought a vessel looking to participate, now you're cutting him out. What are we doing about fleet capacity in the recreational sector? And increased mortality due to trying to target the biggest fish? We're adding more fishermen in as they get access. Where's the cap? We have a commercial control date, why can't we put a control date for the recreational sector? How will their effort ever be managed? Maybe we should go to creel limit with total retention. Summer flounder were put here as a food source – let's make it a food source, so that the recreational sector can go out and catch food, rather than catching a bunch of fish and throwing a bunch back. Rather than having fishermen grumble to a senator because a state on either side of him can catch smaller fish.

On the 60/40 split, maybe the 40% should be split between the recreational sector for-hire and private anglers. Or maybe we just need better recreational management. If we can't figure recreational accountability, actual catch and discards, the whole commercial sector would be interested in looking at something that would allow

them to make management changes, such as gear modifications, so that overages aren't paid back pound for pound the following year. Adaptive fishing management practices could allow them to continue fishing, and allow them to catch what they think they should catch, because that's what's happening with the recreational sector.

Strongly suggests looking at discard mortality. Numbers in the scoping document do not appear correct. With tow times decreasing every year, limited access to fisheries, actual rates should be re-evaluated.

**Ralph Craddock – Roanoke Fish Company**

On the landings that took place in Virginia, it's crazy that anyone would think that North Carolina was giving their fish to Virginia. If you have to go through all the trouble to make arrangements to transfer quota, it seems natural that that would be Carolina fish.

When we go under quotas, it doesn't matter what fishery it is – they never ever get the quota back.

With the recreational fishery, there's no way you can estimate what they caught. It's a waste of science. You'd have to have someone in every little creek writing down what everyone got. You'll never even come close to knowing what they caught. The mortality rate to try to catch a large fish is very high. Can only imagine what inexperienced people do in terms of mortality.

The bigger fish are up north. Down south, they're pulling TEDs, fuel is expensive – you can't go out and drag 24 hours. They can't travel as far. The fisheries up north are very different.

Science needs to trust fishermen just a little bit more and they'll get closer to the answer they're looking for.

The stock assessment says that the stock is not overfished, has been rebuilt since 2011, and now we're talking about potentially reducing it? Give each sector more if it's rebuilt and not being overfished. It's getting old that they never get anything paid back. One wrong number in a computer and you have big problem with numbers way off, because it affects everything.



## 2.14 INTERNET WEBINAR

Wednesday, October 22, 2014, 6 p.m.

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▼ Hosts (1)	
 Kiley Dancy	
▼ Presenters (1)	
 Kirby Rootes-Murdy, ASMFC	
▼ Participants (3)	
 Chris Kennedy	
 Tom Ihde	
 Jeff Kaelin	

### **Tom Ihde – NOAA Chesapeake Bay Office**

He works on ecosystem models and has worked on summer flounder as part of ecosystem assemblage in Chesapeake Bay for the last 5 years. In regard to FMP objectives, but also related to other issues: seeking to reduce fishing mortality is one of the FMP objectives. If we're going to get into an examination of fishing mortality, it's also very critical that we get a better handle on natural mortality than we currently have. Management should incorporate ecosystem considerations wherever possible in the FMP, especially with regard to estuarine variables, habitat interaction, and habitat loss that's projected with climate change scenarios. It will be important to benchmark where we are now so that we can make better comparisons in the face of climate change.

### **Chris Kennedy – Assistant Professor of Resource Economics, George Mason University**

Encourages a deeper investigation into both topics listed in the document under "other issues" (ecosystem considerations and data collection requirements and protocols). Dealing with climate change will require a more ecosystem based approach, but also a deeper understanding of how angler effort is changing in response to shifting populations. Additionally, what are the implications for other species that may not be in as good of shape as fluke are now? This is related to the second issue: data collection. Two anglers have contacted him regarding his current project, and have explained that they've been fishing for over 10 years and neither have ever been intercepted for a survey for recreational catch estimates. Although he's aware that NOAA is trying to improve the data collection process, it's very important to consider shifting populations. New folks are coming into the pool for certain target species, others may be moving farther to target some species, etc. So getting a better handle on where people are coming from, and where they're going fishing, is an important issue. This has been a pervasive issue for a long time. The lack in data quality is very challenging in terms of researchers and managers trying to get a handle on how regulations impact both effort and catch. Especially on the recreational side, though it's also an issue with shifting commercial fleets.

### 3 WRITTEN COMMENTS

On Saturday, September 6, 2014 2:03 PM, **rharbina** <[rharbina@yahoo.com](mailto:rharbina@yahoo.com)> wrote:

I am a beach fisherman from N.J., so far this summer I've caught 118 fluke, only 2 were keepers. At a mortality rate of 10 percent, I killed 14 fish to keep 2. At a 25 percent mortality rate 32 fluke would be killed to keep 2. Seems like a waste of the resource to me. It would make more sense to lower the size limit for beach fisherman as we are limited to shallow waters within casting distance of the shore line. It is also a bitter pill to swallow knowing many of the fish we have to release can wind up in a commercial fisherman's net because they have a 14 inch minimum length. I understand the logic behind the stock allocation, however; the current system practically removes a user group from sharing the resource. I've written to NOAA in the past and have not received a response, I hope at least someone will read this.

Thanks

Rick

From: <[Crab554@aol.com](mailto:Crab554@aol.com)>

Date: Thu, Sep 11, 2014 at 3:07 PM

Subject: (no subject)

To: [nmfs.gar.FlukeAmendment@noaa.gov](mailto:nmfs.gar.FlukeAmendment@noaa.gov)

this comment is to address the landing of summer flounders, the proposals to allow fluke to be landed in one state and charge another state with the landing is a very bad idea. first we in new jersey have since the quota system went in place worked very hard to get a fair 6 2 month season . i works well and gives every historical vessel the same amount of fish to land here, 2nd, there is a group of dock owners not fisherman that want to go around the regs and land multi state limits at the same time. this is not fair it will cause the markets to react negatively and the law enforcement wont be able to watch the docks and boats all at the same time, this is going on because the scallop quota has been cut now the docks are moving to control the fluke' i sit on the board of directors for garden state seafood also i am a industry advisor for summer flounder in new jersey also i am president of the belford co-op owner operator f/v donna lynn for 30 years , what we need is more quota or a small trip limit all year and land any where that could work

roy diehl 554 clark ave  
union beach,nj 07735

**Name:** Raymond Boucher

**Email Address:** [rfb303@aol.com](mailto:rfb303@aol.com)

**City, State, Zip Code:** Bay Shore, N.Y. 11706

**Check all that apply::** "Private Recreational Angler"

**Comments:** I'm for conservation, but you need to find out WHY fish populations are declining, and stop the over-fishing by commercial fisherman. Also consider commercial fishing be limited further out to sea and step up enforcement.

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

From: **Robert Snow** <[bobsnow3@gmail.com](mailto:bobsnow3@gmail.com)>  
Date: Fri, Sep 19, 2014 at 11:12 AM  
Subject: Summer Flounder Amendment Scoping Comments  
To: [nmfs.gar.FlukeAmendment@noaa.gov](mailto:nmfs.gar.FlukeAmendment@noaa.gov)

I'm a recreational fluke fisherman. A year before the issuance of new fluke permits were to close, the commercial and recreational size limit was 14". I was happy with the bag limit so I made the decision not to buy a commercial permit since I could take home the same size fish. I was hoodwinked. You (all the involved fisheries managers) changed the game. We went from a low of 14" to a high of 18.5". All the while keeping the commercial fisheries at 14". The quotas and bag limit changed through the years but the commercial size stayed the same. The commercial fisheries had the effect of cutting use out of the fishery with higher size limits. My ratio of keepers to shorts was one in ten. I've heard all the stories of highgrading. The dragger hauls back, takes all the jumbo and discards the smaller fish dead. Those are the shorts I have to release.

I have looked at the timetable for this process and it goes on until 2017. Changes should be made much earlier. My first action item for you is to sync the size limit for commercial and recreational fisheries NOW AND FOREVER!

My next item has to do with the MRFSS. We were promised that if we bought a saltwater fishing licence that the recreational survey would be fixed. We bought the licence, the survey wasn't fixed. So we were promised again that it would be fix by 2009. IT WASN'T! I bring this up during this comment period because our bag limits are directly traceable to this flawed survey.

Second action item, fix this survey!

Bob Snow  
12 Cypress St  
Plymouth, Ma 02360

**Name:** Anthony Accardi  
**Email Address:** [taccardi1961@optonline.net](mailto:taccardi1961@optonline.net)  
**City, State, Zip Code:** Coram NY 11727  
**Check all that apply::** "Private Recreational Angler"  
**Comments:** I fish out of Port Jeff. N.Y. We did caught a lot of fluke, but a few keepers. Maybe one fish out of 12 fish.  
*(Sent via [Mid-Atlantic Fishery Management Council](#))*

From: **Jean Public** <[jeanpublic1@yahoo.com](mailto:jeanpublic1@yahoo.com)>

Date: Tue, Sep 16, 2014 at 3:29 PM

Subject: Fw:PUBLIC COMMENT ON FEDERAL REGISTER stakeholders is a code word for pals - this agency does not operate for general citizenry -just pals

To: "[NMFS.GAR.FLUKEAMENDMENT@NOAA.GOV](mailto:NMFS.GAR.FLUKEAMENDMENT@NOAA.GOV)" <[NMFS.GAR.FLUKEAMENDMENT@noaa.gov](mailto:NMFS.GAR.FLUKEAMENDMENT@noaa.gov)>, "[RUSH.HOLT@MAIL.HOUSE.GOV](mailto:RUSH.HOLT@MAIL.HOUSE.GOV)" <[RUSH.HOLT@mail.house.gov](mailto:RUSH.HOLT@mail.house.gov)>, "[info@peta.org](mailto:info@peta.org)" <[info@peta.org](mailto:info@peta.org)>, "[INFO@PEWTRUSTS.ORG](mailto:INFO@PEWTRUSTS.ORG)" <[INFO@pewtrusts.org](mailto:INFO@pewtrusts.org)>, "[INFO@OCEANA.ORG](mailto:INFO@OCEANA.ORG)" <[INFO@oceana.org](mailto:INFO@oceana.org)>, "[INFO@OPSOCIETY.ORG](mailto:INFO@OPSOCIETY.ORG)" <[INFO@opsociety.org](mailto:INFO@opsociety.org)>, "[info@seashepherd.org](mailto:info@seashepherd.org)" <[info@seashepherd.org](mailto:info@seashepherd.org)>, "[INFO@WDC.GREENPEACE.ORG](mailto:INFO@WDC.GREENPEACE.ORG)" <[INFO@wdc.greenpeace.org](mailto:INFO@wdc.greenpeace.org)>, "[INFO@PEER.ORG](mailto:INFO@PEER.ORG)" <[INFO@peer.org](mailto:INFO@peer.org)>, "[vicepresident@whitehouse.gov](mailto:vicepresident@whitehouse.gov)" <[vicepresident@whitehouse.gov](mailto:vicepresident@whitehouse.gov)>, "[americanvoices@mail.house.gov](mailto:americanvoices@mail.house.gov)" <[americanvoices@mail.house.gov](mailto:americanvoices@mail.house.gov)>

I SEE NO NEED FOR 14 MEETINGS AND BELIEVE THAT IS OVERSPENDING. THE ONLY "STAKEHOLDER" THAT THIS AGENCY SHOULD BE CONCERNED WITH IS PROTECTION OF THE ENTIRE US. PUBLIC WHICH OWNS ALL THE FISH AND WHICH IS ROUTINELY GETTING ITS FISH STOLEN BY COMMERCIAL FISH PROFITERS AND THEIR POACHING. THE LAW ENFORCEMENT BY THIS AGENCY IS NEGLIGENT AND ALLOWS MASSIVE POACHING TO TAKE PLACE. MASSIVE.

THIS AGENCY DOES A HORRIFIC JOB OF PROTECTING FISH SPECIES. LOOK WHAT THEY DID TO THE COD IN NEW ENGLAND. SO MANY OTHER FISH SPECIES ARE EXPERIENCING THE SAME THING. AND THIS SITUATION CAN BE PINNED ON THE LAX ADMINISTRATION OF THIS AGENCY WHERE IN THE REGULATOR HAS BECOME A PIMP FOR THE REGULATED.

THIS AGENCY SPECIALIZES IN OVERFISHING, OVER QUOTAS THAT ARE NOT SUSTAINABLE AT ALL. IT TAKES ITS INFORMATION FROM THE COMMERCIAL FISH PROFITEERS. WE NEED NEW STAFF AND MGT AT THIS AGENCY. THE ONES THEY HAVE BEEN TAKEN OVER BY THE REGULATED. THEY DON'T REPRESENT THE GENERAL PUBLIC AT ALL ANYMORE. THIS COMMENT IS FOR THE PUBLIC RECORD. PLEASE RECEIPT. JEAN PUBLIC [JEANPUBLIC1@YAHOO.COM](mailto:JEANPUBLIC1@YAHOO.COM)

**Name:** Michael Gallagher

**Email Address:** [mgallagher23@msn.com](mailto:mgallagher23@msn.com)

**City, State, Zip Code:** Port Washington

**Check all that apply::** "Private Recreational Angler"

**Comments:** Love the 5 fish at 18" in NY Long Island Sound.

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

**Name:** john mc intyre

**Email Address:** [fishbowl0502@optonline.net](mailto:fishbowl0502@optonline.net)

**City, State, Zip Code:** east islip,ny,11730

**Check all that apply::** "Charter/Headboat For-Hire"

**Comments:** fluke fishing is down any thing you can to help to bring it back up would be great. thanks john mc intyre,tight line charters

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

From: **Danny** <[dpf0225@comcast.net](mailto:dpf0225@comcast.net)>  
 Date: Tue, Sep 16, 2014 at 7:39 AM  
 Subject: "Summer Flounder Amendment Scoping Comments"  
 To: [nmfs.gar.FlukeAmendment@noaa.gov](mailto:nmfs.gar.FlukeAmendment@noaa.gov)

TO: Mid-Atlantic Fishery Management Council

From: Dan Ferracane, 29 Channel Road, Toms River, NJ 08753

My comments on the 2014 Summer Flounder Season and the upcoming season regulations.

I fish out of both Manasquan and Barnegat Inlets and am active on most fishing boards to watch fishing trends in these areas. The 2014 season was productive, however, during the peak fishing periods many reports showed catches of 40 to 50 fish with keepers caught in the area of 3 to 5 fish. I can't tell you how many times I've heard, and said, look at this beautiful, fat, 16" fish and it has to back into the water.

I'm sure that the Party Boat captains might disagree with my feeling, but I would be happy to have a bag limit of 3 fish at 16" any day! I would prefer to take home a smaller 16" fish than a 21" fish any day - the meat is more tender and you'd be assured to take something home for the "table" on every outing.

Many fishermen, like myself, are not looking for a trophy fish – just looking to bring something home for the table.

Regards,

Dan Ferracane

**Name:** Rita Torres

**Email Address:** [ritatorres.torres@aim.com](mailto:ritatorres.torres@aim.com)

**City, State, Zip Code:** New York, NY 10012

**Check all that apply::** "Other"

**Comments:** Since 2014 has begin the fishery for Black Sea Bass, Flukes, Scup, Blue Fish, Strip Bass and many other fishes have not been catch. There has been Sea Robbin caught in the East River, Harlem River and in City Island, Bronx ,NY. I would like to know what is going to be the measures and strategies.

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

**Name:** joan lopresto

**Email Address:** [jlopresto@aol.com](mailto:jlopresto@aol.com)

**City, State, Zip Code:** farmingdale, ny 11735

**Check all that apply::** "Private Recreational Angler"

**Comments:** I would like to see a notch size for summer flounder. As I understand it the larger fluke are all female (larger over 5lbs) . Seems to me that if you limited the number of larger fish that could be kept we would improve the long range prospects of these fish. Not unlike say the red drum limits, or stripers say no fish over 10lbs, 1 fish between 5 and 10lbs. Whatever the metrics say is the appropriate size limitation while overall improving the summer flounder stock

thank you for this opportunity

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

From: **James Balicki** <[emcjim2006@yahoo.com](mailto:emcjim2006@yahoo.com)>

Date: Tue, Sep 16, 2014 at 8:02 PM

Subject: Subject: Summer Flounder Amendment Scoping Comments

To: "[nmfs.gar.FlukeAmendment@noaa.gov](mailto:nmfs.gar.FlukeAmendment@noaa.gov)" <[nmfs.gar.FlukeAmendment@noaa.gov](mailto:nmfs.gar.FlukeAmendment@noaa.gov)>

1. Fluke stocks must be re-building. My log shows that I caught more in 2014 than in any other year. On many trips in Northern NJ, however, keepers were few, or none, because the vast majority were less than the 18" minimum. Comments:
2. Please use stock data and catch data from the same year. In the past, this apparently was not done. Catch data should be available for the most recent year (2014), but do not use it unless you also have a stock assessment for 2014. Otherwise, we anglers are unfairly penalized for a re-building fishery.
3. Please recognize the economic impact of the recreational fishery for fluke. Commercial fishermen may have a stronger lobby than we sport fishermen. However, recognize that many people make their living in the recreational fishing industry. Party-boat captains, charter-boat captains, their crew members, bait-and-tackle shop owners, and their employees, owners and employees of boat-building companies, marina owners, and their employees. So it's not one man's livelihood versus another man's "sport" - ***it's one industry versus another industry***. I believe the recreational industry has a much larger gross revenue than the commercial industry, and therefore the recreational fishermen should be allocated more than half, perhaps 60%, of the total allowable catch.
4. Regional regulations are a good idea. Combining NJ, NY and CT for 2014 made sense to me – I hope this continues.
5. The present bag limit is 5. I personally would be willing to reduce the bag limit to 4, while lowering the minimum size to 17".

Jim Balicki, NJ party-boat fisherman, rental-boat fisherman, and surf fisherman.

On Fri, Sep 19, 2014 at 6:43 PM, [cappy61@juno.com](mailto:cappy61@juno.com) <[cappy61@juno.com](mailto:cappy61@juno.com)> wrote:

seen this chance to leave a comment on the al ristori blog . al is an old friend and we fish together often . im not sure what type of comments your after . but all i can say was 2014 was a truly exceptional year ! i caught more fluke over 6 lbs , many over 7 , dozens of 8s more then a handful of 9s and a pair over 10 lbs . i released many of them as i am a very serious fluke tournament fisherman . not fishing for { the meat } . i did 9 tourneys this year and had great success but thats not the point . point is as stated above there are plenty , plenty of nice fluke in the sandy hook , raritan bay area and all the way out to the rockaway inlet , rockaway reef , atlantic reef and so on . if this comment helps you im glad to be of service . i simply love fluke fishing ! i love fishing the tourneys .

dave lilly , hazlet , nj .

From: **william Gillespie** <[huntinfish@msn.com](mailto:huntinfish@msn.com)>

Date: Sat, Sep 20, 2014 at 7:11 AM

Subject: The commercial fishermen are killing us!

To: "[nmfs.gar.FlukeAmendment@noaa.gov](mailto:nmfs.gar.FlukeAmendment@noaa.gov)" <[nmfs.gar.FlukeAmendment@noaa.gov](mailto:nmfs.gar.FlukeAmendment@noaa.gov)>

Band the winter fishing grounds, stop the 14in fish and let the commercial fisherman have to follow our rules. Clean up our bays. Bay park is dead!

**Name:** Bruce Larson

**Email Address:** [Larsonb@optonline.net](mailto:Larsonb@optonline.net)

**City, State, Zip Code:** Merrick, ny,11566

**Check all that apply::** "Commercial Industry"

**Comments:** We need to allow all federally harvested species to be landed in the nearest port. This preferential treatment that fluke and seabass have received in the past has plagued New York fisherman and docks ever since the magnason Stevens Act began. In a day with fuel prices driving the industry it is not economically feasible for a fisherman to drive fish hundreds of miles in the direction of there mandatory landing port only to have them trucked back in the direction they came from. In a day where we are trying to conserve fuel and energy it makes no economic sense for this ridiculous discrimination of particular species. There are enough tools in place (ex. VMS) to properly manage the stocks regardless of where they are landed. I really hope for the sake of the entire New York commercial fishing industry that this problem is addressed sooner than later. The future of our industry relays on this one single problem.

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

**Name:** Joel Matthews

**Email Address:** [joel.matthews@comcast.net](mailto:joel.matthews@comcast.net)

**City, State, Zip Code:** SUDBURY

**Check all that apply::** "Private Recreational Angler"

**Comments:** I fish ~2/week in buzzards bay and vineyard sound, keeping only what I can eat at the time, and fully support fisheries management even if this means cutting back on what I can keep BUT ONLY IF this management plan includes a rational approach to the Head Boats, Trawlers, Guide Boats for we private boaters, I believe take very very little compared to the former. My not statistical observations over many years are: [1] Head boats sit in Buzzards Bay all spring taking huge quantities of fish while I keep few, [2] Trawlers in Vineyard sound all summer taking huge quantities of fluke when I keep few, [3] Guides that I see posting on their web sites huge quantities of fish when I keep few. The problem is not me it is the commercial guys who fish only for immediate huge catches and not considering the future.

And all of this assumes equally aggressive controls of the commercial boats taking 'bait' fish e.g. menhaden along the east coast.

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

**Name:** Earl LeGeyt

**Email Address:** [seahook@comcast.net](mailto:seahook@comcast.net)

**City, State, Zip Code:** Hyannis, MA 02601

**Check all that apply::** "Charter/Headboat For-Hire", "Commercial Industry"

**Comments:** The pot fisherman should not be able to hold a rod/reel permit. The commercial rod/reel season should be separate from the pot season.

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



**Name:** Thomas Stagnitta

**Email Address:** [Tstagnitta@aol.com](mailto:Tstagnitta@aol.com)

**City, State, Zip Code:** Bayside NY 11360

**Check all that apply::** "Private Recreational Angler"

**Comments:** I am all for conservation but I think some of the size a quantity limits need to be revisited, Fluke - reduce the keeper size to 18 inches and 4 fish per day, people spend hard earned money to get on a boat and they go home empty handed or worse yet they keep (Shorts) and hid them. Blackfish (Tautog) Come on open the season to what it was no season and a size limit of 12 inches and 10 fish per person, there is no shortage of Blackfish for the Recreational angler, I have seen party boat mates setting Lobster pots to catch Blackfish for Market and keeping shorts for local restaurants, whats up with that ? and does anyone really need 12 Bluefish a day ? Porgys 7 inches and 20 per day is more than anyone can eat or freeze, Flounder 12 inches and 10 per day is a good number. Keep in mind most of the fish I just mentioned are not endangered, you need more Conservation officers to catch and fine the low lifes who break the laws. I welcome the officers to inspect my catch wether fish or Crabs I always obey the laws, I want fish to be here for the future.

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

**Name:** John H McIntyre

**Email Address:** [jmcin80542@aol.com](mailto:jmcin80542@aol.com)

**City, State, Zip Code:** Pottstown Pa. 19465

**Check all that apply::** "Private Recreational Angler"

**Comments:** Thank you for the time to voice comments on summer flounder. I fish in the Delaware bay as well as the ocean. I have my salt water reg. I also get a lincis in the state of Delaware. I feel we should have the same rules it is very hard to fish In the same water with different rules . I feel we should be the same. We should have same size and bag limit .If a commercial fishermen has a percentage of small fish without any fines why do we .

Thank you foe your time

John H McIntyre

1510 Franklin Dr.

Pottstown Pa. 19465

Phone 1-610-212-3752

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

**Name:** Ernest Davis

**Email Address:** [Fishgutsed@gmail.com](mailto:Fishgutsed@gmail.com)

**City, State, Zip Code:** Falling Waters, WV. 25419

**Check all that apply::** "Private Recreational Angler"

**Comments:** Please leave the current regional management plan in effect. This is the best thing you guys have come up with in a long time, especially if you have to fish from shore. I fish in Md and Del. Very few large flounder near shore in these states.

Thank you!

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

From: **Rick Drew** [mailto:[rpdraw@hotmail.com](mailto:rpdraw@hotmail.com)]  
Sent: Saturday, September 27, 2014 10:41 AM  
To: [Krootes-murdy@asmfc.org](mailto:Krootes-murdy@asmfc.org); Dancy, Kiley  
Subject: Fluke Management - Striper Bi-Catch

Kirby Rootes-Murdy

FMP Coordinator  
Atlantic States Marine Fisheries Commission

Kiley Dancy  
FMP Coordinator  
Mid-Atlantic Fishery Management Council

Dear Kirby and Kiley,

Thank you for all your hard work on our fisheries management programs. My name is Rick Drew a lifetime recreational fisherman and kayak guide on eastern Long Island.

There have been many successes with our Fluke and Striped Bass fisheries over the past decade, but we have much work to do, in order to sustain healthy and abundant levels of the two marquee species of the North East Fishing community.

Anyone who is a serious recreational fisherman/woman, targets fluke and striper on a regular basis. In addition, our local dragger fleets based in Greenport, Shinnecock and Montauk target Fluke as much as the current regulations will permit.

My input today has to do with Bi-catch from Draggers. In the early fall as the fluke and squid are migrating close to shore, draggers pursue them. In the process, they can catch and kill large numbers of Striped Bass. Last Wednesday, I witnessed 3 miles of dead stripers floating on the surface from the Midway buoy to the Frisbies fishing grounds, discarded by a nearby dragger. This was a horrific waste of an already challenged and heavily targeted species. I have attached pictures for your review.

We need to protect Striped Bass and other species from being bi-catch from draggers, by changing methods of harvest and gear types or establishing no dragging zones in areas that stripers can be accidentally caught.

I truly hope that Dragger captains are not targeting stripers to keep/tag a few for expense money and discard the rest. That should be illegal!!

I am available to discuss this further at your convenience.

Thanks and best regards,

Rick Drew  
East Hampton, NY  
631.903.0751

**Rick Drew (continued)**



**Name:** ken huber

**Email Address:** huberjade@gmail.com

**City, State, Zip Code:** stone harbor nj 08247

**Check all that apply:** "Private Recreational Angler"

**Comments:** Why are we paired up with NY and the north instead of Delaware and the south? Any thing to do with politics?

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

From: **Roy Covino** <rcovino@aol.com>

Date: Sat, Oct 4, 2014 at 12:02 PM

Subject:

To: nmfs.gar.FlukeAmendment@noaa.gov

To Whom it may concern,

I know of many fisherman including my self that caught hundreds of fluke that had to be released because the ridiculous size limit of 18 inches. I am sure more fish are dying because we have to release so many. I would like to see a 14 or 15 inch size limit, so a fisherman can at least go home with some thing for their efforts. You can cut the amount of fish taken to 3 or 4 and more fish will survive,and I think this would better for all.

Thank You

Roy covino

**Name:** ken wolf

**Email Address:** kwolfsden@cablespeed.com

**City, State, Zip Code:** arnold , md 21012

**Check all that apply::** "Private Recreational Angler"

**Comments:** We should aim at managing toward abundance . We should consider:

- regulating for lowest mortality hooks for live bait fishing
- revise the recreational quota upwards ,if justifiable.
- create a provision where proveable increase in bio mass due to created local habitat allows for prompt increase in local recreational catch by regulation.
- investigate separate regulation or moratorium during spawning in primary spawning grounds
- Study primary forage fish and protect same to a degree that trends toward abundance

Thank you .

Ken Wolf

CCA , MSSA , OP Anglers Club , and Assateague Coastal Trust

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

**Name:** augustine brindley

**Email Address:** brindley4@yahoo.com

**City, State, Zip Code:** barnegat light nj 08006

**Check all that apply::** "Commercial Industry"

**Comments:** do not re-allocate state quotas in any way.....we rely on them...keep the status-quo

From: **Phil** [mailto:philmich10@aol.com]

Sent: Friday, October 03, 2014 11:23 AM

To: Kirby Rootes-Murdy

Subject: Comments summer flounder plan

Please consider my comments in the management plan I am a commercial fishermen from Massachusetts I've been involved in the summer flounder fishery for more than 30 years --Massachusetts has a 6 1/2 inch codend requirement . It is beneficial to the resource to have this mesh size I believe this should be coast wide, all states.

--maintain the 60/40 split between commercial and recreational if New Jersey and New York are having the struggle(fix that problem) don't make a decision that will affect the rest of us, our share of the quota is small enough already --Massachusetts received an unfair percentage of the fluke quota. Fish caught by southern boats and landed in Newbedford Mass were reported as southern landings back in the 80s and giving credit to the mid Atlantic states --There has also been a population shift in our direction with the fluke migration I request a greater percentage for Massachusetts Thank you Phillip Michaud Jr F/V Charger

From: **Vincent Lombardi** [mailto:vp Lombardi@hotmail.com]

Sent: Friday, October 03, 2014 9:41 PM

To: Dancy, Kiley

Subject: Summer Flounder Management

Hi,

I am a central NJ fisherman. In more than 10 years I have not caught my limit of fluke (5). I have caught many throwbacks some of which have probably not survived. Why aren't the rules changed to a limit of 4 fish with 2 at 17 inches and 2 at 18 inches. That way we might enjoy a fish dinner while at the same time reducing the fish mortality rate.

Vince Lombardi

From: **Borkowski, Tom (ES)** <Tom.Borkowski@adp.com>

Date: Mon, Oct 6, 2014 at 10:05 AM

Subject: Summer Flounder Amendment Scoping Comments

To: "nmfs.gar.flukeamendment@noaa.gov" <nmfs.gar.flukeamendment@noaa.gov>

Dear Sir or Madam:

The current recreational limits for fluke are tremendously unfair and one sided. It doesn't make a lot of sense that I have to release a 14 – 17 7/8 inch fluke, that may not even survive, while large commercial trawlers catch 14 inch fluke by the thousands!

The current regulations need to be reviewed and revised.

Tom Borkowski, CPC

Retirement Plan Optimization Specialist

(973) 712-2247(p)

Tom.Borkowski@ADP.com

From: **Kammy Ball** [mailto:happ2@optonline.net]

Sent: Wednesday, October 08, 2014 7:07 PM

To: Dancy, Kiley

Cc: Heins, Stephen; dec; Moore, Christopher; dec

Subject: summer flounder proposal

I wanted to give you MY opinion on the Landing of out of state permitted Fluke here in NY. It is a common sense decision, very easy to understand. If you have the money and interest in purchasing an out of state Fluke permit, then you need to land and sell the fish in that state. Reasons that the Out of state permit holders are justifying the need to catch and sell in NY, with an out of state permit, are safety issues and carbon footprints. That's just bull. Simply put that's all just an excuse. These people want to fish at home with out of state permits. Just not sensible. They will land in NY on the out of state permit....we know that. Then they will fish east of the 72 30 line with the small mesh and we will be back to the 1980's fishing methods and in 2 years the stock will be hammered and gone. This should be about stocks not docks. So why even humor this and have this conversation? It seems to me that people are just so greedy. Fish where you have permits! Thank you. Kammy Ball

**Name:** timothy brindley

**Email Address:** brindley4@yahoo.com

**City, State, Zip Code:** barnegat light, nj 08006

**Check all that apply::** "Commercial Industry"

**Comments:** please keep the status -quo for state-by-state quotas, we need our quota to remain economically viable..... we also have no problem catching our quota each and every year.....do not re- distribute our quota to other states or the recreational fisherman!!!!

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

**Name:** sebastian angelico

**Email Address:** blackfish277@aol.com

**City, State, Zip Code:** kings park new york 11754

**Check all that apply::** "Private Recreational Angler"

**Comments:** Discontinue RSA on all. Extend the season on each Summer Flounder Seabass

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

**Name:** james brindley

**Email Address:** brindley4@yahoo.com

**City, State, Zip Code:** barnegat light, nj 08006

**Check all that apply::** "Commercial Industry"

**Comments:** do not change our state quota for summer flounder...no re-distribution to the recs or commercial guys in other states... keep the status quo

**From:** <k-austin@comcast.net>

**Date:** Sun, Oct 19, 2014 at 11:29 AM

**Subject:** Fluke comment

**To:** nmfs.gar.flukeamendment@noaa.gov

Sir,

As a land based NJ angler I've always caught some Fluke but getting a fish for the table is a real challenge while the boaters catch them with regularity. While I may afford a Party Boat trip 2-3 times a year my primary fishing is from the beach. This year I just couldn't get lucky on the shore until the season ended. Summer Flounder ends and due to changes in bait along with fall patterns of the fish, the beach front finally produces descent Fluke fishing as I'm sure you're aware.

So my question; Why cant the shore based angler be given a different set of rules. Certainly a reduction in size and longer season wouldn't really hurt the stocks. How about it?

**Name:** Edmund Clauss

**Email Address:** eclauss@comcast.net

**City, State, Zip Code:** Delran,NJ, 08075

**Check all that apply::** "Private Recreational Angler", "Commercial Industry", "Other"

**Comments:** SUBJECT:Summer Flounder Amendment Scoping Comments: .I fish exclusively in the Delaware Bay, my comments will be about the absurdity of two different sizes and seasons for flounder in the bay. I keep my boat at Fortescue State Marina and because of that my flounder catch rule is 18 inches with a season from the end of May until end of September. Whereas if I kept my boat in a Delaware Marina I could fish all year for Flounder at 16 inches, this makes absolutely no sense, because it is the same body of water. I want to know why my size went from 17 and a half inches to 18 inches this year? could it be because the consortium from New York cried so much or possibly donated more that ours went up and theirs went down just to appease them.

I have been fishing this bay since 1988 and rules and all the regulations since they first went into effect get progressively worse for the RECREATIONAL FISHERMAN. Why do commercial guys get to keep flounder at 14 inches plus the by bycatch and we have the most restrictions on the Rod and Reel Fisherman fishing with a hook.

It costs more and more every year to own a boat and go fishing with more and more regulations, like 1 Weakfish, 1 Tog who in their right mind is going to spend the money it costs today to fish for one fish?

I also want you to know that I am sick and tired of a few so called PUBLIC SERVANTS telling everyone that puts out the money it costs to go fishing,whats good for them.

You people are killing the RECREATIONAL FISHING.

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

**Name:** John Panvini

**Email Address:** soupbone41@comcast.net

**City, State, Zip Code:** PineHill N.J 08021

**Check all that apply::** "Private Recreational Angler"

**Comments:** like I said before del side of the bay 16 inches no closed season .75 yards away NJ side 18 inches and closed season sept 27 2014. we are throwing them back and there keeping them .better straighten that out quick .

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

From: **Mary Beth Borkowski** <mbbski@gmail.com>

Date: Mon, Oct 20, 2014 at 12:03 PM

Subject: Summer Flounder Amendment Scoping Comments

To: nmfs.gar.flukeamendment@noaa.gov

Dear Sir or Madam,

I am writing to express my displeasure with the current recreational limits for fluke. Commercial trawlers catch vast amounts of 14 inch fluke while individual fishermen are forced to release those that are 14-17 7/8 inches.

These regulations are in need of revision!

Sincerely,

Mary Beth Borkowski



**Name:** Andrew Korosec

**Email Address:** jandykoro@yahoo.com

**City, State, Zip Code:**

**Check all that apply::** "Private Recreational Angler"

**Comments:** Comments regarding the fluke fishery is that regardless of comments written by the recreational fishermen and women, they mean nothing because MAFMC has its mind made up already and knows what they are going to do. Regardless of what fisheries management and stats. indicate public comments seem to go unrecognized. Past history has shown that year after year. It appears that you are not interested in good sound management, but only restrictions. It also appears that you are in the back pockets of the commercial industry, as everything has gone in their favor for years, even though recreational fishermen bring in billions for the economy. The recreational fishing industry doesn't have a chance. Thank you.

Andy Korosec

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

From: **Joe Varrasse** <jvarrasse@gmail.com>

Date: Mon, Oct 20, 2014 at 10:34 AM

Subject: Summer Flounder Amendment Scoping Comments

To: nmfs.gar.FlukeAmendment@noaa.gov

There are many issues to consider if we hope to sustain this fishery at a reasonable level. I fish for fluke at least 3 times a week and I am very concerned about any possible changes to the legal limits etc. In my opinion the major issue here is the commercial efforts to take this resource. These few individuals get the bulk of the allocation, cheat well above these guidelines, and have a tremendous discard that usually result in high mortality rates. The recreational fishing is clearly NOT the biggest issue even including the charter/headboat groups.

Nothing here is new to anyone. We all have known for years that this issue has taken the toll on this industry. Many years of complaining and no action taken. Clearly this is a financial (lobbyists) issue and will take a courageous effort to fix. Hopefully, now is the time. Please reconsider this matter and help us to save a fishery that has been exploited by a few at a cost to many.

Thanks, for listening.....

From: **Chris McCaffity** <freefish7@hotmail.com>

Date: Tue, Oct 21, 2014 at 4:59 PM

Subject: Summer Flounder Public Comments

To: "nmfs.gar.FlukeAmendment@noaa.gov" [nmfs.gar.flukeamendment@noaa.gov](mailto:nmfs.gar.flukeamendment@noaa.gov)

Mid-Atlantic Fishery Management Council,

The solutions/questions in these comments regarding Summer Flounder could be applied to almost any fishery. Most fishery management measures have focused on restricting access while creating countless Regulatory Discards with limited success. Maybe we should rethink the way our fisheries are managed? Maybe we should put more focus on enhancing habitat, improving water quality, and boosting stocks with hatcheries that rotate releasing natural seafood based on need and season? Maybe fishermen should be allowed to decide how each sectors share of Total Allowable Catches will be managed with a 2/3 majority vote from participating permit/license holders? Maybe By-catch Allowances should be used to avoid total closures and allow a percentage of each catch to be undersized or over the possession limit without penalty? Maybe more effort should be made to educate fishermen about how to release illegal fish so they have the best chance of survival? Maybe fishermen and consumers should be rewarded with higher limits as stocks rebuild to desired levels? Maybe we should look at ways to make full use of all harvested seafood?

Has any consideration been given to how offshore energy exploration and development along with land based supporting infrastructure will impact Summer Flounder and other species? Is there an official position on this topic?

I would be happy to answer any questions.

Sincerely,

Chris McCaffity

freefish7@hotmail.com

**Name:** Nick Mainiero

**Email Address:** nickmain@comcast.net

**City, State, Zip Code:** Vineland N.J. 08360

**Check all that apply::** "Private Recreational Angler"

**Comments:** ! -Your making us throw back 10 to 20 keepable 16 & 17 inch fish to keep 1 breeder.( How many of those fish die?)

2. South Jersey should be with the lower states Del. Md. Vir. ( because of the shape of New Jersey) has an entirely different fishery than North Jersey .

3. Same thing for Striped Bass you make us kill a lot of small fish to catch a breeder. It just doesn't make sense.

Nick Mainiero

700 W.Wheat RD.

Vineland NO.J. 08360

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

**Name:** fred uhlman

**Email Address:** wwcnj@yahoo.com

**City, State, Zip Code:** Wildwood, new jersey, 08260

**Check all that apply::** "Private Recreational Angler", "Other"

**Comments:** I host the television show, Jersey Cape Fishing and I also manage No Bones Bait & Tackle and Rental Boats. The 18 inch size limit is destroying our business. How many times can I rent out boats to family's and have them return empty handed? They catch summer flounder but almost all are in the sixteen to seventeen inch range. As an avid fisherman I can't even imagine how many of those fish are returned only to die. Flounder are very aggressive feeders and many swallow the hook quickly. It's sad to see fish die and no chance to see a kid take home his or hers first meal. This entire 2014 season produced a grand total of eleven keeper Summer Flounder for our rental boats. We will eventually be forced to close our business because locals and tourists are tired of this. Our rentals decline every year.

In South Jersey we have no Winter Flounder fishery. While North Jersey fishes for the winters we sit patiently waiting for the Summer Flounder season to open even though they are here in numbers.

I speak with thousands of fisherman every season. The overall feeling is cut the number of keepers down to four or even three but give us something to keep. We are losing the youth of this sport that could grow up learning about nature in our back bays. How many times can a kid beam with pride reeling in a flounder that has plenty of edible flesh only to be told it has to be thrown back? There are no keeper seabass in our back waters. Very few keeper tog and only an occasional keeper size striped bass. Chances of returning to the dock with a meal is very slim. I grew up on our back waters fishing with dad over fifty years ago. I love summer flounder fishing and wouldn't want anything that would effect the well being of the species yet the season and size limit is hurting the sport. Please take this into consideration when deciding next years laws.

**Name:** Frank Cozzo

**Email Address:** ozzoc@comcast.net

**City, State, Zip Code:**

**Check all that apply::**

**Comments:** How productive is it to the bio mass when we throw back 16 and 17 inch flounders that have a big probability to die?

Shouldn't South Jersey Be with DEL., MD., Virginia. South Jersey has a common Del. Bay with Del. and 2 different fishery rules. So. Jersey fishery has nothing in common with North Jersey et al.

We keep listening to Striper bio mass, but like flounder we are killing the breeders. Why? What thought process is used so that it's ok to kill the breeders and send back others that have the good probability to die. How does that make sense.

Frank Cozzo

104 W. Pittsburg Ave.

Wildwood Crest, N J, 08260

**Name:** Christopher Winkel

**Email Address:** wink182000@yahoo.com

**City, State, Zip Code:** 08234

**Check all that apply::** "Private Recreational Angler"

**Comments:** South Jersey gets hammered because as tag studies show (bucktail willie and others) that each year flounder move further and further north. Why is it if you launch in DE you can keep shorter flounder and the guy that launched from NJ that is fishing the same area (DE bay) right next to each other has to throw back the fish the other guy can keep???

WHY IS NJ CLUMPED IN WITH NY AND DE IS NOT? I fished hard all summer and threw back hundreds of smaller fish. WHY ARE WE KILLING THE BREEDERS???. MAKE A SLOT LIMIT ALREADY! Make the commercials keep any flounder and once they hit their weight limit, stop, as opposed to throwing back dead fish...

**Name:** John Furtek

**Email Address:** jfurtek@arifleet.com

**City, State, Zip Code:**

**Check all that apply::** "Private Recreational Angler"

**Comments:** Quota allocation of summer flounder between states is broken. Combining NJ with NY creates an issue with the southern part of NJ. Southern fluke tend to be smaller in size making it difficult to keep current size limits. To add to frustration the border state Delaware has a 2 inch smaller size limit. Boat from NJ and DE fish the same exact waters and what NJ boats are restricted to keep DE boats are permitted.

When setting open/close season make an effort to have multi-species seasons open at the same time. Having a few weeks lag between Flounder and seabass basically puts everything at a stand still. Again Southern port issue.

Find a compromise in size limit to allow for less released fish due to size. If I have fishing days where 50 fish are caught for every one legal fish I feel the system is broken.

**Name:** Thomas Siciliano

**Email Address:** toms6363@comcast.net

**City, State, Zip Code:** Little Egg Harbor, NJ 08087

**Check all that apply::** "Private Recreational Angler"

**Comments:** My apologies I thought I had until COB today to submit comments. Please accept these items that must be addressed:

Quota allocation between recreational and commercial fisheries.

The data collection system is still broken and must be fixed.

Size limits for commercial and recreational fisheries need to be revisited.

No discards should be allowed in the commercial fishery. All fish caught must be brought to the dock.

DEAR SIRs

I tag and release 99% of the flounder I catch for American Littoral Society and I have kept detail records of my catches with month ,size and location.

I have included a chart that shows the past 8 years history of my catches. the Area I fish is between Avalon,NJ and Ocean City NJ

I believe we are killing too many prime spawners to sub stain a growing population. I also believe under current regionalization format we do not have the correct regions identified

There clearly is a migration to north as fish grow older and they seem to migrate further each year.My return tags indicate that 80% of the summer flounder out 1 year or more before recapture are recaptured 40 miles or further north of original tag

NJ clearly has the largest population of summer flounder HOWEVER as you can see from my chart the average size is well under 18".. There also is clear data that shows in South Jersey the Summer flounder arrive much earlier and are the largest of the year than areas above Barneget inlet and further north.

I believe the mortality rare is much higher with recreational fishermen as a result of throwing more fish back than keeping

One area you should be looking at is separate regulations for inshore and offshore which could help reduce the mortality

Finally some comments on the commercial allocation----The split should be 50/50 between the rec's and comm fleet. I would also asked you to look at 2 other options #1 Allow commercial anglers to keep everything they catch and once QTR targets are met it is shut down. This also would save some of the mortality that results from fish under 14" being thrown back #2-- Summer Flounder spawn well offshore and this was not found until mid 70's and now there is a huge harvest of flounder on their way to spawn. I would recommend some type of shutdown in winter to allow the fish to spawn

THANK YOU FOR YOUR EFFORT and I'm looking forward to your next report

BILL SHILLINGFORD  
20 Pinewood Ct  
SWAINTON, NJ 08210  
email BUCKTAIL8@AOL.COM

(Bill Shillingford, continued)

FLUKE TAGGED		AVERAGE	SIZE	by	MONTH	YEAR			
		APRIL	MAY	JUNE	JUL	AUG	SEPT/OCT		AV
	year								
211	2006	15.58	14.97	14.73	14.43	14.2	13.93		14.64
266	2007	15.62	14.97	14.01	13.48	13.79	14.19		14.34
523	2008	15.97	14.79	14.79	13.99	14.18	13.38		14.51
825	2009	16.37	16.04	15.62	13.91	13.91	14.72		15.06
650	2010	14.75	15.13	14.97	14.22	14.22	13.9		14.59
452	2011	15.7	15.23	14.6	14.71	14.06	14.67		14.83
		APRIL	MAY	JUNE	JULY	AUG	SEPT		
200	2012	16.11	15.64	14.86	14.03	16	13.7		15.06
248	2013	17.25	16.98	17.25	12.48	14.46	12.11		15.08
483	2014	18"	15.6	14.48	12.96	19	14.5"	14.24	15.54
		APR	MAY	JUN	JUL	AUG	SEPT	OCT	OCT
AV	MON	16.14	15.47	15.03	13.8	14.86	13.9		14.85

From: **Bob Trento** <btrento@aol.com>  
Date: Thu, Oct 23, 2014 at 3:07 PM  
Subject: In-Put comments re: Delaware summer flounder DENRC/NOAA  
To: nmfs.gar.FlukeAmendment@noaa.gov  
Cc: Bob Trento [btrento@aol.com](mailto:btrento@aol.com)

This is to provide feed back re: summer flounder-Unable to attend Oct 6 th meeting in DE:

Here are my thoughts

-Size/bag limit-suggest the bag limit remain the same, a positive for the for hire industry and allows plenty of fish, both for hire and those fishing from private boats. Of critical concern is the size limit which has increased the harvest of recreational flounder. Suggest raising min. size to 17" in the ocean, leave 16" size, inshore and the bay. 16" size is great for in shore and bay where the size of fish is much smaller, important that people that fish have a chance to take home dinner as part of the experience. Possibly allow one fish between 16 -17" so as not to over harvest the smaller fish?

-Commercial changes/recommendation

A-Commercial fisherman should be forced to keep the by-catch and charged against their quota, the fatality rate is close to 100 % and there is no benefit to throwing back dead fish and catching more desirable fish?

B-Would like to see Gill netting and bottom dragging eliminated, this has already been done in the State of FL with a positive impact. Bottom dragging continues to destroy habitat and lessen the reproductive ability of many species. Commercial fisherman have a right to fish but not a right to destroy ocean/bay bottom that belongs to all AMERICANS. Let them long line and fish with rod and reel, few commercial fisherman fish entirely as their source of income, most are gentlemen commercial fisherman, plus 80 % of the seafood eat as protein is imported or farm raised.

-Closed season-this is a GREAT hardship for those in the for hire industry and should be avoided except during spawn or when a species is in real TROUBLE. The sea bass closure with water temps too high for tog bite, flounder gone, forced may for hire boats to remain at the dock during sea bass closure, this has a systemic effect on the communities where fishing is a part of the economy.

-NOAA Data Collection-The biggest challenge affecting fishing in the Mid-Atlantic is the catch data collected and used to make decisions that affect the industry. Some thought MRIP's was going to help but has made things much worse, there is no possible way we could have harvested the amount of sea bass and tog these #'s suggest, I shudder to think what the flounder #'s are going to look like????? There has to be a better way, all for hire boats are required to provide a VTR which is not used in these calculations, but could be a base line!!!!!! Models used to calculate recreational harvests are flawed and do not reflect anything close to reality!!!

Regret that I was unable to be at the Oct. 6 th meeting.

bob Trento  
60 Sedgewick Drive  
Magnolia DE 19962



From: **Harold Karschner** <howienlin@gmail.com>

Date: Thu, Oct 23, 2014 at 7:54 PM

Subject: Flounder Regulations

To: [NMFS.gar.FlukeAmendment@noaa.gov](mailto:NMFS.gar.FlukeAmendment@noaa.gov)

Gentlemen.

I am a Pa. non-resident fisherman and have been fishing from the rt. 50 bridge in OC MD. for the past 18 years. Aft I feel er all those years of watching how fish are handled when hooked I feel that requiring that all bait fishing for flounder be with a barb-less hooks . I have seen too many hooks ripped out and most often killing the swallowed hook. I realize that this is only a small idea but we need to start somewhere. Thanks for your time and have a great day.

H, Karschner  
Belleville Pa.

From: BirdiePotter@aol.com <birdiemae5@aol.com>

Date: Thu, Oct 23, 2014 at 8:58 PM

Subject: flounder

To: [nmfs.gar.FlukeAmendment@noaa.gov](mailto:nmfs.gar.FlukeAmendment@noaa.gov)

With reference to the flounder reallocation, please be advised I am totally against it. This is absurd. North Carolina earned this quota in the 1980's. The quota that New York and other states complaining have, is only because North Carolina boats packed in those states, therefore giving them quota that they should never have gotten. North Carolina's quota was earned fairly and we do not want to give any of it up. It is ours. The other flounder issue I am concerned about is the permits that are in history. I have 2 flounder permits that are now in history. NMFS advised me that it was NOT required of me to renew them every year and that the permits would remain in history until the time came that I had another boat to put the permits on. I paid \$75,000.00 for one of the permits and I paid more for the other. I can't recall exactly what I paid for the second one but I can find out with a little research. If you are going to delete these permits from history just to reduce the amount of permits available to the fishermen which in turn would mean less boats in the ocean and less fish caught, then I feel you should reimburse me for the two permits that I purchased and Paid heavily for them.

I am praying you will make the right decision.

Sincerely,  
Carol G. Potter  
P. O. Box 100\  
Hobucken, N. C.

From: **BirdiePotter@aol.com** <birdiemae5@aol.com>

Date: Thu, Oct 23, 2014 at 9:15 PM

Subject: flounder issues

To: nmfs.gar.flukeamendment@noaa.gov

Dear Sir,

I am a Captain on the fishing vessel Mckenzie. I am appalled at the fact that New York and some other states have the audacity to request some of North Carolina's flounder quota. This is North Carolina's quota, it belongs to us, and it was earned fairly. Please do not give our quota to anyone else. North Carolina depends on the flounder season to get us through to next season of work.

Hoping you will come to the right decision, I remain,

Sincerely

Mark Dunbar

From: **Scott** <scottnewhall@hotmail.com>

Date: Fri, Oct 24, 2014 at 4:56 PM

Subject: Summer Flounder Scoping Comments

To: "nmfs.gar.FlukeAmendment@noaa.gov" <nmfs.gar.flukeamendment@noaa.gov>

Hello Chris and Bob,

I put in about 75 days of fluke fishing in the backwaters and the ocean per season, sometimes more. 2014 saw a robust number of 20-23" fluke in the Atlantic City area. It also showed a strong amount of very small fish in the 10 to 15" range. I did not see as many 18" fish as I thought I would. Seems like the fish were much bigger or smaller. Having caught over 8 fish above 10lbs and 19 fluke between 9 and 10lbs in the last 12 years, my area did not register as many titanic fluke as usual. But there were numerous 3 to 6lb fluke coming up with anglers of all abilities. The fish, to their benefit, really spread out from 3ft of water, to the channels, out to 100 feet and with or without structure. They are truly impressive and the fishery is strong.

I don't understand why we are penalized for having such a robust fishery for fluke. It is very disappointing. I actually thought fishing was best when it was 8 fish per man at 16.5". Those years were phenomenal. But so was 2014. What a great fishery.

Please don't penalize us more with reduced anything. Really, please....

My number is 609 385 3729. Call me. Scott Newhall - Time Out Charters (side job)

From: **Chris Winkler** <ccwink60@gmail.com>  
Date: Sat, Oct 25, 2014 at 11:35 AM  
Subject: Summer Flounder Amendment Scoping Comments  
To: [nmfs.gar.FlukeAmendment@noaa.gov](mailto:nmfs.gar.FlukeAmendment@noaa.gov)

to whom may be concerned. my name is chris winkler i own and operate the fishing vessel new age out of montauk ny. i recommend that the summer flounder fishery go to a coast wide qouta. i realize that achieving this goal is challenging. new york state would benefit due to our low qouta. the incentive for other states would be a longer fishing season. example. nov to may season my question is would this system translate to similar landings for the states that have the most qouta?. i presently hold a virginia summer flounder permit. if a coast wide qouta is not established, then allow vessels that own summer flounder permits to land reciprocally between states. thank you for your time reading this letter. sincerely capt chris winkler

From: <[vgano@comcast.net](mailto:vgano@comcast.net)>  
Date: Sun, Oct 26, 2014 at 11:37 PM  
Subject: Fluke Scoping Comment  
To: [nmfs.gar.FlukeAmendment@noaa.gov](mailto:nmfs.gar.FlukeAmendment@noaa.gov)

To whom it may concern,

It is in my humble opinion, you can not reduce the mortality of young fluke while allowing commercial netting of fluke.

I do not agree with the current recreational fishing fluke size limit in the state of New Jersey. Commercial fisherman are keeping 14 inch fluke and I am throwing back 17 1/2 inch fluke. I fished over 15 times for fluke this year and harvested 0 keepers, yes zero keepers.

I do not agree with the allocation of fluke, 60% commercial and 40% recreation. The distribution should be 50/50 to each.

I do not agree with the commercial harvesting methods for fluke. Fluke are a predictable species while they are migrating and nets kill off large populations of migrating fluke. Fluke are very sensitive to water currents, temperture changes, and barometric pressure. While I have a difficult time catching fluke as a recreational fisherman, commercial fisherman are depleting large populations of fluke via nets dragging the bottom of our Ocean.

I have no problem with a short fishing season so I can bring home some fluke to eat. Possibly break up the recreational fluke season into months, for example. May open, June open, July closed, August open, September closed.

I do not agree with the current methods of data collection on fluke. There should be a way to report fluke harvest via computer.

I believe treated waste water and beach replentishment is negatively impacting the recreational and commercial fishing of fluke.

Respectfully submitted,  
Victor Gano  
540 W. Barr Avenue  
Linwood, New Jersey 08221  
609-602-2897

From: **Sue Beckwith** [mailto:suebeckwith82@msn.com]

Sent: Monday, October 27, 2014 12:49 PM

To: Dancy, Kiley

Subject: Summer Flounder Scoping Meeting in Montauk

I recently attended the Summer Flounder Scoping Meeting at the Montauk Library in September. After listening for the whole meeting to the comments by interested parties and having several weeks to a month to think about the meeting I feel I have some comments of interest I would like to give.

I was hoping all in attendance would be interested in acquiring a larger portion of the coast wide fluke quota for New York State commercial fishermen. After a short time the meeting moderator was cut short and the theme of the meeting focus was mostly on landing flexibility for out of state fluke permits to be landed in the winter period in New York State. I feel by allowing this to happen, it will only activate a hand full of dormant or inactive VA or NC fluke permits by a small group of individuals.

Landing big out of state fluke trip limits in New York in the winter will only make it harder for New York permitted vessels to compete in the market place. It is absurd to think 10-15 thousand pound out of state fluke trip limits landed in New York ports wouldn't affect the price. New York fishermen are already at a disadvantage, how can we compete with a once a week one thousand pound trip limit with an out of state permitted vessel with a ten or fifteen thousand pound trip limit? The reason New York State opens its January once a week fluke limit in the middle of January is because all the states with the big quotas open up at the beginning of the year lowering the price because the market is flooded with fluke.

I would like to see a sensible coast wide quota on fluke for all federally permitted vessels fishing in the winter period. With sensible trip limits regardless of what state they are from – everyone on equal ground.

The state-by-state quota system does not work for New York; we all know New York never received its fair share of the coast wide quota on fluke.

I think the 60 % commercial share is fair and should remain the same and 40% for recreational.

New York was short changed and we need action now, not three years from now. We have been waiting too long already. The states with the big landing history kept the smaller 13" fish. New York fishermen could only keep 14" fish the other states got credit for fish that New York could not keep giving them a higher landings and an unfair advantage.

I'm not for ITQ's sectors or catch shares! They won't work for New York. We've been on small trip limits and quotas for so long that a fair and equitable ITQ or catch share system can't be established for New York State fluke fishermen.

Bruce Beckwith

F/V Allison & Lisa

From: **Sue Beckwith** [mailto:suebeckwith82@msn.com]

Sent: Monday, October 27, 2014 5:25 PM

To: Dancy, Kiley

Subject: Fluke quota

As the wife of a Commercial Fisherman and partial boat owner of F/V Allison & Lisa I would like to comment on the Fluke quota issues.

New York State Commercial Fishermen have clearly been discriminated against in regard to Fluke quotas. The state quota system does not work. The numbers are too obviously discriminatory against New York State. The Federal Government should correct this injustice.

"I would like to see a sensible coast wide quota on Fluke for all Federally permitted vessels fishing in the winter period with sensible trip limits regardless of what state they come from—everyone on equal ground." This is a quote from my husband Bruce Beckwith that I and many others agree with.

With fuel prices going up and extreme limits imposed – a valuable natural resource in New York State is unnecessarily being destroyed. Your laws are hurting families.

On a personal note – my husband is an honest tax paying hard working man. No one should have to work under these unfair conditions. Too much unnecessary stress is being imposed on these men.

Susan Beckwith

F/V Allison & Lisa

From: <ageejd@aol.com>

Date: Mon, Oct 27, 2014 at 7:11 PM

Subject: Summer Flounder Amendment Scoping comments

To: nmfs.gar.FlukeAmendment@noaa.gov, rob.o'reilly@mrc.virginia.gov

First , the scientific information that I have been shown actually show that the flounder population has grown and expanded in a north track and that the population has not shifted north as the document states, this should be corrected, it gives false information that the northern states will use against Virginia fishermen. The following is my comments on the issues listed in the document :

Issue 1-the goals are very well defined

Issue2- the annual quota should be split 50/50 between recreational and commercial fishermen

Issue 3-no comment

Issue 4-should continue to use the 1998 based allocation formula and that we should go back to state-by-state conservation equivalency to manage recreational harvest and their should not be any special rules created for the party/charter for hire recreational fleet.

Issue 5- no comment

James Agee

702 Lake Dale Way

Yorktown, VA 23693

From: <DGRookie@aol.com>  
Date: Tue, Oct 28, 2014 at 8:51 AM  
Subject: fluke management comments  
To: nmfs.gar.FlukeAmendment@noaa.gov  
October 28, 2014

Comments on fluke, sea bass fishery:

I fish mainly RI waters from party/charter boats (many times each year); I live in CT and fish here a few times a year from shore, but overall many times in the past 40 years , including from a boat (CT). Here's what I've noticed:

1. Fluke management appears to be working. The ratio of 'shorts' is still somewhat high (especially from shore), but the overall numbers are good, and average size appears to have increased, noticeably.
2. There's a great abundance of sea bass; there are many shorts (even from a boat), but let's see what happens to the catch in a year or two.

Suggestions for the future:

1. For NY, RI, CT, and MA – have ALL the size and bag limits the same! (Perhaps even seasons.) Launching in one state and fishing in another state's waters is confusing, and has caused unintentional breaking of regulations. (We can't prove where a fish was caught!)
2. Suggest 17", 6 fish for fluke (plenty!) ; 13" (ignore tail filament), 7 fish for sea bass in all states mentioned. Keep an appropriate closed season for both.
3. In CT (and also have other states follow its lead) – continue reduced size limits for shore fishing in selected areas – for both fluke and sea bass. Suggest 16", 12", respectively. Total shore catch is quite small, and such reduction in size limits should have little/no impact on the fishery, plus be a boon to the underconsidered and relatively small numbers of shore fisherman.
4. Important: ban draggers from selected spawning/holding areas (both species); especially during spawning periods. (The fish belong to all of us.) Keep them totally OUT of Rhode Island's salt ponds. Close-to-shore boaters are already noticing a dearth of fish in normally productive areas - the draggers have improved technology and go where once they couldn't.

Respectfully submitted,

Dave Gregorski    dgrookie@aol.com    860-742-5836  
260 Cedar Swamp Rd.  
Coventry, CT 06238

From: <STAR2017@aol.com>  
Date: Tue, Oct 28, 2014 at 11:35 AM  
Subject: Summer Flounder Amendment Scoping Comments  
To: nmfs.gar.FlukeAmendment@noaa.gov

Please read my comments below.  
Summer Flounder Scoping Document  
Comments on Issues for Consideration

Chuck Weimar  
F/V Rianda S  
Montauk NY

### **Quota Allocation**

- The commercial fishing supplies the general public of the United States. The current allocation of 60% commercial and 40% recreational should remain in effect in order for the commercial industry to meet the consumer demands across the country.
- State-by-state quota allocation was based on erroneous miscalculated information between 1980 and 1989. Different methods of collection landing information between port agents resulted in the erroneous quota allocation for New York.
- Because NMFS port agents used different methods of recording catch, the NY commercial industry was severely short changed in the state-by-state quota process for the last 20+ years.
- Being from NY and fishing in federal waters, we should not be discriminated against because of our state of origin.
- Before this arbitrary state-by-state quota allocation for fish harvested in the EEZ, most all of the boats would travel up and down the coast catching fluke and unloading in any state the captain chose. Now, it has gotten to an unrealistic point of wasting fuel, wasting time, and sacrificing product quality.
- Additionally, safety at sea should be addressed in this amendment. Steaming hundreds of miles in each direction unnecessarily, makes no sense at all in this day and age.
- We are fishing with a federal permit in federal waters and have to comply with all federal regulations. Why should our home port determine what we are allowed to catch?
- Through the process of this amendment, it should be emphasized that fluke harvested from federal waters (EEZ) will no longer be managed on a state-by-state basis. This amendment is long overdue.

### **Commercial Management Measures and Strategies**

- The management system should be changed to federal quota when fishing in federal waters and the ability to land in whatever port is the safest and closest port the captain chooses. Getting the harvest to the market with the best quality should be paramount to the American consumers and this management council.



**Chuck Weimar (continued)**

- Flexible landings should be implemented – it makes no sense to have to steam all over the ocean to land fish that are caught right in federal waters right off our home port.
- The amendment must follow the national standards 4 and 10.
  - o National Standard 4 – Conservation and management measures shall not discriminate between residents of different States. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocations shall be (A) fair and equitable to all fishermen; (B) reasonably calculated to promote conservation; and (C) carried out in such a manner that no particular individual, corporation, or other entity acquires an excess share of such privileges.
  - o National Standard 10 - Conservation and management measures shall, to the extent practicable, promote the safety of human life at sea.
- Review qualifying criteria for federal fluke licenses. NMFS has taken numerous permits for other fisheries in the EEZ based on council recommendation for criteria based on landing history. There has to be landing criteria established based on 20 years of landings to show long term dependence in the fishery.
- The control date should have been set when fluke went to be a quota managed species. The pie cannot be split any further with new participants into the fishery. A new control date was not necessary.
- Latent effort must be addressed before this amendment is finalized. In other fisheries, they are taking permits away left and right due to inadequate landings.

**Discards in the Commercial and Recreational Fisheries**

- Regulatory discards should be the biggest issue and concern. Participating in the ground fishery targeting yellowtail and winter flounder, fluke are caught and discarded due to no quota. Consideration should be given to this issue.

**Other Issues/Comments**

- Do not let state-by-state politics get in the way of managing a coast wide resource.
- Representatives from various states were chosen to be on the council because of their knowledge and expertise in the fisheries NOT their political associations. Now it seems that politics is the driving the bus.
- After the Magnuson Stevens act was passed and the NMFS the council process was formed, it was all about conservation. Now it is all about ALLOCATION. What happened?

I have been a commercial fisherman for over 40 years fishing out of Montauk NY. Thank you for consideration of my comments.

Sincerely,

Chuck Weimar  
 F/V Rianda S  
 Email: star2017@aol.com

From: **Rip Cunningham** <ripcham@gmail.com>  
Date: Wed, Oct 29, 2014 at 10:42 AM  
Subject: Summer Flounder Amendment Scoping Comments  
To: nmfs.gar.FlukeAmendment@noaa.gov, Chris Moore <cmoore@mafmc.org>  
Cc: "Richard B. Robins, Jr." <richardbrobins@gmail.com>

To Whom It May Concern:

Below are my comments on the Summer Flounder Amendment Scoping Document.

#### Issue 1: FMP Goals and Objectives

In general, I think the Goals still promote sustainable management practices, but for #1 it would be better to change "Reduce" to "Control." This is more reflective of where the stock and management are today.

#### Issue 2: Quota Allocation Between The Commercial And Recreational Fisheries

I believe that the existing allocation should be readdressed. There have been dramatic changes in the demographics of the recreational user group. Far more citizens are accessing the resource in this user group than there were 21 years ago. Summer flounder represents one of the top trip generators for the recreational industry and therefore a very important economic driver. I believe that demographic changes and socio-economic drivers should be incorporated into the allocation process and these allocations should be readdressed on a periodic basis shorter than 21 years.

#### Issue 3: Commercial Summer Flounder Management Measures and Strategies

Since commercial summer flounder management is jointly managed by MAFMC and ASMFC industry wide management measure changes may be problematic. In general the management practices in place seem to be doing the job. It does seem that movement toward a 100% retention fishery with 100% EM would be an improvement. This minimizes regulatory discards and the industry would adjust to maximize their economic value.

#### Issue 4: Recreational Summer Flounder Management Measures and Strategies

Again, the joint management process may make substantial changes more difficult. The one area that needs more development is the regional conservation equivalency concept. What was put in place for this past fishing year needs to be examined and improved if necessary. As the range and distribution of this fish changes management should be flexible enough to give recreational users a fair chance at access.

I do not believe that the recreational user group allocation should be subdivided into for-hire and private angler groups.

I do believe that there should be some mechanism for RSA quota to be utilized by the recreational industry, I know that some problems in this area have sidelined that program, but as further examination takes place, the recreational user group should be included.

#### Issue 5: Summer Flounder Discards In The Commercial and Recreational Fisheries

***Rip Cunningham (continued)***

I addressed this issue for the commercial fishery above. For the recreational fishery, I believe this is a function of good outreach and education on the proper handling and release of these fish. Also, some equipment changes in recent years should help improve the release mortality figures.

## Other Issues:

It is my feeling that EBFM should be incorporated into all FMP's where possible. Bycatch issues will continue to grow as this fish moves Northeast and interacts with other fisheries. I also support any improvement in the data collection process.

**Name:** Kim Huskey

**Email Address:** vaseafoodcouncil@cox.net

**City, State, Zip Code:** Yorktown, Va 23692

**Check all that apply::** "Commercial Industry"

**Comments:** October 30, 2014

## Members of the MAFMC:

The Virginia Seafood Council is the 57 year old trade association representing the seafood industry in Virginia.

The members of the Virginia Seafood Council have strong concerns related to a comprehensive review of all aspects of the Summer Flounder FMP.

Nowhere in the Goals and Objectives section of the scoping document does it address protecting the communities that have developed an historic dependence on this fishery in Virginia.

The Virginia Institute of Marine Science, estimates that the Summer Flounder fishery accounts for over \$32,000,000 in economic impact in

Virginia and accounts for over 200 full and part time jobs. The socioeconomic impact on Virginia communities that are dependent on this fishery is enormous and should be addressed before any discussion of reallocation can occur.

The membership of the Virginia Seafood Council urge you to consider the economic impacts as part of your Goals and Objectives as you consider moving forward with a comprehensive review of the Summer Flounder FMP.

Sincerely,

Kim Huskey

Executive Director

Virginia Seafood Council

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

From: **William Reed** <providencefisheries@gmail.com>

Date: Fri, Oct 31, 2014 at 7:16 PM

Subject: Fluke scoping hearings input

To: nmfs.gar.FlukeAmendment@noaa.gov, "rschreed@hotmail.com" <rschreed@hotmail.com>, sberglin@opline.net

Greetings and thank you for entertaining my thoughts

Let me begin by saying I own and operate a stern trawler in the state of New York and I have much to be thankful for.

To be brief as possible I have one important area of interest here and I desire some intelligent and reasonable dialogue on this point as we move forward. We need to be able to land or offload our catch in a close and safe harbor regardless of what state line we are in. In todays world of technology there are ways to clear the small hurdles or this to change.

Please include this thought as you progress to the next stage of this process.

Thank you

William Reed

F/V Providence

From: **Chris Winsor** <cwins5@hotmail.com>

Date: Fri, Oct 31, 2014 at 8:17 PM

Subject: Fluke scoping hearings input

To: "nmfs.gar.FlukeAmendment@noaa.gov" <nmfs.gar.FlukeAmendment@noaa.gov>

Greetings,

I work for William Reed operating, the F/V Providence. I would like to propose a change to the current regulations of where our catch is landed. landing of our catch regardless of the state line we are in makes economical and environmental sense. All fish landed ends up in the same market regardless of packing in New Jersey or New York. Our catch should be able to be landed in the closest safe port. This reduces the amount of time steaming across dangerous shipping lanes, reduces the amount of fuel burned for the same poundage of fish and creates a safer work environment for the crew. Thank you for your time

Chris Winsor

Cww

On Wed, Oct 29, 2014 at 10:40 PM, **Dave Medeiros** <shadygradyfhvn@aol.com> wrote:

The fluke fishery needs a total revamp.

Commercial fishermen have been allowed to retain 14 inch fish and there has begun to be a 'shortage' ... so what happens ...the recreational angler's catch limit is decreased and his size requirement is increased... and the commercial quota remains virtually unchanged.

LET'S TRY THIS ... reduce the commercial quota ... increase the size that may be kept and see what happens (I think that was the plan with striped bass this year ... and the result was that the season was extended, the price to the fisherman remained high, and the fisherman seemed to be doing OK).

or ... put a 1 year moratorium on the species entirely ... come back in a year and see what the 'stock' is like. But to remain 'status quo' is not the answer.

From: **John Davi** <captjohn63@yahoo.com>

Date: Fri, Oct 31, 2014 at 5:00 PM

Subject: Summer Flounder management Amendment

To: "nmfs.gar.FlukeAmendment@noaa.gov" <nmfs.gar.FlukeAmendment@noaa.gov>

Bob Beal / Chris Moore,

1. Equality among States must be a top priority. One way to achieve this is by combining all commercial licenses throughout the states as one administrator. "we are all U.S. citizens".
2. If a state is responsible for an overage in harvest and is made to pay back the following year, then a state that has an underage of harvest should get credit towards the harvest the following year.
3. if one user group goes over the harvest, another user group shouldn't be made responsible for making up the difference. ie... Recreation / Commercial.
4. The quota allocation between Commercial and Recreation should remain the same 60/40. Recreation continues to grow every year due to no cap on their licenses "major problem". Commercial has a cap on licenses. If a reduction in percentage is taken from the commercial sector and given to recreation sector, the growth of the recreation sector will increase landings due to population increase. "a cap of some kind needs to be allocated to the recreation sector.
5. Subsidies, if reductions are given to the commercial sector. dollar for dollar should be subsidized for fuel and increasing expenses.
6. Flexibility in transfers between states should be considered in quota, and licenses.

Thank you.

John Davi

NYS Marine Resource Advisory Council

From: **Michael J Bucko** <mjbucko@mindspring.com>  
Date: Fri, Oct 31, 2014 at 1:16 PM  
Subject: SUMMER FLOUNDER AMENDMENT SCOPING COMMENTS  
To: nmfs.gar.FlukeAmendment@noaa.gov  
Cc: "McNamee, Jason (DEM)" <jason.mcnamee@dem.ri.gov>

SUMMER FLOUNDER AMENDMENT SCOPING COMMENTS

Kirby Rootes-Murdy, FMP Coordinator  
Atlantic States Marine Fisheries Commission  
1050 North Highland street Suite 200a-n  
Arlington VA 22201

10/31/2014

Dear Commissioners,

Issue 1: Although all goals and objectives are important; I believe the most important are Reduce fishing mortality in the summer flounder fishery to assure that overfishing does not occur and reduce fishing mortality on immature summer flounder to increase spawning stock biomass.

Issue 2: We need to look at this in a new light and fresh start. The demand of Summer Flounder is about equal both in monetary value for both group and demand exceed the resource for both user groups. Since this fishery resource belong equally to everyone that we need to look at a 50/50 allocation.

Issue 3: You need to use these tools to accomplished issue one and two.

Issue 4: If you look at Table 6 Shore fishermen are becoming disenfranchised over Private/Rental. We need to look at the ability to have separate (and shorter size limits) for Shore fisherman and larger for Private/Rental fisherman. Charter and Party are also at disadvantage and need to move over a census regulation with separate regulation to provide consistency to their business model.

Recreational summer flounder regulation by state would be most equable by using MRIP Catch  $A1+B1+b2$  which show abundance for each State and divide that by the sum of all State Catch  $A1+B1+b2$  than multiple by the allocation. This would be the average of current 3 years which would always rove. So the allocation would change yearly aligning the abundance of fish proportionately with each state.

Issue5: I believe discards are a big problem both in commercial and recreational sectors. I can only speak on recreational fishing. I believe we must remove the tool of size limit (size limit only delay the overfishing). Size must be a fix value a smaller size on shore fishermen and a large size for Private/Rental fisherman. This fix value must to the smallest possible to keep discard low. The regulation fishing quota then must be than regulated only by season and bag limits.

Data collection requirement and protocols are needed to make use of ACCSP mobile e-Trips and future data collection tools.

I'm an ACCSP Advisor Recreational Advisor, ACCSP Rec-Tech Advisor and a Rhode Island Bait and Tackle representative Advisor on various fishing RI committee.

Michael J Bucko  
155 Brackett Ave  
Tiverton RI 02878

**Name:** Paul Eidman

**Email Address:** paulyfish@reeltherapy.com

**City, State, Zip Code:** Tinton Falls NJ 07753

**Check all that apply::** "Other"

**Comments:** On behalf of the Anglers Conservation Network (ACN), please accept these comments on the scoping document for the proposed Comprehensive Summer Flounder Amendment.

The Commission and Council have proposed this action in order to:

- 1) Perform a comprehensive review of all aspects of the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP) related to summer flounder
- 2) Update the FMP goals and objectives for summer flounder management, and
- 3) Modify management strategies and measures as necessary to achieve those goals and objectives.

These objectives suggest a major undertaking by the ASMFC and the MAFMC to bring change to the way summer flounder are managed. ACN looks forward to working with managers and advisers on the development of the Amendment. Our interest is primarily in encouraging the long-term sustainability of the fishery, minimizing by-catch and dead discards, improving the science, and insuring productive habitat and adequate forage.

As part of such an undertaking, it more selective fishing practices should be encouraged. Hook and line commercial fishing makes up a very small percentage of commercial landings, but it is a method that helps to avoid excessive by-catch and habitat destruction that can come from bottom dragging. When accounting for landings, summer flounder discards, particularly in New England, must be fairly considered in the fishery management plan. In the recreational fishery, larger hook requirements could help to minimize the catch of undersized fish that are often thrown back dead.

Improvements to the scientific and data collection systems for summer flounder are also in order. As a program, MRIP must be implemented in such a way as to fairly and accurately account for recreational landings, and a component should include the use of handheld technology on a widespread basis. Significant investments should also be made in the science of understanding fluke and their ecosystem interactions, as well as methods for reducing discard mortality.

Thank you for the opportunity to comment on this scoping document.

Sincerely,

Capt. Paul Eidman

Anglers Conservation Network

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



**Name:** Dave Aripotch

**Email Address:** captainhappy@optonline.net

**City, State, Zip Code:** Montauk, NY 11954

**Check all that apply::** "Commercial Industry"

**Comments:** I appreciate the opportunity to comment on the new summer flounder amendment. As a former industry advisor for summer flounder for many years, I have watched this with much interest. It seems to me that things have only gotten worse for New York since the state-by-state distribution of commercial quota of fluke started.

For years I watched the commercial fleet conserve through reduced quotas, only to have the recreational fishery un-hindered and go so far over that we on the commercial side had to pay back their overages off the top of the overall quota because I was repeatedly told "there was no mechanism to take it just off the recreational quota."

If that weren't bad enough, when the time came to reap some of the benefits of a rebuilt stock after years of cutbacks, our good old friends the meddling enviro-scum sued, and sure enough, you guessed it, we would up with lower quotas. That was during the time when the fluke biomass was actually the largest, in my on-the-water observations, since science data tends to run about three years late. So much for science.

Question #1

Are the existing objectives appropriate for managing the summer flounder fishery?

I don't feel that the objectives are inherently bad, but in reality, the management of the fishery has only taken into account objectives pertaining to rebuilding, without adherence to other national standards re economic consequences to communities or fairness amongst states. I feel the lag in real-time science is a real hindrance in this fishery. I've experienced it firsthand, as both a fluke advisor and a full-time dragger fisherman.

The idea of managing fish is a great idea, but in reality I don't believe you can manage fish, you can only manage fishermen. The commercial fishermen that made the quota (the trawler fishermen) are the people that have the least access to the resource now.

#2.

The existing allocation (40% rec- 60% comm) between recreational and commercial is appropriate. It was based on historical catch, and the commercial quota is not only for the commercial fleet(s), it also represents fish purchased by consumers, for some it is the only access they would have to the resource, especially if they lived in a land-locked state. The argument that the commercial fleet is smaller now is ridiculous, the fleet was made smaller by managers when the quotas were ratcheted downward, forcing people out of the industry. But the fleet should not then be punished for being cut into almost oblivion by managers then further take more fish away from those that were able to hang on. While there are less commercial fishermen and boats than there were 20 years ago, historical catch was based on commercial catch that was ultimately purchased by consumers. The demand for fluke is not less, the only problem is that there is a smaller quota now than 30 years ago when there was no quota. If any reallocation is even discussed, maybe the quota should be 70/30 comm/rec.

**Dave Aripotch (continued)**

#3.

Mesh requirements?

I feel the mesh requirements are fine. Net dimensions? I don't feel the council has enough knowledge of net dimensions, construction, or use to be making any decisions about this. Head and foot-rope lengths would also not be anything the council should have any say over. I mean, you're allowed 50 lbs, what's the difference if you catch it with a skiff net towed by a Garvey or a net towed by a trawler? And what kind of "bycatch reduction device" do we need to tow? Are we talking any specific type of by catch reduction device, or will a generic IRD. (Income Reduction Device) do? Ridiculous.

Fish sizes?

Minimum fish sizes are fine. I was told years ago that if we went to a bigger fish, that we could land more lbs. The quota was predicated on landing an even smaller fish than 14". I was told the quota was not figured in lbs, but in how many fish could be removed from the stock in a given year, so if we went to a say an 18" or 20" fish, we would get more lbs. I wanted to go to a bigger fish size, but fishermen from the west end of the island felt it would be unfair to them, so it was forgotten. Might be worth a look.

Possession limits and triggers?

I always felt the triggers just caused regulatory discards, but at this point they seem fine.

Time and area closures and exemption programs?

I don't feel time and area closures are needed, the stock is rebuilt and was rebuilt by a constant reduction in catch. The exemption program was allowed because according to NMFS, the small fluke were south and west of the Hudson Canyon. At 50 pounds per day, you couldn't call New York's fluke fishery a true fishery, it's a "bycatch fishery" so to take away our bycatch fishery would seem quite unfair.

Licensing and permitting-programs?

I don't know, that boats already sailed hasn't it? When NY allowed anyone with only one pound of fluke catch to qualify for a license, it became a joke. NY should be made to get rid of their latent effort permits.

Fleet capacity/ number of permits relative to stock size?

Latent effort in the fluke fishery should be addressed. NY has around 340 fluke permits, but only 180 or so that actually land fish. Besides a health problem, or caring for someone sick in the family or other verifiable problem/situation that keeps them from landing fish, without catch in the last three years, those permits should become inactive, permanently.

Catch-monitoring and validation.

What more observers than we carry now? No freaking way! With electronic vtr, and Boatracs every time the boat hits the dock, and buyers who validate landings within 24 hrs, that is enough. How many times do the rest

**Dave Aripotch (continued)**

of the users of the fluke resource report and VALIDATE? I know how much goes on for the commercial fleet, yet there is no requirement for the recreational or charter fleet.

Commercial quota allocation strategies?

I feel that a flexible landing limit is appropriate. I land in New Jersey all the time. I could save at least \$100,000.00 in fuel and added expenses by landing in my homeport as opposed to steaming 15 hours each way to NJ. I have to go 30 hours to Virginia each way. Not only saving money and time, but it would cut down my carbon footprint. And the savings adds up to more money for my crew also. It would amount to 10 to 15 thousand dollars per crewman for the same amount of fish we're harvesting now.

If this can't work, than at the very least, let's remember when the scup plan was done, the council stated that they would not go state-by-state with scup, after the fiasco of the fluke quota. It's no secret that New York had extremely poor data collection. The fish were boxed at sea and there was no weigh out slip. Everyone knew we got cheated, and our state reps at that time could have cared less as they were representing the recreational and charter fleet.

The guy who was supposed to be counting the landings was only doing "interviews" when he ran in to the captains, which was maybe 3 times a year. And not to put to fine a point on it, but his job description at the time did not call for that much scrutiny.

I seem to remember reading somewhere that North Carolina Dept of Fish and Wildlife, or whatever the agency is called, helped NMFS with their information wherever gaps in info existed. I wish the NYSDEC had that information, but again, I'm not sure there was really any interest from anyone in NY's DEC to keep those kinds of records.

If flexibility in landings isn't possible, following the scup model for landings would work, allowing for two periods, winter one and winter two, with coastwide quotas and then a May-October state-by-state period.

During that period, the states should offer NY a couple of percentage points so that they are semi-equal to NJ and RI in percentage of state catch.

A formula would include allowing NC to donate 2.8 percentage points, VA 2.2, NJ 1.2 and RI 1, thereby increasing NY's catch to be 14.6 near equal that of RI's which would then be 14.8 (see below)

Summer period state-by-state May-Oct

(alloc) (-)	new alloc
NC 27.42.8	24.7
VA 21.32.2	19.1
NJ 16.7 1.2	15.5
RI 15.6 1.0	14.8
NY 7.6 (+7.2)	14.6

***Dave Aripotch (continued)***

The fish didn't just magically swim either north or south of NY to be caught and landed, it was NY's faulty box method (that NMFS and the port agents knew was incorrect) that didn't show the right catch in the boxes that was then sold in NY. By going with the scup model and in the summer period to make things fair donating a portion of percentage points to NY, this way the other states only lose approximately 10 percent of its summer state-by-state quota, and then during the winter 1 and winter 2 periods, the traditional fleet boats that always traveled to the same grounds to catch fluke could again do so, as they did historically. This way allows all different gear types to garner more catch in a fair way depending on the season, and remedy the 20-year inequity of NY.

On issue 5, Summer Flounder discards, the only discard of fluke that I see are regulatory discards. We know the only way to resolve that is to land all you catch, but since NY was forced to an unfair quota for the last 20 years an ITQ based on the last 20 years of catch-landings would be prejudicial against NY.

Ecosystem, habitat, bycatch and protected species?

I believe ISSUE 5 deals with bycatch. Personally I have been fishing with bottom trawl gear on the same habitat within the same ecosystem for 40 years, and the only thing happening is that there are more and more fish. This seems like trying to find a problem where one doesn't exist. You've got plenty to do with what we've got to deal with here. Fix what's been broken (NY's inequity in the fluke quota) this time.

Data Collection and Protocols.

I'm reporting through my Boatracs. My VTRs are electronic. My dealers report electronically Are you seriously asking the commercial fleet to do more? Meanwhile the Recs?

Respectfully submitted,

Dave Aripotch.

F/V Caitlin & Mairead.

Federal Fisheries Permit #321025.

Old Squaw Fisheries Inc.

P.O. Box 1036,

Montauk, NY. 11954

**Name:** Bonnie Brady

**Email Address:** greenfluke@optonline.net

**City, State, Zip Code:** Montauk, NY 11954

**Check all that apply::** "Commercial Industry"

**Comments:** On behalf of the Long Island Commercial Fishing Association, I would like to comment on several of the elements of the scoping document as it pertains to the summer flounder amendment.

### **Issue 2**

LICFA believes that the historical split of fluke catch percentage, 60-40 commercial to recreational, should remain the same. Based on historic catch, the commercial component is a pass-through to consumer demand for fluke. While the footprint of industry has changed, and the quota of fluke has decreased since pre-regulation days, ultimately, commercial catch is indicative of consumer demand, which remains high both domestically and abroad. As stocks rebound and rebuild, those who were forced to limit catch so that the stock could rebuild should now be allowed to reap some benefits of a rebuilt stock, and not instead have their quota taken from them. Fleet reduction in the 90s and 00s was a factor of fisheries management decisions, yet consumer demand was/is still high and could be easily increased to a 70 or 80 percent share, yet that would be unfair to those in the other fish user groups, so we believe the 60-40 split should remain as it is.

### **Issue 3**

State-by-state quota regulations created by the MAFMC and approved by NMFS in the 1990s in four fisheries were prejudicial against New York fishermen, based on a faulty data-collection model that was incapable of collecting accurate landings data. The NMFS' New York data collection model was called the "box method." No other state utilized this method to count fish landings data. We believe New York was given an inaccurate percentage of the overall coastwide landings quota according to landings data tabulated by NMFS based on a data collection process called the "box method." No other state in the Mid-Atlantic utilized the box method.

New York's method of boxing fish dates back to the turn of the century to supply the markets in New York City. Fish are caught and placed in boxes by species at sea. Fish are considered "landed" when they are offloaded at a dock in port. "Landings" refer to the sum of fish caught by species on any given day, or trip (more than one day at sea.)

Once the fish (in boxes) was packed by the dock on pallets and placed on a truck, the fish was then shipped most often to Fulton Fish Market in New York City. Pack houses make/made their money based on selling boxes and shipping the boxes to Fulton; there is/was no vested interest in knowing the fish species in the boxes.

NY fishermen usually do not sell their fish to the packing docks directly, but ship them on consignment to fish buyers at Hunts Point Market. Sold at auction by fish buyers, fishermen are then sent a "return" from the buyers. The return shows the fish sold that day by species, the price per pound sold and a check for payment for fish sold less shipping costs. In NY fish are generally not sold at the dock of landing as they are in most other states.

NMFS port agents used the "box method" of data collection in NY to count fish landings in the 1980s and early 90s. They would go to the various NY pack-out docks monthly and review shipping records that indicated the

**Bonnie Brady (continued)**

total number of boxes of fish shipped to Fulton per month. They would then speak to the dock manager and ask for a breakdown of fish species in the boxes.

Using the number of boxes multiplied by an average weight per box, they would calculate total weight. NMFS port agents would then tabulate the number of boxes shipped by the fish species as it was told to them, or decide based on their own experience and use that information to determine total landings for New York's commercial fishermen.

NMFS port agents in other Mid-Atlantic states and New Bedford used a data collection method called "the weighout system." Fishermen in all other Mid-Atlantic states would receive a weighout receipt from the dock to which they sold their fish with the vessel name, date, and pounds landed of each species. The dock would then sell those fish to dealers and fish markets.

NMFS describes the weighout system as detailed trip-level landings records contained in master data files maintained by the Northeast Fisheries (Science) Center.

According to a NOAA technical memorandum written in 1990,  
<http://www.nefsc.noaa.gov/publications/tm/pdfs/tmfnc78.pdf>

"The basic structure of the program was developed in 1980 by the Northeast Fishery Management Task Force, made up of members of the New England and Mid-Atlantic Fishery Management Councils, commercial fishing industry, and NMFS."

"The task force developed guidelines for reporting fisheries statistics for stock assessments by outlining a three-tier system for collecting fisheries information (Chang et al 1987; Schultz 1989)."

"The first tier calls for determination of landings by species and vessel trips. Port agents employed by, or contracted by, the NMFS use weighout records, which are copies of the receipts that fishermen receive from buyers when they sell their fish. These records, as they are obtained from the buyers, contain the date of purchase, name of vessel or fisherman that sold the fish, species and market category, pounds, and value or price paid."

"The second tier depends on data obtained from fishing trip logbooks, or from dockside interviews of vessel operators by port agents. Data collected in such interviews include date sailed and landed, gears fished, quantity of fish landed, fishing locations (at a resolution of 10 minutes of latitude and longitude, or a 10-minute square), days fished, days absent, mesh sizes, number of tows, duration of tows, depths fished, time lost, and species and quantity of fish discarded."

"The third tier depends on samples of selected trips from which detailed tow-by-tow information is collected for stock assessment and fisheries management. This information comes from port agents, fishing trip logbooks kept by fishermen, or at-sea observers on board vessels during fishing operations. The third tier has been implemented for selected fisheries (i.e., the domestic sea sampling program and the experimental whiting fishery program in 1988-89). There is still no tow-by-tow logbook system on a nationwide basis."

**Bonnie Brady (continued)**

“After port agents collect weighout records for the first and second-tier data, the records for trips for which dockside interviews were conducted are coded. The weighout records for trips for which interviews were not conducted are also coded. In the latter case, certain data (e.g., area fished to 30 minutes of latitude and longitude and days fished) are estimated based on those trips that were interviewed.”

“Data collection under the three-tier system follows a direct line from port agents to the NEFC. Data are entered into computer files and audited by port agents. The data receive a final audit at the NEFC before being entered into NEFC databases. These databases are subsequently forwarded to NMFS in Washington, D.C., for archiving and for the annual publishing of U.S. fisheries statistics.”

This difference in the NMFS data collection/reporting system between defined weighout data above and the box method put NY at a severe and significant disadvantage relative to baseline calculations for state-by-state quota allocations. Summer flounder, scup, sea bass and bluefish were all allocated in this manner. NMFS port agents reported their findings to NMFS for entry into the NMFS Commercial Landing Database. Landings totals were based on weigh out receipts, and in New York, the box method.

NY commercial fishermen’s landings were unfairly counted through the box method data collection system by NMFS, a system that was inaccurate and incomparable to the weighout method preferably used by the MAFMC and the ASMFC to decide state-by state quotas for the fluke, seabass, bluefish and scup fishery. NMFS knew at the time that NY’s box method was flawed and faulty, but did nothing to ameliorate the situation, showing willful disregard for NY’s commercial fishermen. As a result of NMFS lack of action, the MAFMC’s decision to use weighout data to determine NY’s fishery’s quotas and percentages for four species was flawed. On NMFS’ own website, they refer to the data collection process as varying from state to state, but includes supplemental surveys by NMFS to “ensure that the data from different states and surveys is compatible” <http://www.st.nmfs.noaa.gov/st1/commercial/landings/back.html>

NMFS never attempted that for New York’s commercial fishermen and as such have created an enormous economic burden on these fishermen for lost revenue for the last 20 years. And they acknowledged as much in the AMendment 8 to the scup plan that a reason for using the scup modified partial state partial coastwise model was the failure of the fluke plan to allow the markets of some states to remain open because of state-by-state quotas.

We believe that any methodology used to create/change catch quotas as a result of this amendment must include fairness and equity for NY to fix a false narrative that has hobbled and destroyed NYs targeted fluke fishery for the last 20 years. While we have members that have differing views on how to best accomplish this, we believe that different ideas, such as flex landing limits, alternate models for catch (utilizing a scup model with two periods for coastwide followed by one state season) or coastwide year-round should be assessed.

We do NOT under any circumstances, want a catch share fishery, or an ITQ fishery, which would create the same issues for NY based on the false landings data of the 1980s and 90s.

Thank you for your time and consideration

Bonnie Brady

LICFA



From: **nicole conti** <[nsconti2003@yahoo.com](mailto:nsconti2003@yahoo.com)>

Date: Wed, Oct 29, 2014 at 9:11 PM

Subject: Summer Flounder Amendment Scoping Comments

To: "[nmfs.gar.flukeAmendment@noaa.gov](mailto:nmfs.gar.flukeAmendment@noaa.gov)" <[nmfs.gar.flukeAmendment@noaa.gov](mailto:nmfs.gar.flukeAmendment@noaa.gov)>

To Whom It May Concern:

With us being a seasonal business it seems as though the seasons have been declining in length as well as numbers. Flounder is a main money maker for our shop, we typically cater to the back bay fisherman.

We feel as though the season should never close. We can only hope to be like Delaware. It is hard to keep fisherman happy when they are limited in time and have to catch such a big fish. The numbers have been declining over the past few summers. Many of our customers that are our regulars have been going to the Delaware side of the bay due to the leniency in regulations.

We hope to see a smaller bag limit; such as fewer fish (2) and a smaller size catch as well as an open season all year long.

Mr. Christopher Moore, Ph. D.:

Hello, My name is Carmen Anthony Conti from Carmens Lobster Pool, Inc. I have been in the commercial fishing industry for over seventy –five years. I have a hook and line permit for flounders. I write this letter with hope to one day see a 250 pound trip limit that would never close with out any by –catch, simillar to what was done for the gil net menhaden fisherman in New Jersey.

It has become increasingly difficult to compete with the trip limits of these larger vessels that continue to close the seasons faster and faster. I cannot make a living with such long closures. I would be willing to keep all of our landings to 250 pound trip limit.

Sincerely,

Carmen Anthony Conti

## SUMMER FLOUNDER COMMENTS, OCTOBER 24, 2014

1. FMP Goals and Objectives      The goal of any management plan should be the maintaining of a healthy stock. Due to the variation in reproductive success for flounder a healthy breeding stock biomass should be maintained. I believe the current regional management plan that protects flounder under 16 inches is sufficient at this time. Should the breeding stock biomass fall too low, then an increase in the minimum size would warranted.
2. Quota Allocation between Commercial and Recreational Fisheries.      I won't rehash the inequity between the two quotas because I know the possibility of getting more quota for recreational fishermen is a political impossibility.
3. Commercial Management Measures and Strategies      The one thing I would change would be lowering the minimum size limit for commercial fishermen to 12 inches so at least some of the dead discards would be counted in the commercial quota.
4. Recreational Management Measures and Strategies      Keeping the bag limit as high and the size limit as low as possible while still maintaining a healthy stock allows the average recreational fishermen the chance to take home a few fish. Under no circumstances should the for-hire fleet be given a special part of the recreational quota. If they want to be considered commercial fishermen let them try to get a share of the commercial quota.
5. Discards in the Commercial and Recreational Fisheries      As mentioned above, lower the minimum size for commercial fishermen to have some of the dead discards counted towards their quota. Require all recreational flounder fishermen to use circle hooks when fishing with bait.
6. Other Issues      Habitat and the availability of forage is critical to all fish species, not just summer flounder. Pretty much any system that gives a better account of the number of summer flounder landed by recreational fishermen would be more accurate than what we have now. I would like to see every recreational saltwater fisherman be required to keep a log of what he or she catches that must be submitted each year before they can receive a new license or FIN number.

Eric B. Burnley, Sr.

**James Fletcher**

Comprehensive Summer Flounder Management Comments.

1. The Court Case Keith Guindon VS. Penny Sue Pritzker indicates that recreational overages must not affect commercial Quota or TAC. It is clear the Mid Atlantic Fishery Management Council by using pay backs in pounds for commercial quota & Overages / averaging over a number of years did not & does not intend to have a pound for pound pay back by recreational sector. In 10 of 15 years 1993- 2008 recreational exceeded limit by 30 million pounds Mid Atlantic Fishery Management Council did not require a pound for pound pay back by recreational sector.

Mid Atlantic Fishery Management Council after repeated request for Log Books, vessel permits & operator licenses for recreational vessels in the EEZ refused to enact comparable data gathering. Refuses to require comparable data. Smart phones & apps could be utilized to gather data.

Mid Atlantic Fishery Management Council has not required gear types such as Barb less hooks, number of rods per person, or any limit to the number of recreational fishermen.

A moratorium on commercial entrant in the EEZ by commercial requires some control of new entrants by recreational sector, with reporting of data. A control date passed by Mid Atlantic Fishery Management Council 2014 only applies to Commercial The above legal case should be complied with and apply control dates to Recreational in EEZ. TO STOP ADDITIONAL EFFORT.

The State of North Carolina did not have a vote on Mid Atlantic Fishery Management Council until 89. Mid Atlantic Fishery Management Council accepted BAD SCIENCE as to aging summer flounder, growth rate & spawning to enact a quota system instead of what NC fishermen had requested in written form from the late 60's from Atlantic States Marine Fisheries Commission and NC fisheries: Mid Atlantic Fishery Management Council did not exist until after 1976. [ 5 INCH TAIL BAG LAW & 12 INCH FISH]

Science to target the fastest growing fish {female summer flounder} of a year class

is WRONG. The Science center staff & Conservationist conspired when writing reports so litigation on summer flounders was assured success (1986-2000) . [ Now staff and council members of Mid Atlantic Fishery Management Council by action and answers appears to be biased toward conservationist & recreational sector gaining more allocation. {Control date on commercial but not on recreational or party charter. HOW IS RECREATIONAL EFFORT CONTROLLED?}]

The dead discards from recreational are not 10% as stated but 25% to 40% due to predation on released fish. Mid Atlantic Fishery Management Council refused to enact a 60 inch retention, barb less hooks on summer flounder & no discards. The SSC refuses to review information from the summer flounder advisers. The group think science ONLY considers what the group agrees with.

Goals & objectives are a joke. Mid Atlantic Fishery Management Council has 18 years to reduce mortality in recreational fishery NO action has or will be taken pound for pound pay back would be a start.

Improve yield: keep any size to 60 inches. Would improve yield & reduce mortality SSC will not consider.

Law enforcement is only applied to commercial, recreational do not face the \$10,000 to \$50,000 fines. When the regulations allow the common man to have fish they will obey, present regulations allow the rich and council members a greater share.

Comments that do not support the staff & council designed plan will be rolled together.

Apparently Mid Atlantic Fishery Management Council members & science have a specific agenda thus only supporting public comment will be acknowledged.

**(UNFA & James Fletcher, continued)**

The solution can only be addressed by acknowledging incorrect aging, incorrect net sizes 5 1/2 instead of 5 inch.

Recreational killing 4 times as many as they keep

Science & conservationist conspiring.

Address killing largest most reproductive females & allowing genetic inferior to breed.

Not targeting male fish where males make up 70% of population.

UNFA &

James Fletcher

123 Apple Rd.

Manns Harbor NC 27953

**JAMES FLETCHER**

COMPREHENSIVE SUMMER FLOUNDER MANAGEMENT AMENDMENT

COMMENTS: & PERSONAL OPINION.

IT IS INEXCUSABLE WHEN STAFF & TWO COUNCIL MEMBERS: Answer a public question; "Do recreational overages affect commercial quota"? With a round about answer that does not answer the question.

THE AMENDMENT PROCESS MUST BE QUESTIONED WHEN STAFF AND COUNCIL MEMBERS ARE EVASIVE WHEN ANSWERING PUBLIC QUESTIONS.

Mid Atlantic Fishery Management Council must endorse conservation as [ THE WISEST USE OF A NATURAL RESOURCE FOR THE BENEFIT OF MAN!

HISTORY: In the late 1960's 19 North Carolina fishermen & boat owners, sent a petition / request to North Carolina Marine Fisheries & Atlantic States Marine Fisheries { The council system did not exist until 1976 & Magnuson Act.} *THE REQUEST!* A 5 INCH TAIL BAG AND 12 INCH FLOUNDER SIZE for vessels landing mostly fluke. {THIS request WAS STILL IN North Carolina files in the late 90's. The best available information available to fishermen was that male flounder spawned at 9 1/2 inches & female spawned by 11 3/4 inches that a 5 inch net allowed 75% of flounders smaller than 12 inches to escape. {this net size study was found in literature / research back to 1938 } 5 inch net size retained black sea bass, porgies, croakers, and squid of marketable size all of which had spawned at least one time when captured by 5 inch tail bags.

In the 70's Atlantic States Marine Fisheries Commission contracted with New Jersey fisheries to research the net size request from fishermen. The NJ research was flawed BY Woods Hole aging summer flounder incorrectly utilizing scales & ooliths, *INCORRECT AGING HAD A 12 INCH FISH AT 1- 2 YEARS OLD INSTEAD OF THE SAME YEAR AS SPAWNED.*

**INFORMATION SHOWED FEMALES FLOUNDER GREW FASTER THAN MALES.** New Jersey information; languished until in the early 1980's Mid Atlantic Fisheries management & John Bryson as director was requested by the same NC fishermen to implement a 5 inch tail bag in the EEZ. With a 12 inch recreational size & number of fish.

***(James Fletcher, continued)***

During the Late 1980's early 1990's National Marine fisheries & Woods Hole "science" implemented the precaution approach to "science" during this time TRUE SCIENCE disappeared from the process. Data entry lagged by 4 to 5 years and was imputed by prison labor, In the 1990's A few woods hole & other so called scientist conspired with conservation groups to write reports that guaranteed that law suits brought in the name of conservation would succeed in summer flounders. In 1989 & 1990 after the passing of a 5 ½ tail bag in NC Landings 1989 Federal 1990-1991. Landings from 5 small mesh squid boats were utilized by Woods Hole science to justify by catch discards in excess of 5 % .

**Result 50% probability law suit won by science & conservation groups. 10% of so called science worked with conservation groups to insure winning law suits. The SARC & SAW wording was basically for a law suit. Under the precautionary approach!**

From 1980 till 1986 NC & VA boats were involved with the calico scallop fishery resulting in a decline in flounder landings. By the data being 4 to 5 years late entry & with incorrect entry by prison personal by 1990 – 1991 the council enacted a landing quota on commercial and targets on recreational landings.

Quota required commercial log books, trip reports operators license on commercial Yet nothing on recreational vessels fishing in EEZ. NMFS danced that recreational reporting marine recreational reporting was not sufficient to use for pay back of overages. By this time the conservation influence was implanted in NMFS Gloucester & Silver Springs. The MAFMC would not allow underages in commercial landings to be carried forward to the next year, yet any overage by commercial must be paid back the following year pound for pound.

HONISTYDISAPPERED from the science with the precautionary approach & the rise of conservation / lawyer / corrupt science involvement. Models were constructed to be presented to SARC & SAWS representing selected data inputs.

HONISTY DISAPPERED from the Council system when promotions to NMFS / Federal jobs became involved.

Recreational dead discards reduced commercial quota, yet council refused discussion of barb-less hooks or any gear restrictions.

All the while Conservation Equivalency was utilized by recreational to target all female fish.

Instead MAFMC allowed recreational landings to exceed limits in 10 of 15 years for a total of 30 million plus pounds. Recreational dead discards exceeded Recreational landings in most years yet MAFMC choose not to address the problem. The "NEW" Magnuson act was ignored by council & NMFS with recreational excused from a pound for pound pay back.

#### Mid Atlantic Fishery Management Council Goals & Objectives

1. Reduce fishing mortality. Council ignored adviser 60 inch recreational retention & no discards, This would allow all recreational fishermen to retain fish. Council ignores predation on released flounders, choosing to quote antiquated studies for net pen retained fish at 10 to 15 % the "science choosing 10% NOT ACCOUNTING FOR PREDATION! Out side the pen.

2. reduce mortality on immature Summer Flounder to increase spawning stock biomass.

***(James Fletcher, continued)***

How does the Mid Atlantic Fishery Management Council define immature? 9 ½ males & 11 ¼ females have spawned. NOW DOES PRECAUTIONARY APPROACH & YIELD PER RECRUTE Junk science models used to target females by recreational “are these fish immature?”

3 improve yield from fishery? NO pay back in pounds , more dead discards than retained, no gear restrictions, unlimited high grading , Targeting the largest fastest growing females by recreational how can yield from fishery improve? MORE BIASED COUNCIL ACTION!

James Fletcher

123 Apple Rd Manns Harbor NC 27953

10 27 2014

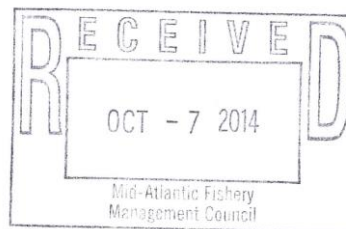
**Summer Flounder Amendment Scoping Comments**

1. The Goals and Objectives do not mention the economic importance of this fishery to the local communities. There is a historic dependence that has been established in many communities and states. The commercial sectors in New Jersey, Virginia and North Carolina have worked with fisheries management to help rebuild and sustain the summer flounder stocks. During this time the industry has worked together to manage the landings and rebuild the market to steadily increase the value of this fishery.
2. National Standard 8 in the MSA addresses the importance of fishing communities and changing allocation does not provide for “sustained participation of such communities” and does not “minimize adverse economic impacts on such communities”.
3. There has been much talk of a “shift” in the center of biomass, and several miss-leading graphs have been distributed. The data actually reflect an expansion of the stocks. Also the most current data is not being used. The most current data being used is now 6 years old. More recent data should be available for such important process.
4. The current allocations between commercial and recreational fisheries are working well with no need for any changes. The reporting and validation of the commercial quota is much more accurate and helps with the management. Commercial industry is has been very diligent in reporting and routinely “pays” back any overages. Taking any allocating away from the commercial sector is counterproductive.
5. The management of the commercial fishery has been working well. The state allocations were based on solid landings data that reflected the importance of the fishery to each state. The quotas have been adjusted to maximize the value of the fishery for each state. The local communities have adapted to the current system and regained much of the jobs and business which were lost during the early years of stock rebuilding. The landing of summer flounder represents a larger industry. This industry is vital to many fisheries outside the summer flounder. The fish cutter, salesman, packers, truck drivers, grocery clerks, fuel companies, ice suppliers, etc... have a stake in the landings. When you mention landings flexibility you put all those jobs in question. For many of the communities in Virginia and North Carolina, if it wasn't for the Summer Flounder season in the winter the business and jobs could not stay just to support the smaller fisheries in the slower season.
6. Realizing it is difficult to get accurate landings data and fishing effort information for the recreational fishery. The current systems has serious flaws and needs attention. The party/charter side of this fishery can give much better data and therefore, might be considered for more share of the recreational quota.
7. With new technology, there should be better systems for reporting. These possibilities should be explored.

C. Meade Amory  
L. D. Amory Co. Inc.  
Hampton, Virginia 23669



Summer flounder Scoping Meeting Somers Point N.J.  
9/28/2014



#### Identifying the issue

Last year The Mid Atlantic Fishery Management Council and the Atlantic States Marine Fisheries Council changed New Jersey flounder regulations and regionalize us with New York and Connecticut this was done to promote better equality and conservation between the Two States. All the material I read said those fishing in New York had one set of limits and those fishing in New Jersey had another yet they could be fishing within sight of each other and fishing on the same stock of fish. So to promote better equality and conservation NJ was regionalized with New York. When they did this I don't believe they realized the economic impact it would cause New Jersey Charter boats and Recreational boats that fish the Delaware Bay. With this decision the State of Delaware was placed with the southern regional states now fishing and advertising home of the 16 inch flounder with a yearly open season. The NJ boats have an 18 inch size limit and approximately a 19 week season. I am one of many Charter Boat Captains with Businesses in Fortescue, us and the surrounding marinas can not compete with these new laws and advertisements that Delaware is putting in the paper, we presently have lost a large percentage of our Flounder charters and South Jersey Business to Delaware Businesses and Charter boats because of poor planning of these two boards.

With this decision they have put New Jersey Delaware Bay fisherman in the same exact possession that New York fisherman was in last year with the exception NJ fisherman have to purchase a Delaware State fishing license before they even attempt to fish on the Delaware State side of the Delaware Bay costing \$600.00 \$300.00 or \$50.00 per boat even with this license we have to follow NJ regional laws. There is nothing more frustrating than watching Delaware boats next to us taking 16 in flounder and we have to throw them back or when our season closes we watch them keep the 16 inch flounder and we throw them back, after we paid for the privilege to fish on there waters and pay for there State license. I just don't understand where the Equality or conservation that New York got the year before is equal to what New Jersey Delaware Bay fisherman has now.

Remember the bay is named the Delaware bay not the NJ or NY bay the Delaware State border lines touch New Jersey south of the Salem nuclear plant and north for miles of coast line so New Jersey boats are already fishing in and on Delaware State waters.

I am a charter boat Captain and have lived on the Delaware Bay most of my life, to the best of my knowledge the fish stock in the Delaware Bay is much smaller than of that north of us this is why Delaware State is regionalized in the southern region. I know while we are fishing we will sometimes throw back 20 or more 16-17 % inch fish, and maybe keep one fish doing this the mortality rate of small flounders is high our average Delaware Bay fish have always been small. If we could keep the 16 inch fish we would meet our quota faster and lower the mortality rate thus helping our bay stock to grow.

I believe a reasonable alternative and a fair solution to this problem would be regionalizing the entire Delaware Bay with the southern States splitting the very southern part of N.J. We are already paying for the privilege to fish on this Bay. If not either give New Jersey Delaware Bay fishermen the same size flounder and laws that Delaware State has, or make Delaware State flounder laws the same as New Jersey we are paying for the license's to fish the same exact stock of fish as they do in the same southern region.

When this happens hopefully New Jersey Delaware Bay Fisherman and Businesses will regain some of there lost revenue and business caused by last years board decision. Ifthe people on these boards making these laws and decisions were held responsible for personally paying the lost revenue they created to our businesses I believe they would think more in the line of what is fair and equal verses what was done to us.

Thank You for giving me your time

Sincerely

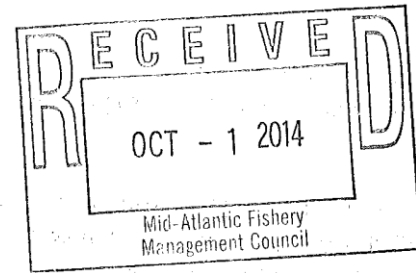
Captain Donald Stein.

President Fortescue Captains Association

856-462-7314

To:

Chris Moore Ph.D. Executive Director  
Mid Atlantic Fishery Management Council  
North State Street, Suite 201  
Dover, DE 19901



Dear Dr. Moore

The Summer Flounder Fishery or better known in the Long Island, New York region "Fluke Fishery"

I have been Fluke fishing for the better part of 40 years, and for as long as I can remember I have never seen a fishery abused as much as the current fluke fishery. A fishery that is favoring commercial interests and those willing and being able to afford an RSA permit.

Let me start by saying I am not against Commercial Fishing. The public has a right to purchase commercially caught fish as long as it is in the public's best interest.

The current problem with our local regulations relates to the size of the Fluke that Commercial Fisherman are allowed to keep. Currently in New York State commercial fisherman are allowed to retain Fluke over 14 inches, whereas a recreational fisherman the Fluke must be 18 inches.

I thought and I might be mistaken that the size limits are set in order for the fish to attain size which has allowed the fish to breed. So why the difference in the size limit? I would welcome a Phone call to discuss this further as I would have trouble explaining the unfairness of the fishery as it relates to the commercial interests.

The RSA permitted vessels is another matter that is an abuse of the Public's best interests. Because someone has purchased this permit to fish for Fluke when others cannot is unfair, and downright criminal. The current RSA permits favor those who can afford to pay against those who cannot.

I have witnessed rampant poaching. On Long Island, enforcement by the New York State Dept. of Environmental Conservation is basically nonexistent. They need more officers plain and simple.

Please feel free to call me. 516-710-2784

Thank You,

William Davison 3944

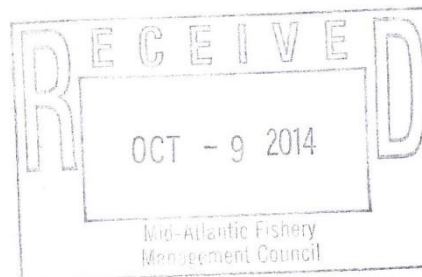
Franklin Ave

Seaford, New York 11783

10/6/2014

Sector 13  
John Haran  
205 Rockland St.  
Dartmouth, MA 02748

Mid Atlantic Fishery Management Council  
Chris Moore, Ph.D.  
Executive Director  
Suite 201  
800 North State St.  
Dover, DE 19901  
302 526 5257



Chris;

Sector 13, a member of the Northeast Seafood Coalition, is comprised of 54 Federal permits, which are held by members from Massachusetts to North Carolina. Several members have Fluke permits and several members have multiple state Fluke permits.

Sector 13 would like to see more flexibility in the ability to land Fluke. We would like to have the ability to land Fluke in one state, and then transit to the next state with that states allowable catch. We would also like to have the ability for a boat from North Carolina to land its fish in New Bedford and have its landings trucked back to its allocating state, thus saving fuel and preserving jobs and the local fishing community.

The biggest stumbling block to this is the issue of tracking and accountability. We believe the Electronic VTR system can be modified to address these issues. Also members of Sector 13 would be willing to sign up for Electronic VTRs as a requirement for a new, more flexible Fluke landing program.

Sincerely,

John Haran  
Sector 13, Manager

Chris Moore, Ph.D., Executive Director  
Mid-Atlantic Fisheries Management Council  
Dover, DE

08 October 14

Subject: SUMMER FLOUNDER AMENDMENT SCOPING COMMENTS

Dr. Moore,

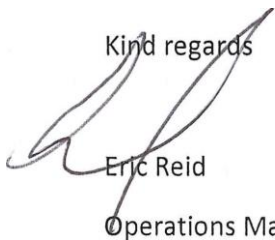
After thirty two years, nineteen or so amendments and multiple frameworks and addendums, this Council and the ASMFC are charged with developing a Comprehensive Amendment to the Summer Flounder Management Plan. Given the multitude of Stakeholders and user groups involved in this Fishery as a whole, it is hard to imagine a more complex task.

All Management Plans are driven by science and the numbers and alphabet soup produced by that science. So, at this point in the process, my suggestion is as follows:

The Council and Commission should do everything in their power(s) to improve the quality, reliability and especially the credibility of the science used to understand and manage the Summer Flounder Fishery as a whole. The resources and inputs of all the stakeholders must no longer be discounted by others in this Complex. The "Best Available Science" and the sources of that science has changed substantially over the last 32 years. The Council/Commission would be remiss in not taking advantage of the knowledge of the all the Stakeholders involved in this Fishery.

I look forward to working with the Council/Commission on the long process and the challenges that this Amendment will most certainly present in the many months ahead. Thank you for the opportunity to comment on this matter.

Kind regards



Eric Reid

Operations Manager

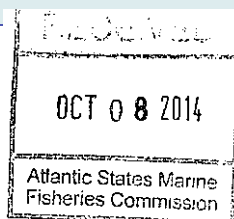
Seafreeze Shoreside, Inc  
Narragansett, RI

Robert E. Beal, Executive Director

ASMFC

1050 N Highland St

Alexandria, VA 22201



Bruce P. Smith

2306 Lorkim LN

ATCO, NJ 08004

October 6, 2014

Dear Director Beal:

The purpose of this letter is to submit comments and recommendations regarding the ASMFC and MAFMC Comprehensive Summer Flounder Amendment. I am a retired biologist, having worked for the US Environmental Protection Agency, Region 3, and an avid NJ summer flounder fisherman.

My main issue involves regulations affecting summer flounder mortality through recreational and commercial fishing. The final scoping document for the Amendment states a number of statistics related to this mortality issue. It gives the recreational discard rate of summer flounder at 84%. From my own experience as a fisherman I know this to be true because of the burdensome size limits imposed by the state of New Jersey. I generally catch only one legal size fish in a total of 35 caught, so I have a large number of fish returned; i.e., discarded. Conversely, the discard rate for commercial fishing is 8%. This because the flounder size limit for commercial fishing is only 14 inches. I estimate that 95% of the flounder I catch as a recreational fisherman are at least 14 inches. Now let's look at the flounder mortality rates for commercial and recreational fishing and do some very rough math. The scoping document gives the commercial mortality rate for discards at 80%, and the recreational rate at 10%. If we have a 2014 commercial harvest quota of roughly 10 million lbs of flounder with an 8% discard rate, meaning 10,800,000 lbs of flounder might be caught, coupled with an 80% mortality rate on those 800,000 lbs of discarded fish, the commercial fishing industry might kill 640,000 lbs of summer flounder in 2014. Conversely, if the recreational fishing industry is limited to roughly 7 million lbs of flounder in 2014 as a harvest limit and has a discard rate of 84% representing 5,880,000 lbs of fish, this means that 12,880,000 lbs of fish might actually be caught. Applying a recreational mortality rate of 10% to the 5,880,000 lbs of fish discarded means 588,000 lbs of summer flounder could be killed by recreational fishermen. The mortality rates and harvest quotas for recreational and commercial fishing are drastically different, but the kill rates are not; why? The restrictive size limitations imposed by states on recreational fishermen result in huge discard numbers, and even with a low mortality rate on discards, the killing is significant. The solution is to reduce the number of fish discarded. Keep the bag limits but reduce the size limitations, or allow fishermen to keep a number of "slot" size fish. Recreational fishermen are more likely to stop fishing or switch to fishing for something else if they have a bag limit of flounder in their coolers. As stated previously, I generally catch only one keeper in 35 fish. Most of my NJ friends have the same experience. This may not be the case for people in other states.

On a related topic, I have some friends in the US Coast Guard that regularly board commercial fishing vessels. They inform me that they see by-catch and undersized fish lying dead in the sun on the boat decks. I don't know whether there are regulations regarding the amount of time for returning these fish to the water, or whether any agency can enforce such regulations, but something should be done about this.

Other Comments:

The final scoping document on page 9 under "Stock Definition" cites a study done by Kraus and Musick 2001 that mentions two distinct spawning aggregations of flounder of NJ and VA-NC, but the document does not discuss the significance of this, or the need to protect these areas. Also, given the possible movement of summer flounder in greater concentrations to the north, the Commission and Council may need to consider imposing state specific conservation measures, and not leave this to the states themselves.

Figure 1 on page 10 of the scoping document "Spawning Stock Biomass and Recruitment" would be much more informative if it were presented on a state-by-state basis.

The 2014 federal regulations for recreational fishing given by the MAFMC show a summer flounder harvest limit of 7.01 million lbs. without any explanation of how it arrived at this figure. Does this represent 40% of the overall 2014 summer flounder quota allocated to recreational fishermen? The scoping document should present data on how well the commercial and recreational fishing industries met their quota limits for summer flounder in previous years because this information along with discard percentages and mortality rates of discards may relate to determining mortality in the species caused by the two fishing industries.

I have submitted to you in a separate letter, a recommendation for improving data collected from recreational fishermen through a standardized smart phone app.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce P. Smith". The signature is fluid and cursive, with the first name "Bruce" being the most prominent.

Bruce P. Smith Nightshadow225@netzero.net



The Council and Commission received 7 unmodified copies of the following letter (all signatures copied below) and one modified version (page 114):

October 12, 2014

Dear Council Members, Advisory Panel, and Staff Members,

This letter is regard to the Comprehensive Summer Flounder Management Amendment. As a fisherman, I had a few concerns that I would like to have addressed which are based from the scoping outline presented.

**Quota Allocation between the Commercial and Recreational Fisheries:**

The 60/40 split is an area of concern on the commercial side.

- As a commercial fisherman this is our livelihood. We fish in all weather conditions so we can give our products to the dealers and in return we are paid. Decreasing our percentages affects our income.
- Commercial fisherman are supplying their product to American customers so they have quality fresh seafood.
- Recreational is a fun activity or sport. Many recreational fisherman catch and release.

**Commercial Management Measures and Strategies:**

**Licensing areas of concern:**

- If a fisherman has a federal Flounder, Scup, Black Sea Bass license that he has qualified for in the past why should it now be taken away? There are currently no requirements for the number of landings per year to maintain this license. If your fishing for other species (scallop, monkfish, scup, etc) you should not be punished if you didn't participate in fishing for flounder.
- If there is to be a requirement it needs to be brought to the fisherman's attention so they have the opportunity to meet that requirement and not jeopardize with losing their license.
- Once you qualify for a permit it should NOT be taken away by the government who is feeling the pressure/influence of fish dealers, congress, and/or senators.
- As a commercial fisherman, I was just notified of a control date with no warning or prior notifications. A window warning would be beneficial

and more democratic.

- A comparison is if I were to own a piece of land and I didn't build on it for a period of time and then in return without warning I lose it.
- If an individual doesn't pay taxes you are warned by the government prior to them taking your property.

#### Commercial Quota allocation strategies:

- You had to qualify in the qualifying period to be allotted a percentage of the quota.
- We purchased flounder landing licenses. Licenses will be devalued with shifting of quota.
- Once one state asks for more than all states will start asking causing a ripple effect.

#### Landings flexibility:

Currently all states are to land in their own state. This has not been an issue and is currently working.

- If North Carolina and Virginia or any other state were to land their fish product in another state then there will be an unbalance of supply vs. demand. It will greatly affect the price per pound that the commercial fisherman will receive for their product due to over flooding of that market in that state. As one state is driving up prices another state is drastically lowering the price.
- The fish houses that are having all the landing will be making out. Yet, the opposite effect will happen in the states that no one will land in. Those fish houses will loose that product and essentially lose money.
- Monopolizing certain fish houses is NOT the answer.
- Some fisherman are spending more fuel to fish where there is more of an abundance of fish yet that is their choice based on time.
- If as a fisherman, I choose to get another states landing license I will then land my product in those states.
- The only time a fisherman should land his vessel in another state is when a mans health is in jeopardy, or an inlet is impassable, or a boats breaks down.
- Every state should remain in their state.
- In 5 or 10 years from now if flounder are more prevalent in southern or northern states then will this have to be amended again?
- Currently, the system is working and everyone is able to profit.

Thank you for your time in these very important matters. These are issues of great concerns and need to be addressed. The decisions you make could greatly affect many fisherman's families.

Sign and date:

Harold Meyers  
commercial fishermen

Sign and date:

HANS MYKLEBUST

Hans Myklebust 10/21/14

Sign and date:

Barbara Myklebust 10/21/14

Sign and date:

Kurt Deyback  
10-22-14

KURT DEYBACK

Sign and date:

DAVID ISAKSEN JR  
David Isak  
10-22-2014

Sign and date:

ROBERT SMITH  
R Smith 10/22/14

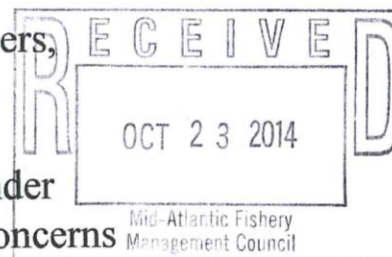
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- Recreational is a fun activity or sport. Many recreational fisherman catch and release.
- *Do NOT RE-allocate QUOTA BASED ON ABUNDANCE OR REGIONAL SHIFT !!! of BIOMASS*

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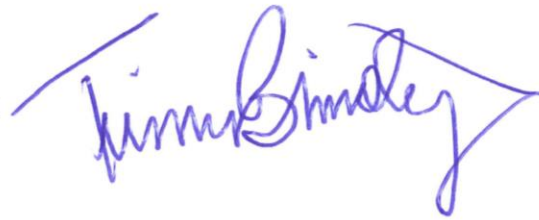
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- Currently, the system is working and everyone is able to profit.

Thank you for your time in these very important matters. These are issues of great concerns and need to be addressed. The decisions you make could greatly affect many fisherman's families.

Sign and date:



10-17-14

Northeast Commercial Fishing  
Timothy Brindley  
PO Box 870  
Barnegat Light, NJ 08006

Tim Brindley @ outlook . Com

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MICHAEL FALLON  
P. O. Box 2143 Montauk, NY 11954  
6.31 965-2129 phone  
631 668-6079 fax  
hafmjf@aol.com

October 14, 2014

**FAX TO:**

Chris Moorre, Ph.D, Mid Atlantic Fishery Management Council  
Bob Beal, Atlantic States Marine Fisheries Commission

**FAX FROM:** Mike Fallon

**Total Pages – 3 including cover sheet**

Thanks – Mike  
631 965-2129  
hafmjf@aol.com



---

Hello my name is Mike Fallon, I have a 44 Ft. trawler and I fish inside and outside of the EEZ. I would like to thank both the ASMFC and The Mid Atlantic Council for coming to Montauk today to hear our opinions on a FM P that has long been in need to be revised. Unfortunately, as a lifelong resident of NYS, I am here because our former port agent, who held a federal position, did not act in a similar fashion as those of other States.

My comments from now on, all hold significant importance, as the fisherman of New York teeter on the brink of extinction. We need relief from the State-by-state management process NOW!

First I would like to speak in regards to the existing quota allocations. I am 100% in favor of leaving things as they currently stand. That being a 60/40 split commercial to recreational. My logistics for this are quite simple. As a commercial fisherman we are governed by a hard Tac. What we catch and what we discard is accounted for. The recreational system is still managed by a flawed process. That is the MRIP system. MRIP is a system that is based on individual fish counts from a few boats, extrapolated to other vessels around them, and then an uneducated guess at the mortality from discards is thrown into the mix. Until hard numbers /pounds and the number of vessels that participate in the fishery are established, any change in allocation is unconstitutional. On another note, if a separate quota were to be allocated to the for hire sector it should come directly from the recreational allocation.

I am totally against any form of catch share or ITQ. Especially since I live in a State that only has 6% of the total quota and we are unable to establish any form of a history to work from.

I believe it is time that the Council as well as the ASMFC adopts a plan that is consistent with its supposed goals and objectives as mandated MSA. It has taken many years, and a lot of suffering by the industry, to rebuild the summer flounder population to where it is right now and I believe it is time for the entire industry to reap the benefits together. In my eyes the Council as well as the ASMFC has FAILED in achieving its goals!!!

In my estimation the Council's goals and objections should be to get fresher fish to markets, increase safety within the fishery, reduce fuel consumption as well as reduce the carbon footprint, and lastly devise a strategy to put more money in the independent fisherman's pockets.

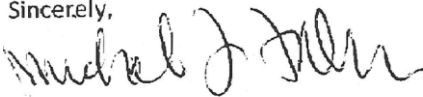
When I look at the current spatial distribution maps, as presented by the Council, a profound shift of the summer flounder population to the north and east is very apparent. This leads me to believe the Council as well as the ASMFC should make it their priority to adopt a landings flexibility policy. As we all know the vast majority of fluke quota is controlled by North Carolina as well as Virginia. These fish are landed during the winter months in the EEZ and shipped to markets here in NY. The fish that are caught during winter months: are sometimes 300 miles from the nearest southern port. Notice I did not say safest port. So, if you have a summer flounder permit from another state and you catch the fluke in federal waters, the permit holder should have the right to land those fish in whatever state they want. Keep in mind when using this flexibility option, we are not asking for a transfer of quota. The state from which the permit is assigned will be credited with the landings history. By implementing this plan, the fisherman are safer, they deliver a superior product to market and ultimately more become more profitable.

We have been told by John Bullard, head of GARFO, that this can be done immediately and without the three year time lapse the amendment process consumes. Our representatives have reached out to other states for 6 years asking for this small bit of relief, to no avail. I now stand before you and Beg for this process to be fast tracked in the form of its own amendment.. I would like to call it summer flounder amendment 1a...

At this current time the Councils staffer Kiley Dancy is in the middle of a deep water coral amendment as well as this summer flounder process. Both issues are critical to our survival and her time should not be divided by the two critical issues. The Council should handle the relatively simple task of landings flexibility immediately and address the rest of the issues when the coral amendment is finished.

Lastly, the document mentions discards; most discards are the direct result of federal as well as state regulations. This is a direct contradiction to the ecosystem based management scheme the Council tries to follow. By implementing a plan based on common sense the fleet will make more money as well as reduce by-catch.

Sincerely,



Michael Fallon  
POBOX 2143  
Montauk, NY 11954

631965-2129.



## TOWN OF EAST HAMPTON

159 Pantigo Road  
East Hampton, New York 11937

Tel: (631) 324-4140  
Fax: (631) 324-2789  
llcantwell@ehamptonny.gov

**LARRY CANTWELL**  
Supervisor

October 16, 2014

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

Bob Beal, Executive Director  
Atlantic States Marine Fisheries  
Commission 1050 North Highland Street,  
Suite 200A-N Arlington, VA 22201  
Re: Summer Flounder Amendment Scoping Comments

Dear Dr. Moore and Mr. Beal,

Thank you for recognizing the importance of Montauk as the largest fishing port in New York, as well as for holding a scoping and information-gathering meeting there on September 30 for the forthcoming management addendum for fluke.

The East Hampton Town Board and I understand how important fishing --in all its aspects --is to the economic and social wellbeing of our Town. As such, we have pledged this government to do what we can to ensure the fishing industry prospers and have established an advisory committee to keep us informed of the status of the fisheries, their needs, and--most important--management issues.

The Fisheries Committee tells us that the fishermen of East Hampton would like to see the following recommendations considered and incorporated into the next management addendum or other management vehicle concerning fluke. The Town Board wishes the following recommendations be part of any fluke management measure:

- All users agree that regional management is proper and should be continued and expanded.
- The quota should remain at 60% for the commercial fisheries and 40% for the recreational fisheries.
- Absolutely no imposition of any sort of catch share or ITQ on any fishery, region or state.

We favor landing flexibility. However, we're concerned that the inshore fisheries will be adversely impacted. May through October is when the inshore fisheries are capable of access to fluke and the number of permitted fishermen is not at its maximum. Inshore fishermen have no access to ports and markets in other areas, and we're concerned that open access to local facilities will put them at a severe marketing disadvantage when fishermen from other areas enter our ports. Also, any error in catch reporting will result in a closure of the fishery. We therefore wish to see landing flexibility curtailed or eliminated from May through October.

We would like to be assured that management will vigorously adhere to national standards, as described in the latest version of the Magnuson-Stevens and Sustainable Fisheries acts.

On behalf of the Town Board and the people of East Hampton, I thank you for your consideration.

Very truly yours,

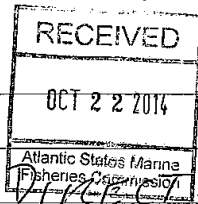


Larry Cantwell

Supervisor, Town of East Hampton

cc: NYSDEC  
Jim Gilmore  
Bureau of Marine Resources  
205 North Belle Mead Road, Suite 1  
East Setauket, New York 11733  
631-444-0430  
Email: fwmarine@gw.dec.state.ny.us

Cornell Cooperative Extension of Suffolk County  
Emerson Hasbrouck  
Senior Extension Educator  
Marine Environmental Issues and Fisheries Management  
Email: ech12@cornell.edu



OCT 17, 2014

TO: BOB BEAL  
EXECUTIVE DIRECTOR

ATLANTIC STATES MARINE FISHERIES COMMISSION

FROM: CARMINE SPINELLI  
191 MCKEE ST  
FLORAL PARK N.Y 11001-1314  
VERY OLD FISHERMAN

DEAR SIR,

① I DISAGREE WITH THE RSA PERMITS FOR ALL SPECIES OF FISH.

NOW FLUKE CAN BE TAKEN OUT OF SEASON WITH A RSA PERMIT. THE RESTRICTIONS BRING THAT THE FISH BE ONLY 14" TO 17" FISH THAT SIZE ARE NOT BREEDERS. WELL WHERE ARE OUR FUTURE BREEDERS COMING FROM?

THE ONLY FISHING FOR A SPECIE OF FISH SHOULD BE WITHIN A SEASON. OTHER WISE HAVE NO SEASON.

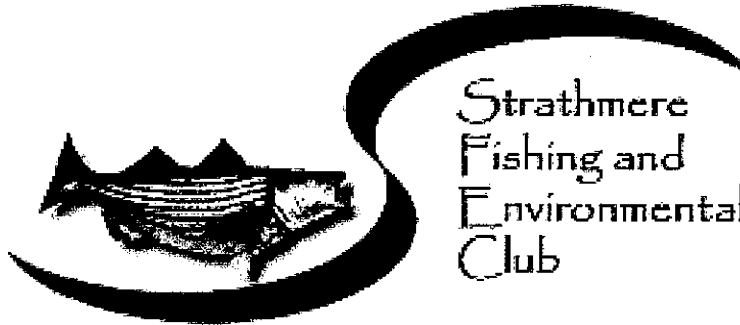
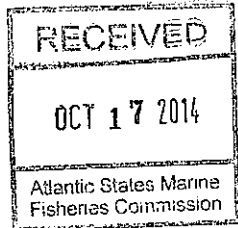
② SEVERAL YEARS AGO I WAS IN MONTAUK N.Y. I WAS SURPRISED TO SEE A COMMERCIAL FISHING BOAT THROWING AWAY DEAD FLUKE.

I ASKED A PERSON THAT WAS WORKING ON A BOAT WHY THIS WAS HAPPENING.

HE TOLD ME FLOKE WAS A BY-CATCH AND THEY WERE RESTRICTED BY WEIGHT THE AMOUNT OF BY-CATCH THEY COULD KEEP. WELL WHAT DOES THIS DO TO OUR FISHING STOCKS?

I THINK THESE PEOPLE SHOULD FISH BY WEIGHT. THAT IS IF THEY ARE TO HAVE SAY TEN TONS OF FISH, WELL THAT IS IT. AS SOON AS THEY MET THEIR LIMIT OF WEIGHT, THAT IS WHAT THEY BRING TO MARKET.

RESPECTFULLY  
Carmine Spinelli  
CARMINE SPINELLI



*PO Box 77  
Strathmere, NJ 08248  
www.strathmerefishing.org*

BOB BEAL Executive Director Atlantic  
States Marine FisheriesComm 1050  
North Highland St Suite 200-A-N  
Arlington.Va 22201

SUBJ " SUMMER FLOUNDER SCOPING

Dear Sirs,

Thank you for holding Public meetings on summer Flounder and allowing comments from the recreational fishermen.

I am representing the Strathmere Fishing and Environmental Club which is made up of over 200 recreational fishermen and women. Our primary fish is the Summer Flounder and we were hurt this year due to regionalization and NJ going into a region with NY. We are located in Southern NJ and clearly there are 2 different fisheries within NJ... Barnegat Inlet south is significantly different than the area to the north of the inlet and more in line with areas to our south like Delaware and Maryland. Assuming regionalization continues we would want to see the State split and Southern NJ being put into a region with Delaware instead of NY.

Several of our members have kept detail data on their catches and when we review that data we find the yearly average size of summer flounder in our area is 14.65" over an 8 year period .This only varies .5" up and down over the 8 years. We also find the largest flounder of the year arrive early April and we continue to see decent size fish through most of May but beginning in June we find an abundance of much smaller fish with July seeing the smallest of the year. Ability to catch and keep summer flounder in April would be an economic boom to Marina's and Tackle shops in all of South Jersey .A size reduction would reduce a significant number of short fish going back dead or dying

We as a large recreational fishing club would ask you to consider the fact the fact that NJ has 2 much different fisheries where summer flounder is concerned. One reason for the difference is the fact that Southern NJ is blessed with numerous shallow inlets and shallow bays that warm up quickly in the early Spring

When reviewing American Littoral Society tagging data we find 80% of summer flounder tagged in our area and not re-caught for 12 months or longer are re-caught 50 miles north of original tagging or further north

This clearly indicates a northerly migration of Summer flounder following their spawning well offshore which results in a larger average size north

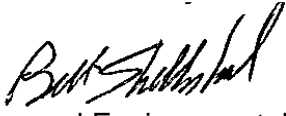


Another negative factor with current regulations calling for a minimum size of 18" is 95% of summer flounder over 18" are females and full of early maturing eggs when they are caught in our area. A smaller size limit which is made up primarily of males has the potential of increasing the spawning population and assuring the future of summer flounder.

Finally in regards to the Recreational/ Commercial Split we would like to see that split be 50/50 as opposed to the 60% commercial 40% recreational that exist today. Currently the commercial size is 14", a much better method for protecting the stock would be to eliminate the Commercial size limit and once the regulated poundage is met the Qtr is closed. This would save a lot of fish under 14" being thrown back dead.

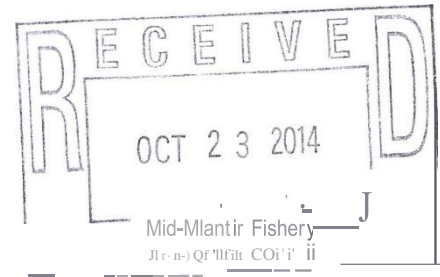
Summer Flounder provides a significant economic impact to this area and as a result of higher size regulations and there clearly has been a reduction in fishermen targeting summer flounder through-out South Jersey and that is affecting Marina's, Tackle shop, Motels, and restaurants in the area.

THANK YOU for getting into this study and we are looking forward to your next report.

Bill Shilingford   
Strathmere Fishing and Environmental Club 20  
Pinewood Ct  
Swainton, NJ 08210 Email

bucktail8@aol.com

**Arthur Beyer**  
**6108 Centennial Station**  
**Warminster, Pa 18974**  
**215-328-9280**



Chris Moore Executive Director  
Mid Atlantic Fisher Management Council  
North State St., Suite 201  
Dover, DE 19901

Oct. 19, 2014

Dear Sir;

I have been fishing for fluke for over 55 years. I am totally disgusted and disappointed at the management of this bread and butter fishery. The summer flounder stock was declared rebuilt in the summer of 2011.

I would like to share with you my experience over the last ten years, including this year. I fish on party boats out of Atlantic Highlands, Belmar, Point Pleasant, Atlantic City (Absecon bay), Margate, and Ocean City. The disappointing experiences on these boats, piloted by good captains is uniformly sad.

The boats hold between 40 and 65 patrons. It is very rare that any patron even comes close to catching the five - 18" fish as permitted by law. This is hurting the captains and mates who work so hard to please their patrons by giving them a dinner or two, for the large amount of money spent on a day's outing.

I have not caught a keeper fluke this year, and some days there are no keeper fluke on a boat holding 50 - 60 people.

I believe it is YOUR responsibility, along with members of the commission to visit various ports along the Jersey coast, and check, without revealing your identity, the amount of fish the customers are taking home. It is no fun to fish and bring home nothing for dinner! It has become an expensive waste of time and money.

Since the stocks are rebuilt, according to your own estimation, I would recommend a six fish limit, at 16".

Sincerely,

**KELLEY DRYE & WARREN LLP**

A LIMITED LIABILITY PARTNERSHIP

**WASHINGTON HARBOUR, SUITE 400**

**3050 K STREET, NW**

**WASHINGTON, DC 20007**

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BRUSSELS, BELGIUM

AFFILIATE OFFICE  
MUMBAI, INDIA

October 30, 2014

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

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

**Re: Summer Flounder Amendment Scoping Comments**

Dear Mr. Beal and Mr. Moore:

On behalf of the Fisheries Survival Fund (“FSF”), we submit the following comments as part of the Comprehensive Summer Flounder Amendment scoping process. FSF represents the significant majority of the full-time limited access permit holders in the Atlantic scallop fishery. Our members are home-ported along the Atlantic coast from North Carolina and Virginia north through New Jersey, Connecticut, and Massachusetts.

Full-time Limited Access scallop permit holders have a long and documented history of participation in New England and Mid-Atlantic fisheries, including the summer flounder fishery. The vast majority of FSF’s participants—and the Amendment 4-based Limited Access scallop permit holders generally—qualified for and maintain summer flounder permits. As we previously requested in response to the publication of a control date for the purpose of limiting entry to the summer flounder fishery,<sup>3</sup> FSF’s participants’, and scallop Limited Access permit holders’, participation, interest and permits in the summer flounder fishery must be recognized and maintained in any future amendment to the Summer Flounder, Scup and Black Sea Bass Fishery Management Plan (“FMP”).

FSF is particularly concerned with language in the scoping document that lists “commercial quota allocation strategies” as an issue that may be addressed in the amendment. The Mid-Atlantic Fishery Management Council (“Council”) developed the current structure for annual catch limits (“ACLs”) in its 2011 Omnibus ACL and Accountability Measure Amendment. That structure was challenged in court by environmental group Oceana, which claimed that the National Marine Fisheries Service (“NMFS”) violated the law by not creating a sub-ACL for the scallop fishery for summer flounder. FSF intervened in that lawsuit, and the Court ultimately rejected Oceana’s argument, explaining that sub-ACLs were not required and that a

<sup>3</sup> 79 Fed. Reg. 44737 (August 1, 2014).

Messrs. Beal and Moore  
October 30, 2014  
Page One Hundred Twenty-Eight

council had the flexibility to decide when (and when not) to use them.<sup>4</sup>

It is particularly important that the Council recognize these permits should not be dismissed as latent effort in the fishery. Amendment 4 granted permit eligibility to vessels that landed and sold summer flounder between 1985 and 1990. At that time, as in the present day, fishing industry participants needed to exercise flexibility in order to remain viable due to frequently changing conditions and regulations. This flexibility remains critical in light of many issues noted in the scoping document, including fluctuations in distribution and biomass of Atlantic fisheries, and it should be considered a primary objective of the FMP.

The scallop industry earned its summer flounder permits during the course of its participants' normal operations, and successfully helped defend the allocation structure that is currently attached to the permits. FSF therefore urges you to maintain the current permit and allocation regime for this fishery.

FSF further requests that any amendment to the summer flounder FMP include a thorough analysis of that fishery's impacts on the scallop resource. Before taking any action that may lead to large-scale changes to the fishery, the Council must understand its potential effects so as not to put the region's other lucrative fisheries at risk.

We appreciate the opportunity to submit these comments. Please do not hesitate to contact us if we may answer any questions or provide additional information.

Respectfully submitted,



David E. Frulla  
Andrew E. Minkiewicz  
Anne E. Hawkins

Counsel for Fisheries Survival Fund

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<sup>4</sup> *Oceana v. Bryson*, No. 2011-1896 (D.D.C. March 10, 2014) (“*Oceana’s* reply brief moves the goalposts and asserts that accounting for bycatch in the overall ACL is insufficient because it does not limit bycatch... But the MSA requires only that the agency minimize bycatch “to the extent practicable . . . .” In phrasing the requirement in such a fashion, Congress delegated to the agency the discretion to weigh the relevant factors. Indeed, the National Standards require the agency to balance several competing considerations in developing FMPs, indicating that Congress did not intend that FMPs must limit bycatch to the greatest extent possible.” (citations omitted)).

CHESAPEAKE BAY PACKING, LLC  
800 TERMINAL AVENUE  
NEWPORT NEWS, VIRGINIA 23607

Dr. Chris Moore  
Mid-Atlantic Fishery Management Council  
800 North State St.  
Suite 201  
Dover, DE 19901

Mr. Bob Beale  
Atlantic States Marine Fisheries Commission 1  
1050 North Highland Street, Suite 200A-N  
Arlington, VA 22201

October 31, 2014

Dear Dr. Moore and Mr. Beale:

Chesapeake Bay Packing is a waterfront packer and processor located in the small boat harbor in Newport News, Virginia. The company has participated in the summer flounder fishery as a packer since its inception in 1993, and our facilities have been involved in the fishery since the 1970's. We are pleased to offer the following comments on the proposed amendment.

### **Goals and Objectives**

The summer flounder FMP lacks any social and economic objectives, and the biological objectives are outdated. The plan has largely been driven and shaped by stock rebuilding requirements, without much attention to economic considerations. At the state level, Virginia took steps to ensure the economic sustainability of the fishery by further limiting the number of endorsement licenses that could land summer flounder in Virginia. As a result, Virginia has a viable directed fishery for the species.

We note that some states never took further steps to restrict access to the summer flounder fishery and are now in the position of having too many permits, not enough fish, and unviable trip limits. The Council and Commission should develop long term solutions to this pervasive problem to ensure an economically viable fishery along the coast.

The plan should also focus on improving the value of the commercial catch. This could be enhanced through improved coordination among the states to improve the timing of seasonal openings, to avoid episodic oversupply that depresses the value of production.

Historical participation in this fishery by coastal fishing communities should be prominent in the development of social and economic goals and objectives. For example, this could be addressed by adding a goal to ensure the successful continued participation of coastal fishing communities that have been historically dependent upon summer flounder. Other goals could be developed to improve the economic value and benefits of the fishery.

The biological objectives in the plan were developed during early stock rebuilding efforts and are no longer relevant now that the Council is operating under Annual Catch Limits (ACLs), Accountability Measures (AMs), and a risk policy with control rules. The biological goals and objectives should be updated accordingly. The plan should include a high level biological goal of managing the fishery sustainably at a healthy level that maximizes long term productivity and benefits.

### **Allocations**

We support maintaining existing allocations between and among sectors and states. Summer flounder have played a historically important role in sustaining our business and our fishing community. Any changes to allocations should be considered very carefully, since many participants in this fishery have built businesses based on their historical participation in the fishery.

### **Stock Performance**

The Council and Commission should conduct a comprehensive evaluation of the underperformance of the summer flounder stock, and develop specific strategies to improve the stock's performance and yield. The stock continues to underperform relative to stock assessment projections, resulting in declining biomass and quotas. Fishing mortality is likely underestimated, and specific sources of misspecification should be evaluated. The RSA cases recently made by NOAA OLE and New York law enforcement point to significant non-compliant catch. Discards may also be underestimated as a result of relatively low observer coverage in the region and reliance on VTR inputs. Finally, the 10% post-release mortality in the recreational fishery may underestimate actual mortality. All of these sources of mortality should be evaluated and addressed through the amendment process.

Improving stock performance should be an objective of the plan. The Council and Commission should develop strategies to minimize discards and waste in the fishery to the extent practicable. Regulatory discards and non-regulatory discards (e.g. high-grading) should either be converted to landings or avoided.

### **Catch Monitoring**


Catch monitoring at the state level is inconsistent along the coast. Following the RSA cases, unreported catch appears to be a significant leak within the stock, and the problem is likely broader than the RSA cases. The plan should ensure adequate levels of catch monitoring throughout the range of the fishery, and the Council and Commission should evaluate measures to enhance catch monitoring and facilitate enforcement (e.g. call-in requirements).

**Landings Flexibility**

We would oppose shifting landings away from states that have a high degree of historical dependence on summer flounder landings. Landings drive extensive economic activity within our community that would be lost if landings are redirected to other states. Since Virginia has a relatively strong catch monitoring system for this fishery, we would also be concerned about redirecting Virginia quota to land in other states with less robust catch monitoring systems.

Summer flounder landings drive extensive economic activity within our community and connect the boats to local businesses at many levels. Trawl boats require fuel, supplies, ice, groceries, and repairs on an ongoing basis. Upon landings, these vessels are immediately connected to dozens of businesses within Newport News and Hampton Roads. These businesses have depended on this activity associated with summer flounder landings since the fishery was developed in the 1950's. Current landings are a fraction of they were in the 1980's, but they remain a significant focus of our offshore fleet, and we are committed to their sustainable future. These strong historical connections between this fishery and our community should be preserved by the plan through this amendment.

Thanks for the opportunity to provide comments on this important amendment to the summer flounder plan.

Sincerely,  
  
Manager





October 31, 2014

Chris Moore, Ph.D., Executive Director  
MAFMC  
800 North State Street, Suite 201  
Dover, DE 19901

Bob Beal, Executive Director  
ASMFC  
1050 North Highland Street, Suite 200A-N  
Arlington, VA 22201

By Email: [nmfs.gar.FlukeAmendment@noaa.gov](mailto:nmfs.gar.FlukeAmendment@noaa.gov)

Re: **Comprehensive Summer Flounder Management Amendment PID**

Chris and Dave:

Thank you for the opportunity to provide comments on the Fluke PID. I am writing on behalf of the 250 employees of our family-owned, vertically-integrated seafood processing facility and the company-owned and independently-owned commercial fishing vessels and crew whom work to support us here in the port of Cape May.

Our comments will follow the order of the five issues outlined in the PID and focus on the management questions related to them.

### **FMP Goals and Objectives**

Now that the summer flounder resource is no longer overfished, the FMP's goals and objectives should be modified, to focus less on overfishing and more on sustainability.

We are suggesting a few biological and economic goals/objectives, below. These suggestions may apply to both the region's commercial and recreational fisheries:

- Promote an economically viable fishery, taking into account the geographic distribution of all components of catch, while minimizing transit times at sea.
- Promote the long term sustainability of the resource, to sustain the region's fishing communities
- Maximize the productivity of the fisheries, by turning discards into landings.
- Align fleet capacity with available quota in the federal and states' commercial fisheries, with consideration of incidental catch, catch history and future access to the fishery.
- Improve compliance with the sustainable, adaptive management of all components of catch, by improving monitoring and enforcement and utilizing technologies that enhance data collection requirements and protocols.
- Utilize the Council's, cooperative research partners' and Science Center's combined resources to reduce uncertainties in species assessments, to maximize yields in all components of catch.

### **Quota Allocation Between the Commercial and Recreational Fisheries**

After evaluating catch data from the two sectors, since the implementation of the 60/40 split in 1993, we do not believe there is any justification for reallocating quota between these two sectors of the fishery.

We understand that the Council will be using consultants to further evaluate this issue. During this evaluation, it will be important that an economic valuation of the commercial fishery be performed, which will extend beyond the ex-vessel value of commercial catches.

### **Commercial Summer Flounder Management Measures and Strategies**

We believe that establishing landings flexibility in the commercial fishery is a primary justification for pursuing a plan amendment. Whether the distribution of the fluke resource is changing relative to warming ocean temperatures in the region or an expansion of the resource due to its' recovery, this federal resource should be able to be landed in ports nearby where it is caught. Fluke fishery management should be responsive to changing resource conditions with the goal being the improvement of the performance of the fishery. It makes more economic, safety and environmental sense to move this fish to market by truck, rather than boating it long distances at sea.

Many fishermen and boat owners in this fishery hold a variety of state permits and, today, are required to land fish authorized by these permits in the permitting state (with the exception of North Carolina fish being landed in Virginia or small amounts allocated between the states for safe harbor purposes).

We do not believe it is necessary to change the existing state-by-state allocations that characterize today's commercial fishery, in order to provide landings flexibility in the fishery, but it will be necessary for the States to commit their enforcement agencies to work with dealers so that this fish can be landed where it is caught, utilizing modern technologies to segregate one state's catches from another.

Evaluating state and federal waters catches could help to analyze the most appropriate solution in this case, along with consideration of whether landings flexibility may occur when a state's directed fishery is either opened or closed.

We also believe that a primary reason for moving this amendment forward is to attempt to match fleet capacity with stock size, with the goal being the maintenance of an economically-viable fishery. Evaluating the performance of current permit holders should help in developing a system to allow active participants to succeed while maintaining some lesser level of access to those permit holders that are not active.

Addressing latent effort in the fishery should aid in effectively managing the fluke resource in the future, towards the greatest economic benefit to the nation, the region and the fishing communities that have been making consistent investments in pursuing the fishery up to this point in time.

### **Recreational Summer Flounder Management Measures and Strategies**

We are making no specific recommendations, relative to managing the recreational fisheries, at this time.

### **Summer Flounder Discards in the Commercial and Recreational Fisheries**

A primary goal of a new plan amendment should be evaluating options that turn discards into landings and create responsible fishing outcomes, including enhanced reporting protocols that utilize modern communication technologies.

### **Other Issues**

We encourage the Council to use its fluke plan to establish AMs related to the creation of any sub-ACLs established in any NEFMC FMP.

Thank you for the opportunity to provide these comments relative to a comprehensive review of the summer flounder fishery management regimes. Please do not hesitate to contact me if I can provide you with any additional information.

With best regards,

*Jeff Reichle*

Jeffrey B. Reichle  
President

October 31, 2014



Chris Moore, Ph.D. Executive Director  
Mid-Atlantic Fishery Management Council  
North State Street, Suite 201  
Dover, DE 19901  
FAX: (302) 674-5399

**RE: Summer Flounder Scoping and Public Information Document Comments**

Dear Dr. Moore:

Please accept the following comments from the Recreational Fishing Alliance (RFA)<sup>5</sup> in regards to the comprehensive summer flounder scoping and public information document. Fortunate for the fishermen of the mid-Atlantic region, the summer flounder fishery is a rebuilding success. The heavy lifting of rebuilding, reductions to harvest and industry driven improvements to the stock assessment have resulted in a relatively stable, robust fishery. Fine tuning is now required to ensure that stakeholders have an equal opportunity to enjoy the benefits of rebuilding the summer flounder fishery. RFA is optimistic that this document will address these issues and make the necessary refinements.

RFA provides the following general comments on the issues included in the scoping and public information document.

**ISSUE 1: FMP Goals and Objectives**

RFA notes that the goals and objectives of the summer flounder fishery management plan have different implications for the commercial and recreational sector. While it is understood and observed that when a stock is rebuilt and the subsequent quotas increase, the commercial sector becomes more profitable. The same cannot be said for the recreational sector and because of that RFA suggests that goals and objectives are needed to specifically address the needs of the recreational component of the summer flounder fishery. RFA suggests including three additional goals and objectives; 1) Promote stability in terms of management measures on an annual basis, 3) Promote consistency between neighboring waters in the recreational summer flounder fishery

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<sup>5</sup> The Recreational Fishing Alliance (RFA) is a national, grassroots political action organization representing individual recreational fishermen and the recreational fishing industry. The RFA Mission is to safeguard the rights of saltwater anglers, protect marine, boat and tackle industry jobs and ensure the long-term sustainability of U.S. saltwater fisheries. RFA members include individual anglers, boat builders, fishing tackle manufacturers, party and charter boat businesses, bait and tackle retailers, marinas, and other businesses in fishing communities

when possible, and 2) Manage the fishery to allow the greatest socioeconomic benefit to all fishermen and fishing related businesses.

### **ISSUE 2: Quota Allocation Between the Commercial and Recreational Fisheries**

It is well known that the RFA has been critical of the commercial/recreational summer flounder allocation established in 1992 through Amendment 2 to the summer flounder fishery management plan. Amendment 2 selected a baseline time frame and the sector specific summer flounder landings during that period were used to create the 60/40 allocation. This approach was as described as representative of the “historical significance” of summer flounder to each sector. RFA has taken issue with this approach since the recreational landings data used to justify the allocation was limited to years 1981 and later. This was a period of time when there was massive government assistance to promote the domestic commercial fishing industry following the Magnuson Act passing in 1976 which removed foreign boats from US waters. The influx of assistance allowed for bigger, more powerful vessels which began targeting summer flounder on the edge of continental shelf when they spawn during the winter months. These were fishing grounds not traditionally targeted by commercial boats and allowed them to report massive landings. On the recreational side, the historical recreational landings (pre-1981) data produced by the US Bureau of Commercial Fisheries, the precursor of National Marine Fisheries Service, indicated that recreational summer flounder landings far exceeded commercial landings going back to the early 1960’s. The commercial dominance in landings was only a recent phenomenon. To this point, RFA submitted a petition for rule making to address the commercial/recreational allocation. The court charged the Mid Atlantic Fishery Management Council (MAFMC) to undertake the issue of commercial/recreational allocation through an amendment to the summer flounder, scup and black sea bass fishery management plan. Unfortunately, this issue was not included in Amendment 15 by MAFMC in 2003. 11 years later, RFA hopes that this issue can finally be addressed in the current amendment.

RFA is well aware that commercial/recreational allocation decisions are often one of the most contentious and difficult taken up by the MAFMC and other commission and regional councils. To complicate the issue, current recreational data collection programs, as determined by the National Research Council, are not adequate for quota monitoring or management decisions. Therefore, it is difficult to point to a certain timeframe that is representative of the historical importance of the fishery due to the inaccuracy and lack of confidence in the data. Likewise, it would be arbitrary to propose a 50/50 allocation for example despite it being more equitable than the current allocation and an option that RFA would likely support. Based on these factors, RFA believes the MAFMC needs to develop a wide range of options to address the summer flounder allocation; options that reflect the very dynamic nature of the recreational fishery and its limitations in terms of data collection. Unlike the commercial summer flounder fishery that has limited permits, fixed number of vessels and a limited number participants, the recreational sector needs to have the ability to expand and contract, to allow and even encourage new participants to enter the fishery. In addition, the MAFMC needs to allow for adequate flexibility with the commercial/recreational allocation to ensure that recreational management measures can be implemented that offer the greatest opportunity to the greatest number of anglers. RFA suggest that MAFMC look to the bluefish fishery as a possible example of how the summer flounder commercial/recreational allocation could be revised. Or, look to the Gulf of Mexico Fishery Management Council red snapper fishery where the commercial/recreational allocation is 51/49.

The Gulf Council recent approved amendment 28 to the Reef Fish Fishery Management Plan that would allocate 75% of the quota above 9.12 million pounds to the recreational sector. Such an approach would that ensure adequate quota was allocated to the recreational sector to develop reason regulations that promote the maximum socioeconomic benefits for that sector. This amount may change from year to year but would focus more on the regulations then the allocation. For example, allocate an amount of fish to the recreational sector that would allow the implementation of a May 15 through September 15 season, a 17.5 minimum size and a 4 fish bag limit. The remaining fish from the overall quota would be allocated to the commercial sector.

RFA understands that there will be opposition from the commercial sector that current receives 60% of the overall summer flounder fishery if the allocation is modified. However, the RFA submits that the commercial/recreational summer flounder must be revised in a favor manner to the recreational side. The reality is that there are fewer commercial summer flounder permit holders than in 1993 while at the same time the biomass has increased along with the overall annual quota. The commercial summer flounder fishery is 62% more profitable in 2013 than it was in 1993. With an increased biomass, commercial fishermen land their quota with less effort making them more efficient. The same cannot be said for the recreational sector. The MAFMC must ensure that both sector enjoy the benefits of a rebuilt summer flounder fishery equally which can be done through addressing the commercial/recreational allocation and making it more fluid.

### **ISSUE 3: Recreational Summer Flounder Management Measures and Strategies**

RFA encourages the MAFMC to develop and put forward options for this section that aim to provide opportunities for recreational fishermen in all modes; shore, for-hire, private, to engage the summer flounder fishery. While RFA is suspect of MRFSS/MRIP data and refrains from citing it for justification of a position, the data does show that overtime, the majority of landings in the recreational summer flounder fishery are attributed to anglers in the private vessel mode. Roughly 87% of recreational summer flounder landings occur in the private vessel mode in 2013 while in 1993, that number was roughly 75%. RFA speculates that this increase of private vessel landings can be attributed to increased boat ownership over the last 20years. In addition, RFA believes the increase is also an artifact of recreational management measures, primarily the minimum size limit. As the minimum size limit has increased over time, the majority of landings have come from deeper water where larger fish are more frequently encountered and where a boat is needed. The MRFSS/MRIP data also supports this conclusion. In 1993, only 2.5% of the total recreational summer flounder landings were taken from federal waters (>3miles) while in 2013, 53% of total landings came from federal waters which presents a 2020 percent increase in 20 years. Not only does a higher minimum size limit force anglers to focus more of their fishing effort in deeper waters which adds to their expenditures but it also greatly reduces the probably that near shore and particularly, shore-based anglers will catch a legal sized fish. The ever increasing minimum size limit has essentially made it highly unlikely that an angler fishing from the shore will land a legal sized summer flounder. RFA is concerned about this segment of the recreational summer flounder that has lost access to the fishery due to regulations and encourages the MAFMC to put forward options that allow this group of anglers to engage the summer flounder fishery again. The options may include different management options for shore based anglers or measures that vary by area; inland, <3 miles, >3 miles. RFA believes that anglers across all modes and areas of the fishery should have an equal opportunity to land legal size summer flounder. Moreover, such measures

may have an added benefit of reducing regulatory discarding in the recreational summer flounder fishery.

In closing, RFA appreciates the MAFMC tackling these important issues in the recreational summer flounder fishery. The MAFMC is viewed as the leader among the other regional councils due to its efficiency in rebuilding fisheries and ensuring its fishermen enjoy the efforts of rebuilding success. All the other councils look to the Mid-Atlantic for guidance in this regard. That said, RFA believes the MAFMC has a tremendous opportunity to move forward with new management approaches for the recreational summer flounder fishery that will allow it to fully enjoy the benefits of a rebuilt stock. Those benefits will be greater access for all anglers to engage the summer flounder fishery, the allowance of new entrances in the recreational summer flounder fishery and the obvious economic benefits to fishing business and coastal communities. RFA also notes that it is now, in the early stages of the amendment that the MAFMC should work with NOAA and the industry to collect more length frequency and biological information from recreationally caught summer flounder. Such data is extremely important and necessary to run more sophisticated sex specific models.

RFA eagerly awaits the next step in the amendment process and future opportunities to provide input.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Donofrio". The signature is fluid and cursive, with the first name "Jim" being particularly prominent.

Jim Donofrio  
Executive Director





212 West State Street  
Trenton, NJ 08628  
Phone: (609) 898-1100

[www.gardenstateseafood.org](http://www.gardenstateseafood.org)

Gregory P. DiDomenico, Executive Director

609-675-0202 / [gregdi@voicenet.com](mailto:gregdi@voicenet.com)

October 31, 2014

Chris Moore, Ph.D., Executive Director  
MAFMC  
800 North State Street, Suite 201  
Dover, DE 19901

Bob Beal, Executive Director  
ASMFC  
1050 North Highland Street, Suite 200A-N  
Arlington, VA 22201

### **Comments on: Comprehensive Summer Flounder Management Amendment PID**

Please accept these comments on behalf of the Garden State Seafood Association (GSSA); GSSA is comprised of commercial fishermen, shore-based processors, commercial dock facilities, seafood markets, restaurants, and various industry support businesses from New Jersey.

We request the current allocations remain the same and that state-by-state allocations be preserved. At this time we have decided to only comment on allocation issues.

In March of 2003 the RFA/United Boatmen petitioned the Agency to revisit the 60/40 % allocation. Over the next 6 years this issue was debated, analyzed and reviewed by the MAFMC, ASMFC, Management Board and Technical Committee. The petition was ultimately rejected and finally resulted in the Technical Committee concluding that any base year calculations would not change the percentages and there was no basis for equal allocation. In fact some calculations of base years would result in a larger commercial allocation. Furthermore in my opinion any reallocation would not have any biological benefit as justification or purpose.

I am requesting the staff conducts a complete review of the relevant documents and past administrative record associated with this issue.

As for allocation within the commercial fishery it is important to remember that the State of New Jersey voluntarily sets aside 10% of its quota to accommodate discards after the directed fishery is closed. In my

opinion this was meant to be mandatory for all states but I have yet to resolve this discrepancy. This issue was to be addressed in 2005 by the ASMFC Addendum XV but it failed to do so. The addendum was also supposed to address complaints of states with low historical landings by reallocating quota from other states, with a stipulation that those states took action to address situations that have exacerbated the issues associated with lower quotas. Neither of these issues was satisfied via the addendum. What did occur was a transfer of approximately 36,000 pounds from New Jersey to 4 states. We did not approve a transfer to the states of Maryland and Delaware due to the failure to demonstrate that a transfer would be used to reduce discards. It is unclear to me if individual states have taken action to address problems associated with lower quotas and I believe that changing state quotas is not the solution.

I am requesting the staff conducts a complete review of the relevant documents and past administrative record associated with this addendum.

Thank you for opportunity to comment.

Sincerely,  
Gregory P. DiDomenico  
Executive Director  
Garden State Seafood Association

Paul Haertel, President  
Jersey Coast Anglers Association  
160 Doherty Drive  
Clifton, N.J. 07013



10/31/14

Atlantic States Marine Fisheries Commission  
Mid-Atlantic Fisheries Management Council,

The Jersey Coast Anglers Association is based in New Jersey and composed of approximately 75 clubs. We appreciate the opportunity to comment on the Comprehensive Summer Flounder Management Amendment.

The JCAA believes that the 60/40 split of the summer flounder quota favoring commercial fishermen is unfair. It was based on years that the commercial fishermen devastated the stock rather than more historic years when recreational fishermen caught a higher percentage of the fish. This split needs to be changed so that recreational fishermen receive at least 50% of the quota.

In 2014 New Jersey was forced into a regionalization program and more specifically into a region with New York and Connecticut. Much of the projected underage of fluke was taken from New Jersey and more southern states and given to New York. Though New Jersey is now in a region, it was given a lower target quota than it would have received under conservation equivalency and that was without any of the projected underage that should have been added on as it was in 2013. The end result was that NJ has overfished its target quota while New York and Connecticut have underfished theirs. Many believe that the MRIP numbers were manipulated that way to prove to New Jersey that regionalization works.

Further there is evidence that the fluke biomass has shifted further northward which was part of the reason this reallocation of fish was approved. However, even with New York's size limit being reduced to 18" from 19" while New Jersey's was increased from 17 1/2" to 18", New Jersey still caught far more fluke than New York. New Jersey has the most fluke, the most fluke fishermen and the highest percentage of fluke trips to overall fishing trips and yet it received a lower percentage of the overall quota than in the past.

The regionalization program was also supposed to correct the disparity from states fishing in the similar waters. Allegedly, it was unfair for New Jersey to keep fish at 17 1/2" in the New York Bight area while New York anglers had to abide by a 19" size limit. However, all the ASMFC did was transfer the problem. Now New Jersey anglers fishing in Delaware Bay have an 18" size limit while those fishing similar waters from Delaware have a 16" size limit. This has hurt the party and charter boat industry as well as tackle

stores and other businesses as people are now going to fish out of Delaware rather than New Jersey. Perhaps a portion of southern New Jersey should be placed in a region with Delaware, if we do not go back to conservation equivalency. This problem needs to be somehow corrected in time for the 2015 season.

JCAA also urges the ASMFC/MAFMC to develop more accurate science. The MRIP numbers would be laughable if they were not so negatively impacting the fishermen of our state. Boat sales, registrations, numbers of fishermen and the number of trips taken are all significantly down yet the MRIP numbers still show that we often overfish our quota. The saying that only the good fishermen are still fishing was started as a sarcastic joke but there are fisheries managers who actually believe this. With less than 1% of the fishermen being surveyed the data collected is often skewed by fishermen who were surveyed and happened to make a good catch on that particular day. The number of people surveyed has to be increased and there should be more contacts with those listed in the saltwater registry. A better method of counting the number of fishermen and trips they take must be developed.

There are far too many fluke being lost due to discard mortality. This is due to the high discard ratio of shorts to keepers. A shorter size limit for a fish or two would help but not at the cost of reducing the season length. People want to fish and want longer seasons but more importantly shorter seasons for some species create too much pressure on other species. For example in recent years, the fluke and sea bass seasons were closed at the same time leaving charter and party boats little to fish for. Many of them never used to target striped bass but began targeting them as they needed to fish for something and low and behold many of them became proficient at it. Now these boats target stripers regularly and are contributing to the decline of our striper stocks.

The lack of something to fish for is severely hurting our economy. Earlier this fall, fluke and sea bass seasons were both closed while at the same time we were only allowed to keep one blackfish. Stripers had not yet arrived and blue fishing was sporadic and not everyone wants to fish for blues anyway. The end result was that many people did not fish while some bottom fishing boats targeted offshore wrecks heavily pressuring cod just as they are starting to make a nice comeback in our area.

Sea bass are another big problem. The overall biomass is severely underestimated. Their range and size has increased significantly and we are overfishing our coast wide quota almost every year. New Jersey was forced to have regulations so strict in 2013 that it underfished its target but was forced to have even stricter regulations in 2014 because the region overfished. The end result is that New Jersey is harvesting far a lower percentage of the overall catch than it used to. The fact that the coastwide quota continues to be overfished shows that there is an abundance of fish and the quota is far too low. The coastwide quota for sea bass needs to be significantly increased.

Sincerely,

Paul Haertel  
President, JCAA  
Cell (973) 943-8201  
Home (973) 472-5630  
E-mail – anglerpmh@aol.com

**Rianda S. Fisheries, Inc.**  
**c/o Chuck Weimar**  
**P.O. Box 2017 Montauk, NY 11954**  
**(516) 971-1706**



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

Dear Mr. Moore

Please review my comments attached regarding the Summer Flounder Scoping document.

If you have any questions or need further clarification of any my comments, please feel free to contact me.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Chuck Weimar".

Chuck Weimar

## Summer Flounder Scoping Document

### Comments on Issues for Consideration

**Chuck Weimar**  
**F/V Rianda S**  
**Montauk NY**

#### Quota Allocation

- The commercial fishing supplies the general public of the United States. The current allocation of 60% commercial and 40% recreational should remain in effect in order for the commercial industry to meet the consumer demands across the country.
- State-by-state quota allocation was based on erroneous miscalculated information between 1980 and 1989. Different methods of collection landing information between port agents resulted in the erroneous quota allocation for New York.
- Because NMFS port agents used different methods of recording catch, the NY commercial industry was severely short changed in the state-by-state quota process for the last 20+ years.
- Being from NY and fishing in federal waters, we should not be discriminated against because of our state of origin.
- Before this arbitrary state-by-state quota allocation for fish harvested in the EEZ, most all of the boats would travel up and down the coast catching fluke and unloading in any state the captain chose. Now, it has gotten to an unrealistic point of wasting fuel, wasting time, and sacrificing product quality.
- Additionally, safety at sea should be addressed in this amendment. Steaming hundreds of miles in each direction unnecessarily, makes no sense at all in this day and age.
- We are fishing with a federal permit in federal waters and have to comply with all federal regulations. Why should our home port determine what we are allowed to catch?
- Through the process of this amendment, it should be emphasized that fluke harvested from federal waters (EEZ) will no longer be managed on a state-by-state basis. This amendment is long overdue.

#### Commercial Management Measures and Strategies

- The management system should be changed to federal quota when fishing in federal waters and the ability to land in whatever port is the safest and closest port the captain chooses. Getting the harvest to the market with the best quality should be paramount to the American consumers and this management council.
- Flexible landings should be implemented - it makes no sense to have to steam all over the ocean to land fish that are caught right in federal waters right off our home port.
- The amendment must follow the national standards 4 and 10.

- **National Standard 4** - Conservation and management measures shall not discriminate between residents of different States. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocations shall be (A) fair and equitable to all fishermen; (B) reasonably calculated to promote conservation; and (C) carried out in such a manner that no particular individual, corporation, or other entity acquires an excess share of such privileges.
- **National Standard 10** - Conservation and management measures shall, to the extent practicable, promote the safety of human life at sea.
- Review qualifying criteria for federal fluke licenses. NMFS has taken numerous permits for other fisheries in the EEZ based on council recommendation for criteria based on landing history. There has to be landing criteria established based on 20 years of landings to show long term dependence in the fishery.
- The control date should have been set when fluke went to be a quota managed species. The pie cannot be split any further with new participants into the fishery. A new control date was not necessary.
- Latent effort must be addressed before this amendment is finalized. In other fisheries, they are taking permits away left and right due to inadequate landings.

#### **Discards in the Commercial and Recreational Fisheries**

- Regulatory discards should be the biggest issue and concern. Participating in the ground fishery targeting yellowtail and winter flounder, fluke are caught and discarded due to no quota. Consideration should be given to this issue.

#### **Other Issues/Comments**

- Do not let state-by-state politics get in the way of managing a coast wide resource.
- Representatives from various states were chosen to be on the council because of their knowledge and expertise in the fisheries NOT their political associations. Now it seems that politics is the driving the bus.
- After the Magnuson Stevens act was passed and the NMFS the council process was formed, it was all about conservation. Now it is all about ALLOCATION. What happened?
- I have been a commercial fisherman for over 40 years fishing out of Montauk NY. Thank you for consideration of my comments.

Sincerely,



Chuck Weimar

F/V Rianda S

Email: [star2017@aol.com](mailto:star2017@aol.com)

Phone: 516-971-1706



Fax from : 516 668 3704

10-31-14 16:31 Pg: 1

The Letter is in response to comments on the Fluke Management program. I have been fishing for 45 years, I used to bring in up to 35000 lbs a trip of Fluke. When the fluke rebuilding process started, we were told that we didn't have landing data from the state of New York. The only data that they had was from NMFS which was totally unreliable. We were then told that when the stock was rebuilt we would come up with a fair allocation for all. This has never happened, and as a result the fishermen of New York have been losing a major portion of their income. My last trip I could only land 50 lbs of Fluke. It's been that way for months. It's time we reallocate this stock to be shared for all, not just a few. I am in favor of the

60 commercial - 40 Recreational split.

- Reallocation of the fluke stock to recreational users
- Flexible Landings between states
- Equal access to Federal waters

Fax from : 516 668 3704

PHONE NO. : 516 668 3704

10-31-14 16:31 Pg: 2

I am not in favor of ITQ's or IFQ's, this only hurts fisherman who haven't had equal access.

Thank you for my  
consideration of my comments  
Kevin Maguire  
F/V Evening Prayer

**SCOC FISHERIES**

Fresh Seafood

12933 Harbor Road \* Ocean City, MD 21842

Phone: 410-251-0903 \* Fax: 410-213-1333

RB  
TK  
KBM

DATE: 10/31/14

FROM: OC PWA

TO: ASMEC

FAX: ATT: Bob Beal 703-842-0741

SUBJECT: Summer Flounder admendment  
scoping comments

PAGES INCLUDING COVER: 47

Please Submit Also TO Mid Atlantic Council  
copy

Commercial Watermen: An Endangered Species

## LAW OFFICE

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 ROBERT J. MERRIKEN \*  
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 BRYNJA MCDIVITT BOOTH  
 THOMAS C. MARRINER \*  
 ELIZABETH ANN EVINS  
 SARAH M. EVERHART \*

† ADMITTED IN MD & VA

\* ADMITTED IN MD & DC

\*\* OF COUNSEL

October 31, 2014

ASMFC

Dear Sir/Madam:

I represent the Ocean City Professional Watermen's Association, an Association of Commercial Fishermen, seafood dealers, and interested parties here in Worcester County, Maryland.

This letter is written to inform the regulating agencies our position regarding fluke (summer flounder) and black sea bass allocations, based on the ASMFC idea of giving away part of Maryland's fluke and bass quota to the northern states.

ASMFC has already impacted to a very serious degree, the Maryland's Atlantic watermen and dealers in other fisheries, such as spiny dog shark (stolen quota), lobster (erroneous data), striped bass (northern states political pull for reduction) and horseshoe crab (caving in to environmental groups, not based on science).

Maryland's Atlantic fishermen have always been a model in conserving the fish for all user groups. However, if a shift in quota allocation should occur in the ASMFC process, the potential is now imminent for our fishing vessels with Federal Permits to fail in their businesses. The current system of allocation for the commercial sector is working and should not be tampered with. Also, fluke and black sea bass should be landed in the states which they are allocated the quota. The reason being, small fish dealers and local crews down the coast depend on this fish to survive economically. ASMFC needs to put aside their political agenda and to start looking out for all participants, not just the northern states. Also by 'northern states,' I mean those above the Delaware Bay.

October 31, 2014

Page Two

This geographical shift of reasoning to redistribute the quota is not about the conservation of the fish. It is about the northern ASMFC Commissioners' greed to acquire more quota. We (the Maryland Atlantic Fisherman and dealers) have followed the rules and are reaping the benefits, but now ASMFC wants to punish us and put commercial watermen in Maryland out of business.

Please keep the current FMP intact, so that small businesses (Maryland's commercial fishing fleet and dealers) may flourish.

I want to thank you for your very kind consideration. The signatures of my clients, evidencing their consent, is attached.

Very truly yours,

A handwritten signature in black ink, appearing to be "Hugh Cropper, IV", written in a cursive style.

Hugh Cropper, IV

HC/tgb

F/V INVESTIGATOR 330434 / 620005 Fluke + Black Sea Bass	Mike Coppa Michael Coppa
F/V STARBRITE 330167 / 561989 Fluke + Black Sea Bass	Kenneth Hand Kenneth Hand
F/V VALERIE MARIE 240206 / 247522 Fluke	Paul Tolau David Trader
F/V Tony + Jan 285402 / 285402 Fluke	Jeff S. Eutsler Jeffrey S. Eutsler
F/V Rita Diane 310376 / 623192 Fluke	Andy Jackson Andrew Jackson
F/V Andrew G 147115 / DL3985U Black Sea Bass	Tom W. Taylor Chester Townsend
F/V PAKA M7622 / DL5168Y Black Sea Bass	Paul W. Townsend Paul W. Townsend
F/V Skiffhille 2402457 554582 Black Sea Bass	Earl R. Gouin Jr. Earl R. Gouin Jr.
F/V EIIA 146019 / MD939680 Black Sea Bass	Edward J. Smith Edward J. Smith
Southern Connection SFD. Federal Desk 01439 JAMES PATRICK REESE J	James P. Reese Jr.