Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment

PUBLIC COMMENT SUMMARY

March 2021



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

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1 INTRODUCTION AND COMMENT SUMMARY

1.1 OVERVIEW

This document summarizes public comments on the Summer Flounder, Scup, and Black Sea Bass Commercial/ Recreational Allocation Amendment. Through this action, the Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission (Commission) are considering potential modifications to the allocation of catch or landings between the commercial and recreational fishing sectors for all three species, as well as the potential to transfer annual quota from one sector to the other. Additional information and amendment documents are available at: http://www.mafmc.org/actions/sfsbsb-allocation-amendment.

Five virtual public hearings were held between February 17 and March 2, 2021, targeted toward certain states or regional groupings of states (About half of the comments associated with the commercial fishery came from the form letter with 111 signatures; Table 1). Hearings were attended by approximately 233 unique individuals in total, excluding Council and Commission staff. Approximately 49 unique individuals provided comments across all hearings.

Written comments were accepted from January 15, 2021 through March 16, 2021. In total, 311 individuals or organizations either provided written comments (200) or signed a form letter (111) on this action.[1] Some of these commenters overlapped with those providing comments at hearings.

In total, 334 unique individuals and organizations provided comments during hearings and/or in writing. Attempts were made so that individuals who provided multiple comments (e.g., in person and written, multiple in person, or multiple written comments) were only counted once towards the tallies included later in this document. In some instances, individuals provided in-person comments on behalf of an

[1] Only one document was formatted as a form letter; however, some other written comments were signed by more than one individual or included parts that were identical to other written comments. In all cases, every attempt was made to tally the number of individuals supporting a particular outcome while avoiding double-counting comments made by the same individual through multiple ways of commenting.

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

Although organizations represent multiple individuals, comments from individuals and organizations are counted equally in the tables below. Comments from organizations are not tallied separately from individual comments.

All public hearing comments are summarized in Section 2 of this document and all written comments are included in Section 3.

Twenty-three percent of the 334 individuals and organizations who provided in-person and/or written comments were primarily affiliated with the recreational fishery, and 69% with the commercial fishery (Table 2). About half of the comments associated with the commercial fishery came from the form letter with 111 signatures.

Table 1: Amendment public hearing schedule.

Date	Regional Grouping
Wednesday, February 17, 2021	Massachusetts and Rhode Island
Thursday, February 18, 2021	New Jersey
Wednesday, February 24, 2021	Delaware and Maryland
Monday, March 1, 2021	Virginia and North Carolina
Tuesday, March 2, 2021	Connecticut and New York

Table 2: Number of unique individuals and organizations who provided webinar and/or written comments (including 111 form letter/petition signatures which were associated with the commercial sector) by primary affiliation.

Primary sector	Number of individuals/organizations	Percent of total
Commercial sector	229	69%
Recreational sector	77	23%
Unknown/not specified	13	4%
Multiple	11	3%
Other	4	1%
Total	**334**	**100%**

1.2 COMMENT SUMMARY

Public comments are summarized in the text and tables below, grouped first by comments pertaining directly or indirectly to the alternatives under consideration in the amendment (Tables 3-5), followed by comments on other issues (Table 6). Only those topics addressed by more than two individuals or organizations, or those directly related to specific alternatives are included in the summaries below. However, all comments are included in sections 2 and 3 of this document.

In total, 69% (230) commenters (individuals or organizations) supported status quo allocations for all three species and 15% (50) supported a change in the allocations for at least one of the three species. Of

those who supported a change, 45 supported a change for summer flounder, 40 supported a change for scup, and 43 supported a change for black sea bass (Table 3). In some cases, individuals or organizations commented on only one or two of the three species if they did not fish for all three.

The majority of commenters who supported status quo allocations for all three species were in the commercial sector. The rationale provided varied, but common themes included fairness concerns regarding differences between the commercial and recreational sectors in terms of constraints on fishing effort, differences in accountability for landings limit overages, or concerns about negative economic impacts that would result from a reduced commercial allocation (Table 3).

Those who supported a change in the allocations also provided various justifications for doing so. Common themes included a desire to update the allocations to use the revised MRIP data, which represents the best available science and is used in all other parts of the management process, or a desire to set allocations based on more recent historical averages than the current allocations. Comments in favor of specific alternatives for modified allocations are shown in Table 3. For all three species, the comments in favor of a specific change were spread among a few different alternatives, with no alternative gaining a clear majority of support among those who favored a change. In general, commenters who favored a change tended to favor catch-based alternatives over landings-based alternatives (Table 3). Those who provided a rationale for catch-based allocations typically said it is a more logical approach given that both sectors must be managed with catch limits. Some also said it would be more appropriate given differences in discarding between the two sectors.

As previously stated, 69% of the total commenters supported no change in the allocations; therefore, there would be no change to phase in and they did not comment on the phase-in alternatives. Twenty-one commenters expressed support for no phase-in, 10 commenters supported a 2-year phase-in, 1 commenter supported a 3-year phase-in, and 1 commenter supported a 5-year phase-in (Table 3). In some cases, a commenter supported more than one phase-in alternative (e.g., either a two or three year phase-in); therefore, the total number of comments for each phase-in alternative should not be added across alternatives as that would result in some double counting. The rationale provided for each alternative varied. A common justification for no phase-in was that past changes in commercial quotas and Recreational Harvest Limits (RHLs) were not phased in, or that an allocation change is needed to address an immediate or longstanding issue; therefore, changes in allocation changes should not be phased-in. Those who supported a phase-in tended to support shorter phase-ins, usually with the justification that an allocation change is needed to address a problem in the fisheries; therefore, the phase-in period should not be too long.

At total of 184 commenters said they did not support transfers between the sectors and 18 supported bi-directional transfers. Comments regarding transfer caps were spread among multiple transfer cap alternatives (Table 4). Commenters who provided a rationale for not allowing transfers tended to say that they did not think transfers were needed, they were concerned about potential impacts, or that a need for a transfer would indicate that the allocations are not set appropriate or there is a potential issue with the stock. Those who supported transfers said they could be a useful tool in the toolbox; however, several commenters said they would only support transfers in very specific circumstances or after additional analysis or a better understanding of the impacts.

A total of 178 commenters said they did not support making future allocation changes through a framework/addendum (Table 5), in most cases stating that allocation changes have major impacts and should be done through the more thorough amendment process which includes more opportunities for public input than frameworks/addenda. A total of 21 commenters said they would support the use of

frameworks/addenda to revise allocations (Table 5) as this could be a more efficient way to adjust the allocations.

Table 6 lists some common comment themes which are not directly related to allocations (e.g., comments about recreational bag/size/season limits, habitat issues, or general concerns about stock status).

Table 3: Summary totals for comments related to commercial/recreational allocation alternatives and phase-in provisions (alternative set 1). Totals should not be summed between rows as this would result in double counting of individuals/organizations who commented in multiple categories.

Comment Topic/Theme	Number of unique individuals/ organizations	% of total comments
General Positions on Allocation Changes		
Status quo allocation for all 3 species	230	69%
Supported an allocation change for at least one species	50	15%
Supported summer flounder allocation change	45	14%
Supported scup allocation change	40	12%
Supported black sea bass allocation change	43	13%
Specific Allocation Alternatives: Summer Flounder		
1a-1: 44% com., 56% rec. (catch based)	4	1%
1a-2: 43% com., 57% rec. (catch based)	12	4%
1a-3: 40% com., 60% rec. (catch based)	16	5%
1a-4: 60% com., 40% rec. (**status quo**; landings based)	230	69%
1a-5: 55% com., 45% rec. (landings based)	0	0%
1a-6: 45% com., 55% rec. (landings based)	8	2%
1a-7: 41% com., 59% rec. (landings based)	5	1%
Specific Allocation Alternatives: Scup		
1b-1: 78% com., 22% rec. (**status quo**; catch based)	231	69%
1b-2: 65% com., 35% rec. (catch based)	1	0%
1b-3: 61% com., 39% rec. (catch based)	18	5%
1b-4: 59% com., 41% rec. (catch based)	8	2%
1b-5: 57% com., 43% rec. (landings based)	9	3%
1b-6: 56% com., 44% rec (landings based)	0	0%
1b-7: 50% com., 50% rec. (landings based)	4	1%
Specific Allocation Alternatives: Black Sea Bass		
1c-1: 32% com., 68% rec. (catch based)	10	3%
1c-2: 28% com., 72% rec. (catch based)	8	2%
1c-3: 24% com., 76% rec. (catch based)	10	3%
1c-4: 49% com., 51% rec. (**status quo**; landings based)	234	70%
1c-5: 45% com., 55% rec. (landings based)	0	0%

Comment Topic/Theme	Number of unique individuals/ organizations	% of total comments
1c-6: 29% com., 71% rec. (landings based)	10	3%
1c-7: 22% com., 78% rec. (landings based)	5	1%
Phase-In Alternatives		
1d-1: No phase-in **(status quo)**	21	6%
1d-2: Allocation % shift evenly divided over 2 yrs	10	3%
1d-3: Allocation % shift evenly divided over 3 yrs	1	0%
1d-4: Allocation % shift evenly divided over 5 yrs	1	0%
Catch vs. Landings Based Approaches		
Supported at least one catch-based alternative (and no landings-based alternatives)	18	5%
Supported at least one landings-based alternative (and no catch-based alternatives)	3	1%
Supported catch-based as a concept	16	5%
Supported landings-based as a concept	2	1%
Common Themes or Justifications Related to Allocation Comments		
Commercial fishery is much more controlled/constrained than recreational (e.g., limited access, in-season closures)	25	7%
Commercial catch is much better quantified than recreational catch	25	7%
More recreational accountability is needed/recreational sector should pay back overages	16	5%
Commercial sector cannot afford to lose quota/livelihoods are at stake	167	50%
Negative impacts to general public/consumers if lower com allocation (e.g., need a steady supply of affordable fish)	134	40%
Comments in favor of pursuing Recreational Reform first or instead of allocation changes	35	10%
Comments in support of Recreational Reform, but not instead of or before this amendment	11	3%
Allocations should use new MRIP as it is best available science; allocations should reflect current fishery conditions and data	15	4%
Reallocation will turn commercial landings into recreational dead discards	23	7%
Concerns about validity of data (mostly referring to MRIP, but a few concerns about commercial data also expressed)	15	4%
The alternatives don't have a strong scientific basis or the basis is not well justified	7	2%
The impacts analysis is not sufficient or complete (e.g., only includes example quotas and RHLs)	3	1%

Table 4: Summary totals for comments related to transfer provisions (alternative set 2). Totals should not be summed between rows as this would result in double counting of individuals/organizations who commented in multiple categories.

Comment Topic/Theme	Number of unique individuals/ organizations	% of total comments
Transfer Provisions		
2a: no transfers **(status quo)**	184	55%
2b: Allow optional bi-directional transfers	18	5%
2c-1: No transfer cap; any amount of ABC	3	1%
2c-2: Max transfer of 5% of the ABC	5	2%
2c-3: Max transfer of 10% of the ABC	6	2%
2c-4: Max transfer of 15% of the ABC	1	0%

Table 5: Summary totals for comments related to framework/addendum provisions (alternative set 3). Totals should not be summed between rows as this would result in double counting of individuals/organizations who commented in multiple categories.

Comment Topic/Theme	Number of unique individuals/ organizations	% of total comments
Framework/Addendum Provisions		
3a: No action **(status quo)**	178	53%
3b: Allow future changes to com/rec allocations, transfers, and other measures included in this amendment to be made through framework actions/addenda	21	6%

Table 6: Summary comment totals for other prominent comment themes. Totals should not be summed between rows as this would result in double counting of individuals/organizations who commented in multiple categories.

Comment Topic/Theme	Number of individuals/ organizations	% of total comments
Other Comments Not Directly Related to Amendment Alternatives		
Comments on recreational bag/size/season limits (e.g., recreational measures should be liberalized, summer flounder size limits should be increased, commercial/recreational size limits should be more equitable, seasons should be coordinated to have something to target)	36	11%
Discards are a problem and need to be addressed (along with or instead of allocations; both recreational and commercial discards mentioned)	19	6%
General concerns about stock status and impacts of fisheries generally	11	3%

Comment Topic/Theme	Number of individuals/ organizations	% of total comments
Commercial fishing is detrimental/should be reduced (e.g., privatization of a public resource, concerns with effort during spawning season, bycatch issues)	13	4%
Commercial access should be expanded and/or measures liberalized (e.g., increase commercial allocation, increase permit availability for commercial sector, increase possession limits)	8	2%
Better recreational enforcement is needed (too much non-compliance or restrictive measures lead to non-compliance)	8	2%
Catch limits should be higher for both sectors	7	2%
Concerns about habitat issues (e.g., pollution, beach replenishment)	6	2%

2019 Recreational Black Sea Bass Discards in Weight

Estimates of recreational black sea bass dead discards in weight for 2019 were raised as a concern at all five public hearings and were also referenced in some written comments. As described below, incorrect information about 2019 recreational discards in weight was corrected midway through the hearing process, generating some confusion, as reflected in the hearing summaries below.

The National Marine Fisheries Service (NMFS) Greater Atlantic Regional Fisheries Office (GARFO) sent a letter to the Council on January 15, 2021 with 2019 landings and dead discard estimates for the commercial and recreational sectors for the purposes of determining if the 2019 commercial and recreational annual catch limits (ACLs) had been exceeded and an accountability measure (AM) should be triggered. This letter is available here: https://www.mafmc.org/s/1_GARFO-SFSBSB-final-2019-catch.pdf.

The 2019 ACLs for black sea bass were based on a stock assessment that was completed before the revised time series of MRIP data was released. Therefore, the recreational landings and dead discards estimates for 2019 had to be back-calibrated to the "old" MRIP units to allow for comparison to the 2019 ACL. The January 15, 2021 letter from GARFO showed a 37% overage of the 2019 recreational ACL based on back-calibrated MRIP data due to higher than projected dead discards. After further reviewing these estimates, GARFO determined that the 2019 recreational discards in the January 15, 2021 letter were in fact in "new" MRIP units but mistakenly labeled as the "old" MRIP units. After correcting for this error, the discards in old MRIP units were much lower and it was determined that the 2019 recreational ACL had not been exceeded based on the back-calibrated estimates. GARFO sent a letter to Council and Commission leadership on February 24, 2021 (the day of the third public hearing for this amendment) explaining the mistake and the corrections. This second letter is available here: https://www.mafmc.org/s/2_GARFO-Revised-2019-BSB-Accounting.pdf.

Some stakeholders asked why the information presented during hearings and in the amendment public hearing document was not updated to account for this new information. It should be emphasized that only the back-calibrated 2019 recreational dead discard estimates in weight were corrected. These estimates in the "old" MRIP units are used only for the purposes of comparing catch against the 2019 ACL. All alternatives and analysis in the amendment use new MRIP data and, for the most part, rely on multiple years of data.

2 PUBLIC HEARING SUMMARIES

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

2.1 MASSACHUSETTS AND RHODE ISLAND

Wednesday, February 17, 2021, 6:00 p.m.

Attendees (78 excluding Council/Commission staff): Katie Almeida, Greg Ardini, Rick Bellavance, Joan Berko, Alan Bianchi, Michael Botelho, Bonnie Brady, Wayne Capizzi, Paul Caruso, Jesse Cheng, Chris Cokinos, Joseph Correia, Ed Coveney, Jack Creighton, Peter Cruz, James Cullen, Peter Cummins, Andy Dangelo, Bob Danielson, Jeff Deem, John DePersenaire, Greg DiDomenico, Edward Dietrich, Anthony DiLernia, Douglas Dockery, Michelle Duval, Dan Farnham, Christopher Fay, Frank Florio, Paul Haertel, Jared Hansen, Emerson Hasbrouck, Thomas Heimann, Dewey Hemilright, Rich Hittinger, Brett Hoffmeister, Robert Hojonoski, Kaitlyn Iannone, Lauren Josephs, Jeff Kaelin, Raymond Kane, Kevin Krupa, John Lake, Meghan Lapp, Harry Livingston, James Lukas, Eric Lundvall, Luciano Mascari, Conor McManus, Jason McNamee, Stephen Medeiros, George Mello, Stephen Mello, Nichola Meserve, Michael Monteforte, David Monti, Robert Morris, Richard Nealley, Stephen OMalley, Chris Parkins, Michael Pierdinock, George Place, Eric Reid, Paul Risi, Savonn San, Jack Skammels, Joel Southall, Greg Spier, RIT Stec, Paul Tokarz, David Tomasia, John Townes, Wes Townsend, James Troupes, Corinne Truesdale, Sam Truesdell, Michael Tucker, Paul Vafides, Nicholas Volino

Summary

Among the commenters at this hearing, five supported status quo commercial/recreational allocations, with some saying the Recreational Reform Initiative should take priority over this action. In contrast, two spoke in support of reallocation via this amendment using the new MRIP data, though they did not recommend a specific reallocation alternative during the hearing. Multiple participants expressed concern with high discards in the recreational fisheries in general and some specific concern over recent black sea bass recreational discards.

Some attendees raised questions about the resulting commercial quotas and recreational harvest limits (RHLs) under the allocation alternatives. Some participants noted that the current example limits in the document are based on projections and assumptions and expressed concern that actual future catch limits are not included in the document. Staff noted that it is not possible to precisely predict future limits, which depend on future ABCs which are unknown beyond 2021. Limits also depend on sector specific discard projections, which are informed by recent trends and Monitoring Committee advice. Example commercial quotas and RHLs in the document using the 2020 ABCs and a regression approach to estimate discards are the best estimate of future limits at this time.

There were also questions related to the 2019 black sea bass recreational discard estimate in a letter from GARFO on January 15, 2021 and why those numbers were not incorporated into the public hearing document. Staff noted that the hearing document was approved in December, before the letter was received, and incorporating a single additional year of data would not meaningfully change the alternatives, example quotas and RHLs because these values were derived from multiple years of data and longer-term trends.

Comments

Meghan Lapp (Seafreeze Ltd and Seafreeze Shoreside): The public hearing document is misleading because it uses scenarios to show the public what the results of each alternative are. In January, GARFO sent a letter showing the black sea bass recreational sector discarded over half of catch.[2] I don't believe this document is ready for final action. Taking quota from the commercial sector and giving it to the recreational sector won't even cover the recreational discards. Any resulting reallocation will result in real hardship on the commercial industry. Because of the black sea bass 2019 numbers, the numbers in this hearing document should be re-examined before final action. The Council should also complete Recreational Reform before final action on this amendment, especially since the black sea bass OFL was exceeded. We can only support no action at this time.

Rich Hittinger (Rhode Island Saltwater Anglers Association): We are in favor of reallocation for all three species. As shown in the presentation, the recent increases in recreational catch are an artifact of changes made in the MRIP estimation process. We feel it's necessary to put the recreational/commercial allocation back to the previous balance before those changes. We support updating the base years used to the most recent years for determining allocation. We also believe that if the recreational allowable catch is not achieved due to recreational fisheries releasing fish unharmed, this excess catch should not be part of any transfer to the commercial sector but should be allowed to contribute to an abundance of fish in the wild.

Katie Almeida (Town Dock): We agree that the numbers and analysis need to be correct before the amendment moves forward. We also support prioritizing Recreational Reform before any reallocation discussions. At this time will have to support no action on this amendment and will follow up with written comments.

Rick Bellavance (Rhode Island Charter and Party Boat Association): In this amendment there will be winners and losers so everyone will try to protect what they have. We feel strongly that we need to go through this process because we have a new way of understanding recreational catch. The revised MRIP numbers were used in the assessments that create our TACs and quotas, and if we use it for that then we have to use it for allocation distribution so that they are appropriate and fair. I think it's important that we go through this as soon as possible. Recreational Reform would be helpful, but at the end of the day the allocations need to be decided first to know what reform is needed. I think it's wrong to table this and put it off because it will cause increased hardship on the recreational fishery. The commercial sector will lose some fish, but they gained some in the assessments due to the new MRIP numbers. I don't think it's right to put reallocation off any longer and Recreational Reform can be taken up after this amendment.

Greg DiDomenico (Lund's Fisheries): I agree with a lot of other comments said tonight but would like to reiterate a few of them. I feel strongly that this allocation amendment doesn't offer solutions, it only offers tradeoffs and penalizes the commercial fishery, and very likely penalizes recreational fishery as well. I would prefer that Recreational Reform be prioritized and it probably offers solutions that don't penalize the recreational sector. I have to remind everybody that the MRIP data situation has been going on for about 12 years and I feel very strongly that for last 12 years we should have been doing Recreational Reform that entire time and then we probably wouldn't be here. For tonight's purposes, I will have to back myself into a corner and protect our interests by supporting status quo. Until we have data that can be understood by all stakeholders, I am reluctant to offer any other comments. I also feel very strongly that this debate about catch vs. landings based management needs a really thorough review, with real numbers

[2] See section 1.2.

and real discards, so everyone understands exactly what they're asking for. I would hate to have drastic reductions to the commercial sector and be penalized because of recreational discards and MRIP numbers that people don't believe are real.

Bonnie Brady (Long Island Commercial Fishermen's Association): The public hearing document is multi layered with a lot of options. The result is a confusing document that very few people understand fully. I think the only thing to do is status quo. The majority of the commercial fishermen are on the water every day and will have a great deal of difficulty with this document. This letter that recently arrived from GARFO means that the goalposts have changed and I think Recreational Reform is a better way for us to get these MRIP numbers right. There are still a lot of questions about MRIP and recreational discards being so high defeats the entire purpose. If the recreational sector can get handle on the recreational numbers, then maybe we will not be in a situation of taking from one sector to give to another.

Eric Lundvall (Commercial fisherman): I agree with previous comments that the document is confusing and misleading. I also support Recreational Reform before this amendment is considered.

Bobby Morris (Commercial fisherman): I'm there on the fishing grounds fishing and with my mesh size I catch very few undersized fish and am lucky to catch my quota. Recreational people fishing alongside me are catching everything and discarding many fish.

Jack Creighton (Recreational fisherman): I'm 75 years old and I haven't seen a lot of sea bass or fluke not survive the release when I am fishing. Most that we catch are lip caught, not gut caught. I am not against Recreational Reform and I think that each state should work hard to teach all of its fishermen the proper way to catch and release fish.

Greg Spier (Recreational fisherman, Rhode Island Saltwater Anglers Association member): I catch a fair amount of black sea bass off Rhode Island. We are pretty careful about throwing small catch back safely. It's important to have continuity between states regarding when seasons are open. I think recreational anglers would be willing to participate in a survey or voluntary reporting to give additional data and it is important to get a better handle on recreational catch. We are also consistent about not fishing during closed season. I think recreational people here would be more than willing to report what's actually happening with the fishery and more enforcement is needed for shore-based anglers.

2.2 NEW JERSEY

Thursday, February 18, 2021, 6:00 p.m.

Attendees (90 excluding Council/Commission staff): Greg Ardini, Dave Aripotch, Carmine Barbato, Chris Batsavage, Rick Bellvance, John Berglin, Joan Berko, Alan Bianchi, Howard Bogan, Nicole Bogan, William Bolton, Bonnie Brady, Jeffrey Brust, George Burns, Wayne Capizzi, Mike Celestino, Joe Cimino, Peter Clarke, Heather Corbett, Jessica Daher, John Davi, John DePersenaire, Vinny DelGozzo, Scott Denlinger, Tommy Denlinger, Greg DiDomenico, Tony DiLernia, Michelle Duval, Michael Egan, James Fletcher, Dan Farnham, Rich Fiocco, Tom Fote, Tara Froehlich, Timothy Froelich, John Fullmer, Bryan Goman, Stephen Granieri, Steven Grust, Sonny Gwin, Paul Haertel, Larry Hart, Amanda Hart, Dewey Hemilright, Steve Hernandez, Jeff Kaelin, Meghan Lapp, Malcom McClintock, Scot Mackey, Jim Maher, Rick Mariano, Reel MaxLife, Joe McKenna, Richard Melton, Nichola Meserve, Jon Morgan, Paul Mulholland, Brian Neilan, Adam Nowalsky, Jeff Orsoe, Mark Phillips, Michael Piotrowski, Chad Power, Chuck Reed, Eric Reid, Michael Reilly, Marc Sherry, Bill Shillingford, Thomas Siciliano, Philip Simon, Mark Taylor, Jon Toth, Arnold Ulrich, Dave Vanderbeck, Denise Wagner, Terry Wallace, Kevin Wark, Philip Welsh, Aaron Williams, Harvey Yenkinson, Roger Zahn, Joe Zagorski

Summary

Among the commenters at this hearing, seven supported status quo commercial/recreational allocations, with some saying that the Recreational Reform Initiative should take priority over this action. In contrast, three spoke in support of reallocation via this amendment using the new MRIP data, though they did not recommend a specific reallocation alternative during the hearing. Two of these three individuals said they support Recreational Reform in addition to this amendment. One commenter in support of reallocation was specific in their support of catch-based allocations. Five participants expressed concern with high discarding levels in the recreational fisheries. Three commenters noted the need to improve recreational data and/or accountability. Another three commenters opposed transfer provisions between the commercial and recreational fisheries.

Some attendees raised questions about the resulting commercial quotas and RHLs under the allocation alternatives. Some participants noted that the current example limits in the document are based on projections and assumptions and expressed concern that actual future catch limits were not included in the document. Staff noted that it is not possible to precisely predict future limits, which depend on future ABCs which are unknown beyond 2021. Limits also depend on sector specific discard projections, which are informed by recent trends and Monitoring Committee advice. Example commercial quotas and RHLs in the document using the 2020 ABCs and a regression approach to estimate discards are the best estimate of future limits at this time.

There were also several questions related to recreational discards. One individual asked whether educational programs and measures to reduce discard mortality could change the way discards are estimated and accounted for. Staff responded that the discard mortality rate used in the stock assessments would need to change for this to impact future catch limits. Other questions included whether the causes of recreational discards are known and whether discard trends differ among recreational fishing modes. Some expressed general concern that given the current recreational discard mortality rate assumptions (10% for summer flounder and 15% for scup and black sea bass), our estimates of live releases must be extremely high to arrive at our current estimates of dead discards.

Comments

Greg DiDomenico (Lund's Fisheries): Mr. DiDomenico reiterated his comments made at the Massachusetts/Rhode Island hearing that the commercial fishery would like to maintain their existing catch levels, and not at the expense of the recreational fishery, and that this amendment does not provide solutions. He reiterated support for prioritizing the Recreational Reform Initiative over this amendment. He also reiterated his prior comments that the example quotas and RHLs in amendment are not sufficient and real landings limits are needed. He provided the following additional comments at this hearing: If the amendment is not paused, Lund's supports status quo. Management has to come to grips with our failure to appropriately manage rebuilt stocks. If recreational landings are as high as the data indicate, then we are in a situation where we have to take this back to the SSC to have increased OFLs and quotas because there are a lot of black sea bass out there. We need to reduce discards for both sectors, and we owe it to the recreational community to convert their discards into landings and allow them to bring fish home and have higher satisfaction.

Denise Wagner (Commercial industry): I support status quo. For years we have been struggling with low trip limits and quotas. The recent increase in quota has finally allowed for better fishing and we cannot go back. Instead of giving quota to the recreational sector, we need to lower the minimum size for the recreational fishery so they can bring their fish in instead of creating discards. How can you justify taking quota away from a sector that has been suffering for so long? I hope we can find another way to help the recreational fishery. We need to address the recreational sector problems before giving commercial quota away. This whole process is unfair. As for transfers, we are talking about projecting and taking fish from the fishery next year. Every year the fishery changes – we might be at the point where we would be okay with a transfer one year, but the next year we might be at the point where we wish we would have kept it. The transfer provisions are going to be a problem.

Harvey Yenkinson (Recreational angler): When new the MRIP data were released, they were accepted and used in stock assessments, which increased stock size estimates. It seems logical that if NOAA is going to use these new data, we should go back retrospectively and adjust the allocations since they are now based on wrong data. It's only fair to change these allocations to something that is representative of the new MRIP data. According to my calculations, the commercial sector will still come out ahead with the increases in biomass from the recent assessments. Regarding catch vs. landings-based allocations, as we transition to ecosystem-based management approaches, it would be helpful to have a simpler process where all three of these species are managed the same way. I support using catch-based allocations for all three. In a catch-based system, each sector is more responsible for its own discards. There's a lot of room in both sectors for reducing discards and discard mortality. For allocations, alternatives 1a-3, 1b-3 and 1c-3 are the fairest. For phase-in, the recent MRIP changes and assessment changes were not phased in, so these allocation changes should not be phased in over a long period. I would suggest phasing in over 2 years. For transfers, it sounds extremely complex using data from the year before and trying to figure out how much to transfer. I am against the proposed transfer processes. The uncertainty is too great – if one sector doesn't use its quota, it should contribute toward the species rebuilding or maintaining a high biomass.

John Toth (Jersey Coast Anglers Association): The recreational industry is dying a slow death. So many anglers tell me they're not fishing anymore due to regulations. We've built up the stock with sea bass to 240% rebuilt. During those periods where we have seasonal gaps, it'd be great if we could liberalize black sea bass measures so people have something to fish for during those times. With the pandemic, the bait

and tackle shops and the for-hire fleet are hurting. Liberalizations should be used as a tool to help rebuild the industry.

Dave Aripotch (F/V Caitlin and Mairead): I have been fishing all my life and always been told to stay with it and I would reap rewards down the line. We are not reaping any rewards except windmills taking up our grounds. I support status quo. I have a lot of party boat friends, we're all connected. But it's apples and oranges. For scup, we can't reach the quota because we are held to unrealistic standards. May 1 we are restricted. When we go over with commercial limits, we pay it back. There is no one looking at logbooks or filling out a bill of landing for recreational folks. The commercial side can be held accountable. Commercial buyers have to send data electronically within 48 hours and we submit eVTRs as soon as the fish are off the boat. There are a lot of sea bass, and I don't want to hurt the recreational guys. I would think that sea bass could be liberalized for everybody. I don't see how you are realistically going to enforce the recreational fleet. We need to get the numbers right and know what is being caught or discarded before we start taking fish away from the commercial sector. Greg DiDomenico made a good point that we are great at closing the fishery down, but we have a tough time managing the fish once it's rebuilt. Both the commercial and recreational fisheries could be happier with the existing quotas. I support staying with status quo on everything.

John DePersenaire (Recreational Fishing Alliance): Allocation is not a new issue. RFA filed a petition for rulemaking for fluke allocation years ago, proposing a 50/50 allocation despite having historical surveys showing the recreational allocation should be even higher. Ultimately this was not approved by the Council and since then the recreational fishery has had more restrictive measures. The justification for reallocation has been in place for over 20 years, and it's been pushed for a long time. We've been fighting over NMFS data forever, but MRIP is always considered best available science. The 2018 recalibration, despite how difficult it is to believe in some cases, is still considered best available. Is it reasonable to think that we can change that when we've tried for years and not been successful? We definitely see potential with Recreational Reform, but it hasn't been fully fleshed out or developed. It's a promising concept, but basically an unknown at this point. RFA's standpoint is we believe reallocations should move forward and so should Recreational Reform. Dead discards are a big issue and source of frustration. These are food fisheries and dead discards have no value for either sector or the resource. Allocation decisions should consider ways to reduce dead discards. The status quo alternatives are not realistic. The 1980s/1990s numbers used as a baseline don't exist anymore and the new numbers are the best available science. We had hoped to see some pragmatic options included in the document, such as looking at historical commercial harvest and coming up with appropriate harvest, and then not having a cap on recreational side, in other words allowing recreational harvest to float.

Meghan Lapp (Seafreeze Ltd/Seafreeze Shoreside): Ms. Lapp reiterated her comments made at the Massachusetts/Rhode Island hearing that this amendment is not ready for prime time, and that the January 15 letter from GARFO shows concerning information about black sea bass dead discards that has implications for this action. She added that we won't know if this has caused overfishing until after final action on this amendment and reiterated support for status quo allocations.

Scot Mackey (Garden State Seafood Association): We realize the challenges this situation poses especially for the recreational sector, but on behalf of New Jersey commercial fishermen, we support status quo for all three species with no transfers. Everyone on the commercial side has made it clear we've been held to a hard cap on landings. To penalize us for data changes in the MRIP data seems unfair.

John Davi (Commercial fisherman): New York state commercial fishermen will be asking for status quo on all three species. We feel in New York that the recreational sector is basically a runaway train.

They can continue to grow every year while the commercial sector is at a standstill due to the regulations and limited access.

Mark Phillips (F/V Illusion): The Council has had more than 30 years to address recreational accountability and overfishing. From day one of the fluke plan, commercial fishermen have been accountable and punished for overfishing. Unlike the recreational sector, who have skated by with overfishing and causing deductions from the next year's total allowable catch, or by gimmicks to erase overages. This would never be allowed for commercial overages. This Council hasn't done its job and they don't want to do the job of controlling all overfishing. Accountability measures need to be in effect before reallocation. If not, all Council members should tell the public that they are never going to address recreational overfishing. I support status quo until this council addresses recreational accountability measures.

William Bolton (Recreational angler): The fact is we are targeting larger summer flounder in order to get keepers, and we are not discussing the evidence of harm to biomass as a whole from harvesting all females. More research is needed to look into that. This could be causing more harm than good to target them. More research is also needed into the fact that we used to fish largely with bait, and a lot of fish would be gut hooked, whereas these days everyone is fishing on reefs and rocks using bucktails and different methods. These methods might have reduced mortality due to fewer gut hooked fish.

Aaron Williams (F/V Tradition and Heritage): I'm a summer flounder permit holder in New Jersey, and I agree with other commercial fishermen that spoke in support of status quo.

Bonnie Brady (Long Island Commercial Fishing Association): Commercial fishermen have been held to standards where they do offer pound for pound paybacks. It's unbelievable that 40 million black sea bass were caught recreationally. I hope that we will pause reallocation because we don't have the numbers and we don't want anyone hurt economically.

John Fullmer (NJ Council of Diving Clubs): We have been diving on wrecks, and I've never seen as many black sea bass as I've seen this year. You should consider raising the biological catch for both the commercial and recreational sectors.

James Fletcher (United National Fishermen's Association): It's amazing that certain sections of the Magnuson Act say to encourage development of practical measures to avoid bycatch and discourage unnecessary waste. Why do the Monitoring Committee and SSC not calculate the effects of a recreational total length retention strategy? As an advisor I have recommended that the recreational sector be held to a total length limit regardless of size. Why hasn't the Council supported mandatory electronic reporting for recreational anglers?

Malcom McClintock (F/V Rhonda Denise): In my 15 years of commercial dragging, every time I go out there seems to be more fluke, scup, and black sea bass compared to when I started. We participate in tow-by-tow reporting, and everything is accounted for all the time. How could someone ask for a reallocation when the data are so sketchy? You can't ask for more when you can't show what's currently taken. I know recreational guys and I have nothing against them, but how do you go about changing the allocation when you can't even show what's currently going on? We take observers on our vessels, get boarded by the Coast Guard…how can you ask for more when you can't show what you're doing? I support status quo.

Paul Haertel (Jersey Coast Anglers Association): At this time we support moving forward with both Recreational Reform and this allocation amendment as soon as possible. The for-hire fleet has been losing boats at an alarming rate due to restrictive regulations.

2.3 DELAWARE AND MARYLAND

Wednesday, February 24, 2021, 6:00 p.m.

Attendees (53 excluding Council/Commission staff): Greg Ardini, Joan Berko, Alan Bianchi, Bonnie Brady, Myra Brouwer, John Brzoska, Joe Cimino, John Clark, Hailey Conrad, John Davis, John DePersenaire, Greg DiDomeico, Anthony DiLernia, Michelle Duval, James Fletcher, Dan Farnham, Brent Fulcher, Kara G, Corey Gwin, Sonny Gwin, Dewey Hemilright, Jeff Kaelin, Emily Keiley, Ron Larsen, Scott Lenox, Michael Luisi, Sam Martin, Kevin McMenamin, Roy Miller, Robert Morris, Eric Reid, Buddy Seigel, David Stormer, William Trader, David Trader, Craig Weedon, Angel Willey, Erik Zlokovitz, Wes Townsend, Geoff White, George Andrews, Tyrone Carelock, Mike Coppa, Ben MacPherson, Daniel Malone, Nichola Meserve, Jerry Morgan, Derek Richards, Chris Wilson, Sam Wilson, Robert Wren, Steven Magdeburger, Robert Valenti

Summary

Seven of the nine individuals who commented at the hearing supported maintaining status quo allocations for all three species. One individual said he was opposed to maintaining status quo allocations, and would follow up with more specifics in a written comment. Four people said they were concerned about recreational discards. Several commenters shared general skepticism of MRIP data and two people supported recreational electronic reporting to remedy this issue. Lastly, one individual commented that he was opposed to the phase-in approach, did not think transfers should be allowed in either direction, and thought that future allocation changes should only be made through an amendment.

Several attendees asked questions regarding a recent letter from GARFO which provided back-calibrated MRIP landings and discards estimates for black sea bass.[3] Some attendees questioned why this action was taking place if according to this data the recreational sector did not harvest its entire 2019 RHL. Staff explained that the impetus for this action was the change in MRIP methodology and the disconnect that this creates with the current allocation percentages. The MRIP estimates have scaled up significantly and any comparison of back-calibrated MRIP estimates to old landings limits are irrelevant to fishery performance moving forward. Another attendee asked about the application of section 302-7 of the Magnuson Stevens Act (MSA) regarding the need for Council member recusal from this action given that some Council members hold permits for these species. Staff responded that there are guidelines in the Council's Statement of Organization Practices and Procedures (SOPPs) regarding recusal from a motion, specifically Council members may not vote on any Council decision that would have a significant and predictable effect on financial interests.

Comments

Brent Fulcher (Commercial fisherman): The commercial fishery has commercial moratorium permits to enter the fishery while the recreational fishery is not limited in the same way. We need to come up with long-term solutions for managing the recreational fishery like implementing phone app reporting or tags to properly record recreational catch. I support 1a-4, 1b-1, 1c-4 (status quo) for all three species. Starting with VA/NC – states have provided flexibility where vessels can abide by one state's possession limits, but unload fish in another state. This helps to reduce commercial discards. The next thing is to work through gear selectivity to land fish that are viable, below the present legal size limit to reduce that amount of dead discards. This applies to the recreational fishery as well where they are fishing on almost all females. You can't effectively manage a resource that way.

Robert Morris (F/V Living Waters): These fisheries are not managed correctly, regulations are overly restrictive, and the estimates for discards are unbelievable. Recreational fishermen have to catch and

discard 25-30 fish before they land a keeper at 19 inches. It would be better to keep one smaller fish than discarding fish all day long. This amendment cannot be based off bad data. It costs money to do business to feed the public that own the fish. The health and safety of the people of this country is the most important and to take that away to allow people a recreational pursuit is ridiculous.

Greg DiDomenico (Lund's Fisheries): Mr. DiDomenico reiterated his comments from prior hearings including putting the amendment on hold, supporting status quo allocations, asserting that the amendment does not provide solutions just economic consequences, and voicing support for further development of the Recreational Reform Initiative.

Bonnie Brady (Long Island Commercial Fishing Association): Ms. Brady reiterated her comments from prior hearings voicing support for status quo and stating that the public has not had time to understand what has transpired in regards to 2019 black sea bass discards and landings estimates in the last couple weeks. She provided the following additional comments during this hearing: I live in a town with a lot of commercial and recreational fishermen. We don't want to see anyone suffer. I would hope there are better and more creative ways of dealing with this issue instead of taking from one sector to give to another. The commercial sector has suffered enough. We need to resolve this recreational discarding issue.

Sam Martin (Martin Fish Company): I support status quo for these fisheries until recreational management issues and discard issues are resolved.

James Fletcher (United National Fishermen's Association): Mr. Fletcher repeated comments made at a previous hearing in support of status quo allocations, a total retention strategy in the recreational fisheries based on total length, and mandatory recreational electronic reporting. He provided the following additional comments at this hearing: Why are we going through with this amendment when there is so little confidence in the MRIP data? Have we looked at all of the numbers of state by state licenses? Why does management allow for 50% of recreational dead catch to be comprised of discarded fish? Why do you believe that the MRIP data is any better than the MRFSS data when it is not based on electronic reporting?

John DePersenaire (Recreational Fishing Alliance): Mr. DePerenaire reiterated his comments from the New Jersey hearing that he does not support status quo because the data do not support the current allocations for these fisheries. He restated that RFA and other groups been fighting for this for the past 20+ years and that MRIP is the best available science and is being used elsewhere in the management process.

Jeff Kaelin (Lund's Fisheries): The commercial fisheries have rarely exceeded quotas by notable amounts due to close monitoring and reporting. This recreational effort issue is a long foreseen problem. Alternatives that modify the base allocation years are based on time periods when the recreational fishery was effectively less constrained to their limits than the commercial fishery was. Setting this process aside to proceed with the Recreational Reform Initiative seems to be the fairest approach. In the last few years, demersal fish have become more important to us as a company. Some of that was through a landings reform initiative that we worked out with NJDEP where we can retain fish on board destined for another state while New Jersey limits are offloaded. This year even with Covid-19, it has been one of the best years we've had. We are able to put product into wholesale frozen markets. We've been able to provide value-added products people can take home, but only because of our investments. The assessment allowed for a higher quota, don't take that away from us. We don't know how much of the scup quota we're going to lose going into next fishing year. This puts us in impossible situation. We can't plan for market

[3] See section 1.2.

expansion and meeting contracts when we don't know what quota we will get. MSA National Standard 5 says measures where practicable should consider efficiency except that no measure shall have allocation as its sole purpose. This amendment conflicts with National Standard 5. We are supporting status quo for all species, 1a-4, 1b-1, 1c-4. No phase in necessary. No transfers in either direction. Any action with allocation should only be done by amendment.

2.4 VIRGINIA AND NORTH CAROLINA

Monday, March 1, 2021, 6:00 p.m.

Attendees (38 excluding Council/Commission staff): Greg Ardini, Chris Batsavage, Jay Baysden, David Behringer, Alan Bianchi, Ellen Bolen, Bonnie Brady, Greg DiDomenico, Anthony DiLernia, Harry Doernte, Michelle Duval, James Fletcher, Brent Fulcher, Alexa Galvan, Patrick Geer, Lewis Gillingham, Bill Gorham, Sonny Gwin, Mark Hodges, Dewey Hemilright, Jeff Kaelin, Meghan Lapp, Ron Larsen, Shanna Madsen, Nichola Meserve, Mark Phillips, Eric Reid, Paul Risi, Robert Ruhle, Brandi Salmon, Mark Sanford, Jerry Schill, Art Smith, David Sneed, Mike Waine, Kate Wilke, Sara Winslow, Wes Townsend

Summary

Among the commenters at this hearing, nine supported status quo commercial/recreational allocations. Six of these commenters provided similar comments at previous hearings. In contrast, one commenter spoke in support of reallocation via this amendment using the new MRIP data, though they did not recommend a specific reallocation alternative during the hearing. Multiple participants expressed concern with high discards in the recreational fisheries in general and some specific concern over recent black sea bass recreational discards.

A question was raised about what other guidance or best available science the Council and Board might use to make allocation decisions such as any reasoning outlined in the Council's allocation review policy. They specifically asked if using the new MRIP numbers in the assessments, but not for reallocation, would be ignoring best available science. Staff responded that the Council's allocation review policy is to assess allocations at least every ten years or as a management or biological needs arise. Best available science would still have been used in setting the OFL and ABCs based on the most recent stock assessments whereas the allocation decision is more of a policy choice. Another question was asked regarding how reducing dead discards with methods such as circle hooks, descending devices and other techniques can translate into lower dead discard estimates for the recreational sector. Staff responded that this would only result in reduced dead discard estimates in the future if it was scientifically quantified, peer reviewed, and incorporated into the stock assessment. Similar to previous hearings, attendees also asked whether the 2019 black sea bass harvest and discard numbers were final after a corrected letter from GARFO. Some attendees also asked for clarification on when new versus old MRIP estimates are used.

Comments

Brent Fulcher (Chair, North Carolina Fisheries Association): Mr. Fulcher reiterated comments from the New Jersey hearing supporting status quo for all species and highlighting the need for the recreational sector to reduce discards.

Jerry Schill (North Carolina Fisheries Association): NCFA was asked to sit on the Summer Flounder Advisory Panel for its original amendment. NCFA is in favor of status quo for all three of these species. I am also curious why I did not hear politics listed as a reason why reallocation is being considered.

Bonnie Brady (Long Island Commercial Fishing Association): Ms. Brady reiterated support for status quo and concerns over 2019 recreational black sea bass discards from previous hearings.

Greg DiDomenico (Lund's Fisheries): Mr. DiDomenico reiterated his comments from prior hearings including putting this amendment on hold, supporting status quo, asserting that the amendment does not provide solutions just tradeoffs and economic consequences, stating that issues with the recreational data have been known for a long time, and voicing support for further development of the Recreational Reform Initiative, particularly to improve recreational discards.

Meghan Lapp (Seafreeze Ltd/Seafreeze Shoreside): Ms. Lapp reiterated her comments made at previous hearings that she supports status quo, thinks this amendment is not ready for final action and it would hurt the commercial sector, and has concerns over the 2019 black sea bass discards not being included in this amendment. She provided the following additional comments during this hearing: The changing 2019 numbers provided by GARFO has been confusing for the public and that managers don't know what is happening with MRIP.[4]

Robert Ruhle (F/V Darana R): I agree with Meghan Lapp's comments and think that no action is the only choice, reallocation would not accomplish anything.

James Fletcher (United National Fishermen's Association): Mr. Fletcher reiterated his comments made at previous hearings in support of status quo allocations and a total retention strategy in the recreational fisheries based on total length. He provided the following additional comments at this hearing: The Magnuson Stevens Act requires the creation of a recreational registry of anglers in the EEZ and NFMS has not complied with that law. This requirement should be addressed before reallocation.

Mike Waine (American Sportfishing Association): We do not support status quo. The Council and Board need to follow the action plan and follow through with reallocation through this amendment without delay in addition to recreational reform.

Jeff Kaelin (Lund's Fisheries): Mr. Kaelin reiterated comments made at the Delaware/Maryland hearing regarding the company's investments in diverse fisheries, the need for Recreational Reform, National Standard 5, and supporting no action/status quo. He provided the following additional comments at this hearing: We need to go back to the saltwater registry and have a conservation ethic. Taking away commercial quota through this amendment is wrong. In terms of the economic effect of this amendment, the results of the updated economic model for fluke show that the current regulations are not sub-optimal and due to limitations in data from the recreational sector, we don't know that sector's value.

Mark Phillips (F/V Illusion): Mr. Phillips reiterated points made at the NJ hearing regarding recreational accountability and supporting no action/status quo until those issues are addressed.

[4] See section 1.2.

2.5 CONNECTICUT AND NEW YORK

Tuesday, March 2, 2021, 6:00 p.m.

Attendees (70 excluding Council/Commission staff): Katie Almeida, Greg Ardini, Don Ball, Sean Barret, Paul Beckwith, Rick Bellavance, John Berglin, Joan Berko, Alan Bianchi, Howard Bogan, Ellen Bolen, David Bornemann, Brady Bonnie, Peter Consiglio, John Davi, Maureen Davidson, Justin Davis, John DePersenaire, Gerg DiDomenico, Tony DiLernia, Charles Etzel, Julie Evans, James Flthcer, Michael Fallon, Dan Farnham, Paul Farnham, Daniel Farnham Jr., Bill Foster, Timothy Froelich, Denise Froelich, Brent Fulcher, Jim Gilmore, Bryan Gosman, Sonny Gwin, Corey Harris, Emerson Hasbrouck, Dewey Hemilright, Stephen Johnston, Richard Jones, Jeff Kaelin, Cynthia Kaminsky, TJ Karbowski, Don King, Warren Kremin, Meghan Lapp, Carl LoBue, David Lofstad, Daniel Malone, John Maniscalco, Tara McClintock, Malcolm McClintock, Nichola Meserve, Jerry Morgan, Charles O'Connell, Mark Phillips, Stephen Pisano, Michael Plaia, John Rade, Brian Rade, William Reed, Eric Reid, Chris Scola, Rene St. Amand, Mike Waine, John Windels, Vincent Damm, Charles Etzel, Joesph Gilbert, Joel Lizza, Wes Townsend

Summary

The majority (25 out of 27 individuals) of those who commented at the hearing supported maintaining status quo allocations for all three species. Two individuals indicated that they were opposed to maintaining status quo allocations and would follow up with more specifics in a written comment. Nine commenters expressed frustration with the perceived lack of accountability in the recreational sector, and supported status quo in order to prioritize the Recreational Reform Initiative. Three commenters noted that the alternatives were based on questionable science and expressed an issue with the new MRIP calculations. Two commenters indicated that this amendment was only increasing the divide between the recreational and commercial sectors.

Questions were raised about the possibility of an alternative that would keep the commercial fishery at similar quota levels and give the recreational fishery more if and when abundance increased. Staff noted that this was not possible at this time due to this recommendation not falling within the range of alternatives in the document. Questions were also raised about whether the food value of commercially harvested fish will be taken into account when making these decisions. Other questions included clarification on how commercial and recreational discards were calculated and if precise quotas and RHLs based on actual future ABCs and discards would be made available. Staff noted that it is not possible to precisely predict future limits, which depend on future ABCs which are unknown beyond 2021. Limits also depend on sector specific discard projections, which are informed by recent trends and Monitoring Committee advice. The example commercial quotas and RHLs in the document using the 2020 ABCs and a regression approach to estimate discards are the best estimate of future limits at this time.

Comments

Warren Kremin (Blue Ribbon Fish Co.): Will the Council consider the food value of commercially harvested fish? The commercial industry is feeding the public, and you can't monitor recreational catch rates as well as commercial. We are feeding people. The country has a food shortage. The recreational fishery does not feed the population, and they do not need more quota. Taking away from commercial fishery will take away jobs.

Sean Barrett (Dock to Dish): I can only support status quo for this amendment on the scup, black sea bass, and fluke quotas. New York cannot afford to lose more quota in these fisheries; it will be devastating

to me and my fishing community and the businesses that support us. I support the Recreational Reform Initiative to try and turn discards into landings, but I cannot support taking my landings that feed people and turning them into their dead discards.

Dan Farnham Jr. (Commercial fisherman): We have seen commercial effort and participants held at status quo, while the recreational sector has seen growth. This is the trend with any type of population growth. The cost to access the recreational fishery has decreased over time, and we will always see their effort increase. We need Recreational Reform. They have been going over their quotas, and we have retroactively realized they went over and now that there is an increase in biomass, we can justify the increase to the effort they put in. I would like to see no action, with the regional administration addressing Recreational Reform first.

John Davi (Commercial fisherman): I would like to see the allocations stay at status quo forever. They shouldn't pull quota from commercial when it is recreational that is the problem. This is just causing a divide between the sectors.

Katie Almeida (Town Dock): Ms. Almeida reiterated comments made at a previous hearing in favor of no action and prioritizing the Recreational Reform Initiative before considering reallocation. She provided the following additional comments at this hearing: We should be supporting the US seafood and supply chain, and this reallocation is taking food out of the public supply chain. The commercial sector is held to a very strict quota, and the recreational sector does not have the same accountability.

Peter Consiglio (Commercial fisherman): Commercial fishermen are getting cut out on the state and federal end and are already trading seafood for energy. Now they want us to trade our livelihoods for more recreational fishing. I support status quo.

Mike Fallon (Commercial dragger): I can only support status quo, and I don't know why this is even a discussion.

Dave Aripotch (Commercial dragger): Mr. Aripotch reiterated comments made at a previous hearing regarding the lack of effort controls in the recreational fishery and resulting recreational overages as well as his support for status quo allocations and the Recreational Reform Initiative.

Elain Fallon (Commercial industry): I hope for status quo, and I hope that you are really listening to what the public is saying. Unfortunately when stakeholders make comments, their comments are heard but not considered before making policies.

John DePersenaire (Recreational Fishing Alliance): Mr. DePersenaire reiterated comments given at previous hearings regarding the new MRIP data as the best available science and not supporting status quo allocations.

Tim Froelich (Commercial fisherman): I support status quo. Twenty to 25 years ago we were told that in the future we would be made whole. This just seems like a quota grab. Status quo should be kept until we can come to a point where we can agree on all the terms and quotas. This is like changing the rules in the middle of the game. If the recreational side needs more quota because they're overharvesting, they need to go back to the drawing board and increase the overall limits so we all benefit.

Greg DiDomenico (Lund's Fisheries): Mr. DiDomenico reiterated comments made at previous hearings regarding support for status quo allocations, prioritizing the Recreational Reform Initiative over this amendment, and a desire to allow for more liberal recreational management measures without reallocation.

Joe Gilbert (Commercial fisherman): Support status quo.

Meghan Lapp (Seafreeze Ltd/Seafreeze Shoreside): Ms. Lapp reiterated comments made at previous hearings regarding confusion about the 2019 black sea bass numbers, which were recently released and not incorporated into the amendment document, as well as concerns about the scale of recreational discards and a perceived lack of recreational accountability. She also reiterated her previous comments in favor of status quo allocations and completion of the Recreational Reform Initiative before considering reallocation.

Bill Foster (Commercial fisherman): Commercial data collection is a census; for recreational, everything is an estimate full of assumptions and uncertainty. If recreational wants limited entry, vessel permits, logbooks, dealer reports, bycatch reduction measures, then get those in place and then we can talk reallocation. Status quo because I do not think any of the alternatives are based on science.

Chris Scola (Commercial fisherman, Montauk): I can only support status quo. The commercial fishery and the public shouldn't be punished because the recreational fishery isn't accountable for their overages.

Mike Waine (American Sportfishing Association): Mr. Waine repeated his support for reallocation expressed at a previous hearing. He added the following additional comments during this hearing: We know allocation is an incredibly painful process, but this is honestly more painful than I expected. When stakeholders are in this position about fighting over who gets to catch what it makes everyone extremely defensive and forces them to ignore the facts to justify their positions. That's exactly what's happening here as I listen to the comments and it's really disappointing. We'll follow up with written comments based on the facts in the document, we do not support status quo.

Denis Froelich (Commercial industry): I support status quo for all 3 species.

Brent Fulcher (Commercial fisherman): Mr. Fulcher reiterated comments made a previous hearings in support of status quo allocations, a desire to turn dead discards into landings, and noting that the commercial fishery has been more controlled than the recreational fishery.

Julie Evans (East Hampton Town Fishery Advisory Committee): We support status quo. With more work, we could come to an agreement on your proposal moving forward.

Joel Lizza (Commercial fisherman): I support status quo. I am not looking to hurt the recreational industry, and there is no reason to divide us to hurt each other. The number of recreational fishermen keeps increasing, and they are entitled to do so. We need to get control of discards on the recreational side, and reallocation is not going to fix the problem.

Charles Etzel (Commercial fisherman): I can only support status quo. New York already chronically under harvests and smooths over recreational overharvest. It is just not right.

Daniel Malone (Commercial fisherman): Get Recreational Reform going. I support status quo on allocations.

Bonnie Brady (Long Island Commercial Fishing Association): Ms. Brady reiterated similar comments that were made at prior hearings that the commercial fishery is important to small businesses and communities, and has been held accountable for overages, while the recreational fishery has not. She added that the goal is to have optimal yield, not discard as many fish as you can.

Mark Phillips (F/V Illusion): Recreational participation has increased, but we haven't been able to increase commercial. We didn't realize how bad we were getting screwed in the mid-1980s with fluke as

commercial fishermen with no representation on the council. We have to be responsible for our own catch, where recreational has been allowed to do whatever they want because they never get punished. I am for status quo, and we need recreational accountability measures. Once group should not be rewarded because the council cannot do their job.

Howard Bogan (Recreational Party/Charter): I do not support status quo, but I am unsure what alternative I support yet.

Vincent Damm (Commercial fisherman): I support status quo. We get shut down while recreational does not.

3 WRITTEN COMMENTS

This section includes all written comments on the amendment received or postmarked from January 15, 2021 through 11:59 pm, Tuesday, March 16, 2021, including those received by email, web form, fax, or mail.

Name: JOHN HERRICK

Email: herrickj01930@yahoo.com

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

: JOHN HERRICK

Comments: With ocean temperatures rising and species such as black sea bass moving farther north, what is the plan for expanding the number of available commercial state permits? Is there a plan for commercial permits north of Boston for the future similarly to the way state lobster permits are issued?

Thank you,

John

Name: JOHN HERRICK

Email: herrickj01930@yahoo.com

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

: JOHN HERRICK

Comments: As these fish move farther north, I'd like to see the vison for more summer commercial opportunities. Example, black sea bass were not found in quantity north of Plymouth in 2000. Now we catch them in lobster traps during the summer months on Cape Ann.

Thank you

Name: joseph hickey

Email: joehickey@comcast.net

Check all that apply: Private Recreational Angler

: joseph hickey

Comments: I oppose any reductions

From: Gary Puma <garytpuma@gmail.com>
Sent: Friday, January 15, 2021 4:20 PM
To: Kiley Dancy
Subject: Summer Flounder

The size limitation is too large for these fish.
Everyone should be able to take one fish home at 14". Then let the larger size kick in up to the limit that you decide is
best for the fishery. This way people can bring home on fish for a dinner plus the larger size if they catch one that meets
that standard.

Gary Puma
35 Rosewood Drive
Shrewsbury, NJ 07702

From: Matt Fitzgerald
To: Kiley Dancy
Subject: Scup, fluke, and seabass allotments
Date: Tuesday, January 19, 2021 5:31:26 PM

Please stop allowing our public resources to be destroyed for profit. It is disgusting!!! You are ruining our fishery and causing untold damage to the future of our ecosystem for money. This makes sense to you? Insane! Look at the historical data. Of course we all know this does not matter to you as you only care about satisfying the needs of a few by ignoring everyone else. Do we allow the harvest and sale of wild game? No, of course not!!! Wake up!

Name: Peter Athaide

Email: Taoghiro@comcast.net

Check all that apply: Private Recreational Angler

Comments: I feel that the size limit should be the same for both commercial and recreational fishermen. You can adjust the bag limit to control how many fish are taken. Also I feel that the Black Seabass season should be longer into the Fall. You can control the seasonal limits again by adjusting the daily bag limit. Thanks Peter

From: Jean Public <jeanpublic1@yahoo.com>
Sent: Tuesday, January 19, 2021 3:05 PM
To: tina.berger@mafmc.org; mary_sabo@mafmc.org; Leaning, Dustin Colson; Kiley Dancy; info@peta.org; information@sierraclub.org; info@pewtrusts.org; info@godscreaturesministry.org
Subject: Fw: MAFMC and ASMFC to Hold Public Hearings for Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment

public commenton federal register
i donot believ the catch reports submitted by either recreational or commercial fishemen are honest but are in fact deceitful and dishonest as to catch. every time patrols board a boat there are extra fish taken which are not put on teh rolls as caught. every single time. i is quite clear they both are dishonest in filling out reports. for that reason, all catch to both shoudl be cut by 50%^ immediately. this cmometn is for the public record. please rceipt.
jean publiee jeanpublic1@yahoo.com

From: jean public
To: Kiley Dancy; INFORMATION@sierraclub.org; info@oceana.org; scoops@huffpost.com; contact@thedodo.com;
PETA Info; bhackett@hsus.org; foe@foer.org; info@sort.org; info; info@sentientbeings.org; ANGI METLER
Subject: Fwd: comment
Date: Friday, January 29, 2021 12:56:36 PM

public comment on federal registe
this agency is admitting it hasnt changed some regs since l990 - 20 years ago. shows inattention to changes ni this earth, doesnt it?
i think all quotas need to be downsized by 50% immediately. teh overfishing is tremeneoud.
this agency works only for pro the case. jean pubilee jean pubilc1@gmail.com
>

From: Jean Public <jeanpublic1@yahoo.com>
Sent: Monday, March 15, 2021 10:22 AM
To: Kiley Dancy; info@oceana.org; info@pewtrusts.org; info@peta.org; bhackett@hsus.org
Subject: Fw: Reminder: Public Comment Deadline for Summer Flounder, Scup, and Black Sea Bass
Commercial/Recreational Allocation Amendment urgent

public comment all quotas should be cut by 50% immediately. You are allowing overfishing. this comment is for the public record. please receipt. jean publiee jean public1@yahoo.com

Name: Patrick Fitzgerald

Email: patrickfitzgerald884@gmail.com

Check all that apply: Private Recreational Angler

: Patrick M Fitzgerald

Comments: Through recreational fishing and conversing with other recreational and commercial fishermen, the consensus is that summer flounder is being overfished. In the last six years the frequency of keeper size summer flounder landed has decreased drastically. Larger summer flounder are harder and harder to find in Massachusetts and Rhode Island waters. The commercial dragging for summer flounder has detrimental effects on the seafloor that many other organisms (many of which are commercial and recreational species) depend upon for survival. The uprooting of seaweed is detrimental to mussel, clam, and squid larvae. This decreases survivability because the substrate they inhabited has been uprooted and destroyed. As you should know, many other marine organisms depend on the larvae to survive. This includes small summer flounder, black sea bass, and many other species. Now, my money pays for this fishery, as does the money of many others across the country. I cannot stand for the over exploitation of the species that I enjoy fishing for. I pay for a fishery that is managed under the Public Trust for the benefit of the public. I believe that this commission is not living up to this ideal. Commerical fishing is the privatization of a public resource for profit, which is not an ideal of the Public Trust Doctrine found in common law and court cases throughout the history of the United States. Commercial fishing is only detrimental to everyone and beneficial to few. Over fishing, especially allowing commercial vessels to overfish is the most detrimental to the future of the resource.

From: Center <bboutdoor1@aol.com>
Sent: Tuesday, January 19, 2021 10:39 PM
To: Kiley Dancy
Subject: allocation

Good evening ,
I think the taking of black sea bass and scup as stated for 2020 for recreation fisherman were great. However flounder fisherman got left out. To many commercial boats scrape the bottom and kill every fish. Cut back on their numbers and allow the worm dunkers more of a chance to catch these great fish until June 15 then allow the draggers into Boston Harbor, Cape Cod Bay, Plum Island etc. Thank you

Bill Biswanger
Townsend Mass

From: Charles etzel
To: Kiley Dancy
Subject: Commercial Recreational scup,sea bass,Summer Flounder amendment
Date: Friday, January 22, 2021 9:12:19 PM

To Whom It May Concern,
I would like to comment in favor of the status qou going forward with this amendment . Here in NY we consistently work within our low quota shares and any further cuts would be very problematic.

Sincerely, Charles Etzel

Name: Ron Musselman

Email: powercat0@comcast.net

Check all that apply: Private Recreational Angler

: Flounder

Comments: I have been flounder fishing for 50 years. I have seen the decline of the stock over time. I have seen the stock numbers also rise and again decline. What I don't understand is the thought that mandating the harvesting of nothing but female, over 18" fish, makes sense to rebuild a declining stock, at least here in southern New Jersey. Also, allowing the commercial draggers to harvest flounder offshore during their breeding season.

I belong to a fishing club with over 100 members and everyone can't understand the reason for not having some kind of slot fish regulation to reduce the harvesting of nothing but the egg producing females.

Regards,

Ron Musselman

Name: Joe Jurasek

Email: josephjurasek@yahoo.com

Check all that apply: Private Recreational Angler

: I oppose the reallocation of fluke and sea bass

Comments: There should not be a reallocation of fluke and Black Sea bass. I'm not sure why this needs to be done, other than to benefit the commercial fisherman. Why take more from the recreational fishermen. Last year you changed the striped bass regulations to benefit the commercial fisherman and limited the recreational fisherman. You stated it was so the bigger fish could breed more bigger fish? That doesn't make sense when you allow the commercial fishermen to take the same fish you said we need to protect. Also, they can still use any hook and potentially kill all the fish 34" and under. Now you want to limit what we can catch for fluke and sea bass for the recreational fisherman and give more of it to the commercial guys. Just a question , is this board filled with members who are commercial fishermen? Because it really doesn't seem to have the best interests of the recreational fishermen in mind.

Name: Stephen Katkowski

Email: stevekatkowski@gmail.com

Check all that apply: Commercial Fishing Industry

Comments: Commercial and recreational quotas should be kept separate. Should either group overfish it's quota, they should be held accountable and quotas readjusted based on each groups activity. Borrowing quota to balance the take from each group only works on paper. Maybe

Name: Zigurds Zingis

Email: jzingishome3@verizon.net

Check all that apply: Private Recreational Angler

: Z. John Zingis

Comments: While I fully understand the fish size limit for summer flounder to be 18", there are plenty of fish that approach the target length of 18" I believe there should be one "slot fish", perhaps between 17 - 18". Keeping one slot fish would satisfy anglers and reduce summer flounder mortality.

Name: RICHARD REICH

Email: rareich1@verizon.net

Check all that apply: Private Recreational Angler

: RICHARD REICH

Comments: While Fluke fishing in May I always catch my biggest Sea Bass of the season.. I normally fish inshore up to 90 feet of water out of Point Judith. The amount of Sea Bass we catch now is greater than the Fluke and it seems to increase every year. Please open the season early as Connecticut and Massachusetts have May 19th

From: fdefinis@verizon.net
Sent: Monday, February 15, 2021 8:55 AM
To: Kiley Dancy
Subject: Fluke/Scup/Sea Bass Allocation Amendment

As a recreational angler, I strongly urge that this amendment be postponed pending further study. The reason for my concern is that the impetus for this shift is largely based on a change in sampling procedure, not on what is happening on the water.

-The old random telephone survey was statistically invalid due to response bias or more properly, lack of response bias. Upgrading the sampling process via the newer mail survey did not change how many fish are in the sea nor how many are being caught.

-APAIS data is very heavily skewed towards charter and party boat anglers and severely underrepresents private anglers. Again, we have a very small sample size for private anglers. You cannot compare the experiences of those fishing with a professional captain whose job is putting anglers over the fish and those fishing from shore or private craft.

Generally speaking, there are too many data anomalies to warrant this type of radical change without more study. As an example, I would defy you to find a Rhode Island angler who would say there are more summer flounder or that he/she has caught more summer flounder than previously. Going from a very poor to perhaps barely acceptable data set does not justify a sudden change in allocations.

This amendment needs to be shelved so that all the stakeholders have more time to analyze how we got to this point.

Fred DeFinis
16 Evelin Circle
Middletown, RI.

Name: Charles Julian

Email: zionlion31@gmail.com

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

: Charles Julian

Comments: As a commercial fisherman, I am very concerned about the proposed black seabass allotment. These 3 species are my bread and butter and reducing my allotment will put my family in economic jeopardy. I strongly believe that out local biomass is very strong and do not feel it is overfished. Please reconsider leaving the black seabass fishery as status quo.

Sincerely
Charles Julian

Name: Robert Severi

Email: robert.severi@gmail.com

Check all that apply: Private Recreational Angler

Comments: Please promulgate regulations to ensure the viability of our fisheries, which are presently under distress and faltering. Please be guided by the science and not emotionally based feelings. Please take advisement from only subject matter experts. I don't have the expertise and data to suggest the most prudent direction. However, my antececdotal long term recreational fishing experience clearly indicates that all of our fisheries are under extreme duress. Fishing is worsening. Whatever we're doing isn't working. Let's try something else. Perhaps the subject matter experts can recommend an acceptable solution. Thanks for asking for my input.

Name: Michael Spall

Email: mspall@whoi.edu

Check all that apply: Private Recreational Angler

Comments: The recreational summer flounder fishery in Vineyard Sound is dead. Typically less than 1/10 meet the 17" limit. This is no surprise when the commercial size limit is 14". How do you expect anything to be left for the recreational fisherman?

Name: Raymond LeFante

Email: ray79@aol.com

Check all that apply: Private Recreational Angler

: Raymond LeFante

Comments: As a dad with 3 sons spending money on a boat trip is very expensive. It is over a $500.00 day when you add in bait, tackle, food, gas, tolls, boat fare etc. To come home with zero fish is frustrating and disappointing especially when I can go to Wegmans and buy the same fish for $18.00 per pound. We need a slot limit of one fluke 16-17" so it pretty much guarantees a few fillets. Not only that it makes a better experience for young anglers who are the future of the sport when they can take a fish home and show mom. It makes them want to go again. Having kids with a positive hobby like fishing will prevent them from going down a wrong path.

Name: Luciano Mascari

Email: luciano.mascari@gmail.com

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

: Luciano Mascari

Comments: In neither of these alternatives do we see any changes in individual minimum fish size / length that impact the biomass. E.g. in MA Commercial summer flounder minimum is 14" while recreational is 17 1/2 " I would like to see an increase in minimum length for commercial rather than a decrease in minimum for recreational. Same goes for Black Sea Bass and scup individual fish size. This would enable the biomass average catch size of each fish to increase over time and result in higher egg laying. Greater satisfaction for recreational fishers experiencing higher quality catch rates. additionally having higher quality products for commercial fishers with less individual size fish to achieve daily quotas over time. Racing down to high catch rate of smaller less mature fish is a recipe for fish stock collapse just like in the Cod fishery.

As good stewards of the seas, what are we doing to improve the size and quality of the biomasses for improved sustainability?

Name: Ronald Rosa

Email: ron_rosa52@verizon.net

Check all that apply: Private Recreational Angler

: Fluke/scup/sea bass allocation amendment.

Comments: For several years now the minimum length to keep fluke has been 18". Almost every fluke caught has been a throw back since few, if any, were 18". I feel that each angler should be allowed to keep 1 fluke 16" or more and 2 at 18" rather than 3 at 18". This way at least there is a better chance for an angler to bring home a fish rather than go home empty handed.

Name: Kevin Kloza

Email: kevnmary@optonline.net

Check all that apply: Private Recreational Angler

Comments: As a new boat owner I was surprised and disappointed to have the Summer Flounder season close last year on Sept 19 and no open season for sea bass until October 8th. This basically leaves a recreational angler with nothing to fish for almost 3 weeks. With reduced seasonal crowds and perfect weather this is the time that we want to be on the water practicing safe social distancing and enjoying more relaxed angling. From a conservation perspective I would rather the fluke season start on June 1st and extend past the end of September. If this threatens the biomass I would prefer a 3 fish 18 1/2 or even 19 inch fish limit per angler, a fair trade off for more opportunities in the Fall. Additionally, as a private angler I question why such a long closure in the seabass season. 5 weeks closed? A reduced limit or larger size requirement still allows anglers to target the fish with little threat to the species. My experiences last year indicated a abundance of smaller seabass at almost every rockpile in Monmouth County. I urge the counsel to consider the recreational angler and give us something to target in the early Fall.

Name: KEITH PISKORSKI

Email: tillie8@optonline.net

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

: SEABASS, FLUKE

Comments: I FISHED AT LEAST 3 TO 4 DAYS OUT OF 7 LAST YEAR AND THE FLUKE FISHING WAS OK, BUT THROWING BACK SHORT FISH ONLY FOR THE COMMERCIAL DRAGGERS TO SCOOP THEM UP FOR HARVEST IS NOT A FAIR GAME PLAN. WE WOULD LIKE TO SEE A 3 FISH LIMIT, 2 AT 18" AND 1 AT 17" WOULD WOULD BE A LITTLE MORE FEASIBLE.
AS FOR THE SEA BASS AFTER THE FIRST WK OR 2 IN THE FALL A KEEPER WAS NON EXISTING, AND AGAIN FOR THIS YEAR THE THE COMMERCIAL LIMIT WAS RAISED. HOPE YOU COULD EXPLAIN THAT TO ME.

THANK YOU FOR YOUR TIME
KEITH PISKORSKI
CONCERNED ANGLER

Name: William Rathjen

Email: billar@verizon.net

Check all that apply: Private Recreational Angler

Comments: Believe there should be a slot size of 16 1/2 or 17" of 1 fish for recreational fishermen to be allowed to take 1 ffluke home for dinner. The large fluke are the breeders and the backwaters are full of fluke under 18". It is very common to catch 20-30 fish and go home empty handed.Give the recreational fishermen a break. Thank You. Bill Rathjen

Name: Edward Lloyd Jr

Email: nikkadog1@optimum.net

Check all that apply: Private Recreational Angler

: Edward Lloyd Jr

Comments: Flounder Fishing Season size limit. It is hard to keep track from state to state .Like New Jersey to New York for example Jersey size limit is 18.5 and New York say it 19 inch. Person fishing already has an illegal fish. How can you or all the Eastern State come up with one size fish that will fit all state up and the coast,

Name: Ray Heagele

Email: rheagele@gmail.com

Check all that apply: Private Recreational Angler

Comments: Please make the regulactions universal for the entire zone. The area you cover is not that variable. It iratates me each Time I throw back a 17 ln fish when across the bay I could keep a 16ln fish. It just doesn't make sense.

From: dannylester <dannylester@optonline.net>
Sent: Thursday, February 18, 2021 2:52 PM
To: Kiley Dancy
Subject: quota allocation

I am a commercial fisherman and i would like to see that our quota stay the same for all on the agenda. I can't believe anyone would even think to give ours to the rec side. If anything the commercial quota should be raised. Thank you i hope you take all correspondence into consideration.

Daniel Lester

Name: Carmine Taffuri

Email: carminet@comcast.net

Check all that apply: Private Recreational Angler

Comments: I would like to see a change in size limits for Summer Flounder. I believe the Commercial limit should be the larger due mainly to the fact that this fishing is done with nets, rather then rod/reel. I feel that the Recreational limit should be 14" since with this change these fish would hopefully be smaller then the net mesh size and therefore not end up as dead by catch. I've been fishing for 60 years, and its always been nice to bring home family dinner, but with trawlers being able to take 14" fish, how many 18" fish do they also remove from the biomass, and thus from the recreational quota? On a dollar and cents point, I spend $40. to go out on a day boat, and hopefully catch 1 or 2 fish, if I don't get anything and go to the store on the way home, I'm paying $12./lb. for a fish I could not legally keep at sea!

Name: Chuck Weimar

Email: star2017@aol.com

Check all that apply: Commercial Fishing Industry

Comments: The actions I support are For Fluke 1A-4 Status Quo For Scup 1B-1 Status Quo For Black Sea Bass 1C-4 Status Quo And I request that the Recreational Reform take place prior to any reallocation amendment.

Name: Bill Forster

Email: Bill_1860@aol.com

Check all that apply: Private Recreational Angler

Comments: Limits are still needed. I have not seen anyone take a Flounder or a Fluke from the waters between Winthrop and Marblehead in years. I have stopped fishing off Nahant and and the Lynn Pear because there is nothing to catch. Over the last few years I have seen two small trawlers going back and forth off Nahant Beach and Revere beach out of season and at night.

I suspect they have cleaned out any fish and scallops in the area.

Sincerely,

Bill Forster

Nahant

From: JOSH ELDRIDGE <monomoyjosh@gmail.com>
Sent: Thursday, February 18, 2021 5:33 PM
To: Kiley Dancy
Subject: Fluke/Scup/Sea Bass Allocation Amendment

From Josh Eldridge

Capt/ owner Monomoy Charters Nantucket

508 901 1120

To whom it may concern,

My thoughts on the proposed changes to Summer flounder, Black Sea bass, and Scup proposals.

4.1.1 summer flounder

1a-7 landing based allocation, with a 5 year phase in 1d-4.

4.1.2 Scup

1b-7 landing based allocation, with a 5 year phase 1d-4.

4.1.3 Black Sea Bass

1c-7 landing based allocation, with a 5 year phase 1d-4

I feel these actions would move the most amount of quota away from the dragger industry who's "dead discard" levels (page 7, note 2) are ridiculous. Although I do appreciate the nature of it as a "Historic Fishery" it's time this industry adopt newer methods to decrease by-catch and it's dead discard rate, or go away. One thing not represented in the document is the by-catch. I realize that those numbers are probably documented in there respective fisheries, but I think it's important to have those numbers represented here to see and understand the big picture. The Summer Flounder and Scup fleet in Nantucket sound are landing almost as much in whelk and horseshoe crab as they are in scup and flounder.

The 5 year phase in would allow a more accurate monitoring of both the commercial and recreational fisheries, and allow for adjustments to both as needed. The landing based allocations seem like it would focus more closely and hopefully accurately on the "Dead Discard" numbers. (Personal note, I watch the daggers in Nantucket sound dump 100s to 1000s lbs of dead scup every spring/early summer because it's "to much work to deal with". These landings/ dumpings need to be counted against the quota)

#5 quota transfers

2a no action/status quo

At this point in time with a five year phase in plan, I would not be in favor of making quota available to transfer. With as many changes proposed already, I think it would be important to see exactly how they affect both the commercial and recreational before we start moving quota around.

#6 Framework Provisions

3b allow changes

I feel that this will be an important tool in managing fisheries. The ability to make small adjustments and changes in a timely manner that address the current needs of the fisheries will be vital in moving forward. Thoughts moving forward. I would love to see a commercial trap category have its own quota. Quota could be taken back from the recreational category to start it.

Thank you for your time.

Sincerely
Josh Eldridge
Nantucket
508 901 1120

Sent from my iPad

From: Beverly Lynch <braelynch@gmail.com>
Sent: Saturday, February 20, 2021 9:31 AM
To: Kiley Dancy
Subject: fluke/scup/seabass allocation amendment

Regarding giving commercial black sea bass quota to recreational fishermen

I'm for status quo.
In VA, MD and DE, fishermen have individual quotas which they earned. Some have sold theirs, which they have a right to do, to pay for their retirement.
All quotas should have gone to fishermen who worked for them, not to states to redistribute politically.
You have already redistributed MD and VA quotas to the detriment of fishermen who lived by them.
The virus has devastated markets. This is the worse time to even consider taking away quotas.

Name: Chris Scola

Email: scolathecrab@yahoo.com

Check all that apply: Commercial Fishing Industry

Comments: Under no circumstances should quota be transferred from the commercial to recreational sector . Lower quotas will result in shorter seasons and higher discards . Also wholesale and retail prices will increase due to lack of product which will punish restaurants that are already struggling and punish consumers at a time that people are struggling financially. Also, with rising fuel prices and rising costs commercial fishermen shouldn't lose opportunity to pay their increased costs .

Commercial fishermen are the conduit that gives the public access to our shared resources . Increasing recreational quota at the expense of the commercial sector equates to privatization of the public resource . The only increase for the recreational sector should be for the for hire sector , but not at the expense of the commercial industry .

Recreational fishermen should bare the same burden for exceeding quota that the commercial fishermen endure .If they must endure shorter seasons for exceeding their TAC then so be it . It's imperative that the recreational sector be better monitored. The current optional dockside interview program is a joke . Proper monitoring will result in better adherence to quotas

Name: TIMOTHY ANFUSO

Email: CNPLANNERS@OPTONLINE.NET

Check all that apply: Private Recreational Angler

: TIMOTHY ANFUSO

Comments: To Whom It May Concern;

I believe the main problem with the Summer Flounder fishery is the decline in recruitment which has occurred over the past 20 years. To increase recruitment and the young of the year, I propose the following.

1. Discourage, reduce and minimize fishing pressure on large breeders. Here in New Jersey we have an 18" minimum size. The sex study performed by Rutgers University on party boat landing showed the overwhelming majority of the fish greater then 18" in size are female. I mainly fish the Sandy Hook area and in 2020 I landed 43 fluke of which 3 fish were of legal size. While cleaning the fish I discovered that all 3 fish were female. The size regulations should be designed to balance the number of male and female fish harvested.

2. Stop all recreational and commercial fishing for Summer Flounder during the spawning period. I believe the spawn occurs from September through February. and all fishing for Summer flounder should be closed at this time. Please give the fish the chance and the time to reproduce.

Thank you for your time and consideration,

Tim Anfuso

From: George Vigeant <georgevigeant@yahoo.com>
Sent: Monday, February 22, 2021 11:20 AM
To: Kiley Dancy
Subject: Fluke/Scup/Sea Bass Allocation Amendment

How sea bass commercial increased 50lbs rod reel 100 lbs pots and recreational is still 5 fish per person and closing in September I feel the entire board are commercial fisherman I will draw up a letter to send out to all fishing magazines and newspapers. This is so unfair the fishery can support increases for commercial but not for recreational why wouldn't, you offer 3 fish per person thru end of year tautog fishing in the fall we have throw back sea bass even if there going to die.

Sent from Yahoo Mail for iPad

Name: David Trader

Email: dtrader62@icloud.com

Check all that apply: Commercial Fishing Industry

Comments: My name is David Trader and I vote status quo for Summer Flounder, Scup and Black Sea bass.

From: rfyogibear@aol.com
Sent: Thursday, February 25, 2021 1:36 PM
To: Kiley Dancy
Subject: summer flounder, scup, sea bass limits

as a recreational fisher of these species of course i would support a higher percentage for us then commerical limits. I would prefer fluke limits to be higher for recreational as their size limit already makes them somewhat hard to keep. I would be willing to support lower recreational limits on sea bass and scup. their size limits are easier to obtain and they seem to be a little more abundant.
also do you have any fish pamphlets or pictures? my grandsons would love them. thank you, robert f., massapequa,ny

---

Name: Allen 'Buddy' Seigel

Email: buddyscrn@gmail.com

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

: Sr VP Atlantic Coast Sportfishing Assoc., Brd Member, Ocean Pines Angelers, Advisor, ASMFC SFSBSB

Comments: Last night, I listened to the discussion concerning options for the SFSBSB. First, I recommend status quo if there are noted actions taken to understand the numbers. For years, The numbers used reflect the best scientific methods available. This is and has been an excuse not to get a better understanding of all of the fisheries. Commercial captains, headboat captains, and charter captains are on the water every day and this great resource is not used! As the numbers come out, there is no sanity check to see if the numbers make any sense! (before they hit the street). Not all species will fit the same mold in multiple areas of the same state. But under MRFFS and MRIP they must! "Our" best available science" is NOT good enougth and will only get worse! Mathematical formulae that are certified as valid prove only that the formula was applied properly, not that they are real and approved by the "USER" community. When will we get this right? We are basing our future on flawed data!

Buddy Seigel

SFSBSB - Summer Flounder, Scup, Black Sea Bass

Name: Ilya Elkin

Email: pennh2o@hotmail.com

Check all that apply: Commercial Fishing Industry

Comments: Please do not change the commercial allocation of black seabass. Please keep it status quo. The commercial sector's regulations are finally getting better due to the increased biomass, please keep it that way. Thank you for you time.

Name: Jim Wack

Email: jimwack2@aol.com

Check all that apply: Private Recreational Angler

Comments: Vote for Summer Founder Option #1

Name: Michael Marks

Email: mjmarks@icloud.com

Check all that apply: Private Recreational Angler

Comments: I would prefer a vote for the later fluke season!

Name: Lisa Alp

Email: lisaalp@optonline.net

Check all that apply: Other (please describe below)

: Consumer

Comments: Please keep the status quo for all three species; do not change the current allocation. With local fisheries and local seafood having my support and best interest in mind, I believe that reallocating quotas will reduce the availability of fresh, local seafood from my local markets and restaurants.

Name: Jon Trask

Email: jontrask@optonline.net

Check all that apply: Other (please describe below)

: Consumer

Comments: Please don't make any changes to the status of the 3 species described above . Any changes that reduce the availability of fresh local fish to the local consumers is just wrong. In our house, we look forward to enjoying all the fresh local seafood possible. It is a major staple on our menu and I hope you do not jeopardize this most treasured precious natural commodity . Thank you

Name: Charlie Weimar

Email: cweimar21780@hotmail.com

Check all that apply:

Comments: My name is Charles Weimar Jr I am a New York commercial fisherman, I have been a comm fishermen for 20 years, I work on the RiandaS and the only action I can support is status quo for this amendment on the scup, black sea bass, and fluke quotas. New York cannot afford to lose more quota in these fisheries, it will be devastating to me and my fishing community and the businesses that support us.

From: dannylester <dannylester@optonline.net>
Sent: Tuesday, March 2, 2021 3:15 PM
To: Kiley Dancy
Subject: scup,fluke and sea bass quota

My name is Dan Lester i have been a commercial fisherman for 30 years on the east end of Long Island. I am writing in regards to the meeting tonight ,I believe we should keep it as it is. Status quo. If anything the commercial guys should get more quota not less. I also support the recreational reform they should be able to turn their discards into landings. I cannot support taking my landings and turning them into their dead discards. This was never the intent of the Magnuson act.

If the commercial quota is lowered it will be devastating to us fisherman and our communities. Thank you Dan Lester

Name: Nathaniel Miller

Email: miller_nat@yahoo.com

Check all that apply: Commercial Fishing Industry

Comments: "My name is Nathaniel miller, I am a New York commercial fisherman, I have been a comm fishermen for 25 years,and the only action I can support is status quo for this amendment on the scup, black sea bass, and fluke quotas. New York cannot afford to lose more quota in these fisheries, it will be devastating to me and my fishing community and the businesses that support us.

I also support a recreational reform amendment so that they can help their fishery to turn discards into landings. But I cannot support taking my landings that feed people and turning them into their dead discards. That was never the intent of Magnuson. "

From: Charles etzel <chucketzel@yahoo.com>
Sent: Tuesday, March 2, 2021 6:35 PM
To: Kiley Dancy
Subject: Comments on recreational reallocation webinar

To Whom It may Concern,

My name is Charles Etzel,

I am a New York commercial fisherman, I have been a comm fishermen for 20 years, I own and operate the Fish Dragger Damariscotta, and the only action I can support is status quo for this amendment on the scup, black sea bass, and fluke quotas. New York cannot afford to lose more quota in these fisheries, it will be devastating to me and my fishing community and the businesses that support us.

I also support a recreational reform amendment so that they can help their fishery to turn discards into landings. But I cannot support taking my landings that feed people and turning them into their dead discards. That was never the intent of Magnuson. "

Charles Etzel

Name: Sean Barrett

Email: docktodish@gmail.com

Check all that apply: Commercial Fishing Industry

: Community Supported Fishery Program of New York

Comments: Hello my name is Sean Barrett, I operate Dock to Dish which is the Community Supported Fishery of New York headquartered in Montauk. I have operated the program since 2012 and the only action I can support is status quo for this amendment on the scup, black sea bass, and fluke quotas. New York cannot afford to lose more quota in these fisheries, it will be devastating to me and my fishing community and the businesses that support us. I also support a recreational reform amendment so that they can help their fishery to turn discards into landings. But I cannot support taking my landings that feed people and turning them into their dead discards. That was never the intent of Magnuson.

From: BERGLIN <sberglin@optonline.net>
Sent: Saturday, March 13, 2021 9:14 AM
To: Kiley Dancy
Subject: Scup, sea bass ,fluke reallocation

My name is John Berglin, I am a New York commercial fisherman, I have been a commercial fisherman for 40 years, my boat is the F/V Mary Elizabeth, and the only action I can support is status quo for this amendment on the scup, black sea bass, and fluke quotas. New York cannot afford to lose more quota in these fisheries, it will be devastating to me and my fishing community and the businesses that support us.

I also support a recreational reform amendment so that they can help their fishery to turn discards into landings. But I cannot support taking my landings that feed people and turning them into their dead discard. That was never the intent of Magnuson.

From: BERGLIN <sberglin@optonline.net>
Sent: Saturday, March 13, 2021 9:38 AM
To: Kiley Dancy
Subject: Scup, sea bass and fluke reallocation

My name is Scott Berglin, I am a New York commercial fisherman, I have been a commercial fisherman for 40 years, my boat is the F/V Mary Elizabeth, and the only action I can support is status quo for this amendment on the scup, black sea bass, and fluke quotas. New York cannot afford to lose more quota in these fisheries, it will be devastating to me and my fishing community and the businesses that support us.

I also support a recreational reform amendment so that they can help their fishery to turn discards into landings. But I cannot support taking my landings that feed people and turning them into their dead discard. That was never the intent of Magnuson.

From: Wesley Peterson <commfishmtk@yahoo.com>
Sent: Monday, March 15, 2021 7:40 AM
To: Kiley Dancy
Subject: Bsb,scup,fluke amendment

To whom it may concern,
My name is Wesley Peterson, I am a New York commercial fisherman, I have been a comm fishermen for 25 years, my boat is the F/V Seaview, along with fishing I own a retail seafood market called Petersons and the only action I can support for the joint MAFMC/ASMFC commercial recreational allocation amendment for the scup, black sea bass, and fluke fisheries is to maintain status quo for all three fisheries. New York cannot afford to lose more commercial quota in these fisheries. It will be devastating to me and my fishing community and the businesses that support us.

I also support starting a recreational reform amendment immediately so the recreational sector can help their fisheries turn discards into landings.

But I cannot support the council and commission taking from my quotas that feed people and turning them into the recreational sector’s dead discards. That was never the intent of Magnuson.

From: Sue Beckwith <suebeckwith82@msn.com>
Sent: Monday, March 15, 2021 9:04 AM
To: Kiley Dancy
Subject: Fluke/Scup/Sea Bass Allocation Amendment

My name is Paul Bruce Beckwith, I am a New York State commercial fisherman, I have been a comm fishermen for 59 years, my boat is the Allison and Lisa, and the only action I can support for the joint MAFMC/ASMFC commercial recreational allocation amendment for the scup, black sea bass, and fluke fisheries is to maintain status quo for all three fisheries. New York cannot afford to lose more commercial quota in these fisheries. It will be devastating to me and my fishing community and the businesses that support us.

I also support starting a recreational reform amendment immediately so the recreational sector can help their fisheries turn discards into landings.

But I cannot support the council and commission taking from my quotas that feed people and turning them into the recreational sector's dead discards. That was never the intent of Magnuson."

Bruce Beckwith
Montauk, NY F/V Allison & Lisa

From: Sue Beckwith <suebeckwith82@msn.com>
Sent: Monday, March 15, 2021 9:18 AM
To: Kiley Dancy
Subject: Fluke/Scup/Sea Bass Allocation Amendment

My name is Susan Beckwith, I am the wife of a New York State commercial fisherman, he has been a commercial fishermen for 59 years, our boat is the Allison and Lisa, and the only action I can support for the joint MAFMC/ASMFC commercial recreational allocation amendment for the scup, black sea bass, and fluke fisheries is to maintain status quo for all three fisheries. New York cannot afford to lose more commercial quota in these fisheries. It will be devastating to me and my fishing community and the businesses that support us.

I also support starting a recreational reform amendment immediately so the recreational sector can help their fisheries turn discards into landings.

But I cannot support the council and commission taking from my quotas that feed people and turning them into the recreational sector's dead discards. That was never the intent of Magnuson.

Susan Beckwith

Montauk, NY F/V Allison & Lisa

Name: Aaron Rozzi

Email: Arozz17@aol.com

Check all that apply: Commercial Fishing Industry

Comments: My name is Aaron Rozzi. A New York State Commercial Fisherman (full time) for 13 years, the only action that I can support for the joint MAFMC/ASMFC commercial recreational allocation amendment for scup, Black Sea bass, and fluke fisheries is to maintain status quo for ALL three fisheries. New York State cannot repeat CANNOT afford to lose any more commercial quota in these fisheries. It will be devastating to me and my fishing community and the businesses that support us.

I also support a recreational reform amendment IMMEDIATELY so the recreational sector can help their fisheries turn discards into landings.

But I cannot support council and commission taking from my quotas that feed people and turning them into the recreational sector's dead discards. That was never the intent of Magnuson.

Or in your own words, above is just a suggestion.

Status Quo must stand.

From: Dan Fagan <fagan1356@yahoo.com>
Sent: Tuesday, March 16, 2021 11:30 AM
To: Kiley Dancy
Subject: Commercial fisherman opinion

Sent from my “My name is __Daniel Fagan_____, I am a (New York)commercial fisherman, I have been a commercial fishermen for 20 years, my boat is the f/v 2 seasons and the only action I can support for the joint MAFMC/ASMFC commercial recreational allocation amendment for the scup, black sea bass, and fluke fisheries is to maintain status quo for all three fisheries. New York cannot afford to lose more commercial quota in these fisheries. It will be devastating to me and my fishing community and the businesses that support us. I also support starting a recreational reform amendment immediately so the recreational sector can help their fisheries turn discards into landings. But I cannot support the council and commission taking from my quotas that feed people and turning them into the recreational sector’s dead discards. That was never the intent of Magnuson.“

From: Helene Fallon <hafallon@gmail.com>
Sent: Tuesday, March 16, 2021 3:24 PM
To: Kiley Dancy
Subject: Summer Flounder, Scup and Black Sea bass commercial/recreational allocation Joint Amendment Comment

To Whom it May Concern:

My name is Michael Fallon, I am a New York commercial fisherman from Montauk, I have been a commercial fishermen for over 40 years, my boat is the Tamara Louise, and the only action I can support for the joint MAFMC/ASMFC commercial recreational allocation amendment for the scup, black sea bass, and fluke fisheries is to maintain status quo for all three fisheries. New York cannot afford to lose more commercial quota in these fisheries. It will be devastating to me and my fishing community and the businesses that support us.

I also support starting a recreational reform amendment immediately so the recreational sector can help their fisheries turn discards into landings.

But I cannot support the council and commission taking from my quotas that feed people and turning them into the recreational sector's dead discards. That was never the intent of Magnuson.

Sincerely,

Michael Fallon

Name: Aida Kuehn

Email: arkmarlin@optonline.net

Check all that apply: Private Recreational Angler

Comments: I support preserving the status quo. Thank you.

From: Denise Wagner mailto:wagnerfishingone@yahoo.com
Sent: Thursday, February 18, 2021 5:35 PM
To: G2W <G2W@asmfc.org>
Subject: [External] Seabass, Scup, Summer Flounder

We are against any transfer of quota to the Recreational Fishing Sector. After 20 plus years of low quotas, season closures and trip limits the stock has finally rebuilt to the point where a commercial fisherman can finally make a living fishing. Recreational Fisherman are in the minority when it comes people of the public as a whole. We catch fish and these fish are shipped all over the country to people who do not have access to them. The Recreational Fisherman fishing in their skiffs have 9 - 5 jobs elsewhere. This is a living to us and we feed the public. So I only have one question to the board at that is "After all the suffering and sacrificing we have done over the years to rebuild the stock to the levels it is finally at, how can you justify taking the quota away?"

Joe and Denise Wagner
J W Commercial Fishing Inc
F/V Saturn
New Jersey

From: Paul [mailto:tok67@verizon.net]
Sent: Tuesday, February 23, 2021 11:01 AM
To: G2W <G2W@asmfc.org>
Subject: [External] Scup-Seabass-Summer Flounder

Good Morning,
Until quotas are based off on the last 6 years' data minus the last year, your information will always lack the most current trends of the fishing stocks true numbers. Last year's number, regardless of any species will only tell you what happened then.

The information has to be factual based. As for the commercial sectors, there should never be a quota adjusted or days adjustment during the season. Doing so WILL contributed to future overfishing. If the fish are not there to be caught, there is a reason why (shortage, weather, water temp, etc) extending the seasons or days will harvest fish from a different migration pattern and contribute to overfishing. If maybe fine for the rest of that season, but 3, 4, 5 years later now where are those fish!

The best senior for a commercial is to open the permits back up on a limited basis in Massachusetts.

The best Example the codfish this species HAS NOT REBOUNDED from overfishing.

regards
Paul

From: andrew dzenis <adzenis13@gmail.com>
Sent: Wednesday, March 3, 2021 9:50 PM
To: Dustin Colson Leaning
Subject: Commercial Fluke Quota Increase

Hi Dustin,

I strongly oppose increasing commercial catch quota of Summer Flounder by 49%.

I have been a mate my entire life and last season was one of the worst fluke seasons on record, up and down the north east.

Rather than specific species, draggers should be given daily or weekly total quotas. The amount of dead loss and waste is astounding.

Sincerely,
Andrew Dzenis

From: Brian Ease [mailto:radefishhead@optonline.net]

Sent: Saturday, March 6, 2021 9:47 AM

To: G2W <G2W@asmfc.org>

Subject: [External] Fluke ,scup,Black Sea bass amendment

My name is Brian Rade from the F/V Defiant in montauk NY.I'm a year round commercial fisherman for 35 years now.The only action that I can support is status quo for this amendment as of now because New York cannot lose any more quota in these fisheries.It would be devastating to myself and all of the businesses here.we cannot support this until the recreational sector is reformed and controlled like the commercial sector is and has been for years.

Thank you,

Brian Rade

From: Dave Born [mailto:fishtrapper@gmail.com]
Sent: Thursday, March 4, 2021 5:57 PM
To: G2W <G2W@asmfc.org>
Subject: [External] Amendment Hearing

For all three status quo Thank You

From: Dave Born [mailto:fishtrapper@gmail.com]
Sent: Tuesday, March 2, 2021 5:51 PM
To: G2W <G2W@asmfc.org>
Subject: [External] Meeting

Leave everything alone it is working for everyone . Leave the allocation the same. Thank You Dave Bornemann

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From: Tyler Maguire <tmaguire1228@gmail.com>
Sent: Saturday, March 6, 2021 12:45 PM
To: Kiley Dancy
Subject: Response to suggested reform amendment..

My name is Tyler Maguire, I am a New York commercial fisherman, I have been a comm fishermen for 15 years, my boat is the F/V TOMAHAWK, and the only action I can support is status quo for this amendment on the scup, black sea bass, and fluke quotas. New York cannot afford to lose more quota in these fisheries, it will be devastating to my livelihood, my family and my fishing community and the businesses that support us. The commercial industry always seems to get the short end of the stick, the regulators just take take take and no matter how replenished the fish stocks seem to get we never get anything back in return.

Sent from my iPhone

From: John German <lobsteratlocust@optonline.net>
Sent: Monday, March 8, 2021 8:19 AM
To: Kiley Dancy
Cc: Brady, Bonnie
Subject: Quota Transfer

Chris Moore, Ph.D.
Executive Director Mid-Atlantic Fishery Management Council

Dear Mr. Moore:

I, John German, have been a full time commercial fisherman for mostly lobsters for 55 years.

Since Long Island Sound lobsters have been in decline for at least 15 years, sea bass has become an important resource for fishermen in this area. In fact, it is mostly what we survive on, especially in this year of low prices, pandemic closures, and poor markets.

Therefore, I find it extremely disturbing that we would lose some of our quota to another fishery sector. If anything, we would like more quota of black sea bass, not less.

Thank you for your interest in this subject and if I can be of any help in the future, please contact me.

Keep it in the channel,

John F. German
President, Long Island Sound Lobstermen Association

Name: James Riggs

Email: jr5743@gmail.com

Check all that apply: Private Recreational Angler

: James Riggs

Comments: Where i fish the pressure from commercial trawlers is constant.....I think the way to rebuild fish stock is to establish a 1 mile sancturary from shore where it would be rod and reel only.....this would allow the grasses and kelp to re-establish near shore provide much needed habitat and reduce the conflict between recreational and commercial fishermen. Using some of the fishing licence money to establish artificial reefs along the inshore waters this is much needed and would be a welcome sign of progress for both anglers and scuba divers.....Thank you Jim Riggs

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From: FROELICH [mailto:dfroelich2@optonline.net]
Sent: Tuesday, March 9, 2021 12:46 PM
To: G2W <G2W@asmfc.org>
Subject: [External] Reallocation Amendment Comments

To Whom it May Concern:

I am writing regarding the Black Sea Bass, Scup and Summer Flounder Commercial/Recreational Reallocation Amendment.

I am a commercial fisherman. And I feel like what is being proposed is a quota grab and that is immoral and probably illegal. The recreational overages should not be the reason for taking from the commercial quota, they, the recreational sector, need to deal with their overages on their end not take from us.

Status quo got us this far. You cannot change the rules in the middle of the game. WE need to go back to the drawing board and either raise the TAC or TAL so we can all benefit, not just one side.

Just because the recreational guys can catch the fish it does not justify them landing them. It is not that way for the commercial guys. Commercial fishermen catch their limit then go home or catch something else.

Some recreational guys look at science and plans. Well, if you go back to the beginning you will see that the commercial fisherman sacrificed then for the future which is now, however, we are not benefiting from our sacrifices.

And only giving us 50lbs of this and 100 lbs. of that is not an open fishery.

An analogy would be two people with a bank account. One person always putting money in the bank account and the other always taking out. It is not right.

I am not against recreational catching fish; they just need to work within their quota and be accountable like the commercial guys.

Either we be stewards of resources or continue fighting over it forever.

So, I support Status Quo.

Timothy Froelich

F/V Liberty

F/V Independence II

Name: Brian Loftes

Email: bkloftes@live.com

Check all that apply: Commercial Fishing Industry

: Brian Loftes

Comments: I fish for all three of these and I dont belive now is the time to take away from the commercial sector to give to recreational fisheries. Covid has had a determental inpack on fish prices and with the new president fuel prices are already going up and the profit margines are getting smaller all the time this is not a good plan and is just another attempt to reallocate fish away from the guys that feed the nation and need it the most I do not support this plan !

Thank You

Brian Loftes

Name: burl self

Email: b_e_self@yahoo.com

Check all that apply: Private Recreational Angler

: burl self

Comments: limit commercial fishing. sport anglers generate far more income jobs and tax revenue

Name: Vinny DelGozzo

Email: vdelg@hotmail.com

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

: Vinny DelGozzo

Comments: Flounder: 1a-2; however I believe the fishery would be better suited if there was a slot system implemented. For example: 3 fish at 16"-22"

Scup: 1b-7; the fishery is strong

Black Sea Bass: 1c-7; the fishery is strong. I also think a slot limit (12"-18") would be better and reduce the boat or per angler bag limit (5 per man?), limit the largest fish, have a smaller commercial season, and have the season open from 4/1 - 12/31.

Phase-In Alternatives: 1d-2

Annual Quota Transfer Alternatives: 2a; I just think it would cause too much confusion and too many problems to both keep track of and regulate. Most recreational anglers aren't paying close enough attention.

Transfer Cap Alternatives: 2c-1 (same thought process as Quota Transfer)

Framework/addendum provisions alternatives: 3a; all changes should be made with input from all stakeholders. No one group should own the right to regulate the allocations.

Name: Bob Severi

Email: ROBERT.SEVERI@GMAIL.COM

Check all that apply: Private Recreational Angler

: Bob Severi

Comments: My anecdotal experience from inshore boat fishing around Long Beach Island, NJ since 2002 indicates that almost all fisheries are under duress, e.g., Stripers, bluefish, weakfish, croakers, sea bass, blowfish, fluke, etc. I recall catching around 20 fluke on a trip and having one keeper. Now I'm lucky to catch any fluke.

The technical information is overwhelming. I defer to the expertise of subject matter experts to determine how to ensure that the fluke and other fisheries will thrive long term. You don't need to recreate the wheel. Experience tells us what has worked in the past, e.g., salmon in CA, cod in New England, Stripers on the East coast, etc. However, I suspect that kaehle hooks, which are frequently gut hookers increase the mortality of throwbacks. Perhaps these hooks should be banned. Should the use of circle hooks be encouraged?

Name: Paul Olinski

Email: pauloski1@msn.com

Check all that apply: Private Recreational Angler

Comments: I have stopped fishing salt water as it is a waste of my time and money because the limits and sizes are prohibitive for a recreational angler. Also, having to keep breeder size fish and releasing the smaller males is counterproductive to the entire industry especially since the commercial fisher people get to keep the smaller fish and have a tremendous mortality rate from bycatch. This is unfair and will eventually destroy the summer flounder and black sea bass fisheries.

From: John Kowaleski <fvkimberlymarie@verizon.net>
Sent: Friday, March 12, 2021 7:39 PM
To: Kiley Dancy
Subject: Fluke/Scup/Sea Bass Allocation Amendment

just a point about fluke/ saleable fish in general.
a few years back we were fishing for fluke 4 days a week, the price was high and at least (the rod and reel)
fishing was pretty good, 50 lbs a day for 4 days a week.
then it was opened to seven days and automatically there were almost twice as many fluke going to market.
what did this do? It dropped the price to the lowest per pound price for years, meaning that for the same effort every day
we were only earning 1/2 of the money, forcing everyone to fish all seven days in order to make the same money as the original 4 days.
more expenses, more time away from home, fishing in more dangerous conditions
If we extend this to the dragger fleet in the winter, the same thing happens the limit just was opened for sea bass to 2000 lbs. and the fluke to 4500 bls.
these fish already are worth almost nothing, again forcing the boats to fish constantly for less return.
I don't know the answer but there must be some way to keep the price up (smaller limits) (daily closures) and if someone wants to fish they can go to a different species. and, the fishermen will still be making the same money and also will be killing less fish.

Name: Roy Diehl

Email: crab554@aol.com

Check all that apply: Commercial Fishing Industry

Comments: I'm for status quo as to allocations state by state
We need to stop the multi state on board at the same trips it's already killed the market price the combination of the pandemic and the flooding of the market with large trips of fluke make it counter productive

Name: John Hunnewell

Email: KIFARU@HUGHES.NET

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

Comments: Last summer off Block Island, RI. Black Seabass numbers were out of control. They are decimating everything else. Higher limits are needed. Fluke were way down, Possibly because of lack of food because of the Seabass ? Keeper fluke were much less plentiful.

Name: Jeff Miller

Email: jeffsmiller2007@comcast.net

Check all that apply: Commercial Fishing Industry

: Jeff S Miller

Comments: Anymore cuts in NJ on fluke porgy and bass would further hamper any job growth in seafood business.

I have been selling seafood for 40 years barley hanging on. Please NO MORE CUTS

Name: Brent Loftes

Email: bloftes@hotmail.com

Check all that apply: Commercial Fishing Industry

: Brent Scott Loftes

Comments: Regarding changes to the Summer flounder scup and c bass. For the scup I would like to see 78% commercial and 22% recreational. The summer flounder 60% commercial and 40% recreational. And the Seabass first of all the quota should be doubled from what it is currently. I am not sure why the NMFS is so slow and so out of date with the amount of Black Sea Bass in the ocean but anyone paying attention has come to the same conclusion. 49% Commercial and 51% recreational. And as far as transferring quota to one sector or the other I don't want to see any quota transferred. In my opinion the commercial folks will be the ones getting screwed over only because this has been the way it has been for years now. That's my 2 cents hopefully NMFS will do the right thing.

On 3/14/21, 5:20 PM, "Pamela Reimer" <earwcr@optonline.net> wrote:

Sir,

My name is William Reimer, I am the owner operator of a small Dragger here in New York. I don't have to tell you why we get such a small quota of fluke, Seabass ,and scup, as it is, and to take any more, would put a serious hurt on my ability to pay my bills. This is the most expensive state in the union, but by cutting my overhead a little here and there, I am able to continue fishing, and because our state DEC has held the line pretty well the last few years. I really appreciated that. Now I understand the council is preposing to reallocate some commercial quota to the recreational side, I don't understand why. Where's the science? For what good reasons? How can the rec. side get more fish? We don't know what they take now. We don't know what they discard. As you know, I have nothing but documentation and accountability, and that goes all the way to the restaurant. We supply the people of the United States with a reasonable priced meal. I understand the rec. side pumps a lot of money into the economy, but that doesn't mean they need more fish.

I am asking you to stay with the " status quo option "

Sincerely ,William C. Reimer

Name: MARK HODGES

Email: MLHODGES56@VERIZON.NET

Check all that apply: Commercial Fishing Industry

: MARK HODGES

Comments: My name is Mark Hodges, commercial BSB trap fisherman from Va., my stance on the proposed % change to 55% to the rec. and 45% allocation for the comm. sector or any other % change of the federal BSB quota is status quo, no change. The proposed change is based on sketchy science at best. The rec. sector should not be rewarded for continuously going over their quota. The entire BSB quota could be allocated to the rec. sector and that would not solve the problem. There are simply too many rec. and party/ charter boats fishing for BSB. There is no accountability in the rec. sector. There should be a license system, with call in reporting and coastwide closures. There also need to be sever penalties for not reporting, fishing during closed seasons, and not adhering to bag limits. Implementing some of these suggestions would allow you to get a handle on the problem. Stealing quota from the comm. sector will not begin to solve the problem. Thanks for your time Mark

From: dannylester <dannylester@optonline.net>
Sent: Monday, March 15, 2021 6:31 AM
To: Kiley Dancy
Subject: commercial quota

My name is Paul Lester and i am commercial fisherman on Long Island. I have fished for 30 years and we need the quota to stay as is ,status quo. If we lose quota it will not only hurt me but also my community in a whole. It is not fair to take from us to give to the recs, you should figure out a way to deal with their own discards as the magnuson act was not meant for this. Thank you Paul Lester

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From: dannylester <dannylester@optonline.net>
Sent: Monday, March 15, 2021 6:34 AM
To: Kiley Dancy
Subject: commercial quota

My name is Diane Lester and i am a wife and mother of a family of commercial fisherman on Long Island. I believe that we should keep the status quo for all on the agenda. It will hurt our livelihoods if you take quota away from us. Find another way to fix the recs problems with discards. Thank you Diane Lester

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Name: Richard Jones

Email: rjones7242@aol.com

Check all that apply: Commercial Fishing Industry

Comments: Leave the quotas the same for commercial fishing they are to small already Thanks Richard Jones

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From: Mike Hall <mhall@towndock.com>
Sent: Monday, March 15, 2021 8:33 AM
To: Kiley Dancy
Cc: Almeida, Katie
Subject: fluke scup sea bass

I cannot support any change in allocation that reduces the commercial quota . recreational fishing is just that a hobby albeit an expensive one .in a time of covit 19 there will be a lot more people fishing recreationally. We truly have no way of monitoring what they catch. To take away commercial quota that is regulated by state and federal laws and have a giveaway to a sector that cant and wont regulate themselves is worse. I cant believe we are even having this discussion. the status quo is what I recommend . thank you Michael Hall

Commercial advisor r.i.

Name: Bill Foster

Email: billfoster43@icloud.com

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

Comments: I prefer the no action option for the proposed reallocation of summer flounder. The commercial quota and recreational limit are two entirely different units. The RCL has a far greater degree of management uncertainty, less accountability, a greater percentage of waste, and higher probability of allowing over fishing.

Each of the other options would make the ACL even less compliant with the National Standards and Required Provisions of the M-S Act.

I oppose any in season transfers for two reasons:

1. There are no guidelines as to what would justify transfers.
2. For 32 years the excuse for not having a quota on recreational landings has been that the data is not good enough for in season adjustments. If it is not good enough to shut the fishery down, it certainly is not good enough for quota transfers.

My comments relative to the scup and sea bass fisheries would be basically the same.

Name: Jim Wright

Email: jjwri@hotmail.com

Check all that apply: Private Recreational Angler

Comments: The commercial practices now wreck the environment and until the government actually enforces the laws with penalties that are painful,regulation is meaningless. I can't tell you how many times I've heard "we don't have the resources to actually stop the commercial cheats." Also poaching on a smaller scale has such weak penalties, the laws are no real deterrent.

I would like to see equipment confiscatied, names published and pictures posted,along with fines. Thanks, Jim Wright

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From: Ronald D Recos <ronrecos@yahoo.com>
Sent: Monday, March 15, 2021 9:44 AM
To: Kiley Dancy
Subject: Cod, et al.

I live in Central MA so only get to the Ocean once a year and, "deep Sea fishing" one day. Seems a crime that when fishing off of Cape COD I can't even catch 1 Cod but I CAN buy it at the grocery store. Perhaps lower the Commercial limits and allow 1 Cod a day for recreational fishing.

Just a thought, have a great day. Spring in 5 days!!!!

Ron Recos

From: nausett <nausett@comcast.net>
Sent: Monday, March 15, 2021 9:56 AM
To: Kiley Dancy

I'm in favor or REDUCING the number of days commercial fisherman can fish. there's less fish in the water now and less space at the tamps now and you want to increase the days thet have. sounds political to me.

From: Tom Bolinder <gofishalaska@gmail.com>
Sent: Monday, March 15, 2021 10:07 AM
To: Kiley Dancy
Subject: Sport fish

Please protect all of these game fish from over harvesting.

Tom Bolinder
241 Shore Rd
Buzzards Bay, Ma

From: Boston Fish <atownhomeservices@gmail.com>
Sent: Monday, March 15, 2021 10:21 AM
To: Kiley Dancy
Subject: Public comment on scup ,seabass,flounder

Hello I am a commercial fisherman from Boston I hold striped bass and tog endorsements . I am in full support of Changing the current fishery plan for sea bass and flounder. Personal being able to commercially fish for either would greatly increase my profits . When I started commercial fishing 12 years ago i couldn't buy a flounder_fluke permit. Already limited and black seabass where out of reach . Now due to warmer oceans both seems to be over abundant. I would love a chance at either fishery maybe an allocation to fisherman like me with confirmed landings on other inshore species.

Jeremy Furtado
29 Bow st Arkington ma 02474
ma commercial permit holder

Name: david gould

Email: gouldbutter@yahoo.com

Check all that apply: Private Recreational Angler

Comments: 1a-1, 1b-4, 1c-1, 1d-3, 2b, 2c-1, 3b

I think there should be a fairer allocation between
the commercial and private sector

Name: Arthur Showstead

Email: Daddieshow44@aol.com

Check all that apply: Private Recreational Angler

: Arthur Showstead

Comments: Hi....im in favor of changing the sea bass season to closing in October along with summer flounder date..there is a huge number of sea bass and I don't see any reason to close the season the 1st week in September for recreational anglers.

Ty for letting me to voice my opinion

A Showstead

Name: Robert Bamford

Email: bbamford1976@gmail.com

Check all that apply: Private Recreational Angler

: Robert Bamford

Comments: What flounder? the Boston harbor is full of nothing but skates. Why is this issue never addressed? Pointless to even try. Why not fish pens off the islands to grow small fry.

Name: Stephen Altieri

Email: akrazykid2@aol.com

Check all that apply: Private Recreational Angler

: address illegal taking of undersized fish more/ fishing without a license

Comments: A larger part of the decline in fish numbers is directly related to those who fish without licenses. They have no regard for the laws and take any and all fish they catch. Every time a person is caught fishing without a license all their equipment should be confiscated and given to a youth camp. Advertise in foreign language newspapers (Spanish, Chinese, etc) that it is illegal ti fish without a license and also add that there are size restrictions for different fish species. Emphasize that if they

can be arrested and if here illegally they can be deported. We need to protect our resources before they are gone.

From: Loyd Chenoweth <bamboosavefish@gmail.com>
Sent: Monday, March 15, 2021 10:55 AM
To: Moore, Christopher; Kiley Dancy
Subject: FLOUNDER AMENDMENT

Prior to this reallocation flounder amendment:

Comply with the 2006 Magnuson Stevens Conservation & Management Act (P.L. 109-479) That requires **EVERY MARINE DISTRICT RECREATIONAL ANGLER TO REGISTER WITH THE FEDERAL GOVERNMENT!**

From: Michael Roy <captainmike@reelcastcharters.com>
Sent: Monday, March 15, 2021 11:03 AM
To: Kiley Dancy
Subject: Reallocation Comments

To Whom It May Concern:
As a full-time Connecticut charter boat fishing guide, I am writing to you today with concerns to the potential limit reductions of fish due to inaccurate MRIP data. MRIP data collection is heavily overestimating the number of fish that are being taken by recreational anglers and for-hire fishermen. There is an abundance of black sea bass, more than ever before, but we are being challenged with possible limit reductions. Bad data does equals bad policy. I believe in proper fishery management and practice catch and release to promote sustainability. We have a healthy population with various bottom species that include black sea bass and tautog. Reducing limits and shortening seasons will be very harmful to my business but more importantly the entire charter boat industry. I would like to continue to share my passion for the water with clients while promoting sustainable fishing. Categorizing the commercial sector with for-hire is not a sensible solution based on major differences between the two.

Best,

Captain Mike Roy
Reel Cast Charters
(203) 710-5116

www.reelcastcharters.com

Name: Art Deavellar

Email: artyde@gmail.com

Check all that apply: Private Recreational Angler

Comments: Do something about by catch that just goes overboard.Bring it to market

From: BECKWITH <pjmarita@optonline.net>
Sent: Monday, March 15, 2021 11:30 AM
To: Kiley Dancy
Subject: MAFMC/ASMFC Commercial and recreational allocation amendment

My name is Paul J Beckwith, I am a New York commercial fisherman, I have been fishing for 30 years.My boat is the Allison Lisa. The only action I can support for the joint MAFMC/ASMFC commercial and recreational allocation amendment for the scup , Seabass and fluke fisheries is to maintain status quo for all three species. New York cannot afford to lose more commercial quota. It will be devastating to me and my community and the businesses that support us. I also support starting a recreational reform amendment immediately so the recreational sector can help their fisheries turn discards into landings.

From: Al Schaffer <alfred.schaffer@icloud.com>
Sent: Monday, March 15, 2021 11:36 AM
To: Kiley Dancy
Subject: Quota reallocation

My name is Al Schaffer,I am from NY an the owner an operator of two commercial fishing vessels. The Leatherneck lobster,conk an fish pot boat an Miss Alexa a Dragger. I have been commercially fishing since the 1970s an find this reallocation just another method to hinder commercial efforts. The only action I can support for the mafmc/asmfc commercial recreational allocation amendment for scup bsb an fluke is STATUS QUO for all three fisheries. The NY commercial Edsector cannot afford to loose more commercial quota of these fisheries

Somewhere in the planning of this the council's forgot the definition of commercial an recreational fishing. Feeding America making income an providing for our family an community vs grab a six pack go out for FUN on the weekend of an filet an release. The truth of the matter is the councils have absolutely no idea what the recreational sector takes but since the commercial sector is on a hard tac let's beat them up a little more. I also support starting a recreational reform amendment immediately so the recreational sector can help their fisheries turn discards into landings

Thank you Al Schaffer

From: Fishermaned <fishermaned2@gmail.com>
Sent: Monday, March 15, 2021 1:19 PM
To: Kiley Dancy
Subject: "Fluke/Scup/Sea Bass Allocation Amendment"

Regarding the above referenced allocation amendment, I believe a catch based allocation most benefits the fisheries. A catch based allocation forces all sectors to more effectively manage their dead discards which truly waste the resource. To that end, I support allocation alternative 1a-1 for fluke, 1b-2 for scup, and 1c-1 for black sea bass.

Best regards,
Ed Newell

Sent from my iPad
Please excuse typos

From: Mohawk Bolin <mohawkbolin@gmail.com>
Sent: Monday, March 15, 2021 1:22 PM
To: Kiley Dancy
Subject: Fluke/scup / seabass allocation

To Whom it may concern,

My comment is status quo. I am a Massachusetts commercial fisherman. The commercial sector endured a lot of pain with low quota to rebuild the BSB stock. We finally have a decent amount of fish to catch. We fill our quota every year, even during the pandemic. There is no justification for taking our quota now. If it isn't broken don't fix it.

Regards,
Mohawk Bolin
F/V Rock & Roll

Sent from my iPhone

From: Michael Decker <mjdecker2005@yahoo.com>
Sent: Monday, March 15, 2021 1:37 PM
To: Kiley Dancy
Subject: Scup flounder sea bass

My name is Michael Decker. I commercial fish out of New York on the F/V Braedon Michael. I ask that you keep status quo for all three stocks. It's hard enough to work with what we have. We are held fully accountable for all our landings with limits and closures and overages are deducted the next year. Rec sector has no actual counting methods, it's all formulas on some info to get a total number of fish harvested. I worked in the rec sector over 20 years ago and have seen the miss information entered in Vtr's. I'm not saying everyone but I have seen captain's over exaggerating there catches saying they caught so much fish they would even write it on the vtr but being on deck and know we caught maybe 20% of that number. There is no one checking that info nor is there anything in place to do so. In the commercial sector it is checked with dealer reports. I've also seen recreational fish surveyors sit in there cars for hours while countless boats come to the dock to then watch them get out and ask a small fraction of people what they caught. I can't see how now how we would think the numbers should different. For this reason I ask for status quo and a better way to figure out what is really happening out on the water in the recreational sector
Sent from Yahoo Mail for iPhone

Name: Skip Fox

Email: sfox@rastellis.com

Check all that apply: Other (please describe below)

: Distributor/Processer

Comments: Allocations need to be more for commercial in NJ If not other states will be fishing our fish

Name: MALCOLM MCCLINTOCK

Email: mjmcclintock3@gmail.com

Check all that apply: Commercial Fishing Industry

: MALCOLM J MCCLINTOCK

Comments: As commercial fishermen, we are accountable for every pound of fish that we catch. We submit trip reports that are then verified by the dealers. On the other hand, the recreational sector is working off numbers that are much more subjective. It doesn't seem like much of a platform to stand on to call for quota reallocation.

When I drafted my business plan years ago, it was based on the assumption that I would have the opportunity to catch a certain portion of the allocation. My business very much depends on that allocation.

The fish we catch eventually gets consumed by the public at large. People that might not have the ways and means to go and catch the fish for themselves. Less fish for us to catch means less fish for them to eat. That's a fact. The recreational fisherman can go out and catch their limit in the morning, and then actually go out and catch another limit, no questions asked. And although the recreational limits might seem small compared to historical limits, it's actually plenty to eat for you and your family, unless they are selling the fish to pay for their gas.

I believe the council must enact the "status quo" alternative, as any other alternative is just not fair to the commercial fishermen who have suffered enough in the rebuilding of the stocks.

Capt. Malcolm J McClintock
F/V Rhonda Denise

From: John Windels <jwindels3@gmail.com>
Sent: Monday, March 15, 2021 2:01 PM
To: Kiley Dancy
Subject: Comment on Amendment

Hello,
My name is John Windels. I've been a commercial fisherman out of Shinnecock, New York for 42 years. My current vessel is the Mary Rose. I need to comment on the Summer Flounder, Scup, Sea Bass Commercial/recreational allocation joint amendment. I can only support the Status quo option for this amendment

Commercial fishermen in New York have gotten the short end of the stick on these species for many years and we need every bit of quota that we can get. We provide food for the country and in my opinion that is more valuable than a recreational experience for a small percentage of the population. It doesn't make any sense at all to decrease commercial landings in order to increase recreational landings.

I do ,however support a recreational reform amendment that would allow the recreational sector to convert dead discards into landings. I believe the recreational size limits should be lowered for Summer Flounder especially so they will have far less dead discards.

Sincerely,
John Windels
Owner/Operator
F/V Mary Rose

Name: Ryan Labriole

Email: ryanlabriole152@yahoo.com

Check all that apply: Commercial Fishing Industry

Comments: I'd like to keep things status quo

Name: Jason Sawyer

Email: jws62371@live.com

Check all that apply: Commercial Fishing Industry

Comments: Status quo

Name: Vincent Fogliano

Email: fairfish1@verizon.net

Check all that apply:

Comments: Status Quo

Name: Neil Delanoy

Email: ndelanoy@aol.com

Check all that apply: Charter/Headboat For-Hire Captain, Other (please describe below)

: Neil Delanoy

Comments: Thank you for this opportunity to comment. I am Neil Delanoy, the Executive Director of the Captree Boatmen's Association. We are the largest for-hire fleet in New York state, taking over 300,000 anglers out annually, fishing mostly for summer flounder, scup and black sea bass. I feel that the reexamination of commercial/recreational allocations is long over due. MRIP data now shows that allocation percentages were always flawed and going forward should be based on the best available data. Clearly the more recent data, probably 2 to 10 years should be used to determine allocation percentages. There for I support the following options:

Summer flounder 1a-7: 41% commercial, 59% recreational 2014-2018 base years
Scup 1b-7: 50% commercial, 50% recreational 2018-2019 base years
Black sea bass 1c-7: 22% commercial, 78% recreational 2009-2018 and 2014-2018 base years
Phase-in 1d-1: No phase-in
Quota transfer 2b: Allow quota transfers
Quota transfer cap 2c-4: Maximum 15% of the ABC
Framework addendum 3b: Allow changes through Framework actions/addenda

Respectfully Submitted,
Neil Delanoy
Executive Director
Captree Boatmen's Association

Name: William Morrland

Email: willjosephmoreland@gmail.com

Check all that apply: Commercial Fishing Industry

Comments: I am a commercial fisherman and I support no action. Status quo.

Name: Don Jepson

Email: donjepson@yahoo.com

Check all that apply: Private Recreational Angler

Comments: Please change the rules so that harbormasters can enforce recreational fishing rules. Year after year here in Wareham violators keep taking illegal size and quantity of Black Sea Bass. The Massachusetts Environmental Police do not have enough people to enforce the restrictions adequately and yet the higher ups in the Environmental Police protect their turf. We all know that a collaborative effort between the local harbormasters' people and the Environmental Police would put an end to this problem. We also need to convince the judges that the perpetrators should be given hefty fines and/or have their boats and tackle confiscated.Thank you.

From: Kammy Ball <happ2@optonline.net>
Sent: Monday, March 15, 2021 5:56 PM
To: Kiley Dancy
Subject: comm/rec allocation

My name is Don Ball owner operator of F/V Kammy B. Montauk NY I have been a commercial fisherman for 50 years and cannot believe that you would give important resource such a food away to the recreational fisherman. You need to realize that it is far more important for people to have food accessible to them to eat. We supply food for the millions of tax payers who subsidize NOAA. You cannot take it away with out asking millions of other people. This is an important resource and needs to be thoughtfully decided. The only option that I see is to remain status Quo. Keep it as it is. Otherwise it's not only devastating to me and my family but to all the millions of people we feed. The recreational sector will be fine as is. We shouldn't have to worry about them. They have never had a hard tact quota. They will never be satisfied. There is no reason to give them our commercial quota. Again, coming from a long time commercial fisherman, please leave the amendment at status quo. If not, shelve the whole idea.

Thank you Donald Ball F/V Kammy B Montauk NY

From: Andrew Rigby <rigbyandrewd@gmail.com>
Sent: Monday, March 15, 2021 6:24 PM
To: Kiley Dancy
Subject: Commercial Fishing Quota

“My name is Andrew Rigby, I am a commercial fisherman, I have been a commercial fishermen for 25 years, the only action I can support for the joint MAFMC/ASMFC commercial recreational allocation amendment for the scup, black sea bass, and fluke fisheries is to maintain status quo for all three fisheries. New York cannot afford to lose more commercial quota in these fisheries. It will be devastating to me and my fishing community and the businesses that support us. Thank you,

Andrew Rigby
631 252-7939

Name: Brian Frawley

Email: bfgonfishin@aol.com

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

Comments: Please help commercial fishing industries. We all Need to feed our families.

Name: troy Sawyer

Email: tsawyer9849@aol.com

Check all that apply: Commercial Fishing Industry

: troy R Sawyer

Comments: i would like things to stay the same.As i fish for a living, not sport.

Name: Jason Power

Email: powerjason17@gmail.com

Check all that apply: Commercial Fishing Industry

Comments: Status quo

Name: Stephen Roebuck

Email: roebucksj@verizon.net

Check all that apply: Commercial Fishing Industry

Comments: The only reason we have state allocation is from commercial landings. We absolutely should not give anymore to recreational. I think it's fine that everyone can go out and catch a fish or two and have it for dinner, but if it destroys our economy by giving away all of our quota to people that haven't risked their lives and spent hundreds of thousands of dollars collecting these fish for the landings, what right do they have to it?

Name: Mike Coppa

Email: coppamike@hotmail.com

Check all that apply: Commercial Fishing Industry

: Mike Coppa

Comments: Status Quo

Name: Sheryl Coppa

Email: coppamike@hotmail.com

Check all that apply: Commercial Fishing Industry

: Sheryl Coppa

Comments: Status Quo

Name: Anjeleen Coppa

Email: coppamike@hotmail.com

Check all that apply: Commercial Fishing Industry

Comments: Status Quo

From: Andrew Dangelo <maridee2@gmail.com>
Sent: Monday, March 15, 2021 10:06 PM
To: Kiley Dancy
Subject: Fluke/Scup/Sea Bass Allocation Amendment

I am Andy Dangelo owner operator of f/v Maridee II a charter boat out of Point Judith RI. I am also a member of the RI Party and Charterboat Association. I would like to say I am in favor of everything that Rick Bellavance, our president, stated in his letter to the mafmc.
Thank you
Capt. Andy Dangelo

Name: Nick Wilbur

Email: nick0wilbur@gmail.com

Check all that apply: Commercial Fishing Industry

: Nick Wilbur

Comments: I prefer keeping allocation levels equal for rectreational sector and commercial sector.

Name: John Davi

Email: captjohn63@yahoo.com

Check all that apply: Commercial Fishing Industry

Comments: Dear Councilors,

As a representative of the commercial fishermen in New York, I want to make it clear that commercial fishermen in New York are fully opposed to the proposal to reallocate quota percentages between the recreation and commercial fisheries for summer flounder, scup, and black sea bass. Our firm position is to continue with the status quo.

Furthermore, it is important to realize that the commercial fishermen are held to a different standard, and have been a victim of injustice for the past several decades. When over-harvesting has been reported, commercial fishermen have been responsible citizens and have observed all regulations regarding size, quota, vessel trip reports, monitoring, and paybacks, as well as suffered the hardships of limited licensing.

It is apparent that the problem of over-harvesting exists within the recreation sector. Recreational fishermen have been abusing and manipulating the management process without any consequences, and shirking their responsibilities by over-harvesting, implementing regional quotas, and lacking a limit on recreation participation, which of course, is unsustainable. Unfortunately, the managers have clearly taken their eye off the ball and do not have a justifiable plan to correct this problem. Instead, they chose to once again squeeze the commercial fishermen by proposing a plan for reallocation of quota. This is insulting and degrading to all commercial fishermen.

It is time to “think outside the box”. It may take some number crunching, and some bold reductions in the recreation sector, but the solution has to come from the root of the problem. One option would be to consider odd and even days of fishing for the recreation population, an easy fix when a fisher applies for his permit or registry. It is time for fishery managers to come up with a real plan that addresses the real problem - the recreation sector and recreational over-harvesting- otherwise the cycle will continue.

The solution should not be to penalize commercial fishermen once again.

Thank you,
John Davi
New York State Marine Resource Advisory Council Member

Name: Frank Torbey

Email: ftorbey@comcast.net

Check all that apply: Private Recreational Angler

Comments: I am for the following:

1a-3
1a-7
1b-4
1b-7
1c-3
1c-7

We need to recognize the value and importance of the recreational angling. Increasing commercial quotas is not in the best interest of the overall economic value of an improvement in recreational angling. The amount of commercial draggers is ruining the summer flounder recreational fishing.

From: Edward Barrett <fvphoenix@gmail.com>
Sent: Tuesday, March 16, 2021 10:51 AM
To: Kiley Dancy
Subject: Fluke quota

To Whom It May Concern,
We,the following,are commercial fishermen who fish for fluke,scup and sea bass in Massachusetts state waters.We would urge the MAFMC to only support the status quo choice for the admendment regarding changing the fluke,sea bass and scup quotas.Any changes to these quotas would endanger our business.Thank you for your consideration.

Regards,
Edward Barrett Tim Barrett. Paul Unangst. Phil Brazao
FV Sirius. FV Odessa. FV Destiny. FV Sarah Ann

Andrew Mannix. Nathan Davis John J Good
FV Lady Jane. FV Sarah Belle. FV Alosa

Name: Paul Farnham

Email: paulfarnham1@gmail.com

Check all that apply: Commercial Fishing Industry

Comments: Paul Farnham 03/16/2021
Montauk Fish Dock Inc
PO Box 2048
478 West Lake Dr.
Montauk NY 11954

Subject; Summer Flounder, Scup, Black Sea Bass Commercial/Recreational Allocation Amendment

To Chris Moore, Ph.d Executive Director

My name is Paul Farnham. Thank you for allowing me to comment on this Amendment proposal.

I have owned and operated the Montauk Fish Dock since 1988. Myself and my employees provide unloading and packing and trucking services for the commercial fishing fleet of Montauk. Any loss of quota allocation from the Summer Flounder, Scup , Black Sea Bass fisheries would negatively affect my business and my employees livelihood.The only action that I can support is to maintain status quo for these fisheries.
I support ;

Summer Flounder Allocation Alternative 1a-4 No action/status quo

Scup Allocation Alternative 1b-1 No action/status quo

Black Sea Bass Allocation Alternative 1c-4 No action/status quo

Allocation Change Phase-In 1d-1 No phase-in

Annual Quota Transfer Alternative 2a no action

Framework/addendum provision alternative 3a No action/status quo

Thank you

Paul Farnham Pres
Montauk Fish Dock Inc.

From: wreelfun@gmail.com
Sent: Tuesday, March 16, 2021 1:00 PM
To: Kiley Dancy
Cc: chris.batsavage@ncdenr.gav
Subject: Summer Flounder, Scup and Sea Bass Sector Allocations

I reviewed the presentation of the proposed changes to the sector allocations for Summer Flounder, Scup and Sea Bass. I am a recreational fisherman in North Carolina. I have the following suggestions.
On Summer Flounder I recommend !a.1 alternative. Although we in North Carolina have very restrictive regulations on all flounders due to overfishing of southern flounder, my hope is that the opportunity for recreational fishermen to harvest summer flounder will open. This alternative seems to balance the allocations fairly across both sectors.
On scup, I have a recommendation for alternative 1b.5. I am not a scup fisherman and my recommendation should be taken in that vein.
On sea bass, I recommend 1c.2. This would again seem to fairly represent the most current situation regarding fishing activity. I would like to ask the MAFMC to consider why we have different size limits for the same fish in different sectors. It seems to me that should be consistent.
I would recommend a 3 year phase in of these changes which is alternative 3b.
I hope this is helpful and thank you for the opportunity to comment.

Bill Mandulak.

Name: jeffrey kaminsky

Email: jekamins@optonline.net

Check all that apply: Commercial Fishing Industry

: jeffrey kaminsky

Comments: as a commercial fisherman from new york i support no action/ status quo for each species. new york is suffering from low commercial quotas since they were first distributed. Gordin Colvin and John Mason are to blame for short changing new york's commercial fisherman at that time. ask around you'll find that to be true.

From: EDWARD YATES <HUNTER.FISHING@hotmail.com>
Sent: Tuesday, March 16, 2021 2:56 PM
To: Kiley Dancy

Subject: Summer Flounder, Scup, and Black Seabass - Commercial/Recreational Allocation Amendment

Good Afternoon Kiley,

My name is Captain Eddie Yates from F/V Susan Hudson in Barnegat Light NJ. I hope to see more allocation of poundage set forth in this amendment. The for-hire section and recreational fishery has paid a severe price over the past decade with reductions in black seabass. I am also president of United Boatman of New Jersey which represents larger capacity for higher vessels., anywhere from ten to one hundred people. Which by the way is very difficult to fill a for hire boat with such small bag limits and short seasons in the state of New Jersey. I am very disappointed with the council and the commission for keeping these quotas for TAL landings so low for both commercial and recreational fisheries. With a fishery that is two and a half times rebuild, your numbers not mine, and not to raise the bar higher in my opinion is wrong. You know and I know that the fishery stocks are in excellent shape. I can take you in New Jersey from structures in forty feet of water to one hundred and forty feet of water, twenty miles either side of my inlet and catch black seabass when in season. Our seasons need to be longer; May 15th is no longer expectable as a starting time in my opinion. I hope in this 2021 session amendment that this can be rectified for the 2022 season. Between over restricted regulations, size and bag limits for the past ten years has pretty much destroyed the black seabass fishery from New Jersey North. I know I speak for a lot of my membership, if not all, who participate in that fishery. We have educated our fishermen to accept our restrictive bag and size limits, but more days need to be added in our season. If these regulations are going to continue, there might only be a few of us still doing this in the 2023 season, and if things are not going to change, at least let us pick our days at sea since we now are on electronic reporting on a daily basis. For an example, in New Jersey I have a 38-day season for black seabass in wave 3 from May 15 to June 22 and then we are closed. After being previously closed for four and a half months. Anymore, this is getting old and extreme and needs to be change. At least let me pick my days as we lose 4 -7 days in that time period due to weather. I am sure this can be rectified with a substantial increase in the TAL. We need more fish. It is time.

Thank you for your time in listening to this concern.

Respectfully,
Captain Eddie Yates 609-713-6918

Name: Brad Ries

Email: captbrad@optonline.net

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

: Black Sea Bass and Summer Flounder

Comments: Hello, here in NY we are constantly be hounded by ridiculous regulations in an industry that is being over regulated.

Summer Flounder, an industry staple for most in NY has become a something of a joke. 4 @ 19" is very hard when commercial rod and reel guys fishing a boats length away from you is keeping "smaller fish" while those onboard a private or for hire vessel shake their heads as to why they can but we can't keep those size fish.

To be fair, NY should see a 3 @ 18" as a minimum to allow the angler to at least go home with something for dinner. If 10% is figured into the equation as dead loss than why not just keep for table fair. Makes no sense to throw back an inch smaller fish that may die rather than keep it to enjoy.

We have not seen a change in the summer Fluke regulations in NY and it's time for a change... We pay for a "Charter Permit" what's that really good for? More Porgies??? Those for hire should have a different size limit, or even a slot maybe 2 @18 and 2 @ 19 or greater. Something has to change...

Black Sea Bass..... again the numbers don't lie and we here in NY with a season that starts very late and a bag limit of only 3 @ 15" is a joke. Should be 5 @ 13 till fall. The biomass is abundant and to see boats NOT from NY fishing just outside NY waters land more and smaller fish than we are when our season is still closed basically cherry picking our waters is a joke....

A marine industry being run by those who fish behind a mahogany desk or in some "conference room or a Zoom platform isn't going to better the fishery. Have the right people who are on the water, understanding what's really happening within the fisheries is how to build and maintain for all. Not by people being backed by local and state government officials who like seeing their media points or social platforms go up a few points.

Something has to change or you'll see more abusing the current regulations by not abiding by them, which isn't good for anyone...

Thanks You, Capt Brad Ries

Name: Tom Heinlein

Email: tomwetnwild2@aol.com

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

Comments: I feel further restrictions will only hurt the industry..Biomass estimates are tainted, no real data has been established.only guesswork.
Further restrictions will only put more people out of Business adding to Further economic disaster..
I was forced to close my Business to to lack of customers due to stringent Regulations that have no concrete evidence..

From: Carl <farm08753@aol.com>
Sent: Tuesday, March 16, 2021 3:56 PM
To: Kiley Dancy
Subject: Fluke/Scup/Sea Bass Allocation Amendment

Dear kdancy

RECOMMENDATION

1) CHANGE IN REALLOCATION STATUS QUO

2) TRANSFERS NO TRANSFERS

3) FUTURE AMENDMENT REQUIRE AMENDMENT

Comments: We see that this change will reduce the harvest of our fresh fish. With that we usually see price increases. That is unacceptable. How many people will be put out of work?

Thank you

Lance Blake
Richard Smith
Lucile Smith
Emil Kotschessa
Justine Kotschessa
Floyd Murray

Name: Chris Winkler

Email: Ccwink60@gmail.com

Check all that apply: Commercial Fishing Industry

: Chris Winkler

Comments: To whom may be concerned, I have been a commercial fisherman for 45 years I implore you to leave the allocation of commercial quota as is. Let us not forget that the recreation sector has quota would be due to our landings since landings were documented. Our survival is on a very fine line to even exist. Any more taken from us could mean it's no longer a viable business to stay in Thank you Capt. Chris Winkler

Name: Eric Lundvall

Email: ericlarslundvall@gmail.com

Check all that apply: Commercial Fishing Industry

Comments: Status quo. There should not be any reallocation of quota for any species to the recreational secotor.
The recreational sector continues to exceed their allocation year after year because of lack of real reporting data and obseever coverage.
The recreational sector needs to be held to the same accountability measures as the commercial sector. Real time reporting, observer coverage, dockside monitoring , VMS, ect.in other words The Same Accountability measures as the Commercial sector.
There needs to be a complete recreational sector reform.

Sincerely,

Eric Lundvall
F/V Rayna & Kerstin
Point Judith, RI

Name: Vincent Carillo

Email: kahunafish2@aol.com

Check all that apply: Commercial Fishing Industry

: Vincent Carillo

Comments: AS A COMERCIAL FISHERMAN FOR ALMOST 40 YEARS, I CANNOT BELIEVE WE ARE EVEN TALKING ABOUT REALLOCATION OF OUR COMMERCIAL QUOTA !!
WE HAVE MADE MORE SACRIFICES IN THIS FISHERY THAN ANY OTHER MANAGED SPECIES.
WE MUST REMAIN AT STATUS QUO, NO CHANGING OF COMMERCIAL QUOTA!!
START THE RECREATIONAL REFORM INITIATIVE NOW!
THANK YOU
VINCENT CARILLO
F/V NEMESIS
MONTAUK,NY
NEW BEDFORD,MA

Name: Mitchell Fulcher

Email: mjfulcher7266@gmail.com

Check all that apply:

: Mitchell Fulcher

Comments: To whom ever came up with this brilliant proposition,
Websters definition of recreation=Activity done for enjoyment when one is not working! So basically these proposals are asking to take quota away from an industry that harvests the mentioned species to not only provide for their families but also supply an important food source to the nation and give it to people who want it for a hobby. I hope whoever makes the end decision realizes that a major difference between the two sectors is entry; commercial is limited and recreational is unlimited. It is a very slippery slope when more quota is given to a group with unlimited entry,especially since they overharvest most years as it is. Seems like a certain recipe for disaster for the fish stocks which you are supposed to keep sustainable.Commercial harvesters are held accountable for almost every fish landed via VTR's/log books while for the other sector it's basically a calculated guess at best. I would almost guarantee some form of stock collapse in the near future if ANY proposal other than status quo is chosen by the councils.Knowing what could potentially happen to these fish stocks otherwise,I believe the correct choice is status quo for all 3: Summer Flounder 1A-4, BSB 1C-4 and Scup 1B-1. Please do the right thing.

Truly yours, Mitchell Fulcher

Name: Aaron Williams

Email: tradfisheries@gmail.com

Check all that apply: Commercial Fishing Industry

Comments: I will like to have it remain status quo. The recreational community needs to be held more accountable for what's actually coming out of the ocean. As a commercial fisherman we are tracked by satellite, tow by tow log book entries, daily trip reports, have to carry observers, our catches are inspected by federal agents, inspected by local environmental agencies, etc...every ounce of fish landed is accounted for and if it's not we face fines and permit sanctions. When the recreational community can do the same then they can ask for more quota.

Name: james Lovgren

Email: jlovgren3@gmail.com

Check all that apply: Commercial Fishing Industry

: Fisherman's Dock Co-operative Inc

Comments: The members of the Fisherman's Dock Co-op support the Status Quo option in regard to the commercial/ recreational summer flounder reallocation amendment. This resource steal does nothing to address the ever present over harvesting of quota by the recreational industry. To reward one sector for their continued over harvesting of quota because of the inability to accurately count their catch, by taking quota of a sector that has remained within their legal catch due to the ease of tracking their landings, is simply wrong. The commercial industry could have caught twice what we are allowed, even more, but that does no one any good, even the consumer wouldn't see much of a price reduction by the time the fish hits the plate.

The recreational industry has been at this game for almost 30 years now, trying to increase their quota at the American seafood consumers expense. Now some in management want to use the new refined MRIP data to claim that red is blue, and the recreational industry caught more fish then originally believed. I think the commercial industry can say the same. Changes in percentages may not look like much, but they amount to millions of dollars annually to the sector that loses access to some of their long established quota. With the Covid crisis temporarily hampering the industry, now is not the time to further attack the commercial industry with a blatant resource steal. We fully support the comments of GSSA in regard to this amendment, thanks,Jim

From: KAMINSKY <jkamins2@optonline.net>
Sent: Tuesday, March 16, 2021 7:46 PM
To: Kiley Dancy
Subject: MAFMC/ASMFC commercial recreational allocation amendmen

My name is Cynthia Kaminsky. I am a licensed New York commercial fisherwoman, I have been fishing commercially since 1964. I own the Fishing Vessel “Catch This” and a fish packing dock in Mattituck. I would support maintaining status quo in the joint MAFMC/ASMFC commercial recreational allocation amendment for the scup, black sea bass, and fluke fisheries. New York cannot afford to lose more commercial quota in these fisheries. That would be taking from quotas that feed people who cannot or do not wish to go and catch their own.

Cynthia Kaminsky

Name: Earl Gwin

Email: sonnygwin@verizon.net

Check all that apply: Commercial Fishing Industry

: Earl R Gwin

Comments: Fluke/Scup/Sea Bass Allocation Amendment Public comment -

Recreational reform needs to take place prior to any changes in reallocation from the commercial fluke/scup/sea bass fishery. I believe the allocation amendment should be status quo in all alternatives as recreational reform needs to be addressed.

The following comment was submitted by 7 individuals: Howard Bogan, Alexa Bogan, Nicole Bogan, Erik Bogan, Dean Malanga, Vanessa Manetta, and Robert Manetta.

Name: Howard Bogan

Email: whbogan@aol.com

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

Comments: The Council should move ahead with the Commercial/Recreational Allocation Amendment.

Preferred alternatives for catch-based and landings-based allocations are as follows:

Summer Flounder
1a-3 or 1b-6

Scup
1b-3 or 1b-5

Black Sea Bass
1c-1 or 1c-6

Phase in:
1d-1

Annual Quota Transfer
2b

Annual Quota Transfer Cap Alternative
2b

Framework/addendum provision alternative
3b

Name: David Aripotch

Email: captainhappy@optonline.net

Check all that apply: Commercial Fishing Industry

Comments: To the MAFMC and the ASMFC

My name is Dave Aripotch, I own the FV Cailtin & Mairead, a commercial trawler out of Montauk NY.

I've been a commercial fisherman flor almost all of my life, before the regulations began, I began in 1973. Then when they were put in place in the 90's, I was promised by the regulators, by members of the MAFMC, that I was going to be made whole again at some point for the sacrifices of the cuts in quota that we took.

I was told then that "giving up the fish was an investment," for me, that I would "definitely get it back." MAFMC council members promised that I was "going to be made whole," in terms of the cuts that we, the commercial fishermen, suffered for years when we were told that the stocks were considered overfished. All during that tine we had strict quotas, while the recreational sector had "targets," but no hard TACs. Never.

At this point in life I've given up expecting more from the council, but I sure as hell don't feel that the council should be taking fish away from me when the recreational sector has gone unchecked and there is no accountability for the recreational sector whatsoever. I'm in disbelief.

Decades of going over, sometimes by 200-300%, and when that happened and it affected the Spawning Stock Biomass so much that cuts occurred, we as comm guys got hit twice. First by cuts to the overall quota because they went over by so much, threatening the SSB, and then the insult to the injury, a second round of cuts because the overage had to come from us too, even though we stayed within our quotas. We were the only ones that were held accountable.

I provide fish to the public for food in exchange for income. To further penalize the commercial industry after we have to report in triplicate and pay a pound for pound payback on any species, that's unconscionable that the council would even think of taking more from us, taking more from me and my commercial fishing community and hundreds of other commercial fishing communities along the coast, especially during the Covid crisis when are prices are so depressed to begin with and have been for the last year.

What about consumers who can't access the ocean can't afford to go buy the gear and take a trip to the beach or get on a boat? Consumers who still want to eat fresh wild-harvested local fish? Your choice to take fish away from the commercial sector will affect the cost of local fish and by a lack of local product that fact could cause more restaurants to turn to imports and farmed fish at a fraction of the cost. Which then will drive the price of local wild sustainably caught seafood down even further.

Re the comment I have heard in the public hearings that it would be okay to give away our scup quota because “the commercial guys don’t catch it,” my response to the council is to make some meaningful regulation changes so we can catch it, we are strictly adhering to the regs, if they made the trip or daily quotas larger year round, transferring some from winter to summer and larger quota in the fall, or open it completely, we would catch the quota. It is only because we have been limited by smaller trip limits in the summer and fall that we have not caught our quota The market needs a steady supply of fish. The best prices we see is when in the winter with 50000 pound trips,

The recreational sector do not need my fish. They need their own recreational reform amendment where they can figure out how to be accountable for what they catch, pound for pound, but also figure out how to turn their discards into landings.

Because otherwise it will never be enough, the recs will always want and need more to cover their discards, until there is no commercial quota left. More dead discards in BSB than we catch throughout the commercial sector acc to the latest MRIP numbers? If 3.5 mil is their portion of discards that are dead, that means they are discarding around 21 million pounds of bsb overall based on 15% mortality? Where it the accountability? How is that okay?

I also think there needs to be two sets of regulations on the rec end, one for the traditional rec fisherman and the other for the charter boats/head boat for-hire boat fishery. You need to split them into two sectors. For hire fleet does have some regulations and they fill out logbooks but the rest of the recreational sector doesn’t. They have some accountability, and they suffer the most when the seasons are cut short.

The council needs to stick with status quo on the summer flounder, scup and black sea bass fisheries and they need to find someway to control the recreational fishery so the overages stop. Please don’t take from us just because you can’t make them accountable. Find a way to make them accountable.

Sincerely
Dave Aripotch
FV Caitlin & Mairead
P.O. Box 1036
Montauk, NY 11954

Sirs, RE: Summer Flounder and Black Sea Bass rules, and
Fair and Equitable allocations.

Even though the total allowable catch (TAC) for each species was based on science; and the percentages of the TAC allocated to each fishing sector was established equitably in the FMP of each species as required by Federal Law 16 USC 1853 (a)(14)[i], the way that the Summer Flounder and Black Sea Bass fisheries are managed is far from the "*fair and equitable*" required by law. A *double standard* in implementation has caused noncompliance with the law because the quota system adopted by the Council was subverted .

For years the commercial sector was constrained to a quota with no rollover for under-harvest and a requirement to payback any over-harvest; whereas the recreational sector's quota was morphed (by the Council) to be a *target*. Although under-harvest by either sector was treated in a similar fashion (i.e. no rollover), over-harvest was not. Over-harvest by the commercial sector required payback, whereas over-harvest by the recreational sector was ignored. This resulted in actual percentages of each sectors' harvest to be askew from the percentages established in the FMPs.

In many years, the recreational overharvest caused a total harvest that exceeded the TAC. This effected the allocation process by reducing the biomass and thus the future TAC upon which future allocations and quotas/"targets" were based.

The recreational sector was minimally affected by lowered allocations because it was NEVER REQUIRED to compensate for its overharvest whereas payback was required of the commercial sector. These differing rules are a glaring case of a *double standard*. They were created by a council that exercised its ability to create rules by majority decision, with no external legal review to call *Foul*. And, since no one in the commercial community had the time or funds to challenge the MAFMC, the *double standard* rules persisted.

The purpose of this letter is to point out what everybody knows: **The *double standard* rules, have allowed the recreational sector to steal from the common resource**.

These *double standard* rules have been in place for far too long and should to be corrected by taking these three actions.

- Require the recreational sector to make restitution for past overharvest, by having it pay back **all** of their past overages.
- Correct the rules by enacting the same payback (**AND** rollover) rules on each sector.
- Any proposed re-calculation of *equitable*[ii] allocations must be based on something other than past landings.

Walter Chew
The Old Fisherman .....>)))">

[i] 16 USC 1853. Contents of fishery management plans

(a) *REQUIRED PROVISIONS Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, shall—*

> **(14) "***to the extent that rebuilding plans or other conservation and management measures which reduce the overall harvest in a fishery are necessary,* ***allocate,*** *taking into consideration* ***the economic impact*** *of the harvest restrictions or recovery benefits* ***on the fishery participants in each sector****, any harvest restrictions or recovery benefits* ***fairly and equitably*** *among the commercial, recreational, and charter fishing sectors in the fishery .....*"

[ii] To be fair and equitable in allocation is NOT to:

- base allocation on votes of the Council, Or
- base allocation on a fishing sector's historic landings.

To be fair and equitable is to be impartial and do what Federal law 16 USC 1853 (a)(14) **says**.

In the context of this law, the "fishery participants" aren't simply those persons on the water harvesting resources. **The ultimate participants in each sector are the consumers of the resources harvested by that sector.** I.e. The total is the entire U.S. population. An equitable distribution of U.S. fishery resources would therefore be based on the relative percentage of U.S. population served by each sector of the fishery.

Of the total U.S. population (308 million), there are 34.5 million that *consume* the seafood harvested by **all** recreational fishermen (11M recreational and charter fishermen X 3.14 average family size = 34.5M). And there are 273.5 million others that *consume* the seafood harvested by commercial fishermen. Therefore based on the consumers that rely on the respective sectors, to comply with "***allocate.....restrictions or recovery benefits on the fishery participants in each sector..."*** [16 USC 1852(a)(14)], , a *fair and equitable* distribution of the nation's fishery resources would allocate a ratio of 34.5 to 273.5. **I.e.** 11.2% recreational; 88.8% commercial**.**

However, since 16 USC 1852(a)(14) says: *" taking into consideration the* ***economic impact ..****";* and since 49.8 Billion is spent by recreational fishermen, and 102 Billion is spent by consumers of commercially harvested seafood in the U.S.; the ratio should be 49.8 to 102.0. I.e. 32.8% recreational; 67.2 commercial.

Just as the number of bus drivers vs. the number of private auto drivers has NOTHING to do with who gets to use the resource of HOV lanes (23 USC 166 et. seq.), the number of recreational fishermen vs. the number of commercial fishermen should have NOTHING to do with the allocation of the nation's fishery resources. The allocation debate should revolve around what Federal Law 16 USC 1852(a)(14) requires. Is it: the *number of participants(consumers) accessing the common resource via each sector*, or is it the *economic impact generated by each sector from harvest to consumption?* ONLY these two parameters should be considered when making allocations.

A legitimate debate would be: How much weight should each of these parameters have in making allocation percentages of Federal fishery resources? All other debates/arguments should be summarily disregarded because they are *red herrings* (.... <"(((<....) proposed by some group that selfishly want a bigger share of the TAC pie.

From: Tony Saldutti <tsaldutti99@gmail.com>
Sent: Monday, March 1, 2021 1:51 PM
To: Kiley Dancy
Cc: Seeley, Matthew
Subject: Bluefish Ammendment Feedback

Thank you for allowing a surf fisherman's perspective to drive a better solution for the fish.

Your comments on quota transferring should be a red flag for us. It either tells us the allocation was wrong in the first place, or the fish are in greater trouble that we think, and greater restrictions are an order.

The categorization of boats, whether privately owned or for hire, in the same category as surf fisherman is unfair for the surf fishermen. The boats are hunting the huge schools of fish just like the commercial boats.

It sounds far fetched, but please consider no more new boats and a gradual boat reduction over time.

The surf fisherman are not the problem here. It is the predatory nature of all boats and the technology to find the fish in large numbers that I believe to be the problem.

The beach replenishment processes going on up and down the coast are decimating the habitat for the fish as well. The bait is no longer there to hold the larger fish. We should address this issue ASAP. If they refuse to stop pumping sand, they must be forced to establish structure in the water to reestablish the habitat for the fish. I can't believe all of the tree hugging environmentalists are not all over this!

As for what we can do now, I would suggest the following:

- impose lower overall seasonal limits now in one shot
- implement lower daily catch limits across the board (greater than or equal to one daily)
- institute a bonus system in exchange for a mandatory data log from fishermen
- have all states follow same rules
- institute a voluntary tag program to track migratory trends and mortality

From a heuristic point of view, something is seriously wrong with this fishery. We have not seen large bluefish or striped bass in 3 years on the beach, except a few days in the spring. The fall used to be a bonanza. The peanut bunker and mullet are gone. The sand eels are down significantly. Gannets are gone too. We have to do something drastically now or it will be too late to recover.

Thanks.

Tony Saldutti, CPIM
610-533-2711
tsaldutti99@gmail.com

From: James Fletcher <bamboosavefish@gmail.com>
Sent: Monday, March 1, 2021 10:32 AM
To: Kiley Dancy; Moore, Christopher
Subject: Summer Flounder Reallocation Amendment Comments UNFA
Attachments: Summer Flounder Amendment Comments.pdf

Please see that these comments are considered prior to Council Moving Forward with Reallocation Amendment for SF,Scup< BSB HOW DOES NMFS GET BY WITH NOT COMPLYING WITH (P.L.109-479) EVERY ANGLER TO REGISTER! ANY HOW INCLUDE THE FOLLOWING COMMENTS.
THANK YOU;

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

THUS IMPACTS FROM CHEMICALS & PHARMACEUTICELS are not evident in the fish scale or otolith studies. Instead non scientific reallocation of fish / quota is proposed. NOTE: The reallocation proposed is less than the discards now allowed. Back to Question 2. What prevents full retention for recreational?

U.S. Fish & Wild Life Data / Saltwater licenses 2020 shows New York 886, 624 salt water licenses Connecticut 151,007 New Hampshire 156,000 Rhode Island 64,687 When Council & NMFS comply with P.L. 109-479 perhaps exact numbers will be available. 80% of these licenses fish from shore or docks.

QUESTION 3. WHY IS REALLOCIATION OF Summer Flounder , Scup & BSB FROM THE 330 MILLION AMERICANS WHO DO NOT FISH BEING CONSIDERED?
92% to 93% of seafood consumed is imported because of regulations promoting waste of resource.

Prior to reallocation amendment the council could / would discuss why 92 to 93 percent of all sea food consumed in United States is **imported!**

Question 4, Why recreational discards exceed retained fish ? Could / would full retention by recreational fishers with total length benefit shore side fishers that make 80% of recreational licenses?
Council & NMFS has not implemented Gear restrictions to reduce dead discards & by catch.

Council & NMFS MUST consider other options prior to continuing forward with this re allocation amendment.

The United National Fisherman's Association favors :
1. Status Quo.
Council, NMFS, Atlantic States Marine Fisheries Commission implement :
2. Total Recreational length retention for each species, NO DISCARDS.
3. Gear modification: including barbless hooks, single hook per line, no treble hooks on vessel in EEZ.
4. Total accounting of numbers of recreational fishers in EEZ as **REQUIRED BY (P.L.109-4790) registry requirement!** NOT A LISTING OF STATE SALT WATER LICENSES SALE BEING CONFUSED BY LIFE TIME LICENSES (not ending at death)

5. MANDATORY ELECTRONIC REPORTING; REQUIREING PRE TRIP NOTIFICATION (ALLOWING COAST GUARD VERIFICATION AT SEA) POST TRIP REPORTING WITHIN 48 HOURS OF PRE TRIP NOTIFICATION!

This Amendment to reallocate is not needed:
WE favor: (UNFA) Status Quo, Total length retention by recreational, gear requirements, barbless hooks, Compliance with (P.L. 109-479)

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

James Fletcher Director, 3/1/2021 ph 252 473 3287
James Fletcher

Reallocation Summer Flounder, Scup, Black Sea Bass Process Comments:

Public Law 109-479 (2006 -effective 2007) Required a Recreational Salt Water Registry system for ! all persons fishing in EEZ & For anadromous species (fish from the sea that go up river to freshwater for breeding such as Stripped Bass, Atlantic Salmon, and American Shad (codified at 16 USC 1881 (g)

QUESTION 1. WHEN WILL NMFS & COUNCIL COMPLY WITH (P.L. 109-479) AND MANDATE RECREATIONAL REGISTRATION FOR EEZ FISHING?

Reallocation is to shift COMMERCIAL FISH / QUOTA from southern states.
This process does not address the waste of fish through dead discards on recreation side.
Council & NMFS have ignored calls for total length retention from advisors & public to eliminate dead discards.

FISH BEING DISCARDED IF ALLOWED TO BE LANDED: ARE MORE THAN THE PROPOSED TRANSFERS BOTH NUMBERS & POUNDS.
Best estimates is less than 14,000,000 salt water licensed / permitted recreational fishers exist in the entire United States Question 1 above would provide an answer.

QUESTION 2. WHAT PREVENTS THE RETENTION OF ALL FISH BY RECREATIONAL SECTOR?
Council & NMFS do not clarify the difference between pounds & numbers in the reallocation amendment so the public can understand.

Council & NMFS have a history with Atlantic States Marine Fisheries Commission of limiting the ability of shore side fishers to retain fish for food utilizing 1, size, season, possession limits; A total retention policy / regulation will address this inequity. BY ELIMINIATING DISCARDS.

PAST COUNCIL & NMFS SCIENCE TOWARD RETENTION OF LARGER FISH DUE TO REGULATIONS: has resulted in greater dead discards & possibility slower growing smaller fish being produced due to growth genetics.

Council & NMFS with Atlantic States Marine Fisheries Commission ignore request for stock enhancement research.

The discussion of the stocks moving north is untrue: Commercial landings have moved north due to the turtle excluder requirements for trawl nets mandating only aluminum rigid construction. Cable Turtle Excluder's are not allowed by NMFS. ***** Council refuses to ask for approval for cable TEDS. Opting instead for reallocation of fish to states with the greatest dead discard problems:
NO DISCUSSION FOR EXPANSION OF STOCK / RANGE FOR THE THREE SPECIES.

IT IS UNCLEAR IF THE SCIENCE SUPPORTING THE REALLOCATION FOR THE THREE SPECIES IS CORRECT.
THE USE OF:
SCANNING ELECTRON MICROSCOPES FOR AGING & OTOLITH STUDY IS NOT UTILIZED.

From: Moore, Christopher
Sent: Tuesday, March 2, 2021 10:24 AM
To: TechStaff
Subject: FW: Public hearing?

Importance: High

fyi

Christopher M. Moore, Ph.D.
Executive Director
Mid-Atlantic Fishery Management Council
800 N. State St, Suite 201
Dover, DE 19901

302-526-5255
mafmc.org

From: Jim Dawson <jimdawson1@verizon.net>
Sent: Monday, March 1, 2021 5:51 PM
To: Moore, Christopher <cmoore@mafmc.org>
Subject: FW: Public hearing?
Importance: High

From: Jim Dawson <jimdawson1@verizon.net>
Sent: Monday, March 01, 2021 5:50 PM
To: 'Patrick Geer' <pat.geer@mrc.virginia.gov>
Cc: 'Bolen, Ellen' <ellen.bolen@mrc.virginia.gov>; 'alexa.galvan@mrc.virginia.gov' <alexa.galvan@mrc.virginia.gov>
Subject: Public hearing?
Importance: High

I am going to decline the attempt at what is "supposed to be" a "public hearing". "Due process" has **NOT** been followed and shall be challenged!

"Virtual" does in no way suffice "legally" for "public". In "written law", we the people are supposed to be given rights. By allowing "virtual" in an attempt to go around the rights of the people involved, our fisheries management does NOT allow the individuals involved the opportunities to meet "in person" therefore our people involved CANNOT display nor present nor offer "hard copy evidence" to defend themselves. Those who sit "in offices" and now "at home" do not and cannot understand what actually is and has occurred within our ocean waters, yet they continue to make decisions for those of us who work each and every day on the water. Most each and every person who "voted" do not have the qualifications to vote for the tens of thousands of individuals negatively "impacted" by these ridiculous measures being proposed! We have been "mis-represented" and deserve the chance to represent ourselves "in person" at a true "public" hearing process. In the past 5 years I have spent 328 days at sea fishing for black sea bass. I "qualify". I understand FULLY what is happening with respect to black sea bass and most others do NOT! I have NOT

been spoken to as of yet by my state nor any other person. Not one person has contacted me via telephone at my home. Is this following Magnuson rules? State rules? ANY rules?

The Magnuson-Stevens Act requires a fishery impact statement, which assesses, specifies, and describes the likely effects of conservation and management measures on participants in the fishery or fisheries being managed, fishing communities, and participants in neighboring fisheries. The FIS should include an assessment and description of the economic and social impacts of the proposed action on the various components of the fishery being managed, over the entire range of the regulated species, on participants in the fishery and in other fisheries, and on fishing communities.

In my state of Virginia, I have not heard of one instance where by the fishermen were asked about the "impacts" from what will transpire should these measures that were already "voted on" actually go through. Then how about the industries impacted as well as the thousands of people we feed on a daily basis. The management teams have agreed to "take away" a food source from the southern states WITHOUT following proper procedures and guidelines according to their own rules and regulation, much less their own written law!

We the fishermen and industry request that our management teams go back to the drawing board on this matter, delay until such time as the Covid-19 pandemic situation is over and allows for the human rights to defend oneself "in person" can be done safely and in accordance with written law and Magnuson impact rules that MUST be accomplished within each states own individual industries. Not one person has been asked to explain in full detail as to how this will impact their own business? This is NOT a fair nor "just" process and we DEMAND that the rules be followed "by the letter".

I will NOT listen to anyone until those involved take "impact statements" from our industry members within this state and surrounding states.

Thank you and please understand: Rules and regulations apply to our fisheries management teams as well. Shall you need further understanding of the Magnuson Act, which CANNOT be completed without actual industry being spoken to, I will be glad to direct you to further readings from NOAA fisheries under "laws and policies".

Jim Dawson
3-1-2021

March 5,2001

To Mid Atlantic Council:

My name is Mark S Phillips an owner/operator for more than 40 years. Contrary to what many recreational advocates have said commercial fishermen have never been given any quota. Quotas have gone up and down according to the TAC. Unlike the recreational we carry observers, fill out VTRs backed up by dealer reports, face stiff penalties, all commercial discards are counted as dead.

The Mid Atlantic Council has had more than 30 years to address recreational accountability and overfishing. While from day 1 of the summer flounder plan commercial fishermen have been accountable and punished for overfishing which was always paid back the next year. Unlike the recreational who have skated by on taking overfishing off the next year's TAC (commercial paid 60 % of the recreational overage) or by gimmicks to erase overages, change the stock size to account for recreational overfishing, all gimmicks that would never be allowed for commercial overages.

Before the beginning of the scup plan I spent 9 years begging this council to put a 9" minimum fish size limit on scup. It was a nightmare. This council did nothing. When they did there was a lot of fighting between users, recreational wanted to count their discards as landings to raise their percentage, recreational wanted a 7" size limit. For the recreational this is a common thread, the recreational don't believe they affect the stock so they shouldn't have restrictions.

So for more than 30 years this council has not done its job and does not want to do their job of controlling all overfishing, it is time that this council does its job and puts accountability measures in affect before reallocation is put on the table. If not then all council members should at the very least tell the public that they are never going to address recreational overfishing.

When the council was tasked with looking at New York's lack of quota for both recreational and commercial allocation purposes it chose to ignore past inequities but now because it is recreational only it has no problem reallocating to one user group because the council refused to put restraints in these plans at the beginning, this is a failure of this council to do their job. The least painful for them personally is to punish the group that abided by the rules set in place by this council; this is a cop out of doing their job.

I support status quo for all three species, until this council addresses recreational accountability measures.

Why is one group rewarded for continually overfishing?

Thank you

Mark S Phillips

F/V Illusion

Greenport, NY

From: Dock to Dish <docktodish@gmail.com>
Sent: Tuesday, March 2, 2021 6:25 PM
To: Kiley Dancy
Subject: Fwd: Dock to Dish Montauk: Comment for quota hearing from Sean Barrett, Cofounder

Sean Barrett
Cofounder

www.docktodish.com

Begin forwarded message:

From: Dock to Dish <docktodish@gmail.com>
Date: March 2, 2021 at 6:19:27 PM EST
To: gina.fanelli@dec.ny.gov, kim.knoll@stonybrook.edu, g2w@asmfc.org, maureen.davidson@dec.ny.gov
Cc: Bonnie Brady <greenfluke@optonline.net>, James Gilmore <James.Gilmore@dec.ny.gov>
Subject: Dock to Dish Montauk: Comment for quota hearing from Sean Barrett, Cofounder

Hello DEC & ASMFC friends,

I am in zone with limited cell phone reception and cannot be sure that my audio will be available for the duration of the hearing.

As such I hereby authorize Bonnie Brady to please read my comment below into the record at the quota hearing tonight.

Thanks,
Sean

Comment: "Hello my name is Sean Barrett, I operate Dock to Dish™ which is the Community Supported Fishery of New York headquartered in Montauk. I have operated the program since 2012 and the only action I can support is status quo for this amendment on the scup, black sea bass, and fluke quotas. New York cannot afford to lose more quota in these fisheries, it will be devastating to me and my fishing community and the businesses that support us. I also support a recreational reform amendment so that they can help their fishery to turn discards into landings. But I cannot support taking my landings that feed people and turning them into their dead discards. That was never the intent of Magnuson."

Sean Barrett
Cofounder

www.docktodish.com

From: fishthewizard@aol.com
Sent: Thursday, March 4, 2021 11:07 AM
To: Kiley Dancy
Subject: Fluke/Scup/Blaclk Sea Bass Allocation Amendment Comments

Re: Black Sea Bass

To Whom It May Concern:

We have been commercial sea bass potters in NJ for decades. Time, effort, and money invested in our boat and gear is substantial. We are active in rulemaking processes, and fish within the quota, abiding by trip limits and seasons. Sea bass fishing is our livelihood.

This is incredible that a reallocation between sectors has even been suggested. It would not be equitable access to the resource for commercial fishermen, and certainly not to the people of the country who aren't able to fish themselves. The recreational sector is not held accountable for any catch overages, and their fleet is allowed to expand uncontrolled.

There should be no action on this amendment. it should remain **status quo.**

No change to allocations; 1c-4
If anything, the commercial sector should get more quota.

No transfer between sectors: 2a
There are no extra fish to transfer in either direction.

No framework/addendum provision: 3a
Public comment is needed, and regulations not rushed through.

Joan Berko
Michael Scott

F/V Wizard

NEW JERSEY COUNCIL OF DIVING CLUBS

526 S. Riverside Drive
Neptune, NJ 07753
www.scubanj.org

2/4//21

SUMMER FLOUNDER, SCUP, BLACK SEA BASS

COMMERCIAL/RECREATIONAL ALLOCATION AMENDMENT

The NJ Council of Diving Clubs (NJCDC) is an organization of 14 sport diving clubs located in NJ with a few clubs in nearby states. Our members actually see what is happening in the underwater environment off the coast of New Jersey.

Regarding Catch Based vs Landing Based, the NJCDC is uncertain how catch based will impact the recreational or sport diver fishery for Summer Flounder and Sea Bass and, therefore, will select landing based as the NJCDC is reluctant to venture into the uncharted territory of catch based.

Regarding the Commercial/Recreational Allocation alternatives from Table Two for Summer Flounder, the NJCDC would support 1a-2 under catch based or 1a-6 under Landing Based contingent on what the MAFMC/ASMFC decides on Catch Based or Landing Based. This would allow an increase in the allowable catch for the recreational fishery without putting the commercial fishery out of business, and would be more in line with the reality of the actual take while benefiting the maximum number of fishermen.

Regarding Scup (Porgy), the sport diver/spearfisherman rarely takes this species because it is a small, free-swimming fish and will not comment. The NJCDC would rather those in the recreational or commercial sector that actually take this fish do the comments.

Regarding Black Sea Bass, my observation on the wrecks and artificial reefs off NJ in 2020 was that I never saw so many sea bass, to the extent that this species was dominating the wrecks to the harm of other important species, such as Fluke and Tautog that also forage on the wrecks and artificial reefs. Therefore, I believe that the technical committee should increase the ABC or total catch in both the commercial and recreational fisheries.

Regarding Table 4 for Black Sea Bass, I would like to see the recreational catch increase such as in catch based 1c-2 or landing based 1c-6. But I don't believe the commercial fishery should be penalized since this fish is overpopulating the hard habitat off NJ based on my observations last year.

Regarding Table 8 for the Allocation Change Phase-In period, 1d-2 or a two-year phase in period sounds about right. One year is too quick, and 4 years too long as the situation could change in that period of time. Regarding the Annual Transfer Quota Cap Alternative or Table 14, 2b or allow bi-directional transfers through annual specifications. I am assuming that the public has an opportunity to submit comments on the annual specification process. Regarding Transfer Cap Alternatives or Table 16, 2c-3 or 10% of the ABC.

Regarding the Framework/Addendum Provision Alternative or Table 18, the NJCDC believes that this fundamental decision should not be a short-term decision. 3A or Status Quo would be best allowing for more time for careful consideration.

Respectfully

jf2983182@msn.com Jack Fullmer, Legislative Committee

I am writing to comment on the Summer Flounder, Scup, and Sea Bass Commercial/Recreational Allocation Amendment. All of my comments only pertain to the summer flounder regulations.

I agree with the rationale for the Landing-Based method to determine the allocations. I prefer alternative 1a-7. It may seem harsh because of the 34% reduction in commercial quota, but I will present data that justifies this reduction.

The "new MRIP" from the 66 Saw gave the commercial quota a 49% increase in 2019. Now the 2021 ABC of 27.11 resulted in the commercial quota increasing another 8%. In both cases, the RHL remained unchanged. The 8% change effectively increased the commercial allocation from 60% to 62% and reduced recreational to 38%.

The absurdity of the 62-38 ratio is demonstrated by Figure 8 of the Draft Amendment. The calculations using the "new MIRP" show the commercial average of 41% and recreational 59%, which matches 1a-7.

The 34% decrease would be mitigated by several factors. The decrease is based on the ABC of 25.03 million pounds. In 2021, the ABC was increased to 27.11. Applying the two year at 9.5% per year reduction would produce a commercial quota of 9.44 year one and 8.22 year two. 8.22 is approximately 8% higher than the value from using 25.03 ABC. Since summer flounder are not overfished and overfishing is not occurring, the ABC should continue to increase which would increase the commercial quota.

A 34% decrease in allocation does not translate to a 34% decrease in revenue. Figure 9 from the draft amendment shows the relationship between supply and price per pound. The narrative with Figure 9 describes how a lower allocation may produce a higher price and actually be more profitable.

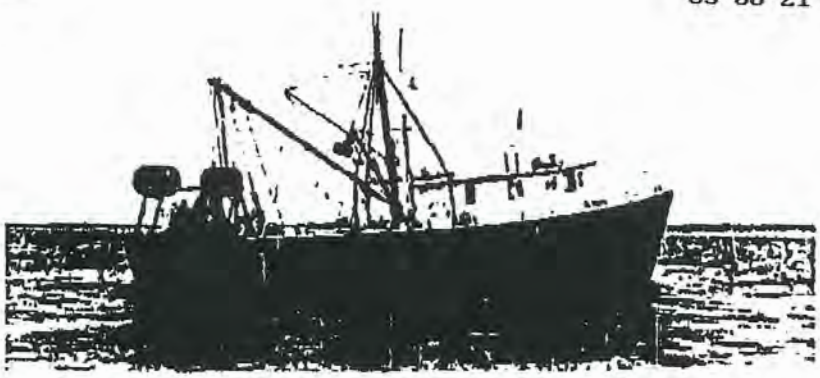
From Table 11, I would support 1d-2, a 9.5% shift per year for the reasons stated previously.

From Table 14, I would favor 2b. This would provide a buffer as the RHL increases and the commercial quota decreases.

Some general comments regarding the amendment:

1. The big increase in MRIP demonstrates the need for more accurate recreational reporting. I would be willing to report on a daily or weekly basis.
2. Section 4.2.2 "Shore based anglers in particular are concerned about the high minimum size." AMEN! I fish from shore and the last five years have average 1 keeper/50 fish to 1/70. Connecticut has coastal sites with smaller sizes limits, and New Jersey has an area with a 16-inch limit. It is time for a coast wise lower limit for shore-based anglers.
3. With the current regulations, recreational anglers are removing too many females.
4. More research is needed into the dead discard projections of both sectors. What would be the result of a lower size limit for commercial catch?
5. Each year I witness more poaching keeping short fish. Some are unaware of the regulations and others are frustrated by the limited opportunity to keep a fish.

[Comments submitted by Patrick White, 3/6/21]



ROBERT HAMILTON JR. INC.

F/V MISS NANCY [redacted] F/V JEREMY H

527 MAIN STREET
GREENPORT, N.Y. 11944
631-477-0243, 631-477-0928 FAX
516-383-1430 CELL

3/8/21

Mid-Atlantic Fishery Council
Chris Moore PhD
Executive Director
N. State st Suite 201
Dover, DE 19901
FAX 302-674-5399

Re: Reallocation Ammendment for the scup, black sea bass & fluke fisheries.

I support Status-Quo for this ammendment.

The commercial industry supplies seafood products for the American consumers. Retail markets and resturan need a steady supply of seafood at reasonable prices, so that the public may enjoy them.

Sincerely
Robert Hamilton

Council member 1994-2000
commercial fisherman 1970 - present

From: Arthur D Smith <artsmith@rsnet.org>
Sent: Tuesday, March 9, 2021 5:48 PM
To: Kiley Dancy
Cc: bjseafood; Hemilright Jr, Dewey; Jerry Schill; art
Subject: FLUKE/SCUP/SEA BASS ALLOCATION AMMENDMENT

I SUPPORT THE "STATUS QUO" ALTERNATIVE FOR ALL THREE SPECIES.

WE NOW LIVE IN AN ERA WHERE MOST PEOPLE QUESTION THE RESULTS OF ALL SURVEYS. IT ALMOST SEEMS LIKE SOMEONE (I DON'T KNOW WHO) PRESENTED THE FISHERIES STAFF WITH A CONCLUSION (THE CONCLUSION BEING THE REC SECTOR OUT HARVESTS THE COMMERCIAL SECTOR) AND THEN INSTRUCTED THE STAFF TO DEVELOP DATA TO SUPPORT THIS CONCLUSION.

CHANGING THE BASE YEARS IS LIKE CHANGING THE RULES IN THE MIDDLE OF THE GAME. IF YOU CHANGE THE BASE YEARS IS CHANGING THE RULES FOR PERMIT QUALIFICATION NEXT? IF I NOW HAVE A FLOUNDER PERMIT BUT FOR SOME REASON DID NOT LAND ANY FLOUNDER DURING THIS NEW BASE PERIOD WOULD I LOSE MY PERMIT? I HATE TO BE A SKEPTIC BUT IS THIS SOME BACK DOOR WAY OF DECREASING THE NUMBER OF FEDERAL FLOUNDER PERMITS?

YOU ARE SAYING THAT REC HARVEST EXCEEDED COMMERCIAL HARVEST DURING THESE OTHER BASE YEARS. I AM NOT SAYING THAT I AGREE WITH YOUR SURVEY RESULTS BUT I WILL GRANT YOU THAT IT IS POSSIBLE. THE COMMERCIAL HARVEST IS MONITORED DAILY AND CONSTRAINED ONCE QUOTAS ARE MET. THE COMMERCIAL SECTOR IS SUBJECT TO VERY STRICT GEAR RESTRICTIONS. THE REC HARVEST IS LARGELY UN-CONSTRAINED. THERE ARE NO GEAR RESTRICTIONS. EVEN IF YOU CAN'T KEEP THE FISH YOU CAUGHT PEOPLE WILL STILL FISH. NO ONE STOPS YOU FROM FISHING DURING A CLOSED SEASON. THIS IS WHAT I MEAN BY UN-CONSTRAINED. IF YOU CAN FISH AND I CAN'T CERTAINLY YOU WILL CATCH MORE THAN ME EVEN IF YOU CAN'T LAND THEM. THAT, HOWEVER IS NOT A FAIR WAY TO BASE ALLOCATION.

ANOTHER POINT TO REMEMBER IS THAT THE COMMERCIAL SECTOR IN REALITY REPRESENTS THE SEAFOOD CONSUMING PUBLIC. THE VAST MAJORITY OF AMERICANS DEPEND ON THE COMMERCIAL SECTOR TO PROVIDE THEM WITH FRESH SEAFOOD. MOST PEOPLE CANNOT AFFORD TO GO OUT AND TRY TO CATCH THEIR OWN FISH WHEN YOU FACTOR IN THE COST OF TACKLE, BOATS, FUEL AND CHARTER FEES. IF YOU TAKE ALLOCATION AWAY FROM THE COMMERCIAL SECTOR YOU ARE IN REALITY TAKING IT AWAY FROM THE CONSUMER AND THE CONSUMER FAR, FAR OUTNUMBERS THE REC SECTOR.

ART SMITH
BELHAVEN, NC

From: Carl Forsberg <lito325@msn.com>
Sent: Wednesday, March 10, 2021 10:24 AM
To: Kiley Dancy
Subject: Summer Flounder, Scup, Sea Bass Allocation Amendment

March 10, 2021

Chris Moore, Ph.D., Executive Director
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, DE 19901

RE: Summer Flounder, Scup, Sea Bass Allocation Amendment

Dear Dr. Moore,

I would like to submit the following comments regarding the joint MAFMC/ASMFC Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment. Many of which are similar to those submitted but the RIPCA.

Recent changes in how recreational catch is estimated have resulted in a big disconnect between the current levels of estimated recreational harvest and the allocations of summer flounder, scup, and black sea bass to the recreational sector. Importantly, the revised MRIP estimates were incorporated into the stock assessments for summer flounder in 2018 and for scup and black sea bass in 2019. The revised MRIP estimates are also used to evaluate recreational fishery performance, so updating the current allocations using the new data is critical.

Additionally, I feel an important need for this Amendment is to base conservation and management measures on the best scientific information available and increase net benefits to the Nation, consistent with the Magnuson-Stevens Fishery Conservation and Management Act and its National Standards.

The current allocations result in regulations that disenfranchise the fishing public, which is made up of a diverse demographic.

For example: The fore hire scup fishery is a very diverse group of anglers, made up of a majority of minorities. Tightening of regulations as a result of not reallocated could severally impact the precipitation for this group of minority anglers.

There seems to be a lot of outreach to the fishing public though websites, charter boat associations and fishing clubs. Most of the outreach that is done is not targeted to groups that could be impacted severally. When these anglers are finally made aware of the changes, it is too late. They do not have the chance to stand up and speak for or against a change. On top of that, it may be intimidating to speak at public meeting that are dominated by paid commercial lobbyists.

For summer flounder, the revised MRIP recreational catch estimates were 30% higher on average compared to the previous estimates for 1981-2017. Higher **recreational** catch resulted in increased estimates of stock size compared to prior assessments. The new larger stock size resulted

in a huge 49% increase in the commercial quota and recreational harvest limit (RHL) for 2019. Projected recreational harvest using the new MRIP method ate up nearly all of the 49% increase in the RHL therefore, recreational measures could not be liberalized in 2019 despite the 49% increase in the RHL. Commercial Quota's increased by 49%

For scup, the revised MRIP recreational catch estimates were 18% higher on average compared to the previous estimates for 1981-2017. The differences between the previous and revised estimates tended to be greater in more recent years compared to earlier years.
The **recreational** catch data have a lesser impact in the scup stock assessment model, with the 2019 operational stock assessment showing minor increases in biomass estimates compared to the 2015 assessment.

For black sea bass, the revised MRIP recreational catch estimates were 73% higher on average compared to the previous estimates for 1981-2017. Higher **recreational** catch resulted in increased estimates of stock size compared to prior assessments. The larger stock size resulted in a huge 59% increase in the commercial quota and recreational harvest limit (RHL) for 2020. Projected recreational harvest using the new MRIP method ate up nearly all of the 59% increase in the RHL therefore, recreational measures could not be liberalized in 2020 despite the 59% increase in the RHL. Commercial Quota's increased by 59%

The aged commercial/recreational allocation percentages as defined in the FMP for Summer Flounder, Scup, and Black Sea Bass do not reflect the current understanding of the historic, and more importantly recent, proportions of catch and landings from both the commercial and recreational sectors. Since allocations can only be changed by amending the FMP, we believe this amendment is critical at this time to correct the current allocations which were made using old and less accurate data. This amendment will allow the Council to meet National Standard 2 and set the Council and Commission up to use the Best Scientific Information Available in this FMP.

The first decision that I feel should be made is whether to use a catch-based or a landings-based allocation approach. Taking this issue species by species, we recognize that Scup currently uses a catch-based approach and for simplicity we would support staying with a catch-based approach for Scup. For Summer Flounder, an opportunity exists to move to a catch-based approach from a landings-based approach. Catch-based approaches allow each sector to be accountable to its own dead discards which makes the most sense overall. For Black Sea Bass, the current Black Sea Bass stock assessment does not model landings and dead discards separately; therefore, calculations of total projected landings and dead discards for black sea bass cannot be informed by stock assessment projections. Instead, other methods, such as those based on recent year average proportions, must be used. This layer of complexity is important and draws us to support staying with a landings-based approach for Black Sea Bass.

4.1.1 Summer Flounder Allocation Alternatives

I support Alternative 1a-2: 43% commercial, 57% recreational This alternative is supported by multiple approaches and it represents a shift to a catch-based allocation approach as a better way to hold each sector accountable to their own dead discards. This alternative will provide the commercial fleets with a quota that is above the average landings over the past four years and about a dollar a pound more in ex-vessel price. At the same time, the highly restricted recreational fishery may be able to liberalize regulations slightly for an improved experience and potentially increased revenues to the for-hire fleets.

4.1.2 Scup Allocation Alternatives

I Alternative 1b-3: 61% commercial, 39% recreational. This alternative is supported by multiple approaches and it maintains the current catch-based allocation approach as the best way to hold

each sector accountable to their own dead discards. This alternative would provide the commercial fleets with an allocation that would allow them to land scup at the current levels and higher, while maintaining ex-vessel pricing. The recreational fishery, under this alternative, would have the potential to harvest at similar levels to recent years, avoiding draconian cuts that would be necessary without an allocation adjustment.

4.1.3 Black Sea Bass Allocation Alternatives

I support Alternative 1c-6: 29% commercial, 71% recreational. This alternative is supported by multiple approaches and it maintains the current landings-based allocation approach. As noted above, the current black sea bass stock assessment does not model landings and dead discards separately; therefore, we recommend continuing with the landings-based allocation approach used in this alternative. Alternative 1c-6 allows for a possible commercial quota under an ABC similar to 2020 that exceeds historic landings in all but 2 of the past 16 years. The recreational fishery, under this alternative, would have the potential to harvest at similar to slightly lower levels compared to recent years, avoiding draconian cuts that would be necessary without an allocation adjustment.

4.1.4 Allocation Change Phase-In Alternatives

I support Alternative 1d-1: No phase-in. We do not support a phase in period for allocation changes because the new recreational catch estimates are currently being used to evaluate the performance of the recreational fishery. Delaying the implementation of updated allocation percentages over some time frame will needlessly hurt the recreational fishing community and deprive the recreational fishery of valuable fishing opportunities.

4.2.1 Quota Transfer Process Alternatives

I support Alternative 2b.

4.3 Framework/Addendum Provision Alternatives

I support Alternative 3b: Allow changes to commercial/recreational allocations, annual quota transfers, and other measures included in this Amendment to be made through framework actions/addendum. This alternative would provide flexibility to the Council/Commission to adapt to new information in a timely fashion as it becomes available. This alternative would not preclude the Council/Commission from using the amendment process if impacts were to be determined to be significant.

Failure to make the necessary reallocation could result in a situation like we see in the Gulf of Maine Cod fishery, Where the recreation angler is held to little or no possession for most of the year.

Carl Forsberg
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100 Davisville Pier
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Tel: (401)295-2585

March 10, 2021

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

Re: Summer Flounder/Scup/Sea Bass Allocation Amendment Comments

Dear Chris,

I am writing to support status quo for all three species in the Summer Flounder/Scup/Black Sea Bass Commercial/Recreational Allocation Amendment. None of the reallocation measures proposed by this amendment are justified nor ready for final Council action in April.

The Council has been aware of the potential problems with using new MRIP numbers since 2017, including the potential realities of overfishing and need for recreational accountability for overages.[1] Initial discussion on the Allocation Amendment included recreational accountability. However, the Council chose to separate allocation from accountability and instead consider recreational accountability in the Recreational Reform Initiative.[2] Since that decision, recreational accountability has been completely removed from the goal/vision of the Recreational Reform Initiative.[3] Yet allocation to the recreational sector from the commercial industry, which is held accountable for its harvest, is still being considered absent any reform necessary to deal with the new MRIP data and recreational overages. This is not equitable management nor is it a viable way to sustainably manage a shared stock.

At the same time, the Council has not provided analysis of the alternatives in the amendment using actual new MRIP numbers. This is partly because for some species the Council was not provided with the data in a timely manner. Information in the public hearing documents is presented in percentages, but not real quota situations. This is unfortunate, because the Council and many of the

[1] See staff memo, https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/597b7da5c534a512fc895ccf/1501265331857/Tab12_ED-Report.pdf, Executive Director's Report, August 2017 Council meeting, p. 14 of 25.
[2] See https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/5f29767cf9b6a96f5b49760c/1596552828857/4Com_rec_allocation_amend_removed_items.pdf. This is despite the fact that recreational accountability, particularly pound for pound paybacks and in season closures, was "prominent" in many scoping comments for this action, see p. 3.
[3] See https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/5f297674fbf19242caa0b6c7/1596552821672/2Rec_reform_outline_v6.pdf and https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/60181ba3214550605c302937/1612192676473/1Council_Board_rec_reformFeb2021.pdf.

public- commercial and recreational- have not been made aware of what using the new MRIP numbers means in an Allocation Amendment context. When the Allocation Amendment is put into the context of reality and the actual MRIP numbers themselves, all of the reallocation alternatives contained within the amendment would cause real economic harm to the commercial sector for no good or effective reason.

Staff presentations given during the Final Public Hearings between Feb. 17, 2021-March 2, 2021 informed the public that "Example quotas and RHLs should be taken with a grain of salt". This is unacceptable for a document in the final round of public hearings. The public, as well as the Council, need to be aware of what they are commenting and/or voting on.

There has also been last minute confusion of what some of the new MRIP numbers actually are, which made the final rounds of public hearings more of a discovery process rather than an opportunity to comment on hard data. For black sea bass, new MRIP 2019 numbers were not made available until January 2021. In a January 15 memo to the Council, the agency informed the Council that the black sea bass had exceeded most of the established catch limits, including the OFL. [4] This memo listed recreational dead discards at 1,468 mt (3.2 million lbs) and coastwide commercial quota at 1,596 mt (3.5 million lbs). Essentially at these levels, the entire commercial quota would need to be reallocated to simply cover recreational dead discards. However, at the same time, during the first week of final public hearings, the public was informed that these numbers were under review again.

On Feb. 24, with only two final public hearings left to go, the agency sent a second memo to the Council regarding these numbers. While making corrections to errors in the previous letter, where new MRIP discard numbers had accidentally been substituted for old MRIP numbers, the corrections maintain 2019 new MRIP recreational discards at 1,468 mt (3.2 million lbs). First, it is a major problem that the true numbers were not made public or even available to the Council until more than halfway through the final public hearings on the amendment. This has resulted in an inability to understand the impacts of reallocation. Most members of the public do not even know this document exists. Second, even with a new black sea bass assessment using the new MRIP numbers, the ABC will continue to be exceeded by recreational discards and any attempt at reallocation will simply turn what would have been commercial landings into recreational dead discards. This is the complete opposite of the Council's charge under Magnuson.

In 2020, the black sea bass OFL was 19.39 million lbs, and the ABC was 15.07 million lbs. Commercial landings are estimated at approximately 3.64 million lbs. Commercial discards are not yet known but if proxied with an average of recent years would be approximately 1.82 million lbs. This would place the commercial sector within its 2020 commercial quota.[5]

If 2019 new MRIP numbers are proxied for 2020 new MRIP numbers, recreational harvest would be 3,905 mt (8.6 million lbs) and recreational discards at 1,468 mt (3.2 million lbs). These numbers, from the agency's Feb 24, 2021 memo, total to 17.31 million lbs when combined with the commercial quota.

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[4] See https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/6014816665251274f448e2da/1611956588344/Tab06_Executive-Director-Report_2021-02.pdf.

[5] See https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/5ef2613a7378ce3f0fa5b1f7/1592942907679/BSB_fishery_info_doc_2020.pdf, commercial quota of 5.58 million lbs.

This is 2.24 million lbs over the coastwide ABC. This entire overage is due to recreational catch and discards, and lack of Council action to address recreational overages.

The 2020 RHL was 5.81 million lbs.[6] Despite the fact that staff projections for 2020 new MRIP recreational harvest estimates were at 8.1 million lbs causing the RHL to be exceeded by 29%,[7] and the fact that MC projections for 2020 new MRIP recreational harvest estimates were at 7.33 million lbs causing the RHL to be exceeded by 20%,[8] the Council chose not to reduce recreational black sea bass size limits, possession limits or seasons and instead chose status quo measures.[9] In fact, recreational harvest was higher than each of these projections, at 8.6 million lbs.

Based on the above, if 2020 is taken as a real-life case study, and if 2019 new MRIP numbers are proxied for 2020 new MRIP numbers, commercial landings were 3.64 million lbs, and recreational discards at 3.2 million lbs. This is staggering. Because of the magnitude of these numbers, none of the alternatives in the Allocation Amendment to reallocate commercial quota to the recreational sector will even come close to addressing the issues the Council is seeking to address through the Allocation Amendment. Even if the Council adopts any of the amendment alternatives to reallocate commercial quota to the recreational sector, the recreational sector will still experience bag/season/limit cuts to prevent further overages of the ABC, unless the Council continues to ignore ABC overages. The numbers are just too high to cover with a reallocation.

The fact that these recreational discards alone are more than enough to cause the 2.24 million lb overage of the 2020 ABC means that any reallocation will be simply turning edible fish in the form of commercial landings into recreational discards. That is not good policy for the American public. Reducing food production to accommodate discards is unacceptable. It is also unacceptable to reallocate from a sector that the Council chooses to hold accountable to a sector that the Council has chosen not to manage. This is not good public policy and it is also not sustainable for the resource.

We can therefore only support No Action for this amendment. Commercial measures contributed to the stock's rebuilding success; the commercial sector should not be penalized for commercial accountability. The Council cannot cause substantial economic harm to the commercial industry to simply account for recreational discards and an issue of recreational overages it refuses to address. The Recreational Reform Initiative should take precedence over this action and include measures for recreational accountability to preserve the health of shared stocks.

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[6] See https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/5df0fed8c4c6bc16efcf6688/1576074970319/14_BSB_rec_Dec2019.pdf.

[7] See https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/5ddd90e2377ff72cee4311d2/1574801635149/Tab14_BSB-Rec-Measures_2019-12.pdf , November 2019 staff memo, p. 7 and https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/5df0fed8c4c6bc16efcf6688/1576074970319/14_BSB_rec_Dec2019.pdf, slide 12.

[8] See https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/5df0fed8c4c6bc16efcf6688/1576074970319/14_BSB_rec_Dec2019.pdf slides 12-13.

[9] See https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/5df3b840b7f79f2f3301e724/1576253504909/December+2019+Motions.pdf.

Thank you for the ability to comment.

Sincerely,

Meghan Lapp
General Manager, Seafreeze Shoreside
Fisheries Liaison, Seafreeze Ltd.

Fax Cover Page

Recipient:	+1 (302) 674-5399 Dr. Christopher Moore, Executive Direc
Date Sent:	03/07/2021
Number of Pages:	4 (including cover page)
Sender:	Denise Wagner - J W Commercial Fishing Inc
Reply-to Email:	wagnerfishingone@yahoo.com
Reply-to Phone:	+1 (609) 515-3788
Reply-to Fax:	+1 (609) 624-8435
Subject:	Public Comment Flounder, Scup and Black Seabass Allocation Amendment
Message:	Attention Dr. Christopher Moore, Executive Director Mid Atlantic Fishery Council. Attached is a 3 page letter for comments on the above Amendment. If it doesn't come through clear please call me at 609 515 3788 and I will resend. Including cover page you should receive 4 pages all together. Thank You, Denise Wagner

Sent with Mobile Fax

March 6, 2021

Mid Atlantic Marine Fishery Council

800 N State Street Suite 201

Dover, DE 19901

Attention: Dr. Christopher Moore, Executive Director

RE: Public Comment Summer Flounder, Scup and Black Seabass Allocation Amendment

Dear Council Members,

We are submitting comments today in follow up to the webinar meeting. We have several comments, first the allocation of Black Seabass Quota. The allocation between Commercial and Recreational Industries was done in the early 90's Commercial Fisherman had to qualify and apply for a permit, once the permits were issued the Black Seabass along with Flounder and Scup became a moratorium permit. Which means no one could just enter the fishery. There is not a cap on Recreational fishing. Through the years the commercial fisherman suffered through coastwide quotas and then State by State. Even after it went State by State Commercial Fisherman still suffered through low trip limits, limits to how many times a week you can fish, and season closures. We have endured a lot over the years. Wanting more fish but told the science wasn't there. We had to scratch to keep our business going. Henceforth today, after many, many, long years we have finally begun to receive the benefits of such suffering. Now there is an Addendum in progress in which to take these fish away, how can this be justified? Your job is to protect the resource. In New Jersey we are landing our quota, other states may not, but this still doesn't justify taking quota away. If commercial fisherman are not landing their quota isn't this a good thing for the resource? It builds stock does it not. You want to reward a sector who has overfished for years by giving quota away. Fishing changes from year to year which I will get into when it comes to transferring of quota. We make a living on the water, I hear the recreational sector saying" if they're not able to fish this effects the bait shops and others". Well, if Commercial Fisherman cannot fish this effects Fish Markets, Restaurants and the general public who rely on commercial fishing to eat a fresh fish, who do not have the luxury of going out on private boats or charter boats to catch fish. Think about it a second, Tennessee, Ohio, Illinois, Indiana, and all the other states who do not have ocean access where are they getting their fish from? We represent the general public.

When you put this into context, the recreational fishery is in the minority. Other than your charter boats and even some of them have Monday through Friday from 9 – 5 jobs somewhere else. We believe reallocating quota to the recreational sector is a bandaid to the problem but not the solution. The solution lies in looking at the recreational sector and solving its problems. We the Commercial Sector do not experience this because we have to call in so our quota is monitored daily, we have VTR reporting and we have weekly dealer reporting. If we get close to landing our quota in any particular season we are shut down until the season can reopen again. Recreational Fisherman do not have any type of reporting like this, so therefore overfishing can occur and it doesn't matter how much quota they have. They do not have any regulations on them other than size limit and bag limit. The recreational fishing industry needs to be revamped, for starters it can be done by lowering the size limit, discards become landed fish. To protect the resource you can't waste fish throwing back a perfectly nice size fish because it's ¼" to small is ridiculous. Another thing you can look at is taking the recreational fish and dividing it up between the charter and the private skiffs, so they can continue to make a living. We sympathize with those who are trying to make a living on the water but those who fish in their private skiffs to go out have a couple of beers catch a few fish shouldn't benefit from the sufferings of the commercial fishing industry.

Now to transfer of quota. We are against being able to transfer quota from one industry to the other this is not going to go as easy as it sounds. What you are doing with this proposal is creating more problems, aren't there enough already? You want to base transferring the amount of quota based on the landings of the previous year. Fishing changes from year to year, just because the previous year may have not been utilized doesn't mean the following year it couldn't be. There are many factors that can cause quota not being utilized. Lets look at the one we are all dealing with now COVID, the weather such as wind and storms, the water temperature if it is cold pushes the fish offshore and as a result your smaller commercial vessels may not be able to utilize the quota. All this changes year to year. This cannot be done without some serious consequences to the commercial fishing industry we are the ones on the losing end not the recreational.

Finally, being able to make changes through a framework rather than an Addendum, we are against this too because being able to make these changes in a framework takes away the voice of the

people in the public comment portion of a bill. Everyone should have a voice. In close, we feel the Addendum should fail and everything should remain status quo with the council looking into what you can do to solve the problems with the recreational sector without punishing the commercial sector. We have earned the fish and we should keep them.

Respectfully submitted,

Joseph and Denise Wagner

J W Commercial Fishing Inc.

RHODE ISLAND
SALTWATER
ANGLERS
Association

P.O. Box 1465, Coventry, Rhode Island 02816 401-826-2121 FAX: 401-826-3546 www.RISAA.org

March 11, 2021

Chris Moore, Ph.D., Executive Director
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, DE 19901

RE: Comments on Summer Flounder, Scup, Sea Bass Allocation Amendment

Dr. Moore and Council Members:

The Rhode Island Saltwater Anglers Association (RISAA) represents over 7,500 recreational anglers and 28 affiliate clubs in Connecticut, Massachusetts and Rhode Island, and we are pleased to take this opportunity to provide our comments on our preferred alternatives that are being considered under the current allocation amendment.

To begin, RISAA believes that reallocation is certainly necessary at this time, not only to update an equitable allocation based on recent fishing practices, but more importantly to rebalance allocation between commercial and recreational fishing that was recently changed dramatically by modifications to the estimating process used in MRIP.

These changes resulted in the increase of commercial quotas for fluke by 49% in 2019 and for black sea bass in 2020 by 51%. This is because the new MRIP estimates increased the recreational landings estimates over the last 25 years by up to double previous estimates. This was without any new fishery data, but just the result of different estimating procedures. The higher landings estimates then led fisheries managers to conclude that there were more fish in the sea than thought, so landings could increase. Without reallocation this results in a significant, unjustified and unfair shift in allocation from recreational catch to commercial catch.

Regarding the specific alternatives under consideration RISAA offer the following comments:

1. **All allocations should be determined on a Catch Basis.** Since this approach includes splitting of allocation prior to reduction for dead discards this approach will give a greater incentive to each sector to properly track and make every possible effort to reduce dead discards because by doing so they will be in effect increasing the ability of that sector to increase effort and landings.

2. **Allocation should be updated to include more recent years' data -** to better reflect changes in the fisheries caused by shifting fish populations and changing effort in both the commercial and recreational sectors.

3. Based on comments 1. and 2. above, we recommend adoption of the following specific options:
    a. **For Summer Flounder we support option 1a-3** which is Catch Based and uses the most recent years data available (2014 to 2018).
    b. **For Scup we support option 1b-4** which is Catch Based and uses the most recent years available (2018/ 2019). We believe, for scup, the shift in allocation is further justified by the fact that the commercial sector fully utilizes their ability to harvest scup and have not reached the available catch limit due to market limitations. Portions of the recreational sector rely upon scup as a key food source and are currently restricted due to limits on recreational catch. This shift would more closely meet the objectives of the Magnuson Stevens Act by more fully utilizing the resource.
    c. **For Black Sea Bass we support option 1c-3.** This option is again Catch Based and utilizes the most recent years of 2009 to 2018.

4. Regarding the issue of whether to phase-in reallocation changes over time we see two offsetting concepts. First, when considering that the primary reason for reallocation at this time is to reset the balance between commercial and recreational catch that was changed as a direct result of recent MRIP changes we believe that there should be no phase-in period. This is largely because the commercial quota increases that were improperly made for summer flounder in 2019 and for black sea bass in 2020 as a direct result of MRIP changes were instituted without any phase-in period. On the other hand, there is a component of this reallocation that is the result of updating catch history to new "base years". For this component we would suggest that there should be a phase-in period to reduce any sudden impacts to socioeconomic factors. As a result of these two offsetting concepts **we support a Phase-in period of 2 years if all options recommended above are selected.**

5. **We remain generally opposed to transfers between sectors, however we are open to the idea of transfers to a limited extent**. It seems that the effect of transfers is not fully understood. We therefore would suggest that before any transfers of quota are completed a detailed analysis of the potential impacts of those transfers on the biological status of fish populations should be completed.

6. **Finally, regarding the Framework question**, RISAA is aware that allocation is a very important issue and must be thoroughly considered prior to passage. This importance would suggest that allocation should continue to require an Amendment process rather than just a framework. The problem is that the current situation was caused when the basic estimating process used for decades to estimate recreational fishing catch was changed and this change resulted in major changes in commercial quota, effectively shifting allocation without adopting an amendment process. **We support Status Quo on the issue of Frameworks** however we also believe that any changes in annual catch limits greater than 5% that result from basic changes in the procedures used to estimate catch should be delayed until allocation can be revisited after the effect of such changes can be determined.

Thank you for identifying the need for reallocation at this time and for conducting this process. As always it is a pleasure to comment on this proposed action and we welcome you to reach out to our organization at any time for clarification on any issue discussed above.

Sincerely,

Stephen J. Medeiros
President

Richard C. Hittinger
1st Vice President

From: Francesflt <francesflt@aol.com>
Sent: Friday, March 12, 2021 10:42 AM
To: Kiley Dancy
Subject: Fluke/Scup/Sea Bass Allocation Amendment

March 9, 2021

Chris Moore, Ph.D., Executive Director
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, DE 19901

RE: Summer Flounder, Scup, Sea Bass Allocation Amendment

Dear Dr. Moore,

I would like to submit the following comments regarding the joint MAFMC/ASMFC Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment. Many of which are similar to those submitted but the RIPCA.

Recent changes in how recreational catch is estimated have resulted in a big disconnect between the current levels of estimated recreational harvest and the allocations of summer flounder, scup, and black sea bass to the recreational sector. Importantly, the revised MRIP estimates were incorporated into the stock assessments for summer flounder in 2018 and for scup and black sea bass in 2019. The revised MRIP estimates are also used to evaluate recreational fishery performance, so updating the current allocations using the new data is critical.

Additionally, I feel an important need for this Amendment is to base conservation and management measures on the best scientific information available and increase net benefits to the Nation, consistent with the Magnuson-Stevens Fishery Conservation and Management Act and its National Standards.

The current allocations result in regulations that disenfranchise the fishing public, which is made up of a diverse demographic.

For example: The fore hire scup fishery is a very diverse group of anglers, made up of a majority of minorities. Tightening of regulations as a result of not reallocated could severally impact the precipitation for this group of minority anglers.

There seems to be a lot of outreach to the fishing public though websites, charter boat associations and fishing clubs. Most of the outreach that is done is not targeted to groups that could be impacted severally. When these anglers are finally made aware of the changes, it is too late. They do not have the chance to stand up and speak for or against a change. On top of that, it may be intimidating to speak at public meeting that are dominated by paid commercial lobbyists. The impact of these silent voices could be tremendous, however the only voices that speak for them seem to come from the fore hire industry.

For summer flounder, the revised MRIP recreational catch estimates were 30% higher on average compared to the previous estimates for 1981-2017. Higher **recreational** catch resulted in increased estimates of stock size compared to prior assessments. The new larger stock size resulted in a huge 49% increase in the commercial quota and recreational harvest limit (RHL) for 2019. Projected recreational harvest using the new MRIP method ate up nearly all of the 49% increase in the RHL therefore, recreational measures could not be liberalized in 2019 despite the 49% increase in the RHL. Commercial Quota's increased by 49%

For scup, the revised MRIP recreational catch estimates were 18% higher on average compared to the previous estimates for 1981-2017. The differences between the previous and revised estimates tended to be greater in more recent years compared to earlier years.
The **recreational** catch data have a lesser impact in the scup stock assessment model, with the 2019 operational stock assessment showing minor increases in biomass estimates compared to the 2015 assessment.

For black sea bass, the revised MRIP recreational catch estimates were 73% higher on average compared to the previous estimates for 1981-2017. Higher **recreational** catch resulted in increased estimates of stock size compared to prior assessments. The larger stock size resulted in a huge 59% increase in the commercial quota and recreational harvest limit (RHL) for 2020. Projected recreational harvest using the new MRIP method ate up nearly all of the 59% increase in the RHL therefore, recreational measures could not be liberalized in 2020 despite the 59% increase in the RHL. Commercial Quota's increased by 59%

The aged commercial/recreational allocation percentages as defined in the FMP for Summer Flounder, Scup, and Black Sea Bass do not reflect the current understanding of the historic, and more importantly recent, proportions of catch and landings from both the commercial and recreational sectors. Since allocations can only be changed by amending the FMP, we believe this amendment is critical at this time to correct the current allocations which were made using old and less accurate data. This amendment will allow the Council to meet National Standard 2 and set the Council and Commission up to use the Best Scientific Information Available in this FMP.

The first decision that I feel should be made is whether to use a catch-based or a landings-based allocation approach. Taking this issue species by species, we recognize that Scup currently uses a catch-based approach and for simplicity we would support staying with a catch-based approach for Scup. For Summer Flounder, an opportunity exists to move to a catch-based approach from a landings-based approach. Catch-based approaches allow each sector to be accountable to its own dead discards which makes the most sense overall. For Black Sea Bass, the current Black Sea Bass stock assessment does not model landings and dead discards separately; therefore, calculations of total projected landings and dead discards for black sea bass cannot be informed by stock assessment projections. Instead, other methods, such as those based on recent year average proportions, must be used. This layer of complexity is important and draws us to support staying with a landings-based approach for Black Sea Bass.

4.1.1 Summer Flounder Allocation Alternatives

I support Alternative 1a-2: 43% commercial, 57% recreational This alternative is supported by multiple approaches and it represents a shift to a catch-based allocation approach as a better way to hold each sector accountable to their own dead discards. This alternative will provide the commercial fleets with a quota that is above the average landings over the past four years and about a dollar a pound more in ex-vessel price. At the same time, the highly restricted recreational fishery may be able to liberalize regulations slightly for an improved experience and potentially increased revenues to the for-hire fleets.

4.1.2 Scup Allocation Alternatives

I Alternative 1b-3: 61% commercial, 39% recreational. This alternative is supported by multiple approaches and it maintains the current catch-based allocation approach as the best way to hold each sector accountable to their own dead discards. This alternative would provide the commercial fleets with an allocation that would allow them to land scup at the current levels and higher, while maintaining ex-vessel pricing. The recreational fishery, under this alternative, would have the potential to harvest at similar levels to recent years, avoiding draconian cuts that would be necessary without an allocation adjustment.

4.1.3 Black Sea Bass Allocation Alternatives

I support Alternative 1c-6: 29% commercial, 71% recreational. This alternative is supported by multiple approaches and it maintains the current landings-based allocation approach. As noted above, the current black sea bass stock assessment does not model landings and dead discards separately; therefore, we recommend continuing with the landings-based allocation approach used in this alternative. Alternative 1c-6 allows for a possible commercial quota under an ABC similar to 2020 that exceeds historic landings in all but 2 of the past 16 years. The recreational fishery, under this alternative, would have the potential to harvest at similar to slightly lower levels compared to recent years, avoiding draconian cuts that would be necessary without an allocation adjustment.

4.1.4 Allocation Change Phase-In Alternatives

I support Alternative 1d-1: No phase-in. We do not support a phase in period for allocation changes because the new recreational catch estimates are currently being used to evaluate the performance of the recreational fishery. Delaying the implementation of updated allocation percentages over some time frame will needlessly hurt the recreational fishing community and deprive the recreational fishery of valuable fishing opportunities.

4.2.1 Quota Transfer Process Alternatives

I support Alternative 2b.

4.3 Framework/Addendum Provision Alternatives

I support Alternative 3b: Allow changes to commercial/recreational allocations, annual quota transfers, and other measures included in this Amendment to be made through framework actions/addendum. This alternative would provide flexibility to the Council/Commission to adapt to new information in a timely fashion as it becomes available. This alternative would not preclude the Council/Commission from using the amendment process if impacts were to be determined to be significant.

Failure to make the necessary reallocation could result in a situation like we see in the Gulf of Maine Cod fishery, Where the recreation angler is held to little or no possession for most of the year.

Frank Blount
Frances Fleet
Point Judith, RI

To: Chris Moore, Ph.D. Executive Director

Mid-Atlantic Fishery Management Council

North State Street, Suite 201

Dover, DE 19901

From: Phil Simon, Ph.D.

Date: February 21, 2021

Subject: Comments regarding the draft amendment on Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation

Dear Dr. Moore:

I am a recreational boat angler of 25+ years' experience with saltwater fishing, now fishing primarily the waters of Barnegat Bay and the Atlantic inshore grounds within 15 miles of the Barnegat Light. Besides fishing from my own or friends' private boats, I regularly fish from party boats and with charter boats. I am a member of and on the board of the Village Harbor Fishing Club (Manahawkin NJ), and I represent the club to and am an associate member of the Jersey Coast Anglers Association. I am also a member in good standing of ReClam the Bay, the American Association for the Advancement of Science, the American Littoral Society, the American Society for Microbiology, and the New York Academy of Sciences. My comments below represent my personal views and are not intended to represent the positions of any of the organizations listed above.

Recommendations and Comments on the options for each species or question under consideration:

1. **Summer Flounder**. **Option 1a-2: 43% commercial, 57% recreational.** I believe this option is based on the broadest set of data, and I favor a catch-based allocation estimate, which favors efforts to reduce by-catch and discard mortality. From Figure 31 of the draft amendment full document, it would appear to have little or no impact on the size of commercial landings, although the shift to the catch-based system will certainly impact commercial methods and gear requirements to better reduce the impact of dead discards on the commercial quota. Federal and state assistance, both financial and technical, should be considered to ease the transition for the commercial sector.

   I have heard arguments from the commercial sector calling for postponing or delaying any changes in allocation, based primarily on the argument that the data in hand are inadequate or insufficient to decide now. I have also heard arguments

that the council staff has too much to do and cannot work on this project and the (much needed) Recreational Reform Initiative at the same time. However it seems to me (1) the reallocation issue has been before us for years, and based on what we know now (and what we have suspected for some time) a re-adjustment is long overdue; (2) most of the heavy lifting by the technical committee and council staff, in terms of data collection and analysis, document preparation, solicitation of comments via webinars and other means will have already been completed shortly, and the timing of the reform initiative has a fair amount of associated uncertainty; (3) the concept that we will ever have the "right numbers" to work with in making these kinds of decisions is at best mis-conceived, and at worst magical thinking. All the numbers we use, whether it be stock assessments, fishing effort estimates, or recreational catch numbers are **estimates**, with huge standard deviations and numerous untestable assumptions going into the calculations. The recent huge changes in stock estimation, recreational catch, and quotas induced by the new MRIP methodology shows just how soft these numbers really are. My view is that we should pay attention to the trends these indices show us but using them as hard numbers for decision making is misplaced use of the information at hand. Thinking that a new set of numbers will somehow change everything just causes more kick-the-can behavior. More delays are not acceptable, and not good science. These arguments apply to all three species.

From the data in the draft amendment document, commercial landings of summer flounder have stayed relatively stable since the introduction of quotas, except for the last two years. In fact the ex-vessel value of the landings is virtually unchanged since 1994 (Figure 9). For the recreational sector however, fishing for summer flounder has increasingly become for many fisherman an exercise in futility, where the odds of coming home with anything "in the box" have become smaller over time. Throwing back so many fish leads to frustration; spending money on gas, tackle and bait, or on party boat or charter trips seems less and less worthwhile. Thus we have seen a sharp decline in the numbers of working party boats and charter captains, and a drop in overall business in the recreational sector. My sense is that without this reallocation, the squeeze will only worsen.

2. **Scup**: **Option 1b-3: 61% commercial, 39% recreational, catch-based allocation.** I do not fish for scup, as they are mostly out of my range where I fish. From the data in the draft document, all of the options appear to have a minimal impact on the commercial sector but maintaining the status quo under the new MRIP numbers would likely cause a severe drop in the landings of the recreational fishery. Unless this fishery is threatened by overfishing, this would be unjustified; if there is a danger to the stock, then reductions should be implemented across the board.

3. **Black Sea Bass: Option 1c-1: 32% commercial, 68% recreational, catch-based.** This option provides the least impact on the commercial landings while correcting for

the new information on historical catches by the two sectors. The biggest change of course is on the commercial approach to dead discards, which will have to improve to avoid declines in quota as mentioned above. The recreational community should also be encouraged to adopt measures that would help reduce dead discards.

4. **Phase-in Alternatives: Option 1d-2: Allocation change evenly spread over 2 years.** Allows for transitions without undue delay.

5. **Annual Quota Transfer Alternatives: Option 2a: No action, status quo**. Because this is a prime target for, well, quota run-arounds. Come back to this after we see how things are going.

6. **Transfer Cap Alternatives**: Option 2c:2: Maximum set at 5%. See "5" above.

7. **Framework/addendum provision alternatives**: Option 3a: No action/status quo. Because I think public input should remain part of the process.

In summary, I favor catch-based allocations for all three species, total avoidance of the status quo measures, and absolutely no delay in the implementation of this amendment, which makes corrections on several issues that are long overdue.

Jersey Coast Anglers Associatic
Working for Marine Recreational Anglers
1594 Lakewood Road, Unit 13, Toms River, NJ 08755
TEL.: 732-506-6565 - FAX: 732-506-6975

3/15/21

ASMFC and MAFMC,

The Jersey Coast Anglers Association represents approximately 75 fishing clubs throughout our state and we appreciate this opportunity to comment on the Summer Flounder, Scup and Black Sea bass Allocation Amendment. We would like to start with a little history. Back in the 1970's it was widely accepted that recreational fishermen accounted for a much higher percentage of the catch and landings of fluke, scup and sea bass than the commercial fishermen. Eventually it was decided that quotas needed to be established and that percentages of the allocation would be split between the commercial and recreational sectors. However, regarding fluke the NMFS numbers were used by ASMFC/MAFMC in setting up the base years that favored the commercial fishermen after they had devastated the stock. This occurred because during the fall and winter, commercial fishermen found that the fluke were concentrated far offshore near the continental shelf. NMFS then approved a 60/40 split favoring the commercial fishermen when the split should have been the other way around and based on historical data. Recreational fishermen were given the short end of the stick back then and the problem only compounded over the years. Imagine how many more fish the recreational sector would have accounted for had the quotas been fairly assigned and regulations had not become so restrictive over the years. It is because of this that JCAA believes that even the most favorable options for recreational fishermen in the amendment are insufficient.

However, in 2018 the MRIP numbers were recalculated, and the revised estimates revealed that the recreational fishermen had caught far more fish than originally believed going back to 1981. That in turn caused our fisheries managers to conclude that the stock biomass for fluke, scup and sea bass was significantly higher than the previous estimates had shown. Regarding fluke, the higher biomass estimate resulted in a 49% increase in the quota for commercial fishermen and a 49% increase in the RHL for recreational fishermen. However, regulations for recreational fishermen could not liberalized because the previous year's landings estimate indicated they were already equal to the 2019 RHL. **The allocation**

percentages for all three species do not reflect the current understanding of the recent and historic proportions of catch and landings between the two sectors. In other words, the heart of the problem is that though the revised data revealed that recreational fishermen were responsible for a much higher percentage of the catch, the split between the two sectors could not be changed without an amendment. We now have this amendment before us and that is why you must act to rectify this situation as soon as possible.

Regarding the amendment itself we would like to make the following recommendations:

As good stewards of the resources we recommend catch based allocations for all three species. This method gives incentive for both commercial and recreational fishermen to reduce their dead discards as there may be an opportunity to increase their landings if they are able to do so.

Though we passionately believe that all of the proposed percentage increases of the RHL for recreational fishermen are insufficient, we recommend the following:

Fluke – Option 1a-3 (60% recreational 40% commercial)

Scup – Option 1b-4 (59% commercial 41% recreational) provided a catch-based approach is chosen. If a landings-based approach is chosen we support options 1b-7 (50% commercial 50% recreational) as it would provide the most benefit to the recreational sector in the form of higher angler satisfaction, greater economic opportunity and more revenue for the for-hire sector compared to other allocation alternatives.

Sea Bass – Option 1c-3 (76% recreational 24% commercial)

Regarding phase-in alternatives, we recommend immediate implementation and certainly no more than two years. By not correcting this problem as soon as possible, the catch and landings numbers would be skewed favoring the commercial fishermen during the years before full implementation takes place. Then in the future, these years might be used in management decisions and once again recreational fishermen would end up with the short end of the stick. In fact, it is a shame that the new MRIP data and allocation changes were not done at the same time. The commercial sector was given larger quotas than they should not have been given and now they do not want to give it back. Most don't even understand the problem.

Lastly, we are opposed to quota transfers between the sectors.

Respectfully submitted,

John Toth, JCAA President

From: Frank Blume <frankblume@sbcglobal.net>
Sent: Sunday, March 14, 2021 4:23 PM
To: Leaning, Dustin Colson; Kiley Dancy
Cc: oceanburial@aol.com; btolhurst@aol.com; myden52585@aol.com; isholach@sbcglobal.net; tbull640@sbcglobal.net; walter.leckowicz@gmail.com
Subject: Commercial/Recreational Allocation Amendment

Dear Sir:
Below are my thoughts on fishing reallocation:

First of all, the catch reporting method used here in Connecticut is not accurate. Far from it. It is my understanding that catch reporting is done by a state employee going down to a boat launch area and will count the number of parked boat trailers. In the afternoon they interview a small percentage of returning fishermen. These are probably the most successful fishermen or they would likely be still out there. They then multiply the catch from this small percentage of fishermen by the number of empty trailers! (Yes, I can't believe it either.) This does not take into consideration the number of boats that left the launch area to go swimming at a favorite spot or to go clamming or to go to visit friends at Block Island, Montauk Point or Fishers Island. Some people go to a favorite spot and raft up with a group of friends to picnic, swim, etc.
I have been a charter captain for over 35 years, a recreational fisherman and a commercial rod and reel fishermen for longer than that. During those years I have chartered out of different ports in our surrounding states, Massachusetts, Rhode Island and Connecticut. In my opinion, to better look after our current fish numbers and changes that may be needed you should be looking at commercial fishermen. That's where the waste and over fishing occur most! I have heard from fellow fishermen returning from offshore fishing that they have encountered acres and acres of belly-up, floating Striped Bass. Where do you think these came from? Dragger's are responsible for the shortage of nearly all species. When I fished out of Massachusetts about 10 or 12 years ago I was told by fellow fishermen up there that 5 large dragger's from Rhode Island came up to Stellwagen Bank in early spring and wiped out all the incoming spawning Cod. In previous years we would limit out by noon and return to port. That spring we would catch less than 10 all day. That fishery has been closed down and is now back to about where it was prior to the dragger's raping the fishing grounds but it took 10 years.

As a charter captain I will not take groups out for Fluke fishing. Why? Because they average catch out of Connecticut is 1 or 2 keepers at or around 19" and about a dozen or so short Fluke. Why is this you ask? Because the dragger's have been out all night vacuuming the fishing grounds. They leave the grounds around 3 or 4 in the morning. At 5 am or shortly thereafter, the recreational fisherman goes out to the same area and catches a few shorts and maybe a keeper. The last successful fluke fishing trip I had was about 20 years ago. New York was open, Connecticut was not. I had a group that wanted to catch some fluke. We went to Montauk and caught a good number of some nice size fluke. After filleting them I docked in Fishers Island, NY and left them with a friend. I then met him there 2 weeks later when Connecticut opened and picked up the fish.
This year after the Connecticut commercial Fluke fishing had closed, a state much larger than ours about 300 miles south of Connecticut had caught about half of their Fluke catch allocation. What did our fish management do? They gave Connecticut their unused allocation! It took the whole season for Connecticut commercial fishermen to reach their quota while the recreational fishermen caught only half of theirs. There is a reason the state south of us had not fill their allocation. There is either a very large amount of fluke in their area or a shortage of fishing boats. Does this reallocation make any sense? ABSOLUTELY NOT! Connecticut had an allocation based on the amount of fish in their area. Increasing the Connecticut quota was a very poor decision in my opinion!
You may ask...why does something like this happen? You can thank our politicians. It's as simple as that. Here's how it works. Commercial fishermen sell their catch to a co-op, a small portion of every sale goes into a "Political Action" fund. Then when elections come up, a generous donation goes to those incumbent U.S. Senators and other law makers. Those senators then vote for whatever their donators wish. Not what's best for our fisheries!
What we need in this area, the area east of the Connecticut river and south of Fishers Island to the Rhode Island border, is some artificial reefs. New York is in the process of building these now but not as far east as the fore mentioned area. These artificial reefs would give many fish a haven from these all-night draggers!

Sincerely,
Captain Frank Blume
Colchester, CT

From: SCOTT LUNDBERG <reelsportfishing@aol.com>
Sent: Saturday, March 13, 2021 2:44 PM
To: Kiley Dancy
Subject: Fluke/Scup/Sea Bass Allocation Amendment Comments

Reel to Reel Sportfishing LLC
PO Box 637
Slatersville, R.I. 02876

Chris Moore, Ph.D., Executive Director
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, DE 19901

RE: Summer Flounder, Scup, Sea Bass Allocation Amendment

Dear Dr. Moore,

I would like to submit the following comments regarding the joint MAFMC/ASMFC Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment.

I agree with the purpose and the need for this amendment before the Council and Commission. Recent changes in how recreational catch is estimated have resulted in a big disconnect between the current levels of estimated recreational harvest and the allocations of summer flounder, scup, and black sea bass to the recreational sector. Importantly, the revised MRIP estimates were incorporated into the stock assessments for summer flounder in 2018 and for scup and black sea bass in 2019.The revised MRIP estimates are also used to evaluate recreational fishery performance, so updating the current allocations using the new data is critical.

Additionally, I feel an important need for this Amendment is to base conservation and management measures on the best scientific information available (BSIA) and increase net benefits to the Nation, consistent with the Magnuson-Stevens Fishery Conservation and Management Act and its National Standards.

For summer flounder, the revised MRIP recreational catch estimates were 30% higher on average compared to the previous estimates for 1981-2017. Higher recreation catch resulted in increased estimates of stock size compared to prior assessments. The new larger stock size resulted in a huge 49% increase in the commercial quota and recreational harvest limit (RHL) for 2019. Projected recreational harvest using the new MRIP method ate up nearly all of the 49% increase in the RHL, therefore, recreational measures could not be liberalized in 2019 despite the 49% increase in the RHL. Commercial Quota's increased by 49%

For scup, the revised MRIP recreational catch estimates were 18% higher on average compared to the previous estimates for 1981-2017.The differences between the previous and revised estimates were greater in more recent years compared to earlier years. The recreational catch data had a lesser impact in the scup stock assessment model, with the 2019 operational stock assessment showing minor increases in biomass estimates compared to the 2015 assessment.

For black sea bass, the revised MRIP recreational catch estimates were 73% higher on average compared to the previous estimates for 1981-2017.Higher recreational catch resulted in increased estimates of stock size compared to

prior assessments. The larger stock size resulted in a huge 59% increase in the commercial quota and recreational harvest limit (RHL) for 2020. Projected recreational harvest using the new MRIP method ate up nearly all of the 59% increase in the RHL therefore; recreational measures could not be liberalized in 2020 despite the 59% increase in the RHL. Commercial Quota's increased by 59%

The aged commercial/recreational allocation percentages as defined in the FMP for Summer Flounder, Scup, and Black Sea Bass do not reflect the current understanding of the historic, and equally important, recent proportions of catch and landings from both the commercial and recreational sectors. Since allocations can only be changed by amending the FMP. I believe this amendment is critical at this time to correct the current allocations which were made using old and less accurate data. This amendment will allow the Council to address National Standard 2 and set the Council and Commission up to use the Best Scientific Information Available in this FMP.

Due to the current uncertainty and lack of available specifics relative to the MAFMC/ASMFC recreational reform initiative, it is unclear how delaying an allocation decision in favor of unknown recreational reform makes any sense at all. Without clear recreational reform alternatives to review, the logical first step would be to finalize this allocation amendment under the timeline described in the Draft Amendment for Public Comment. Delaying this action has the very real implication of hurting the recreational fishery in FY 2022 and 2023. Any work on the recreational reform initiative should continue according to the existing schedule and the entire recreational reform process will be better served informed by the new allocations based on BSIA.

The first decision that I feel should be made is whether to use a catch-based or a landings-based allocation approach. Catch-based allocation approaches allow each sector to be accountable to its own dead discards which makes the most sense overall. The commercial and recreational fisheries are vastly different, and they are managed with different tools. Holding each sector accountable to their own discards across all three species is a clean and consistent approach to take. This amendment offers the chance to make the commonsense change to catch based allocation, creating incentives for both fisheries to improve by catch rates and or mortality of by catch as required in National Standard 9.

4.1.1 Summer Flounder Allocation Alternatives

I support Alternative 1a-2: 43% commercial, 57% recreational This alternative is supported by multiple approaches and it represents a shift to a catch-based allocation approach as a better way to hold each sector accountable to their own dead discards. This alternative will provide the commercial fleets with a quota that is above the average landings over the past four years and potentially a dollar a pound more in ex-vessel price. At the same time, the highly restricted recreational fishery may be able to liberalize regulations slightly for an improved experience and potentially increased revenues to the for-hire fleets.

4.1.2 Scup Allocation Alternatives

I support Alternative 1b-3: 61% commercial, 39% recreational. This alternative is supported by multiple approaches and it maintains the current catch-based allocation approach as the best way to hold each sector accountable to their own dead discards. This alternative would provide the commercial fleets with an allocation that would allow them to land scup at the current levels and higher, while maintaining ex-vessel pricing. The recreational fishery, under this alternative, would have the potential to harvest at similar levels to recent years, avoiding draconian cuts that would be necessary without an allocation adjustment.

4.1.3 Black Sea Bass Allocation Alternatives

I support Alternative1c-2: 28% commercial, 72% recreational. This alternative uses a broad time series to capture historical and modern fishing efforts of both the commercial and recreational fisheries. Alternative 1c-2 allows for a possible commercial quota under an ABC similar to 2020 that exceeds historic landings in all but 4 of the past 16 years. The recreational fishery, under this alternative, would have the potential to harvest at similar to slightly lower levels compared to an average of recent years, avoiding draconian cuts that would be necessary without an allocation adjustment.

4.1.4 Allocation Change Phase-In Alternatives

I support Alternative 1d-1: No phase-in. We do not support a phase in period for allocation changes because the new recreational catch estimates are currently being used in whole to evaluate the performance of the recreational fishery. Delaying the implementation of updated allocation percentages over some time frame will needlessly hurt the recreational fishing community and deprive the recreational fishery of valuable fishing opportunities.

4.2.1 Quota Transfer Process Alternatives

I support the consideration of a transfer program between commercial and recreational fisheries. We suggest a cap of 5 to 10 percent of the ABC. As circumstances vary from year to year, we would suggest any transfer be part of annual specification stetting process that would allow the council and commission to assess the impacts of any transfer under those varying circumstances. An automatic and prescribed transfer could be problematic without the opportunity for the public, staff, and the council and commission board to weigh in.

4.3 Framework/Addendum Provision Alternatives

I support Alternative 3b: Allow changes to commercial/recreational allocations and other measures included in this Amendment to be made through framework actions/addenda. This alternative would provide flexibility to the Council/Commission to adapt to new information in a timely fashion as it becomes available. This alternative would not preclude the Council/Commission from using the amendment process if potential impacts are determined to be significant.

Thank you for the chance to offer my comments on this very consequential amendment. The future of the for-hire industry is hanging in the balance. A fair and scientifically sound re-allocation followed by thoughtful recreational reform will help to preserve our fleet for the long term, allowing the non-boat owning public meaningful access to Summer Flounder, Scup, and Black Sea Bass.

Sincerely Yours,

Capt. Scott Lundberg

Reel to Reel Sportfishing LLC
PO Box 637
Slatersville, R.I. 02876

From: Capt. TJ Karbowski <tedkarbowski@yahoo.com>
Sent: Saturday, March 13, 2021 8:06 AM
To: Kiley Dancy
Subject: Reallocation Comments

Status Quo.

Reallocation is not necessary.

"New MRIP" is the problem. This new math (that literally is not possible), has discredited the ASMFC and has turned the regulation process into a joke.

The ASMFC has adopted "New MRIP" and weaponized its false statistics because the leadership has created a culture which views recreational fishing as the enemy. The employees are on a crusade to save the oceans from the Neanderthal and deplorable recreational fishermen. It's the only logical explanation besides gross incompetence.

If the ASMFC were a private sector business they would be filing for bankruptcy in 3 weeks due being run by LACK OF COMMON SENSE.

During a webinar last week, after first sighting an example in Connecticut of 112,000 Black Sea Bass being harvested during 2019 Wave 6 (literally impossible). I was cut off by Dustin Leaning while speaking the 2nd time. He was sick of hearing the truth because I was sighting an example of Connecticut's ludicrous bluefish numbers. I then switched to summer flounder numbers of 5,500 harvested during the month of September 2019 FROM SHORE. (Anyone with a brain knows this is impossible also.) I followed that up by giving the 60+ members in attendance the opportunity to speak up if they actually had ANY confidence in the new MRIP numbers; not a single person spoke up.

How can we be expected to comply with numbers that those in charge will not even publicly admit they have confidence in? This is insane.

Without credibility no one will ever believe or follow the regulations. Have you ever heard the story of "The boy who cried wolf"? That's the current situation with the "New MRIP".

I am a conservationalist, I wish I could never kill another fish again, but being in the charter fishing industry that just isn't reality. I stand by principals of ecosystem management and having a healthy predator/prey ratio but the methods that are now being used are counter productive. These insane proposed cuts of (60%) sea bass (40%) scup are totally unwarranted. Anyone who has actually spent any time on the water can poke holes in almost every statistic of the new MRIP and if more people were paying attention, the discrediting of "New MRIP" would be on the prime time news.

Thank you,
Capt. TJ Karbowski
Rock & Roll Charters
Clinton, CT
203.314.3765
https://rockandrollcharters.com/

R.I. Party and Charter Boat Association
P.O. Box 171
Wakefield, RI 02880
401-741-5648
www.rifishing.com

March 11, 2021

Chris Moore, Ph.D., Executive Director
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, DE 19901

RE: Summer Flounder, Scup, Sea Bass Allocation Amendment

Dear Dr. Moore,

On behalf of the 60 members of the R.I. Party and Charter Boat Association, I would like to submit the following comments regarding the joint MAFMC/ASMFC Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment.

We agree with the purpose and the need for this amendment before the Council and Commission. Recent changes in how recreational catch is estimated have resulted in a big disconnect between the current levels of estimated recreational harvest and the allocations of summer flounder, scup, and black sea bass to the recreational sector. Importantly, the revised MRIP estimates were incorporated into the stock assessments for summer flounder in 2018 and for scup and black sea bass in 2019. The revised MRIP estimates are also used to evaluate recreational fishery performance, so updating the current allocations using the new data is critical.

Additionally, we feel an important need for this Amendment is to base conservation and management measures on the best scientific information available (BSIA) and increase net benefits to the Nation, consistent with the Magnuson-Stevens Fishery Conservation and Management Act and its National Standards.

For summer flounder, the revised MRIP recreational catch estimates were 30% higher on average compared to the previous estimates for 1981-2017. Higher **recreational** catch resulted in increased estimates of stock size compared to prior assessments. The new larger stock size resulted in a huge 49% increase in the commercial quota and recreational harvest limit (RHL) for 2019. Projected recreational harvest using the new MRIP method ate up nearly all of the 49% increase in the RHL therefore, recreational measures could not be liberalized in 2019 despite the 49% increase in the RHL. Commercial Quota's increased by 49%

For scup, the revised MRIP recreational catch estimates were 18% higher on average compared to the previous estimates for 1981-2017. The differences between the previous and revised estimates were greater in more recent years compared to earlier years. The **recreational** catch data have a lesser impact in the scup stock assessment model, with the 2019 operational stock assessment showing minor increases in biomass estimates compared to the 2015 assessment.

For black sea bass, the revised MRIP recreational catch estimates were 73% higher on average compared to the previous estimates for 1981-2017. Higher **recreational** catch resulted in increased estimates of stock size compared to prior assessments. The larger stock size resulted in a huge 59% increase in the commercial quota and recreational harvest limit (RHL) for 2020. Projected recreational harvest using the new MRIP method ate up nearly all of the 59% increase in the RHL therefore, recreational measures could not be liberalized in 2020 despite the 59% increase in the RHL. Commercial Quota's increased by 59%

The aged commercial/recreational allocation percentages as defined in the FMP for Summer Flounder, Scup, and Black Sea Bass do not reflect the current understanding of the historic, and equally important, recent proportions of catch and landings from both the commercial and recreational sectors. Since allocations can only be changed by amending the FMP, we believe this amendment is critical at this time to correct the current allocations which were made using old and less accurate data. This amendment will allow the Council to address National Standard 2 and set the Council and Commission up to use the Best Scientific Information Available in this FMP.

Due to the current uncertainty and lack of available specifics relative to the MAFMC/ASMFC recreational reform initiative, it is unclear how delaying an allocation decision in favor of unknown recreational reform makes any sense at all. Without clear recreational reform alternatives to review, the logical first step would be to finalize this allocation amendment under the timeline described in the Draft Amendment for Public Comment. Delaying this action has the very real implication of hurting the recreational fishery in FY 2022 and 2023. Work on the recreational reform initiative should continue according to the existing timeline and the entire recreational reform process will be better informed by the new allocations based on BSIA.

The first decision that we feel should be made for this amendment is whether to use a catch-based or a landings-based allocation approach. Catch-based allocation approaches allow each sector to be accountable to its own dead discards which makes the most sense overall. The commercial and recreational fisheries are vastly different, and they are managed with different tools. Holding each sector accountable to their own discards across all three species is a clean and consistent approach to take. This amendment offers the chance to make the commonsense change to catch based allocation across the three species, creating incentives for both fisheries to improve bycatch rates and or mortality of bycatch as required in National Standard 9.

4.1.1 Summer Flounder Allocation Alternatives

The RIPCBA supports Alternative 1a-2: 43% commercial, 57% recreational This alternative is supported by multiple approaches and it represents a shift to a catch-based allocation approach as a better way to hold each sector accountable to their own dead discards. This alternative will provide the commercial fleets with a quota that is above the average landings over the past four years while maintaining ex-vessel prices. At the same time, the highly restricted recreational fishery may be able to liberalize regulations slightly for an improved experience and potentially increased revenues to the for-hire fleets.

4.1.2 Scup Allocation Alternatives

The RIPCBA supports Alternative 1b-3: 61% commercial, 39% recreational. This alternative is supported by multiple approaches and it maintains the current catch-based allocation approach as the best way to hold each sector accountable to their own dead discards. This alternative would provide the commercial fleets with an allocation that would allow them to land scup at the current levels and higher, while maintaining ex-vessel pricing. The recreational fishery, under this alternative, would have the potential to harvest at similar levels to recent years, avoiding draconian cuts that would be necessary without an allocation adjustment.

4.1.3 Black Sea Bass Allocation Alternatives

The RIPCBA supports Alternative 1c-2: 28% commercial, 72% recreational. This alternative uses a broad time series to capture historical and modern fishing efforts of both the commercial and recreational fisheries. Alternative 1c-2 allows for a possible commercial quota under an ABC similar to 2020 that exceeds historic landings in all but 4 of the past 16 years. The recreational fishery, under this alternative, would have the potential to harvest at similar to slightly lower levels compared to an average of recent years, avoiding draconian cuts that would be necessary without an allocation adjustment.

4.1.4 Allocation Change Phase-In Alternatives

The RIPCBA supports Alternative 1d-1: No phase-in. We do not support a phase in period for allocation changes because the new recreational catch estimates are currently being used in whole to evaluate the performance of the recreational fishery. Delaying the implementation of updated allocation percentages over some time frame will needlessly hurt the recreational fishing community and deprive the recreational fishery of valuable fishing opportunities.

4.2.1 Quota Transfer Process Alternatives

The RIPCBA supports the consideration of a transfer program between commercial and recreational fisheries. We suggest a cap of 5 to 10 percent of the ABC. As circumstances vary from year to year, we would suggest any transfer be part of annual specification setting process that would allow the council and commission to assess the impacts of any transfer under those varying circumstances. An automatic and prescribed transfer could be problematic without the opportunity for the public, staff, and the council and commission board to weigh in.

4.3 Framework/Addendum Provision Alternatives

The RIPCBA supports Alternative 3b: Allow changes to commercial/recreational allocations and other measures included in this Amendment to be made through framework actions/addenda. This alternative would provide flexibility to the Council/Commission to adapt to new information in a timely fashion as it becomes available. This alternative would not preclude the Council/Commission from using the amendment process if potential impacts are determined to be significant.

Thank you for the chance to offer our comments on this very consequential amendment. The future of the for-hire industry is hanging in the balance. A fair and science based re-allocation, followed by thoughtful recreational reform, will help to preserve our fleet for the long term thus allowing meaningful access to Summer Flounder, Scup, and Black Sea Bass for the non-boat owning public.

Respectfully Submitted,

Capt. Rick Bellavance

Capt. Rick Bellavance, President
RI Party and Charter Boat Association

March 15, 2021

Dr. Moore and Council Members,

I am writing as president of the Cape Cod Salties Sportfishing Club, with approximately 200 family memberships of recreational fisherpeople, to comment on the alternatives being considered under the allocation amendment. We are a diverse club, with members who fish from shore, boat, kayak, head boat and six pack charter, mainly in the Northeast. Our members are older, and the many acronyms and abbreviations used in the documents and hearings can make it challenging to respond to the issues, but we all agree on the need to maintain a healthy fishery. I am also affiliated with RISAA and the American Saltwater Guides Association.

We agree with the process of reallocation, mainly to reset the imbalance between commercial and recreational fishing caused by MRIP modifications to the existing practices. Higher landings estimates based on old data caused the number of landings to increase unreasonably. The result was a large shift in allocation from recreational to commercial catch.

We feel that all allocations should be determined on a Catch Basis, reflecting data from very recent years. Here are our comments on specific alternatives being considered.

1. **For Summer Flounder, we support option 1a-3: a Catch Based option using recent data from 2014-2018.**
2. **For Scup, we support option 1b-4: a Catch Based option using data from 2018-2019.**
3. **For Black Sea Bass, we support Option 1c-3: a Catch Based option using data from 2009-2018.**

Three other related points:

- Although making changes with no phase-in period might be a shock to some sectors, we support no phase in period.
- We would be open to limited transfers between sectors if recent backup data has been gathered to support the transfer.
- We support Status Quo on the Frameworks issue.

I must say that making these decisions with all this gathered information is difficult without one side or the other having some sort of consequence. But I truly believe that the fish belong to everyone, not one sector or group. I believe this can all be worked out with professionalism, with the final goal being to have the fishery be as healthy as possible now and in the future, not just while I am a participant.

Sincerely,

Jack Creighton

From: Christian Scola <scolathecrab@yahoo.com>
Sent: Monday, March 15, 2021 10:04 AM
To: Kiley Dancy
Subject: Quota Transfer

To Whom It May Concern

My name is Chris Scola , I'm owner and operator of the day scalloper Rock & Roll III out of Montauk NY, and my wife and I operate a small scale retail stand called Montauk Scallop & Fish Company, where we sell our catch and that of other fishermen at green markets on Long Island and NYC as well as a home delivery service .I am also a member of the East Hampton Fisheries Advisory Committee . I've participated in most fisheries on Long Island since I began my career in 1991.

Although I support recreational fishing I cannot support any transfer of quota for any species from the commercial to recreational sector. The fish we catch are a shared resource owned by the public , and the overwhelming majority of seafood consumers rely on commercial fishermen for access to this resource . I know from experience that consumers feel deprived when I have to tell them that fishing for their favorite species is closed for misguided management reasons and not a lack of the resource. Since the beginning of COVID consumers have sought out local seafood as a safe alternative to mass produced live stock and foreign imports . As a country we should consider our fishing industry a strategic asset that should be promoted and protected . By all accounts retail seafood prospered during the lockdown . This misguided attempt at equity really equates to privatizing a common resource by giving too much to a minority that has the wealth, time , skill , and resources to harvest food for recreation . This recreational sector continues to be held unaccountable for overages while the commercial sector is accountable almost to the ounce . While I feel badly for the For Hire sector I feel they should be managed as a commercial fishery that gives the average person an opportunity to catch their own fish .

I feel the only action that should be taken is status quo . Any transfer in quota will unfairly harm fishermen , pack out docks , wholesalers, retailers ,and restaurants , all of whom have suffered devastating losses due to COVID ,all while the recreational sector has grown . This sector should not be punished because thus far the recreational fleet has been held unaccountable for exceeding their quota's . I will support an amendment that transfers discards into landings . The transfer that is currently proposed will only turn commercial landings into recreational discards , and that is a disgusting waste of our resources .

Regards

Chris Scola
East Hampton NY

HACCP COMPLIANT
N.Y. 15 SP

FF&C SHIPPER/DEALER
#2684

BRAUN SEAFOOD CO.
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CUTCHOGUE, LONG ISLAND

P.O. Box 971 · Cutchogue, NY 11935
Phone: 631-734-6700 · Fax: 631-734-7462

All claims for returns or adjustments, MUST be made within 24 hours of delivery

March 15, 2021

Mid-Atlantic Fishery Management Council
800 North State Street
Dover, DE 19901

To Whom it May Concern:

We are a wholesale/retail fish market based out of Cutchogue, New York and we strongly disagree with changing allocation of scup, black sea bass and fluke for recreational fishers. New York can not afford to lose more commercial quota in these fisheries as it would have a devasting effect on our business, the commercial fisherman and the restaurants that support us.

Very truly yours,

Jt?-

Keith Reda
Braun Seafood Co.

Kiley Dancy

From: Dennis Dillon <persuaderboat1@gmail.com>
Sent: Monday, March 15, 2021 1:55 PM
To: Kiley Dancy
Subject: Summer Flounder, Scup and Black Sea Bass Allocation Amendment

March 15, 2021

Chris Moore, Ph.D., Executive Director
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, DE 19901
RE: Summer Flounder, Scup, Sea Bass Allocation Amendment

Dear Dr. Moore

My name is Dennis Dillon, and I am the owner/operator of the charter boat Persuader II out of Point Judith, RI. The purpose of this email is to comment on the Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment.

The Fisheries Council and Commissions have been collecting data supplied by me for several years. It was always my impression that the data I gave helped manage the fisheries I participate in my charter fishing operation. The information I reported is catch-based by me, the captain/owner-operator. The data is considerably more valid than my clients' data when interviewed by a dock-side recreational surveyor. My information accounts for catch and "live" fish discard. The landings-based approach, although accurate in commercial landings, is inaccurate in a cull. Commercial discards are attained partly by estimation and then other mathematical models. Commercial discard estimations are "dead" fish discards.

As researchers, I know it isn't easy to handle fishery data from various sectors that use different reporting methods. It would seem that the fairest allocation process is the one that utilizes multiple approaches to determine the basis. Or has several years of landings as its basis Thus, I would **recommend** the following:

4.1.1. Table 2: Summer Flounder Catch Based Alternative 1a-2: 43% Commercial, 57% Recreational. This alternative is supported by multiple approaches. The Commercial industry has not reached its quota in several years, while the recreational sector has lived with restrictions and regulations that limit our allocation. It would help my business considerably if I could keep a few more fluke for my customers.

4.1.2 Table 3: Scup Catch Based Alternative 1b-3: 61% Commercial, 39% Recreational. This alternative is also supported by multiple approaches and seems to allow both sectors an opportunity to maintain their fisheries or not be subject to huge cuts in allocations.

Table 4: Black Sea Bass Catch Based Alternative 1c-2: 28% Commercial, 72% Recreational. I would have preferred a Multiple Approach in the Black Sea Bass Alternative described in Flounder and Scup Catch Based Alternatives. Since that was not an available Alternative, I supported the basis with the most extended base years 1c-2.

Table 8: Allocation Change Phase-In Alternatives 1d-1; No phase-in. I'm not comfortable with phasing in allocations when the data used seems based on estimates over time. Waiting for data to come in while delaying allocations would most definitely hurt my business. I need to tell my customers what, when and how many fish they can catch. That info needs to be at the beginning of the season.

Table 14: Annual Quota Transfer Alternatives 2b. This alternative makes sense and is fair. If one sector has not reached its quota, then transferring to another industry is equitable.

Table 16: Annual Quota Transfer Cap Alternative 2c-3. I think it is fair to allow sectors to transfer allocations up to a maximum cap of 10%. Fishermen do not have to catch every fish permitted in any given year.

Table 18: Framework/Addendum Provision Alternative 3b. Allow changes to commercial/recreational allocations, annual quota transfers, and other measures in this amendment to be made through framework actions/addenda. Fisheries management needs to have a framework for operating. This framework is in place, manages, and makes decisions. It needs to continue, and it needs to be tweaked while it continues.

Thank you for providing me with an opportunity to comment on this Commercial/Recreational Allocation Amendment. It is a crucial amendment that will have a profound bearing on my for-hire business in the future and I recommend that the council act on it without delay. It is unfortunate that my for-hire business, which requires me to submit catch-based landings data, is clumped into the recreational sector to determine, in part, the recreational sector allocation.

It appears that the discard issue is a significant factor in comprising fishery sector allocations. I would prefer to have data from the for-hire industry be used for the for-hire sector. That data is not an estimate it is catch and "live" discard based and, as such, is the best available data supplied to Management Councils/Commissions.

Sincerely,

Captain Denny
Dillon Owner/Operator

Dr. Christopher Moore, Executive Director

Mid-Atlantic Fishery Management Council

800 North State Street, Suite 201

Dover, DE 19901

Dr. Moore:

Thank you for this opportunity to write to you as requested by the Public Hearing Webinars for Summer Flounder, Scup and Black Sea Bass e-mail dated February 23, 2021. In the past I have attended several of your "town hall" meetings and found them to be informative and well-run. I was however reluctant to say or contribute anything because I am NOT a scientist or expert in the field of fisheries management.

My wife and I retired to the Ocean City area 6 years ago. I retired from the Marine Corps after 26 years and the FAA after 20 years. My wife is a retired high school assistant-principal. We lived in northern Virginia and maintained a home in Ocean Pines (Berlin) for 25 years before building our retirement home here. We looked forward to retiring on Delmarva for the beaches and aquatic activities, fishing in particular. I've owned a boat and fished the waters of coastal Maryland since 1993. I've hunted and fished, both fresh and salt water since I was 10 years old.....around 58 years.

I am glad to be originally from central New Jersey. When I was a young man Trenton had 5 steel plants, 4 rubber plants, Lennox China, American Standard and a host of other industrial manufacturing facilities. I say this because I want you to know that I have seen first hand environmental devastation and its effects, particularly to our waterways and oceans. Both the Delaware and Potomac Rivers were cesspools for many years. The PCBs and heavy metals are trapped in the silt of the rivers and cannot be disturbed. The Potomac has signs along the river not to eat the fish.

When I first started fishing the coastal bays and Atlantic Ocean here on Delmarva fishing was pretty good. My little 21 foot Robalo is a capable boat and on nice days I can head out to the inshore and nearshore lumps. I do not like to extend beyond radio range, generally 50 miles. For the first 15 or so years (1995-2010) fishing here was like I said pretty good. In June and July I could catch bluefin at the Jackspot and occasionally yellow fin at the Hotdog and Hambone. There were flounder in the bays and I knew most of the good spots where to catch them. There are wrecks to fish for seabass built by our Reef Foundation. I have heard the stories of billfish on the nearshore lumps and always kept my eyes open for them, but never targeted them because I fish for foodfish.

Every spring while cleaning my gear I look forward to fishing! With this as background, all this having been said, I now get to the part of my letter that I would like to say in your meetings and that is "fishing sucks in Ocean City, Maryland". Our local bays are cesspools because of the pollution dumped into the bays by the inefficient municipal wastewater facilities. The farm runoff and is also a factor. Then the NATURAL filters, clams and oysters, were devastated by commercial operators over a decade ago and who knows how long it will take for the bays to normalize. The waters in the bays ALWAYS look like cream laden coffee.

Our ocean is not much better. About a month ago my wife and I went to a restaurant at the Commercial Harbor for dinner on a rainy, windy, Thursday night. The harbor was lined with commercial boats two and three deep. I've neve seen so many boats moored there and I'm certain it was because they could

not be outside the inlet pillaging the ocean. I thought to myself no wonder there are no fish outside the inlet for me to catch.

Commercial fishing is devastating our oceans and our area in particular. Now, everyone likes to go to a restaurant to get a good meal, but quite frankly, they've gone overboard with their scientific procedures to target an area and species. The commercial scallop boats have not spared a single inch of the ocean floor using harvesting techniques much like farmers do when plowing their fields using GPS. Make the commercial clammers and oysterman go back to the old ways of using tongs to harvest clams and oysters. The mechanical ways are too destructive and cause irreparable damage.

When I was a young man it was a big deal to harvest a deer in New Jersey, New York or Pennsylvania. Bear, turkey, and beaver were non-existent animals on the whole east coast. Squirrels were eradicated from major cities during the depression because people ate them. Pheasant and quail were stocked by the state and the ones that escaped harvest often went wild and survived. Today deer, bear, turkey and beaver are abundant in the mid-Atlantic states. Conservation measures were effective in restoring the resource. Elk have been reintroduced to some states such as Pennsylvania and Kentucky with great success. The elk have drifted into Virginia, West Virginia and North and South Carolina. It's my understanding that pheasant and quail are not able to be sustained for several reasons: predation from raptors; predation from fox/bobcats; and lack of lime in the soil. When I was a kid hunters shot raptors!

My point is that conservation efforts WORKED to restore deer, bear, turkey and others. It can work for our bays and oceans with aggressive leadership from our fisheries managers! Recreational fisherman are not the problem.

Thank You

Richard J Kubiak

1101 Stones Run

Berlin, MD 21811

To:
Dr. Christopher Moore, Executive Director
Mid-Atlantic Fishing Management Council
Fax: 302-674-5399

Re: Fluke/Scup/Sea Bass Allocation Amendment

My name is Susan Beckwith, My husband is a New York State commercial fisherman, he has been a commercial fishermen for 59 years, our boat is the Allison and Lisa, and the only action I can support for the joint MAFMC/ASMFC commercial recreational allocation amendment for the scup, black sea bass, and fluke fisheries is to maintain status quo for all three fisheries. New York cannot afford to lose more commercial quota in these fisheries. It will be devastating to us and our fishing community and the businesses that support us.

I also support starting a recreational reform amendment immediately so the recreational sector can help their fisheries turn discards into landings.

But I cannot support the council and commission taking from my quotas that feed people and turning them into the recreational sector's dead discards. That was never the intent of Magnuson.

Susan Beckwith
Montauk, NY F/V Allison & Lisa

Susan Beckwith

Staff Note: This letter was also submitted separately by Jesse Martello (Think Big Charters)

P.O. Box 1230
Marshfield, MA 02050
www.stellwagenbank.org

March 16, 2021

Chris Moore, Ph.D., Executive Director
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, Delaware 19901

RE: Comments on Summer Flounder, Scup, Sea Bass Allocation Amendment

Dear Dr. Moore:

On behalf of the Stellwagen Bank Charter Boat Association whose membership includes the for hire fleet, recreational anglers and commercial fisherman that fish the state and federal waters off the coast of Massachusetts and abutting states, we offer the following comments to the Mid-Atlantic Fisheries Management Council (MAFMC) and Atlantic States Marine Fisheries Commission (ASMFC) on the joint allocation amendment for summer flounder, scup and black sea bass.

Select anglers have claimed for many years that the status of our fishery is inconsistent with our observations. The revised MRIP data reflects the robust nature of the species of concern consistent with our observations. The National Academy of Science concluded that the use of MRIP data is appropriate and the best available science to manage the recreational fishery. As a result, reallocation is well overdue and must occur now, any delay or proposed status quo option does not result in equitable allocation between the commercial and recreational quotas based on the best available science as recommended by the National Academy of Science.

Those that claim we need to await the outcome of the Recreational Reform Initiative and delay reallocation fail to recognize that to rely on such is speculative due to uncertainty of the timeliness of the initiative as well as goals and objectives of the initiative that does not address the present inequitable allocation. Due to the current uncertainty and lack of available specifics relative to the Recreational Reform Initiative, delaying an allocation decision in favor of unknown recreational reform could have a significant detrimental impact to the recreational fishery in FY 2022 and 2023.

P.O. Box 1230
Marshfield, MA 02050
www.stellwagenbank.org

It should be noted that the commercial fleet in Massachusetts has had significant increases to the quotas associated with these species of concern the past few years. They continue to not land their quota for scup and black sea bass due to lack of market or climatic shift of our stocks farther north or east into cooler waters. Reallocation of the resource is consistent with the objectives of the Magnuson Stevens Act to utilize the resource.

Needless to say a decision to select a catch versus landings allocation is difficult. This is further complicated with accounting for dead discards. The species of concern for the recreational sector are in general food based fish fisheries and not a sport fishing catch and release type of fishery with a greater number of discards. As a result fewer discards should be generated in this food based fishery.

The commercial and recreational fisheries means and methods as well as goals and objectives are different and as a result the discards for recreational anglers and commercial fisherman is different. Therefore, we recommend holding each sector accountable to their own discards across all three species that is a reasonable approach at this time. As a result we recommend that allocations should be determined on a catch based basis as described below.

- **Summer Flounder Option 1a-2 = Catch Based Allocation - 43% commercial, 57% recreational.**
- **Scup Option 1b-3 = Catch Based Allocation - 61% commercial, 39% recreational.**
- **Black Sea Bass, Option 1c-2 = Catch Based Allocation - 28% commercial, 72% recreational.**

Quota Transfer Process Alternatives Option 2b - Two Year Phase in Period

The commercial quota increases were implemented for summer flounder in 2019 and for black sea bass in 2020 as a direct result of MRIP revisions. As a result we recommend the most expedited or two year phase in period.

Quota Transfer Cap Alternatives

We would not recommend the transfer between sectors, but would allow for flexibility to conduct such if the quotas are well underutilized.

P.O. Box 1230
Marshfield, MA 02050
www.stellwagenbank.org

If you have any questions or comments please email or give me a call.

Very truly yours,

Capt. Mike Pierdinock

Capt. Mike Pierdinock
SBCBA, President
sbcbamp@gmail.com

Cc: Dan McKiernan, MassDMF
Ron Amidon, MassF&G

March 15, 2021

Chris Moore, Ph.D., Executive Director

Mid-Atlantic Fishery Management Council

800 North State Street, Suite 201

Dover, Delaware 19901

Re: Comments on Summer Flounder, Scup and Black Sea Bass Allocation Amendment

Dr. Moore and Council Members

I am writing as a recreational fisherman and member of the Cape Cod Salties Sportfishing Club, to provide my comments on the alternatives being considered under the allocation amendment. The Cape Cod Salties is affiliated with the Rhode Island Saltwater Anglers Association (RISAA).

I retired in 2010 from 40 plus years from an engineering career. I have fished recreationally since I was in grade school and my current primary interest is recreational fishing, which provides for my wife and I, and our extended family, a resource of healthy meals for our dinner table.

The recent changes to the landings estimating procedure, used by MRIP, have created an unfair shift of allowable fish quantities from the recreational catch to the commercial catch. This shift has occurred without any new catch data, but merely by the way MRIP estimates landings.

My recommendation for the alternatives being addressed is as follows:

1. Determine the allocations on a Catch Basis.
2. Update allocations to the Recreational and Commercial fisherman based on changes to fish populations and changing effort.
3. I recommend the following options:
   a. **Summer Flounder Option 1a-3**
   b. **Scup Option 1b-4**
   c. **Black Sea Bass Option 1c-3**

I am not in favor of a Phase in period since the recent MRIP estimating process is the reason for the current imbalance in the allocations. I opt for **alternative 1d-1: No phase-in**

I can accept **limited transfers only if new back up data is obtained**.

I also support **3a. No action/Status Quo** position on the issue of Framework.

I hope to be able to share my fishing experiences with my grand children in the near future, as I have with my wife and my daughter, so that they may share this experience with their children. This assumes that the fish stocks will be healthy, and our allocations are not lost to another sector.

Sincerely,

Ken Whiting

AMERICAN
SALTWATER GUIDES ASSOCIATION
BETTER BUSINESS THROUGH CONSERVATION

March 16, 2021

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

Re: Summer Flounder, Scup, Black Sea Bass Commercial/Recreational Allocation Amendment

Dear Dr. Moore and Council Members,

The American Saltwater Guides Association (ASGA) is a coalition of recreational fishing guides, small businesses, and conservation-minded anglers who find greater value in long-term stock abundance rather than simply maximizing harvest. We are committed to the concept of "better business through conservation," reflecting our belief that a precautionary approach to fisheries management based on the best available science provides higher-quality fishing opportunities that bolster the recreational fishing economy. Because summer flounder, scup, and black sea bass are important recreational species along the Atlantic coast, we are thankful for the opportunity to comment on this allocation amendment.

The status of these three stocks remains relatively stable and in good condition. However, the revised 2018 Marine Recreational Informational Program (MRIP) data dramatically altered perceptions of the fisheries and highlighted a serious imbalance in their management. In general, the revised MRIP data showed that recreational harvest was far greater than previously understood, which allowed managers to deduce that the three stocks were larger than previous models estimated. In the case of black sea bass, for example, the 2017 recreational catch estimate was 161% greater than previous estimates. On average, compared to the previous 1981-2017 estimates the revised MRIP estimates were 30% higher for summer flounder, 18% higher for scup, and 73% higher for black sea bass.

This revised MRIP data and larger biomass assumptions prompted the Council to increase the commercial quota for summer flounder by 49% in 2019 and for black sea bass by 59% in 2020. Recreational harvest limits (RHL) were increased by the same factors; however, recreational measures for both fisheries did not liberalize, despite the increased RHLs, because the revised MRIP estimates remained near to above the new RHL. This lack of recreational regulatory adjustments, despite an increase in harvest limits, reflects the difficulties of managing recreational fisheries for these species, which we hope will be addressed through the Council's forthcoming Recreational Reform Initiative. In the meantime, please find our comments on the specific sections of the allocation amendment below.

Commercial/Recreational Allocation Alternatives

We firmly believe that allocations should represent the realities of these fisheries. Today, black sea bass is not a 50/50 fishery, nor is summer flounder a 60/40 (commercial/recreational) fishery. The updated MRIP numbers tell us that the recreational sector took many more fish than managers previously understood, and the current allocations set in the 1980s do not accurately represent today's fisheries. More recently from 2014-2018, summer flounder was much closer to a 60/40 (recreational/commercial) fishery, and the recreational sector made up 75% of the BSB fishery.

We recommend that allocations be based on catch rather than harvest and that they use baseline data from more recent timeframes. The catch-based allocation process more efficiently and equitably calculates quota and harvest limits for the commercial and recreational sectors, respectively. If the fishery is managed at the catch level (i.e., Allowable Catch Limits), then allocation should take place at the catch level as well. As referenced above, these fisheries are fundamentally different today than they were more than 30 years ago. For example, climate change is already having dynamic impacts on these fisheries and will continue to do so. As a result, utilizing recent data and years to determine allocations would serve these fisheries well and address the imbalances that currently exist.

- **Preferred Summer Flounder Alternative: 1a-3.** This alternative uses the most recent base years—2014-2018—and a catch-based accounting approach.
- **Preferred Scup Alternative: 1b-4.** This alternative is based on 2018/2019 harvest levels and is catch-based. It is relevant to highlight the fact that in the last 10 years, the commercial sector has never fully utilized its quota, and the recreational sector would require possibly severe restrictions to constrain its harvest, according to the revised MRIP levels. We believe that this alternative would better represent recent performance of the scup fishery.
- **Preferred Black Sea Bass Alternative: 1c-3.** This alternative uses the most recent base years available—2009-2018—and a catch-based accounting approach.

We understand that all of the Council-provided alternatives, except the status-quo options, will have a negative impact on the commercial sector. To be clear, our recommendations here are an attempt to advise responsible management of these species using the most up-to-date information available—not to maximize the recreational allocation at the expense of commercial fisheries and communities. As noted previously, we understand that additional work is needed to more responsibly manage the recreational sector and better understand the sector's underlying dynamics, and we look forward to progress on the Recreational Reform Initiative.

We are not opposed to phasing in these allocation changes. However, there is precedent for significantly modifying harvest limits with no phase-in period, considering the commercial quota increases in 2019 and 2020 were applied immediately. The alternatives we recommend above utilize approaches that modify the base years in addition to updating the data. **As such, we prefer a two-year phase-in (1d-2).**

Quota Transfer Alternatives

In theory, transfers seek to achieve maximum efficiency in a fishery. However, in order to initiate a transfer between sectors, there would have to be unused allocation to be transferred. In the case of black sea bass and summer flounder, both sectors generally fully utilize their annual catch limits—and frequently exceed these limits. The need for transfers should be effectively diminished through this reallocation process. Additionally, the effect of transfers remains too uncertain given recreational data limitations and difficulty in predicting fishery performance. **We recommend maintaining status quo and not allowing transfers at this time (2a).**

Framework Provision Alternatives

We are not opposed to the notion of allowing more issues to be considered under frameworks, especially when it relates to new data and small management tweaks. Under that hypothetical scenario, efficiency would be the primary objective and public comment may be less relevant. However, allocation changes, especially those involving significant shifts in allocations, should continue to require a full amendment to promote public comment and better understand the proposed impacts. **As such, we support 3a (no action/status quo).**

Thank you for providing all of the relevant information on this amendment and for considering our input.

Sincerely,

Tony Friedrich
Vice President and Policy Director
tony@saltwaterguidesassociation.org
(202) 744-5013

Willy Goldsmith, Ph.D.
Executive Director
willy@saltwaterguidesassociation.org
(617) 763-3340

Staff Note: This letter was also submitted separately by two additional people: Capt. Jack Bucchi and Jesse Martello (Think Big Charters)

President Capt. Marc Berger, V.Pres. Capt. Seth Megargle, Treasurer Capt. TJ Karbowski, Secretary Capt. Mike Pirri

Kiley Dancy
Mid-Atlantic Fishery Management Council
kdancy@mafmc.org
Dustin Colson Leaning,
Atlantic States Marine Fisheries Commission
dleaning@asmfc.org
RE: Commercial/Recreational Allocation Amendment

Dear
Dr. Christopher Moore
Executive Director
Mid-Atlantic Fishery Management Council

We the Connecticut Charter and Party Boat Association have followed this Reallocation of Summer Flounder, Scup and Black Seabass since its inception, through scoping documentation, and hearings dating back to January 2020.
Like Commercial fisherman, For-Hire Fisherman electronically report their catch after each trip. This produces an actual fish census, a true fish count. The category "Recreational fisherman" includes: For Hire Fisherman (who harvest less than 9% of recreational harvest), Shore anglers, Private recreational, and as we found, "Hidden Fishermen" taking hidden trips according to MRIP mathematically guessing at Recreational harvest. Postcards were mailed out to gage recreational fishing effort and came back as we know with well greater effort than expected. Recreational fishing has an enormous economic impact which substantially trickles down into many branches of local commerce. By MRIPs new method of postcard survey; Connecticut has seen an unrealistic number of fish harvested from shore (in early season months before certain species are even available from shore) *(EX.1)* or from vessels at time of dry dock(EX.2). Often MRIP harvest data scores PSE of 30to50.
Ex.1
2019 Connecticut Scup- Wave 3 (May/June) Shore harvested 494,619 divided by 60 days: 8,243 fish every day, regardless of weather and unavailable from shore during this wave.
Ex.2
2019 Connecticut Blackfish -month of November MRIP reports recreational anglers harvested 273,170 keepers in wave 6, which is only opened for the 28 days of November; that is 9,756 keepers everyday regardless of weather by just recreational fisherman with almost all boats already hauled for winter.
We recognize Catch-based allocation approaches allow each sector to be accountable to its own dead discards which makes the most sense overall. The commercial and recreational fisheries are vastly different, and they are managed with different tools. Holding each sector accountable to their own discards across all three species is a clean and consistent approach to take. This amendment offers the chance to make the commonsense change to catch based allocation, creating incentives for both fisheries to improve bycatch rates and or mortality of bycatch as required in National Standard 9.

It appears that staffers and those who steer fishing regulations are trying to stage a main event fight for fish. In the red corner we have commercial fisherman who have adhered to their rules, who have not over harvested. In the blue corner are the recreational fishermen who needs to steal quota, or they will lose their access to a healthy fishery (Black Seabass, Scup and Summer Flounder). These species stocks are robust and known not to be overfished without overfishing occurring.
Our regulatory machine is broken, it seems a broken mathematical equation (MRIP) is supported over suppling recreational access to healthy fisheries. If we continue down this road, recreational fishermen will be forced into shortened seasons, small creel limits and will prey on the largest breeding fish. Recreational fishermen see how healthy these fisheries are, when extreme over regulation occurs; both the Council and the Commission will lose their relevance and legitimacy. Recreational anglers will no longer trust regulators and will harvest what they need and want.
It is unclear how delaying this allocation in favor of unknown recreational reform makes any sense at all. Without clear recreational reform alternatives to review, the logical first step would be to finalize this allocation amendment under the timeline described in the Draft Amendment for Public Comment. Delaying this action has the very real implication of hurting the recreational fishery in FY 2022 and 2023. Any work on the recreational reform initiative should continue according to the existing schedule and the entire recreational reform process will be better served informed by the new allocations based on BSIA.
We continue to fight and plead that bad data in equals poor regulations out. We need to recognize that MRIP is not best available science; how does Science calculate "hidden"? No other business has less regulatory stability than the For-Hire industry.

The CCPBA supports:
Allocation change phase in Alternative 1d-1

Quota transfer process Alternative 2a

Framework/addendum provisions Alternative 3b

The Connecticut Charter and Party Boat Association is comprised of 40 professional charter boats sailing from ten different Connecticut ports, covering the Western, Central and Eastern Long Island Sound. Our Professional Captains have verified credentials, are held to the highest ethics standards and are out on the water everyday often acting as the Sheppard's of their areas.

Respectfully Submitted,
Connecticut Charter and Party Boat Association
President- Capt. Marc Berger
Vice President- Capt. Seth Megargle
Treasurer- Capt. Ted Karbowski
Secretary- Capt. Michael Pirri

HARRY L DOERNTE
5 Saunders Dr.
Poquoson, VA 23662
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(Auto Fax - Same)
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3/16/21

Dr. Chris Moore, Ex. Dir., M-AFMC

Subj: Comments on Sea Bass Allocation Amendment

I am not going to waste a lot of my time commenting on the ludicrous proposal to take quota from the Black Sea Bass commercial sector and transfer it to the recreational sector because your crystal balls are now saying you underestimated the amount the recreational sector went over quota almost every year since the plan has been in effect. You now want to penalize the commercial sector rather than close the recreational season when your crystal balls tell you they are nearing their annual quota.... That is absurd !

What did the Economic Impact Study show ?

If you folks are truly interested in helping the Black Sea Bass stock and the smaller commercial fishermen you will do two (2) things:

1. Implement a 25,000 pound commercial possession limit (so the market doesn't get too flooder by some of these enormous landings) and

2. Reduce the recreational size limit to 11 inches so they get away from this 40% discards guess and perhaps allow more of the resource to be utilized for human consumption.

Harry

From: Chris Fay <cjf333@yahoo.com>
Sent: Tuesday, March 16, 2021 1:14 PM
To: Kiley Dancy
Subject: Summer Flounder, Scup & Black Sea Bass Allocation Amendment

I support the following options:

Summer Flounder

- **Catch-Based Alternative 1a-3 with 2014-2018 base years**

Scup

- **Catch-Based Alternative 1b-4 with approximate status quo harvest per sector compared to 2018/2019**

Black Sea Bass

- **Catch-Based Alternative 1c-3 with 2009-2018 base years**

Phase-In Alternatives

- **1d-2 Allocation change evenly spread over 2 years**. This seems like a reasonable timeframe to phase in the changes, it's not too quick nor too long and drawn out, seems like a good compromise.

Annual Quota Transfer Alternatives & Annual Quota Transfer Cap Alternatives

- **Option 2a No action/status quo**
- While I do not represent RI Saltwater Anglers Association (RISAA) as an organization, I am a member/recreational angler and I'm in agreement with their statement of remaining generally opposed to transfers between sectors, however I remain open to the idea of transfers to a limited extent. It seems the effect of transfers is not fully understood and should be approached carefully in a data driven manner. It is suggested that before any transfers of quota are completed a detailed analysis of the potential impacts of those transfers on the biological status of fish populations be completed. I feel this approach will help to provide a reality check before going "all in" on the transfers.

Framework/addendum provision alternatives

- **Option 3a No action/status quo**
- While I do not represent RISAA as an organization, I am a member/recreational angler and I'm in agreement with their statement of supporting Status Quo on the issue of Frameworks. I also believe that any changes in annual catch limits greater than 5% that result from basic changes in the procedures used to estimate catch should be delayed until allocation can be revisited after the effect of such changes can be determined. Let's learn from past mistakes and take an incremental approach to these changes by allowing more real time data to influence these important decisions.

General Comments

- Allocations of these species should be based upon Catches vs Landings. My understanding is that MRIP created large increases in stock estimates that unfairly allowed large increases in commercial quotas in the recent past. Recreational anglers were at a disadvantage under these rules and were not afforded increases because MRIP data indicated that recreational landings were already much higher, effectively shifting allocation from recreational to commercial. These changes did not result in an equitable solution. It has been a long time since allocations have been evaluated and it is prudent to do so given changes in the fisheries. In response to MRIP updates, quotas were dramatically changed in 2019 (49% increase in commercial for Fluke) and 2020 (59% increase in commercial quota for Black Sea Bass). These increases were not reliant upon any new data, but through various estimating methodologies. Please allow recent data to help guide the quotas vs outdated methodologies.

Respectfully,
Chris Fay

From: David Duncan Dow <ddow420@comcast.net>
Sent: Tuesday, March 16, 2021 1:41 PM
To: Kiley Dancy
Cc: David Duncan Dow; Les Kaufman; Wes Pratt; Weis, Judith; Judith Lang; deFur, Peter; Billie Bates
Subject: Summer Flounder, Scup and Sea Bass Allocation Amendment

Dear Dr. Chris Moore:

I am a retired marine scientist and grassroots environmentalist living on Cape Cod. I retired in 2009 from the Northeast Fisheries Science Center in Woods Hole, Ma. where my duties included: being the Recreational Fisheries in the Northeast; serving on the New England Fishery FMC's Habitat Plan Development Team which helped develop Omnibus Habitat Amendment 2 which was released by NOAA Fisheries GARFO in 2018; serving on the EmaX (Energy Modeling & Analysis Exercise) research team which develop a carbon budget model for the Northeast Continental Shelf Ecosystem and participating in the EPA-lead Waquoit Bay Watershed Ecological Risk Assessment Project which identified nutrients ("N" in Waquoit Bay and "P" in Ashumet Pond) as the major human stressor in the watershed. I read parts of NOAA Fisheries 2020 Status of the Ecosystems report which discussed the effects of climate change and eutrophication on the marine food chain and some of the consequences on managed fish stocks and their prey.

I mention this background because I am not sure that the Summer Flounder/Scup and Black Sea Bass Commercial/ Recreational Allocation Amendment includes: "natural mortality" related deaths; productive capacity of Essential. Fish Habitat effects on recruitment and growth of the Summer Flounder, Scup and Black Sea Bass stocks and socioeconomic constraints from the loss of the working waterfront and limited mooring capacity in local embayments on Cape Cod and elsewhere. Given the time constraints in submitting comments, I was unable to read the Appendices in the supporting document.

Thus when I choose the follow allocation options, I assumed that these factors were not constraining the Total Allowable Catch division or the Total Allowable Landings between the recreational and commercial catches + discards in these three fish stocks.

* Summer Flounder:
Catch -based Allocation Percentage- 1a-3
Landings-based Percentage Allocations- 1a-7

* Scup
Catch-based Percentage Allocations- 1b-1
Landings-based Percentage Allocations- 1b-5

* Black Sea Bass
Catch-based Percentage Allocations- 1c-3
Landings-based Percentage Allocations- 1c-7

* Phase in Alternatives- 1d-2

* Annual Quota Transfer Alternatives- 2a

* Transfer Cap Alternatives- 2c-1

* Framework/Addendum Provision Alternatives- 3b.

Thanks for allowing me to comments on this Allocation Amendment for three species harvested in Cape Cod waters. When I purchase seafood at the Cataumet Fish Market, these three species are often not available for purchase. Thus the MAFMC/ASMFC/Ma. DMF and its New England partners may want to engage in a promotion effort to increase

commercial sales and head boat/shoreline saltwater angling opportunities. When I was the Recreational Fisheries Coordinator in the Northeast and met with Saltwater Angling organizations, I was frequently asked how it was possible for them to kill more striped bass from discards than commercial fishermen who targeted this species. With the increased fishing effort on Summer Flounder and Black Sea Bass from the new MREP surveys, I feel that the MAFMC/ASMFC were wise to increase the recreational percentage quotas for these fish stocks

.

Dr. David D. Dow
East Falmouth, Ma.

From: Star2017 <star2017@aol.com>
Sent: Tuesday, March 16, 2021 1:57 PM
To: Kiley Dancy
Subject: Summer Flounder, Scup and Black seabass commercial/recreational allocation joint amendment Comments

My name is Chuck Weimar, I am a New York commercial fisherman, I have been a commercial fishermen for 40 years full time year round. My boat is the Rianda S.

The only action I can support for the joint MAFMC/ASMFC commercial recreational allocation amendment for the scup, black sea bass, and fluke fisheries is to maintain status quo for all three fisheries. New York cannot afford to lose more commercial quota in these fisheries. It will be devastating to me and my fishing community and the businesses that support us.

As a commercial fisherman, we have to report our catch on VTRs and the buyer also has to report the same fish. The recreational fisheries have no reporting functionality. It is like comparing apples to oranges when comparing reporting requirements. From my understanding, the recreational fisheries reporting is done via "random" phone survey.

I also support starting a recreational reform amendment immediately so the recreational sector can help their fisheries turn discards into landings.

But I cannot support the council and commission taking from my quotas that feed people and turning them into the recreational sector's dead discards. That was never the intent of Magnuson."

Sincerely

Chuck Weimar

F/V Rianda S

Montauk NY

From: Joe Gilbert <hiddenemp@aol.com>
Sent: Tuesday, March 16, 2021 3:08 PM
To: Kiley Dancy
Subject: Fluke/Scup/Sea Bass Allocation Amendment

Joseph J. Gilbert
Empire Fisheries
926 Stonington Rd
Stonington, CT 06378

March 16, 2021

Mid-Atlantic Fishery Management Council
800 North State Street Ste 201
Dover, DE 19901

Atlantic States Marine Fisheries Commission
1050 N. Highland St. Ste 200 A-N
Arlington, VA 22201

Dear Chairman Keliher and Chairman Luisi,

My name is Joseph J. Gilbert. I hail from the port of Stonington, CT. My organization operates several commercial fishing vessels that rely on summer flounder, scup, and black sea bass as a component of their catch. I comment for myself, my crew, and my colleagues. I speak for many people. I have vast experience in fisheries, both commercial with many varied gear types, and rod and reel recreational – everything ranging from billfish tournament circuit to cane pole pan fish for dinner. Fishing is my vocation and my avocation.

Upon review of all materials and documents, I find I must strongly oppose all alternatives.

I strongly support the status quo.

What is missing from the document is an alternative that recognizes the uncontrolled nature of recreational fishing. This alternative would reallocate with reductions to the abusive fishery and with increases to the responsible, sustainable fishery. The document does not reflect the reality of what has occurred in the field over the past decade or so.

Commercial fishing effort directed on summer flounder and black sea bass has been strictly controlled. When the commercial sector exceeds its limits there are consequences, paybacks, adjustments, turmoil to management and penalties and fines to the individual fishermen. The fisherman becomes a violator!

Recreationally in my state, the recent past allowed me 25 black sea bass per angler. Now my state limit is down to a five-fish creel limit. When MRIP data is considered, the recreational landings have exceeded their allocation by multiples with no corresponding 5-fold increase in license sales, I must suggest a flawed data set. However, if there is validity to the data indicating the recreational sector greatly overfished, then we must take the appropriate actions. Law enforcement must bring this under control.

Unfortunately, this document proposed to do the opposite. We have identified massive overfishing and high discard mortality rate in a fishery with no accountability measures. Do we want to reward this behavior with a larger share? What if the recreational sector overfishes during the next review period? Will they get more again? Rewarding this dynamic will provide a blueprint for eventually controlling the entire resource.

From my own experience of releasing undersized catch discards, I do not believe discard mortality is well understood. Fishing down-current of recreational, charter, and head boat action brings this to view. I've seen so many dying fish, bladders out, until the seagulls aren't even interested anymore. Depending on water depth and other factors, the post-

release mortality can reach **very high numbers**. The MRIP numbers indicate higher discard rates for recreational than for commercial. Any allocation change will have the effect of turning landings into dead discards.

To solve the problem, my ask to the council is to please start an action addressing what is truly needed – recreational fishing reform. Recreational effort cannot be allowed to fish the resource at unsustainable levels. Efforts must be limited, not expanded. Commercial effort is capped, verified and accountable, while the recreational effort continues to expand unchecked, unregulated and unaccountable.

Please see my comments in National Standards sections.

National Standards

Standard 1 – Optimum Yield

(a) Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield (OY) from each fishery for the U.S. fishing industry.

Comment: This makes the case for not converting landings to discards

Standard 2 – Scientific Information

(a) Conservation and management measures shall be based upon the best scientific information available.

Comment: If we accept the data, we should call law enforcement. If we challenge the data, then status quo is appropriate until the data is fixed.

Standard 4 – Allocations

(a) 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 U.S. fishermen, such allocation shall be:

(1) Fair and equitable to all such fishermen.

This action violates this standard in so far as the current situation developed inequitably through one group having effort caps and the other going unchecked. Any reallocation bakes this inequity into management forever.

(2) Reasonably calculated to promote conservation.

Reallocation to an unqualified (as evidenced by overfishing level) body of fishers will not promote conservation.

(3) Carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.

Comment: Reallocation will give an excessive share of privileges to the entity of recreational fishing as represented by sport fishing alliances and advocacy organizations.

Standard 5 – Efficiency

(b) Efficiency in the utilization of resources—(1) General. The term "utilization" encompasses harvesting, processing, marketing, and non-consumptive uses of the resource, since management decisions affect all sectors of the industry. In considering efficient utilization of fishery resources, this standard highlights one way that a fishery can contribute to the Nation's benefit with the least cost to society: Given a set of objectives for the fishery, an FMP should contain management measures that result in as efficient a fishery as is practicable or desirable.

Comment: Reallocation will violate this section of the standards by removing landings to be provided at "the least cost to society."

(2) Efficiency. In theory, an efficient fishery would harvest the OY with the minimum use of economic inputs such as labor, capital, interest, and fuel. Efficiency in terms of aggregate costs then becomes a conservation objective, where "conservation" constitutes wise use of all resources involved in the fishery, not just fish stocks.

Comment: The wise use of all resources involved is to let commercial harvest continue and grow

(2i) In an FMP, management measures may be proposed that allocate fish among different groups of individuals or establish a system of property rights. Alternative measures examined in searching for an efficient outcome will result in different distributions of gains and burdens among identifiable user groups. An FMP should demonstrate that management measures aimed at efficiency do not simply redistribute gains and burdens without an increase in efficiency.

Comment: How does this reallocation satisfy the requirement for redistribution of gains and burdens to not be done without an increase in efficiency?

(c) Limited access. A "system for limiting access," which is an optional measure under section 303(b) of the Magnuson-Stevens Act, is a type of allocation of fishing privileges that may be considered to contribute to economic efficiency or conservation. For example, limited access may be used to combat overfishing, overcrowding, or overcapitalization in a fishery to achieve OY. In an unutilized or underutilized fishery, it may be used to reduce the chance that these conditions will adversely affect the fishery in the future, or to provide adequate economic return to pioneers in a new fishery. In some cases, limited entry is a useful ingredient of a conservation scheme, because it facilitates application and enforcement of other management measures.

Comment: We should be talking about limited access for summer flounder and black sea bass recreational fisheries.

Standard 6 – Variations and Contingencies

a) Standard 6. Conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches.

(b) Conservation and management. Each fishery exhibits unique uncertainties. The phrase "conservation and management" implies the wise use of fishery resources through a management regime that includes some protection against these uncertainties. The particular regime chosen must be flexible enough to allow timely response to resource, industry, and other national and regional needs. Continual data acquisition and analysis will help the development of management measures to compensate for variations and to reduce the need for substantial buffers. Flexibility in the management regime and the regulatory process will aid in responding to contingencies.

(c) Variations. (1) In fishery management terms, variations arise from biological, social, and economic occurrences, as well as from fishing practices. Biological uncertainties and lack of knowledge can hamper attempts to estimate stock size and strength, stock location in time and space, environmental/habitat changes, and ecological interactions. Economic uncertainty may involve changes in foreign or domestic market conditions, changes in operating costs, drifts toward overcapitalization, and economic perturbations caused by changed fishing patterns. Changes in fishing practices, such as the introduction of new gear, rapid increases or decreases in harvest effort, new fishing strategies, and the effects of new management techniques, may also create uncertainties. Social changes could involve increases or decreases in recreational fishing, or the movement of people into or out of fishing activities due to such factors as age or educational opportunities.

(2) Every effort should be made to develop FMPs that discuss and take into account these vicissitudes. To the extent practicable, FMPs should provide a suitable buffer in favor of conservation. Allowances for uncertainties should be factored into the various elements of an FMP. Examples are:

(i) Reduce OY. Lack of scientific knowledge about the condition of a stock(s) could be reason to reduce OY.

(ii) Establish a reserve. Creation of a reserve may compensate for uncertainties in estimating domestic harvest, stock conditions, or environmental factors.

(iii) Adjust management techniques. In the absence of adequate data to predict the effect of a new regime, and to avoid creating unwanted variations, a Council could guard against producing drastic changes in fishing patterns, allocations, or practices.

(iv) Highlight habitat conditions. FMPs may address the impact of pollution and the effects of wetland and estuarine degradation on the stocks of fish; identify causes of pollution and habitat degradation and the authorities having jurisdiction to regulate or influence such activities; propose recommendations that the Secretary will convey to those authorities to alleviate such problems; and state the views of the Council on unresolved or anticipated issues.

(d) Contingencies. Unpredictable events—such as unexpected resource surges or failures, fishing effort greater than anticipated, disruptive gear conflicts, climatic conditions, or environmental catastrophes—are best handled by establishing a flexible management regime that contains a range of management options through which it is possible to act quickly without amending the FMP or even its regulations.

(1) The FMP should describe the management options and their consequences in the necessary detail to guide the Secretary in responding to changed circumstances, so that the Council preserves its role as policy-setter for the fishery. The description should enable the public to understand what may happen under the flexible regime, and to comment on the options.

(2) FMPs should include criteria for the selection of management measures, directions for their application, and mechanisms for timely adjustment of management measures comprising the regime. For example, an FMP could include criteria that allow the Secretary to open and close seasons, close fishing grounds, or make other adjustments in management measures.

(3) Amendment of a flexible FMP would be necessary when circumstances in the fishery change substantially, or when a Council adopts a different management philosophy and objectives.

Comment: If we accept the data, then there has been no effective conservation or management in the recreational sector.

Comment: The variable of increased fishing effort during a pandemic is an anomaly and should be recognized as such.

National Standard 7 – Costs & Benefits

(a) Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.

(b) Alternative management measures. Management measures should not impose unnecessary burdens on the economy, on individuals, on private or public organizations, or on Federal, state, or local governments. Factors such as fuel costs, enforcement costs, or the burdens of collecting data may well suggest a preferred alternative.

(c) Analysis. The supporting analyses for FMPs should demonstrate that the benefits of fishery regulation are real and substantial relative to the added research, administrative, and enforcement costs, as well as costs to the industry of compliance. In determining the benefits and costs of management measures, each management strategy considered and its impacts on different user groups in the fishery should be evaluated. This requirement need not produce an elaborate, formalistic cost/benefit analysis. Rather, an evaluation of effects and costs, especially of differences among workable alternatives, including the status quo, is adequate. If quantitative estimates are not possible, qualitative estimates will suffice.

Comment: We could not track, verify, or enforce at current levels. Who will cover costs of monitoring and enforcing a larger recreational fishery?

(1) Burdens. Management measures should be designed to give fishermen the greatest possible freedom of action in conducting business and pursuing recreational opportunities that are consistent with

ensuring wise use of the resources and reducing conflict in the fishery. The type and level of burden placed on user groups by the regulations need to be identified. Such an examination should include, for example: Capital outlays; operating and maintenance costs; reporting costs; administrative, enforcement, and information costs; and prices to consumers. Management measures may shift costs from one level of government to another, from one part of the private sector to another, or from the government to the private sector. Redistribution of costs through regulations is likely to generate controversy. A discussion of these and any other burdens placed on the public through FMP regulations should be a part of the FMP's supporting analyses.

Comment: It seems only one group was given greatest possible freedom. That freedom was unregulated and abused.

National Standard 8 – Communities

(a) Standard 8. Conservation and management measures shall, consistent with the conservation requirements of the Magnuson-Stevens Act (including the prevention of overfishing and rebuilding of overfished stocks), take into account the importance of fishery resources to fishing communities by utilizing economic and social data that are based upon the best scientific information available in order to:

(1) Provide for the sustained participation of such communities; and

(2) To the extent practicable, minimize adverse economic impacts on such communities.

(b) General. (1) This standard requires that an FMP take into account the importance of fishery resources to fishing communities. This consideration, however, is within the context of the conservation requirements of the Magnuson-Stevens Act. Deliberations regarding the importance of fishery resources to affected fishing communities, therefore, must not compromise the achievement of conservation requirements and goals of the FMP. Where the preferred alternative negatively affects the sustained participation of fishing communities, the FMP should discuss the rationale for selecting this alternative over another with a lesser impact on fishing communities. All other things being equal, where two alternatives achieve similar conservation goals, the alternative that provides the greater potential for sustained participation of such communities and minimizes the adverse economic impacts on such communities would be the preferred alternative.

(2) This standard does not constitute a basis for allocating resources to a specific fishing community nor for providing preferential treatment based on residence in a fishing community.

(3) The term “fishing community” means a community that is substantially dependent on or substantially engaged in the harvest or processing of fishery resources to meet social and economic needs, and includes fishing vessel owners, operators, and crew, and fish processors that are based in such communities. A fishing community is a social or economic group whose members reside in a specific location and share a common dependency on commercial, recreational, or subsistence fishing or on directly related fisheries-dependent services and industries (for example, boatyards, ice suppliers, tackle shops).

(4) The term “sustained participation” means continued access to the fishery within the constraints of the condition of the resource.

(c) Analysis. (1) FMPs must examine the social and economic importance of fisheries to communities potentially affected by management measures. For example, severe reductions of harvests for conservation purposes may decrease employment opportunities for fishermen and processing plant workers, thereby adversely affecting their families and communities. Similarly, a management measure that results in the allocation of fishery resources among competing sectors of a fishery may benefit some communities at the expense of others.

(2) An appropriate vehicle for the analyses under this standard is the fishery impact statement required by section 303(a)(9) of the Magnuson-Stevens Act. Qualitative and quantitative data may be used, including information provided by fishermen, dealers, processors, and fisheries organizations and

associations. In cases where data are severely limited, effort should be directed to identifying and gathering needed data.

(3) To address the sustained participation of fishing communities that will be affected by management measures, the analysis should first identify affected fishing communities and then assess their differing levels of dependence on and engagement in the fishery being regulated. The analysis should also specify how that assessment was made. The best available data on the history, extent, and type of participation of these fishing communities in the fishery should be incorporated into the social and economic information presented in the FMP. The analysis does not have to contain an exhaustive listing of all communities that might fit the definition; a judgment can be made as to which are primarily affected. The analysis should discuss each alternative's likely effect on the sustained participation of these fishing communities in the fishery.

(4) The analysis should assess the likely positive and negative social and economic impacts of the alternative management measures, over both the short and the long term, on fishing communities. Any particular management measure may economically benefit some communities while adversely affecting others. Economic impacts should be considered both for individual communities and for the group of all affected communities identified in the FMP. Impacts of both consumptive and non-consumptive uses of fishery resources should be considered.

(5) A discussion of social and economic impacts should identify those alternatives that would minimize adverse impacts on these fishing communities within the constraints of conservation and management goals of the FMP, other national standards, and other applicable law.

Comment: Commercial harvesters are the “community.” They bore the burden of conservation, through moratoriums, limited access, quota systems, verification, payback, regulatory and criminal enforcement actions – not to mention loss of quality of life and uncertainty about the future. Now the future is here. The fishing community that sacrificed for the good of the resource is now facing reallocation to a group that self-admittedly went without accountability and massively overfished.

National Standard 9 – Bycatch

(a) Standard 9. Conservation and management measures shall, to the extent practicable:

(1) Minimize bycatch; and

(2) To the extent bycatch cannot be avoided, minimize the mortality of such bycatch.

(b) General. This national standard requires Councils to consider the bycatch effects of existing and planned conservation and management measures. Bycatch can, in two ways, impede efforts to protect marine ecosystems and achieve sustainable fisheries and the full benefits they can provide to the Nation. First, bycatch can increase substantially the uncertainty concerning total fishing-related mortality, which makes it more difficult to assess the status of stocks, to set the appropriate OY and define overfishing levels, and to ensure that OYs are attained and overfishing levels are not exceeded. Second, bycatch may also preclude other more productive uses of fishery resources.

(c) Definition—Bycatch. The term “bycatch” means fish that are harvested in a fishery, but that are not sold or kept for personal use.

(1) Inclusions. Bycatch includes the discard of whole fish at sea or elsewhere, including economic discards and regulatory discards, and fishing mortality due to an encounter with fishing gear that does not result in capture of fish (i.e., unobserved fishing mortality).

(2) Exclusions. Bycatch excludes the following:

(i) Fish that legally are retained in a fishery and kept for personal, tribal, or cultural use, or that enter commerce through sale, barter, or trade.

(ii) Fish released alive under a recreational catch-and-release fishery management program. A catch-and-release fishery management program is one in which the retention of a particular species is prohibited. In such a program, those fish released alive would not be considered bycatch.

(iii) Fish harvested in a commercial fishery managed by the Secretary under Magnuson-Stevens Act sec. 304(g) or the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971d) or highly migratory species harvested in a commercial fishery managed by a Council under the Magnuson-Stevens Act or the Western and Central Pacific Fisheries Convention Implementation Act, that are not regulatory discards and that are tagged and released alive under a scientific tagging and release program established by the Secretary.

(d) Minimizing bycatch and bycatch mortality. The priority under this standard is first to avoid catching bycatch species where practicable. Fish that are bycatch and cannot be avoided must, to the extent practicable, be returned to the sea alive. Any proposed conservation and management measure that does not give priority to avoiding the capture of bycatch species must be supported by appropriate analyses. In their evaluation, the Councils must consider the net benefits to the Nation, which include, but are not limited to: Negative impacts on affected stocks; incomes accruing to participants in directed fisheries in both the short and long term; incomes accruing to participants in fisheries that target the bycatch species; environmental consequences; non-market values of bycatch species, which include non-consumptive uses of bycatch species and existence values, as well as recreational values; and impacts on other marine organisms. To evaluate conservation and management measures relative to this and other national standards, as well as to evaluate total fishing mortality, Councils must—

(1) Promote development of a database on bycatch and bycatch mortality in the fishery to the extent practicable. A review and, where necessary, improvement of data collection methods, data sources, and applications of data must be initiated for each fishery to determine the amount, type, disposition, and other characteristics of bycatch and bycatch mortality in each fishery for purposes of this standard and of section 303(a)(11) and (12) of the Magnuson-Stevens Act. Bycatch should be categorized to focus on management responses necessary to minimize bycatch and bycatch mortality to the extent practicable. When appropriate, management measures, such as at-sea monitoring programs, should be developed to meet these information needs.

(2) For each management measure, assess the effects on the amount and type of bycatch and bycatch mortality in the fishery. Most conservation and management measures can affect the amounts of bycatch or bycatch mortality in a fishery, as well as the extent to which further reductions in bycatch are practicable. In analyzing measures, including the status quo, Councils should assess the impacts of minimizing bycatch and bycatch mortality, as well as consistency of the selected measure with other national standards and applicable laws. The benefits of minimizing bycatch to the extent practicable should be identified and an assessment of the impact of the selected measure on bycatch and bycatch mortality provided. Due to limitations on the information available, fishery managers may not be able to generate precise estimates of bycatch and bycatch mortality or other effects for each alternative. In the absence of quantitative estimates of the impacts of each alternative, Councils may use qualitative measures. Information on the amount and type of bycatch should be summarized in the SAFE reports.

(3) Select measures that, to the extent practicable, will minimize bycatch and bycatch mortality. (i) A determination of whether a conservation and management measure minimizes bycatch or bycatch mortality to the extent practicable, consistent with other national standards and maximization of net benefits to the Nation, should consider the following factors:

(A) Population effects for the bycatch species.

(B) Ecological effects due to changes in the bycatch of that species (effects on other species in the ecosystem).

(C) Changes in the bycatch of- other species of fish and the resulting population and ecosystem effects.

(D) Effects on marine mammals and birds.

(E) Changes in fishing, processing, disposal, and marketing costs.

(F) Changes in fishing practices and behavior of fishermen.

(G) Changes in research, administration, and enforcement costs and management effectiveness.

(H) Changes in the economic, social, or cultural value of fishing activities and nonconsumptive uses of fishery resources.

(I) Changes in the distribution of benefits and costs.

(J) Social effects.

(ii) The Councils should adhere to the precautionary approach found in the Food and Agriculture Organization of the United Nations (FAO) Code of Conduct for Responsible Fisheries (Article 6.5), which is available from the Director, Publications Division, FAO, Viale delle Terme di Caracalla, 00100 Rome, Italy, when faced with uncertainty concerning any of the factors listed in this paragraph (d)(3).

(4) Monitor selected management measures. Effects of implemented measures should be evaluated routinely. Monitoring systems should be established prior to fishing under the selected management measures. Where applicable, plans should be developed and coordinated with industry and other concerned organizations to identify opportunities for cooperative data collection, coordination of data management for cost efficiency, and avoidance of duplicative effort.

(e) Other considerations. Other applicable laws, such as the MMPA, the ESA, and the Migratory Bird Treaty Act, require that Councils consider the impact of conservation and management measures on living marine resources other than fish; i.e., marine mammals and birds.

Comment: Reallocation violates this standard by converting commercial landings to unregulated recreational discards.

Best Regards,

Joseph J. Gilbert

Empire Fisheries, Owner
Stonington, CT

LUND'S FISHERIES

Wild caught product of USA

Managing the Needs of our Customers Through our Commitment to Sustainable Fisheries

March 16, 2021

Dr. Chris Moore, Executive Director
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201, Dover, DE 19901
By email to: kdancy@mafmc.org
Re: **Summer Flounder, Scup, Black Sea Bass (SFSBSB) Allocation Amendment**

Dear Dr. Moore:
Thank you for the opportunity to comment on the SFSBSB Allocation Amendment. I am writing on behalf of our family-owned and operated, vertically integrated, commercial fishing company employing more than 200 on our company-owned vessels and in our freezing/processing plant and cold storage operation, based in Cape May, New Jersey. In addition to the 17 federally- permitted vessels that we operate, we work with many independent fishermen to develop and serve domestic and export markets for our combined catch.

We are opposed to the Council taking any amount of our historically-earned and allocated commercial quotas of these important demersal species and re-allocating them to the recreational fishing sector as a solution to persistent overages of recreational harvest and discard levels, particularly in the summer flounder and black sea bass fisheries. The Amendment is not a solution to the problem, and we ask the Council to indefinitely postpone additional work on it at your meeting next month:
Regarding summer flounder, we can only support Alternative 1a-4; the status quo.
Regarding scup, we can only support Alternative 1b-1; the status quo.
Regarding black sea bass, we can only support Alternative 1c-4; the status quo.

In setting this amendment aside, we ask that the Council focus on the problem at hand and turn its attention solely to the Recreational Reform Amendment and use the upcoming Management Strategy Evaluation workshops to solicit input on the future management of the recreational summer flounder fishery and strategies to turn discards into landings. This process will hold the key for how best to resolve this problem, also, for successful Scup and Black Sea Bass recreational fisheries.

The Amendment's stated 'Need for Action' reads that the status quo "allocation percentages do not reflect the current understanding of the recent and historic proportions of catch and landings from the commercial and recreational sectors", however, as we have learned from participating in each of the five virtual public hearings, the problem lies solely with the recreational sector's long-time inability to stay within its allocated quotas. This is not the case with the commercial fisheries, which have adapted to strategies to stay within our quotas and live with the pound-for-pound payback of any overages. We know what the commercial catches are; it is the recreational sector that has yet to come to grips with the 2006 MSA requirements to use sector-specific accountability measures to restrain catch and avoid overfishing.

In considering the public hearing document (PHD) there is a significant lack of justification for a reallocation of these species between sectors. These statements from the document support our view:

- "…(N)one of the alternatives are expected to change patterns in landings, discards, or fishing effort in such a way that they negatively impact stock status for any of the three species";

- "…(C)hanges in the commercial/recreational allocation…within the range currently under consideration, may not have notably different impacts on the risk of exceeding the ABC';

- "The results of the updated (economic) model (for Summer Flounder) suggest that the existing 60/40 commercial/recreational allocation is not suboptimal from an economic efficiency perspective"; and

- "…(D)ue to data limitations, more concrete guidance about optimal allocations could not be generated due to the inability to more precisely estimate the recreational sector's value."

In addition, the PHD clarifies "(t)he commercial fisheries have rarely exceeded their quotas by notable amounts over the past 15 years due to close monitoring and reporting" and that all but the status quo alternatives "would reallocate based on time periods when the recreational fishery was effectively less constrained to their limits than the commercial fishery". To do so would be patently unfair and penalize commercial fishermen, and seafood consumers, for staying within the narrow lanes of the MSA requirements.

Finally, we do not agree with references in the PHD that attempt to justify reallocating commercial quota to the recreational sector by minimizing the potential for commercial fishermen and processors to fully utilize our allocations, "due to the impacts of the COVID-19 pandemic on market demand" (Black Sea Bass) and an expectation the "commercial fishery would continue to under-harvest their quota due to market reasons" (Scup).

Since the earliest days of the MSA, as foreign fishing in the EEZ was displaced by a national policy to Americanize the U.S. fishery industry, Lund's Fisheries has made millions of dollars of investments into freezing and value-added processing capacity to provide us with a strong presence in wholesale to retail, and direct to retail markets, providing consumers with seafood that can be taken home to eat. As a direct result of these investments, and the fact that the COVID pandemic closed restaurants and kept consumers home during the last 12 months, our company had one of its strongest years yet.

It is not the Council's job to predict market forces or market demand, but it is the responsibility of the Council to develop management measures that lead to predictable outcomes and sustainable fisheries. Our commercial quotas are the currency that allows us to plan our investments, which keeps our processing employees and fishermen working and allows us to provide outstanding seafood products to American (and Asian and European) consumers. These quotas are no less important to us than our credit lines with the local banks that we have worked with since our company was founded, in 1954.

In recent years, our mixed trawl fishery for Summer Flounder, Scup and Black Sea Bass has become increasingly important to us, particularly as we have worked with our partners in the NJ Marine Fisheries Administration to create a policy of 'landings flexibility', which allows fishing vessels from New York to North Carolina to land in Cape May after fishing local waters and before those vessels continue on to other states to land fish under the various state permits that they may hold.

Fluke and Black Sea Bass destined for these other states are segregated from the catch that can be legally landed in New Jersey, using a call-in system and reliable fishermen with the intent to stay within necessary state landings limits. This policy has led to reduced discards and increased amounts of fish across our dock as catches of scup or squid can now be landed in Cape May, along with the NJ Fluke or Black Sea Bass onboard, instead of the entire trip being boated to VA or NC docks.

In these fisheries, most of the boats involved hold permits from several states and have long traveled throughout the region to either bring the fish back to their home port or unload their catch in the states where they are holding permits. Fish have fins and are not always found in the same place, constantly seeking out suitable habitat. Knowing this, we, and others in the commercial fishery, employ vessels capable of operating throughout the region and have accumulated permits over the years to maximize landing opportunities for our catch. Our fishing history has been earned through these investments and we are opposed to moving it to others who have not earned the fishing privilege, under the MSA process.

Regarding our participation in the scup fishery, Lund's Fisheries worked with the Council, in 2012, to raise the Winter I possession limit and increase the potential to land the quota. Since that time, we have instituted a floor-price offer to fishermen with the same intention. Over the last several years we have successfully worked with regional grocery stores to provide value-added frozen scup directly to seafood consumers. The demand for high-quality domestic whitefish products has increased significantly over the last year and, today, based upon customer demand, we are now evaluating the certification of the scup fishery under the Marine Stewardship Council program.

The value of our state and federal permits is based solely on consistent commercial quotas. To reduce these quotas due to persistent recreational overages cannot be justified and will create serious economic harm in our commercial fishing communities. Nor can "climate shift" be justified as a reason for reallocation since our fishing fleets are mobile and have historically landed in out of state ports, due to geographic necessity and the suite of permits that boat owners have invested in over time. Our business models have already adjusted to the potential for shifting stocks and, more than anything else, we need the Council to maintain consistent policies supporting both a strong commercial and recreational fishing future. Setting this Amendment aside, in favor of creating additional flexibility around recreational catch limits through a singular focus on the Recreational Reform Amendment, is the fairest and most effective way to manage the recreational accountability issue and maintain consistency in the commercial sector.

Thank you for your attention to and your consideration of our comments. Please do not hesitate to contact me if I can provide you with any additional information.

With best regards,

Wayne Reichle

Wayne Reichle, President
wreichle@lundsfish.com

March 16, 2021

Dr. Chris Moore, Executive Director
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201, Dover, DE 19901
By email to: kdancy@mafmc.org
Re: **Summer Flounder, Scup, Black Sea Bass (SFSBSB) Allocation Amendment**

Dear Dr. Moore:

On behalf of the Garden State Seafood Association, the over 1200 commercial fishermen we represent, and the seafood retailers and processors they support, please accept these comments on the SFSBSB Allocation Amendment. We appreciate the opportunity to provide these comments to the Mid-Atlantic Fishery Management Council and we can only support the Status Quo Option in all three species allocations under consideration (summer flounder, alternative 1a-4; scup, alternative 1b-1; and black sea bass, alternative 1c-4).

Universally, the commercial fishing industry of New Jersey does not agree with the amendment objective to update the current allocation percentages affecting recreational and commercial TALs, based on recent MRIP estimates of recreational catches exponentially exceeding their limits. We feel strongly that if the Council were to implement some other alternative quota reallocations, it would reward historic overages of the recreational sector while unequally constraining the commercial sector over the same period.

As one of our members, Wayne Reichle, President of Lund's fisheries noted in his comments, which we strongly support; there is a lack of justification in the public hearing document (PHD) for a reallocation of these species between sectors. These statements from the document support our view:

- "…(N)one of the alternatives are expected to change patterns in landings, discards, or fishing effort in such a way that they negatively impact stock status for any of the three species";

- "…(C)hanges in the commercial/recreational allocation…within the range currently under consideration, may not have notably different impacts on the risk of exceeding the ABC';

- "The results of the updated (economic) model (for Summer Flounder) suggest that the existing 60/40 commercial/recreational allocation is not suboptimal from an economic efficiency perspective"; and

- "…(D)ue to data limitations, more concrete guidance about optimal allocations could not be generated due to the inability to more precisely estimate the recreational sector's value."

In addition, the PHD clarifies "(t)he commercial fisheries have rarely exceeded their quotas by notable amounts over the past 15 years due to close monitoring and reporting" and that all but the status quo alternatives "would reallocate based on time periods when the recreational fishery was effectively less constrained to their limits than the commercial fishery". To do so would be patently unfair and penalize commercial fishermen, and seafood consumers, for staying within the narrow lanes of the MSA requirements.

Finally, we do not agree with references in the PHD that attempt to justify reallocating commercial quota to the recreational sector by minimizing the potential for commercial fishermen and processors to fully utilize our allocations, "due to the impacts of the COVID-19 pandemic on market demand" (Black Sea Bass) and an expectation the "commercial fishery would continue to under-harvest their quota due to market reasons" (Scup).

The Council should not utilize this amendment to further consider modifications to allocations but should expand its objectives to include the consideration of alternative management scenarios and accountability measures, for the recreational fishing sectors. We believe the Recreational Reform Amendment and the upcoming Management Strategy Evaluation workshops provide an opportunity to solicit input on the future management of the recreational summer flounder fishery with a goal of equitably managing the recreational data-driven overages.

When considering historic allocations as "fixed" into the future, however, it is important for the Council to recognize that recreational catch has been anything but "fixed". We also encourage the Council to support an administrative process, in a future action, that creates a rollover provision that could allow quota to be used each year to transfer an overage or an underage from any of the fisheries. This could be utilized into the future through the specifications or framework process.

While we understand why this amendment was initiated, we feel it is important to mention that this is not a situation that has developed only recently and the recreational overages could have been addressed years ago. We have been providing similar comments since back in 2004. Alternatively, a Recreational Fishing Policy approach began in June of 2014 and currently a Recreational Fishing Reform initiative is ongoing. In addition, the MAFMC and ASMFC initiated the Comprehensive Summer Flounder Amendment, in December of 2014, that included

issues similar to what we are dealing with today, but it was cancelled in December of 2016. Since then, the Council has initiated a MSE evaluation of the summer flounder fishery, which the commercial fishing industry looks forward to participating in. It certainly seems logical to put reallocation off until the completion of that process.

We also ask that the Recreational Reform Amendment be used to explore alternatives to develop separate catch monitoring, specifications and accounting for the for-hire and private boat/shore-based angler fisheries, including considering limited access in the for-hire fisheries. We know that our for-hire sector wants this to happen and we support this outcome.

That amendment should review and analyze the Council's advice with Amendment 19 "The Omnibus Recreational Accountability Amendment", which was implemented in December of 2013. This amendment was initiated as a result of an overage in the 2012 recreational black sea bass RHL and to avoid drastic consequences for the recreational black sea bass fishery in fishing year 2014. The Council decided to review recreational fishery alternative management at that time; specifically, the Council wanted to develop alternative management approach that take into account the status of the stock and the biological consequences, if any, resulting from a recreational sector overage.

We recall a statement, at that time, when Agency staff asked, "So the idea is that the recreational fishery may have exceeded its ACL, but if the commercial fishery came in well under its ACL, such that the overall ABC wasn't exceeded, then there's kind of a 'no harm, no foul' to the stock. So, in that case, if the ABC has not been exceeded total catch wise, then we may not need an accountability measure to be triggered even if the recreational fishery exceeded its ACL."

The key elements of Amendment 19 were a rejection of in-season adjustments and pound-for-pound paybacks in the recreational fisheries, unless a species is overfished. We feel strongly that this discussion should continue at the Council to address the current situation, and be considered as a primary goal of the Recreational Reform process.

Thank you again for the opportunity to provide our comments to the Council and for their consideration of our concerns and recommendations. We look forward to working with each of you as the Council sets the Reallocation Amendment aside, in favor of working on Recreational Reform protect New Jersey's important recreational fisheries

Sincerely,

Scot Mackey, Executive Director

Garden State Seafood Association

Long Island Commercial Fishing Association
P.O. Box 191~Montauk, N.Y. ~11954 Phone 516-527-3099~ Fax 631-668-7654
E-mail Greenfluke@optonline.net
www.licfa.org https://www.facebook.com/LICFA Twitter@LICommFishAssn
Sustainable Fisheries *and* Fishermen for the 21st Century

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

Re : The MAFMC/ASMFC Joint Summer Flounder, Scup and Black Sea Bass commercial/recreational allocation amendment

March 16, 2021

Dear Dr. Moore:

The Long Island Commercial Fishing Association cannot support any other alternative other than "Status Quo" for the Summer Flounder, Scup and Black Sea Bass Commercial Recreational Allocation Amendment.

Specifically that would mean Alternative 1A-4 for Summer Flounder, 1B-1 for Scup, and 1C-4 for Black Sea Bass.

The commercial sector has been held to quotas, limits and pound for pound pay backs for overages for decades, while the recreational sector has looked at quotas as suggestions, not requirements. If a commercial fishermen is caught going over their quota substantially, they risk loss of licenses and jail time. There has never been any comparable or even mild accountability on the recreational side to limit catch, in part because of the participants of the sectors within the recreational fleet can be plentiful and spread out, while monitoring of catch is scarce.

We believe the best possible solution for all is to approve "status quo" for the commercial fleet quickly, and then immediately begin a recreational reform amendment that can focus on accountability and harvest controls for the recreational fleet that allow them to take their discards and turn them into landings, with full accountability measures. We also would hope those measures would allow for increased opportunity for the charter and for hire fleet, including the head boats, so that they too may also thrive through better-monitored open seasons for their businesses and the ability of their customers to bring home fish for their families.

Sincerely,

Bonnie Brady
LICFA

I support "Status Quo" regarding the joint Atlantic State Marine Fisheries Commission/Mid Atlantic Fisheries Management Council reallocation amendment for commercial fishing scup, black sea bass, and fluke quotas.

We cannot afford to lose more commercial quota in these fisheries. Our markets depend on those fish that we receive and sell to other fish buyers, restaurants and consumers. Less commercially-caught fluke, scup and Black Sea bass delivered to our market and auction will be devastating to me and my business, and could force layoffs in an industry that has already been decimated by Covid and restaurant closures.

NAME (PRINT)	SIGNATURE	MAILING ADDRESS	EMPLOYER/JOB
Richard Klein		800 Food Center Drive Unit 30 Bronx NY 10474	Third Generation Seafood
Shinsuke Tanaka		"	"
Masato Kashimada		"	"
John Schnell		"	"
Geemon Flavius		"	"
Anthony Mungi		"	"
Nicholas Klein		"	"
Carmine Romano		"	"
Paul Scully		"	"
Wilson Ortiz		"	"
		"	"
		"	"

I support "Status Quo" regarding the joint Atlantic State Marine Fisheries Commission/Mid Atlantic Fisheries Management Council reallocation amendment for commercial fishing scup, black sea bass, and fluke quotas.

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NAME (PRINT)	SIGNATURE	MAILING ADDRESS	EMPLOYER/JOB
Michael Sinatra		800 Food Center Dr	Mt Sinai Fish
Vanessa Lindsay		Queens, N.Y	Conway SFD.
Lenny Guerra	Lenny Guerra	800 Food Center Dr	New Fulton Coop
Robert CiPriano		800 Food Center Drive	Seafresh NY
Dennis Grosso		800 Food Center Drive	Meade Dist
Tony Padula		800 Food Center Drive	Fair Fish
Paul Carroll		Brooklyn NY	Canada SFD
Jose			Glen Cove
Gil. Y. Choi		Brklyn NY	Bogafia
Jim Barone		Millwood NY	Select Seafood
Chang Yin		Queens NY	Chang Yin Food Market
Luis Zaharopal		Bronx	Bayside Seaf

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NAME (PRINT)	SIGNATURE	MAILING ADDRESS	EMPLOYER/JOB
JOHN QUIREMBAY	[illegible]	FAIR FISH (Unit 2) BRONX NY 10474	FAIR FISH
DAN KIM	[illegible]	Alaska Feast Bronx NY	ALASKA FEAST
PAUL SORAD	[illegible]	57 Sunset Lan. 02719@hotmail.com	3 Generation
RYAN CAREW	[illegible]	Klenline	Klenline
LUK FIORÉ	[illegible]	BRKLYN, NY RAINBOW FISH	RAINBOW FISH
John Dolan	[illegible]	WORLDWIDE Sefood BRONX NY	WORLDWIDE
Anthony Dattolo	[illegible]	OCEAN BOY	OCEAN BOY
James Montelles	[illegible]	Monte's Seafood Unit #27 Bronx, NY 10474	Monte's Seafood
JOHN FURINO	[illegible]	8 CLIFFORD PL. EAST NORWICH, N.Y. 11732	CONSOLIDATED SEAFOODS
JOE AMODEO	[illegible]	NFFM CO-OP	UNLOADER
GEORGE VALDES	[illegible]	NFFM CO-OP	UNLOADING MGMT.
Larry Atti	[illegible]	Longhi SEAFOOD	Longhi SEAFOOD

I support "Status Quo" regarding the joint Atlantic State Marine Fisheries Commission/Mid Atlantic Fisheries Management Council reallocation amendment for commercial fishing scup, black sea bass, and fluke quotas.

We cannot afford to lose more commercial quota in these fisheries. Our markets depend on those fish that we receive and sell to other fish buyers, restaurants and consumers. Less commercially-caught fluke, scup and Black Sea bass delivered to our market and auction will be devastating to me and my business, and could force layoffs in an industry that has already been decimated by Covid and restaurant closures.

NAME (PRINT)	SIGNATURE	MAILING ADDRESS	EMPLOYER/JOB
[illegible]		FAIR FISH unit 21 BRONX NY 10474	FAIR FISH
SAL [illegible]		Mt SINAI unit 26 BRONX NY 10474	Mt Sinai inc.
Adam Kolendey		LOCKWOOD BRONX NY 10474	LOCKWOOD WHARF
Mike Zervis		STK FULTON FISH	STK
Tim DONOGHUE		EMERALD unit 57 SEAFOOD	EMERALD SEAFOOD
ROBERT MULLER		117 Beyer Clinton	SALESMAN
[illegible]		110	
VITO VITALE		110 CALB M.	CALB M
Tony De Celestino		CROWN FISH unit 86	MANAGER CROWN
GERALD Phillips		SOUTH ST unit 51	SOUTH ST.
Nicholas Klein		KLEINLINE PO Box 77 10310	KleinLine
Alison Klein		1.	11

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NAME (PRINT)	SIGNATURE	MAILING ADDRESS	EMPLOYER/JOB
Michael Roderick		1499 OCEAN RD. NARRAGANSETT, RI	TOWN DOCK Dir. of fleet operations
Chris Weisensee		103 Howland Rd. Cranston RI 02910	TOWN DOCK Shoreside Technician
Michael HALL		30 OLD Richmond Townhouse Carolina RI 02812	ASMC ADVISER RI
Dan Francis		23 Seaport Dr Narragansett RI 02882	OPS TOWN DOCK Manager
RYAN SCELSA		45 STATE STREET NARRAGANSETT, RI	TOWN DOCK DIR. SALES + PURCH.
Matthew Meenan		101 Anthony Rd NORTH STONINGTON CT 06359	Town Dock operations
Melinda Cassidy		9A Cherry Lane Wakefield, RI 02879	TOWN Dock Logistics
GLORIA FODERA		TOWN DOCK	TOWN DOCK PRODUCTION
Colin Montufar		Town Dock	TOWN DOCK Back Deck
Joe Sullivan		Town Dock	TOWN DOCK Maintenance
Morgan Parker		Town Dock	TOWN DOCK Logistics
Meghan Leonard		Town Dock	TOWN DOCK Logistics

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NAME (PRINT)	SIGNATURE	MAILING ADDRESS	EMPLOYER/JOB
Jeanne Burke	Jeanne Burke	45 State Street Narragansett, RI 02882	The Town Dock
Rich Ferrell	Rich Ferrell	45 STATE ST	TOWN DOCK Back Dock
Mike Barney	Mike Barney	45 State St 02852	The Town Dock ICE PLANT
Donald Fox	Donald Fox	40 Herman Melville Blvd New Bedford MA 02740	Fishing vessel crew affairs mgr. Blue Harvest Fisheries
Troy Sawyer	Troy Sawyer	181 MacArthur Blvd Wakefield R.I	FV Debbie Sue-PT Jud. captain RI

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NAME (PRINT)	SIGNATURE	MAILING ADDRESS	EMPLOYER/JOB
Cassie Canastra	[signature]	62 Hassey St. New Bedford, MA 02740	BASE, Inc. Director of Operations
Raymond Canastra	[signature]	Same as above	BASE, Inc. Owner
Richard Canastra	[signature]	Same as above	BASE, Inc. Owner
Steven Couto	[signature]	Same as above	BASE Inc. Supervisor
Lenny Pimentel	[signature]	Same as above	BASE, Inc. Supervisor
Cynthia Chadwick	[signature]	Same as above	Base Inc Office Mngr
Karina Chibante	[signature]	Same as above	Base Inc Office asst.

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NAME (PRINT)	SIGNATURE	MAILING ADDRESS	EMPLOYER/JOB
Peter SCLAFANI	[signature]	176 A Greenwood Ave. Midland PK NY	Off The Hook
Dean Jacoby	[signature]		Blue Ribbon
Paul Hackenann	[signature]	264 Baker St East Meadow NY	Blue Ribbon
Warren Kreil	[signature]	800 Food Center Drive Bronx NY 10474	Bluewater
Antonio Sabella	[signature]	"	Montauk Fish
Jim Coyligno	[signature]	"	Montauk Fish
Vin Mascingo	[signature]	"	Montauk Seafood
Anthony [illegible]	[signature]	"	Montauk Seafood
Tom Chad	[signature]	"	Lockwood
[illegible]	[signature]	"	Blue Ribbon Fish Co
Juan Cruz	[signature]	"	Blue Ribbon Fish Co.
John Guthild	[signature]	"	Blue Ribbon Co

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NAME (PRINT)	SIGNATURE	MAILING ADDRESS	EMPLOYER/JOB
Gn. Y. Choi	[signature]	800 Food Center Dr Bronx NY 10474	Bolla A.A.
[illegible]	[signature]	"	[illegible] fish mkt
David Liburd	[signature]	"	Blue Ribbon
Omar S. Pitts	[signature]	"	Blue Ribbon
Carlos Chamicon	[signature]	"	Blue Ribbon
Nestor Caravale	[signature]	"	Blue Ribbon
Luis Mejia	[signature]	"	Blue Ribbon
C. Paulino	[signature]	"	Blue Ribbon
Richard Beard	[signature]	"	Blue Ribbon
Hubert Lau	[signature]	"	Blue Ribbon
Jacques [illegible]	[signature]	"	Blue Ribbon
J Ranazzo	[signature]	"	Ranazzo

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NAME (PRINT)	SIGNATURE	MAILING ADDRESS	EMPLOYER/JOB
RUPPERT NORMAN	[illegible]	109-37 [illegible] BLVD. [illegible] PL	
Michael [illegible]	[illegible]		[illegible]
[illegible] Yang	[illegible]	John's Fish Market Co Vineyard Haven MA	
D. THEODOROU	[illegible]	35-08 [illegible] ASTORIA	wholesaler
ARMANDO R[illegible]	Armando [illegible]	7 Westminster Pl [illegible]	Blue [illegible]

110 N. Cross Street
Chestertown, Maryland 21620
Phone: 410-810-1381
Fax: 410-810-1383
www.delmarvafisheries.org

March 16, 2021

Chris Moore, Ph.D., Executive Director
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, DE 19901
kdancy@mafmc.org

RE Summer Flounder, Scup, and Black Sea Bass Allocation Amendment

Dear Executive Director Moore:

On behalf of Delmarva Fisheries Association (DFA) and the diverse commercial fishermen we represent, we submit the following comments for consideration and inclusion in the public record regarding the proposed Allocation Amendment:

The Demersal fisheries in our region are vitally important to the seafood retailers and processors they support.

We prefer the Status Quo Option in all three species allocations under consideration (summer flounder, alternative 1a-4; scup, alternative 1b-1; and black sea bass, alternative 1c-4).

The commercial fishing industry in our region does not agree with the amendment objective to update the current allocation percentages affecting recreational and commercial TALs.

We appreciate the opportunity to submit these comments and respectfully urge the Council to implement some other alternative to quota reallocations.

Thank you very much for your attention and consideration.

Sincerely,

Captain Robert Newberry
Chairman
Delmarva Fisheries Association, Inc.
rnewberry56@gmail.com

March 16, 2021

Chris Moore, Ph.D., Executive Director
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, DE 19901

Dear Dr. Moore,

On behalf of the recreational fishing industry, and east coast anglers, we submit the following comments to the Mid-Atlantic Fisheries Management Council (MAFMC) and Atlantic States Marine Fisheries Commission (ASMFC) on the joint allocation amendment for summer flounder, scup and black sea bass.

Our organizations have long supported recreational management reform in federal fisheries, including to the underlying statute through the development, enactment and implementation of the Modern Fish Act. In addition, in March 2020, we sought specific regional changes through submission of the harvest control rule approach for summer flounder, scup and black sea bass. Unfortunately, pursuit of those measures has not yet resulted in addressing the underlying issues associated with managing the recreational fishery with a quota-based system. We stand committed to continue to assist in the development of recreational management reform, especially the harvest control rule approach. However, it is clear it will take a multifaceted strategy to bring real reform to management of the recreational fishing sector.

Furthermore, managers are currently using the new MRIP FES data in every aspect of fisheries management except for allocation. Although we have continually expressed concerns with the validity of the new MRIP FES data, and its use in management, those concerns were never addressed. Instead, the MRIP FES data were deemed best available science, and quickly incorporated into the stock assessments resulting in rapid shifts in all aspects of fisheries management. Of note, incorporating the MRIP FES data resulted in a 49% increase in quota/harvest limits for summer flounder, and a likewise 59% increase for black sea bass. However, these increases are due almost exclusively to the historical correction of recreational harvest estimates. Therefore, the current allocations, based on the old MRIP estimates, are no longer valid as they do not use best scientific information available. Continued use of the old MRIP estimates at this point is a conscious de facto allocation to the commercial sector.

Given the significance of this allocation decision, and its importance to the solutions we seek for the recreational sector, our organizations have deeply deliberated not about which allocation options would benefit us the most, but instead which options would represent the most defensible and balanced solutions for ASMFC and MAFMC to agree on. Therefore, we put forward the following options, not as a

starting point for further negotiations, but instead as the most viable options for final selection that best balance the needs of both sectors. Our intent with the selection of these options is to build a defensible administrative record for the selection of final action on this allocation amendment now.

One of the biggest challenges for choosing final allocation options was the decision of catch versus landings allocation. We know that the discard estimates are the most uncertain datapoints used in the management process, regardless of which sector they come from. The magnitude of discards for the recreational fishery are often a function of regulations instead of angler behavior, and although we know angler behavior plays a role, the accounting process for catch struggles to incorporate the impact of changes in angler behavior on discards.

Additionally, history has told us that turning discards into harvest in the recreational sector is an extremely challenging proposition because when measures are implemented to do that (e.g., lower minimum size, increased bag limit) those changes immediately result in MRIP harvest estimates that exceed the recreational harvest limit (RHL). Although, all these challenges exist, we continue to support measures that convert discards into harvest, especially for these recreational food fish fisheries. To incentivize fisheries managers to tackle this problem head on, and potentially find additional solutions through recreational management reform, we are supporting catch-based allocation.

We urge the MAFMC and ASMFC to take final action on this allocation amendment now, by implementing the following catch-based allocation options.

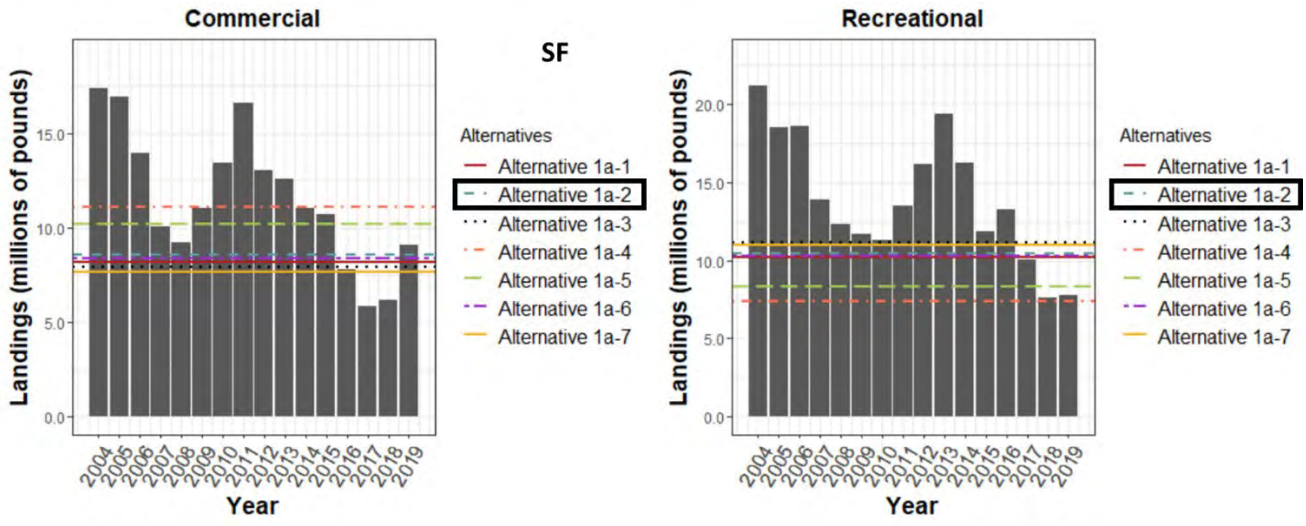
<u>Section 4.1.1 Summer Flounder Allocation Alternatives</u>

We support 1a-2 = Catch Based Allocation. 43% commercial, 57% recreational.

Justification: this allocation is supported by multiple approaches using broad baseline years from 2009-2018 and other recent periods that better reflect ongoing changes in the overall fishery.

Recreational Sector: while this allocation will result in an increase in the RHL, it will most likely result in status quo management measures based on the landings in recent years (see figure below). However, combining this allocation option with recreational management reform may result in more favorable recreational measures that provide more access for the recreational sector especially if managers work specifically on turning discards into harvest.

Commercial Sector: this allocation provides for a commercial quota that is above the average quota over the past three out of four years. Additionally, the example quota under this allocation option would mean only modest reductions from 2019 and 2020 preliminary landings. Lastly, although the example quota represents a small decrease from recent landings, the analysis in the amendment details that lower landings come with over a dollar increase in ex-vessel price. This means the commercial sector can still achieve similar value in its fishery by catching less fish and spending less days on the water potentially reducing safety at sea concerns.



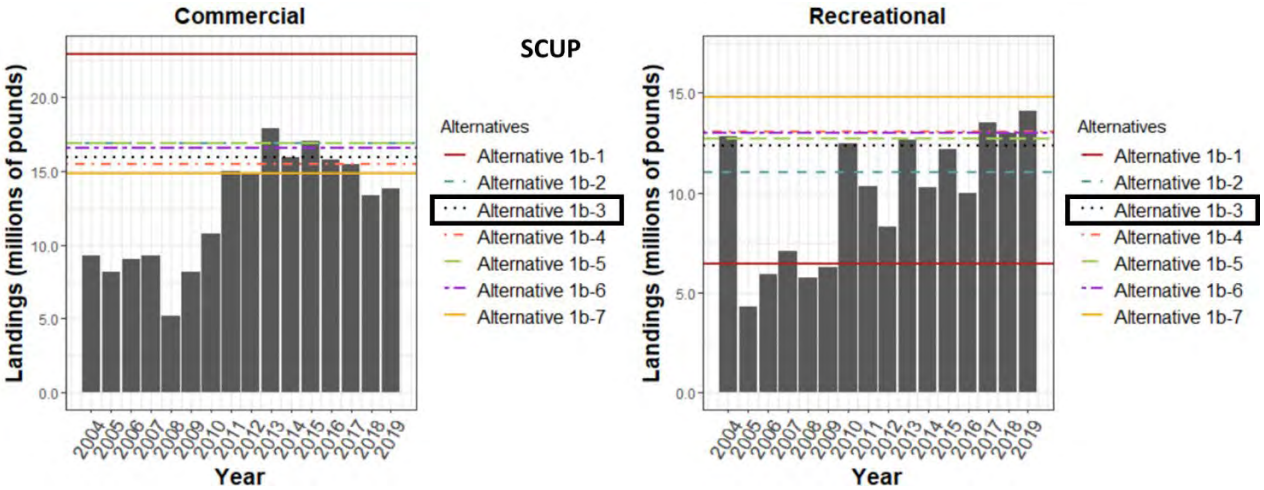
Section 4.1.2 Scup Allocation Alternatives

We support 1b-3 = Catch Based Allocation. 61% commercial, 39% recreational.

Justification: this allocation is supported by multiple approaches using broad baseline years from 2009-2018 and other recent periods that better reflect ongoing changes in the overall fishery.

Recreational Sector: while this allocation will result in an increase in the RHL, it will most likely result in more restrictive management measures based on the landings in recent years (see figure below). However, combining this allocation option with recreational management reform may result in more favorable recreational measures that provide more access for the recreational sector especially if managers work to turn discards into harvest.

Commercial Sector: this allocation provides for a quota that is above every prior quota in the time series except for 2013 and 2015.



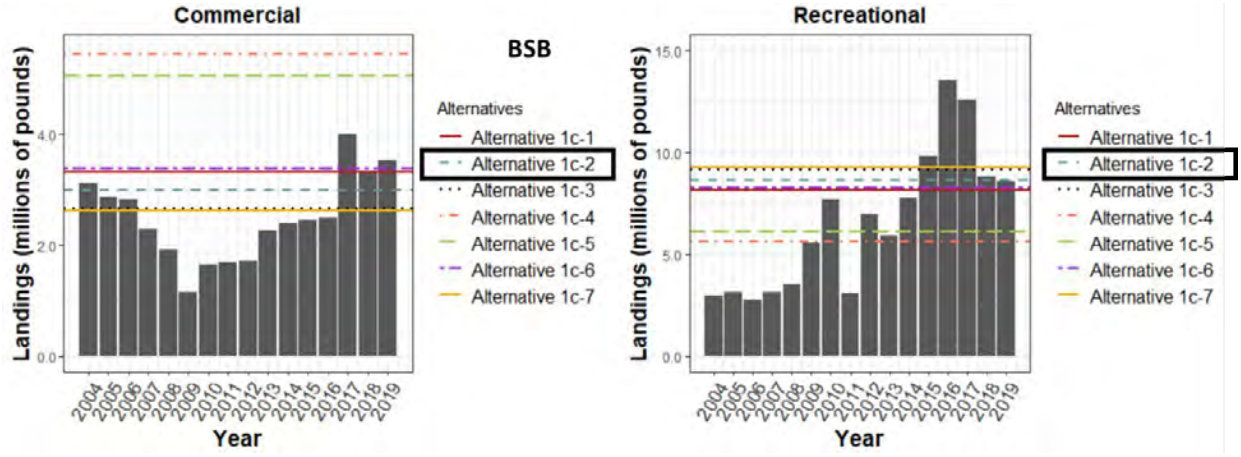
Section 4.1.3 Black Sea Bass Allocation Alternatives

We support 1c-2 = Catch Based Allocation. 28% commercial, 72% recreational.

Justification: this allocation uses broad baseline years from 2004-2018. This 15-year period is a good balance between historic and recent periods and better reflects ongoing changes in the overall fishery.

Recreational Sector: while this allocation will result in an increase in the RHL, it will most likely mean status quo measures or slight restrictions in measures based on the landings in recent years (see figure below). However, combining this allocation option with recreational management reform may result in more favorable recreational measures that provide more access for the recreational sector especially if managers work to turn discards into harvest.

Commercial Sector: this allocation allows for a commercial quota that exceeds historic landings in all but 4 of the past 16 years. Although the example quota represents a decrease from recent landings, the analysis in the amendment indicates lower landings come with higher ex-vessel price. This means the commercial sector can still achieve similar value in its fishery by catching less fish and spending less days on the water potentially reducing safety at sea concerns.



Section 6.1 Framework/Addendum Provision Alternatives

We support 3b - to allow changes to commercial/recreational allocations through framework actions/addenda. This alternative would provide flexibility to adapt to new information in a timely fashion as it becomes available. This alternative would not preclude the MAFMC and ASMFC from using the amendment process if that is a preferred pathway to make changes.

We further justify our support for these options based on the following two sections, (1) Economics of Recreational Fishing (2) Fishery Allocation Review Policy and MSA Considerations.

1. Economics of Recreational Fishing

The recreational fisheries for summer flounder, scup and black sea bass are major contributors to America's economy and support many fishing-dependent businesses across the Mid-Atlantic and New England Regions. A Department of Commerce report, "Fisheries Economics of the United States

2016," details the economic contributions of these fisheries to the various regions along the Atlantic coast. Saltwater recreational fishing along the Atlantic is enjoyed by 6 million anglers annually, contributing $11.3 billion to the economy and supporting 120,236 jobs. The jobs created by these fisheries are the lifeblood of our Atlantic coastal communities as more than 90% of the sportfishing and boating industry is made up of small businesses. In addition to the economic benefits, many millions of anglers target summer flounder, scup and black sea bass to take a fish home to eat. This allocation decision not only has implications for coastal economies, but the health and wellness of our citizens that catch fish for food during this COVID-19 pandemic.

Furthermore, the sportfishing and boating industry consistently plays an integral role in stewardship of our fisheries by directly funding conservation and habitat restoration efforts through licensing fees and excise taxes set up through the Sport Fish Restoration and Boating Trust Fund. In 2020 alone, $414.26 million was apportioned to the states to fund fishery conservation programs with the money generated from excise taxes on fishing equipment and motorboat fuel. Our industry is proud to be a partner in this cooperative approach to fisheries management because we know that fisheries conservation and fishing access afforded by these funds directly supports outdoor recreation and the American economy.

2. Fishery Allocation Review Policy and MSA Considerations

In 2019, as a follow up to NMFS Policy Directive 01-119, the MAFMC adopted a time-based and public interest allocation review policy. More specifically, the policy states allocation will be reviewed at least every 10 years; however, the Council may choose to conduct reviews more frequently based on substantial public interest in allocation review or other factors.

The current allocation is based on landings or catch from the 1980s to early 1990s and has never been changed. We selected allocation options that update the basis for allocation with recent catch history to better reflect the current fishery. Also, through this letter and allocation amendment process, we continue to express explicit public interest in the ASMFC and MAFMC taking action on this allocation amendment now. We hope that the MAFMC and ASMFC consider allocation changes based on updated MRIP FES data, and their own allocation review policy, as more than enough justification to pursue allocation changes in these fisheries that have had the same allocation for almost 30 years.

We appreciate that the MAFMC and ASMFC have included taking final action on this allocation amendment as part of their 2021 action plans and as a result, have the necessary staff resources to assist NOAA Fisheries with the completion of this action given continued concerns by the agency regarding the ability to complete both allocation and recreational management reform in 2021.

Lastly, following MSA process, the SSC has determined that the new MRIP FES data are best scientific information available (BSIA). As already noted, ASMFC and MAFMC are using the new MRIP data in stock assessments to determine stock status and in the fisheries specifications process to establish the acceptable biological catch, commercial quotas, and recreational harvest limits. National Standard 2 does not allow the Councils to pick and choose when it uses BSIA and therefore, ASMFC and MAFMC must use the MRIP FES data to address allocation through final action on this amendment. If ASMFC and MAFMC do not use the MRIP FES data for allocation, then it must reconsider the use of MRIP FES data in all other aspects of the fishery management and science process.

Thank you for the opportunity to comment on this allocation action. We urge the MAFMC and ASMFC to take final action on allocation now and stand ready to continue to assist on the follow through of recreational management reform.

Sincerely,

Glenn Hughes, President
American Sportfishing Association

Jeff Angers, President
Center for Sportfishing Policy

Patrick Murray, President
Coastal Conservation Association

Chris Horton, Fisheries Policy Director
Congressional Sportsmen's Foundation

Frank Hugelmeyer, President
National Marine Manufacturers Association

Jim Donofrio, President
Recreational Fishing Alliance

From: flukeman@aol.com
Sent: Tuesday, March 16, 2021 5:10 PM
To: Kiley Dancy
Subject: "Fluke/Scup/Sea Bass Allocation Amendment"

RECOMMENDATION

1) CHANGE IN REALLOCATION RECOMMENDATION STATUS QUO
2) TRANSFERS RECOMMENDATION NO TRANSFERS
3) FUTURE AMENDMENT RECOMMENDATION REQUIRE AMENDMENT

COMMENTS

REDUCED QUOTA IMPACTS

I was surprised that "estimate" is used 28 times in Section 3. INTRODUCTION AND PURPOSE. I would hope that more precise analysis, with confidence levels would be used to impact the lives and jobs of those in the commercial fishing industry. Reduced catch impacts the income and staffing of those left in this depleted industry. I did not see any reference to this approach being PEER reviewed.

Commercial Quota reduction impacts American consumers of fresh wild fish by reduced volume and higher prices. Historically this void has been filled by foreign product, which has been suspect of questionable hygiene practices.

LETS ELIMINATE DEAD DISCARDS

Dead discards, a common problem in these fisheries, has not been addressed for the last 30 years. Fishery's management, years ago, increased the size of net mesh used in summer flounder fishery to reduce discards. They also increased the minimum size from 13 to 14 inches and significantly increased dead discards. The recreational fishery has seen the minimum retention size go up to where the focus is on harvesting female fish and skyrocketing the dead discard rate.

Fisheries management's lack of ability or interest in reducing dead discards needs to resolved immediately. Many suggestions have been proposed but lacks action. For immediate implementation, institute a DISCARD BAN in both the commercial and recreational fisheries. This ban exempts protected species and species that are not open.

If a fish hits the deck, of a commercial fishing vessel, it must be kept. **No size minimum**. Over trip limits will be penalized. Captains have the ability to increase mesh size, trawl speed, etc. to focus on maximizing their catch profit. Recreational anglers would have a creel limit such as todays 3 fish limit in New Jersey. They could **catch 3, keep 3, and must quit. Catch and release is banned**. To obtain larger fish, anglers can use larger hooks as was proposed and proven in BREP presented to the MAFMC and peer subsequently reviewed. The benefits of a DISCARD BAN are a larger biomass and larger female population.

WHERE IS THE PLAN TO INSURE RECREATIONAL COMPLIANCE?

The data presented indicates that the recreational fishery has been out of compliance for 25 years. I am not suggesting any sort of payback, but I see no plan to insure that practices and processes are in place to insure that this cannot occur again. I believe the reallocation discussion should be tabled until fisheries management implements and proves over time that this fisher can comply with their targets.

COMPARING APPLES AND ELEPHANTS

Looking back to the 1980's,the original base years for specifically summer flounder, using straight mathematical formulas is froth with errors. The commercial fleet was much larger, the private boat fleet was smaller and the party and for hire fleets were larger. Analysis of todays fishing results and with respect fishing results 30-40 years ago without accounting for the technological advances, is mind blowing. Electric trolling motors can keep you in one spot, without the hassle of anchoring or keep you on a track or edge of a channel. Electronics can scan the depth, indicate fish presence, or return you to the exact spot. Communications allows having a computer in you hands and can keep you and friends in contact, benefiting those involved to focus where the fish are now.

In the 1980s "pin fishermen" were common. Pin fishermen caught lots of fish and **legally sold** their catch for "pin money" (Paid for expenses.) These hook and line fishermen would be considered

the 20% of the anglers who caught 80% of the fish. To understand the impact of these pin fishermen you should look at the number of fishermen who applied for and/or received commercial licenses or permits. Also back then, mates were tipped fish as their reward. When back at the dock, these fish were sold to waiting customers or had prearranged sales. Sales and barter makes these commercial transactions. Based on the above, the commercial/recreation allocation should be 80/20.

CARL BENSON

From: Julie Lofstad <jlofstad@southamptontownny.gov>
Sent: Tuesday, March 16, 2021 5:03 PM
To: Kiley Dancy
Subject: Proposed quota reallocation for NYS commercial fishermen

I am a Southampton Town Councilwoman, whose constituents include commercial fishermen from the port of Shinnecock in Hampton Bays.

I strongly oppose any reduction in quota, which will be used, if the proposal is adopted, for recreational discards instead.

Our local commercial fishing industry is a huge economic generator for our region. The commercial fleet directly or indirectly supports many other local businesses. Commercial fishing families are dependent upon the fish caught with these quotas to pay their mortgages and feed their children. To further and severely reduce the fisherman's ability to catch his product will have devastating consequences.
The local commercial fishing fleet in an important piece of the food supply network. Further limiting of quotas will have a negative impact on our supply chain.

I urge you to NOT take any quota from our commercial fishermen.

It makes no sense to do so, when these are the very people who feed our communities.

Julie Lofstad
Councilwoman
Town of Southampton

Sent from my iPhone

From: Julie Lofstad <julierae6@yahoo.com>
Sent: Tuesday, March 16, 2021 4:45 PM
To: Kiley Dancy
Subject: Re-allocation amendment - SAVE THE COMMERCIAL FISHERMEN WHO FEED THE WORLD!

My name is Raymond Lofstad. I'm a commercial fisherman based at Port of Shinnecock, in Hampton Bays, NY. I have been a commercial fishermen for over 50 years - first working for my father and uncle on their boats in the 1970's. Through hard work and perseverence, I was able to buy my own boat in 1992, and I continue to fish for my livelihood. My boat, FV Ocean Fresh, supports not only my family, but the captain and his family, and our crew and their families. We provide fresh, wild-caught seafood to our community and beyond. We are an integral part of our Country's food safety and supply chain.

I implore that the joint MAFMC/ASMFC commercial recreational allocation amendment for the scup, black sea bass, and fluke fisheries remain as it is, for all three fisheries. **New York cannot afford to lose more commercial quota in any of these fisheries**. Any additional decrease in the current quota will be devastating to me and my fishing community, and the businesses that support us, which include local restaurants, fish markets and other fishing dependent businesses, all devastated by current COVID related events.

I do support creating a recreational reform amendment immediately, so the recreational sector can turn discards into landings.

But again, *I cannot support the council and commission taking from my quotas - that provide sustenance to my neighbors and to the world - and turning them into the recreational sector's dead discards.* That was never the intent of Magnuson. We should depend MORE on our local commercial fishermen to provide us with seafood. We should not make it more difficult for them to do their job. Re-allocation will make the fisherman's job near impossible, and likely speed up the extinction of an endangered species - your local commercial fisherman and fishing families.

Respectfully,

Ray Lofstad
FV Ocean Fresh

45 STATE STREET | PO BOX 608
NARRAGANSETT, RI 02882

March 16, 2021

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

Dear Director Moore,

I am writing to comment on the Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Reallocation Amendment.

The Town Dock supports **No Action** on this Amendment. The commercial fishery plays a critical role in providing fresh, sustainable, domestic protein to this country via retail stores, fish markets and restaurants.
With restaurants closed during the Covid-19 pandemic people turned to their retail stores and local docks for access to seafood. For those that could not afford the retail products they were provided access to seafood through non-profit donations from fish right off our docks and into their hands. Any reallocation taken from the commercial sector and given to the recreational sector is taking US supplied protein out of the public supply chain and preventing some markets from recovering, some from fully developing or in some cases, like the donation programs, preventing them from continuing to get food to those in need.
The commercial sector should be encouraged to increase US caught seafood rather than having opportunities being taken away from them, which is exactly what this amendment will do. Moving in this direction will only make the US rely on imported seafood even more. Something the US government has supported changing over the years.

It is also important to remember that the commercial sector is held to a strict quota with in-season possession limit changes that are quickly put in place if needed to prevent overharvest. The recreational sector is not held to those same standards, nor does it have the same strict accountability measures. The logical step in resolving that issue is by reforming the management of the recreational sector to make sure they are just as accountable and that their catch is accurately counted, as the commercial sector is.

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The recreational sector can grow unconstrained, unlike the commercial sector. With this in consideration will there always be an effort to reallocate fish away from the fixed number of participants in the commercial sector to give to the ever-growing recreational sector? If so, where does it stop?

The recreational sector provides a wonderful opportunity for entertainment for a part of the US's population, but we do not think we should shift resources from a sector that provides food and nutrition to people all over the country to those that provide it to a very few.

Thank you for taking our comments into consideration.

Sincerely,

Katie Almeida
Senior Representative, Government Relations and Sustainability.

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Dr. Chris Moore, Executive Director,

Comment on Fluke/Scup/BSB Reallocation Amendment.

"My name is Dick Grachek, I am a CT and RI commercial fisherman, I have been a commercial fishermen for 50 + years, my boat is the F/V Anne Kathryn, and the only action I can support for the joint MAFMC/ASMFC commercial recreational allocation amendment for the scup, black sea bass, and fluke fisheries is to maintain status quo for all three fisheries. We cannot afford to lose more commercial quota in these fisheries. It will be devastating to me and my fishing community and the businesses that support us.

I also support starting a recreational reform amendment immediately so the recreational sector can help their fisheries turn discards into landings.

But I cannot support the council and commission taking from my quotas that feed people and turning them into the recreational sector's dead discards. That was never the intent of Magnuson.

I have over $300K wrapped up in state landing permits in order to land these fish. And these are fisheries that are essential to the survival of my fishing operation, which is the sole income source for four families. This past year the fish prices are some 50% to 70% less than they were before the pandemic. The last thing we need is to lose more allocation to the recreational community. We are producing badly needed clean unadulterated food for people who can't afford a private recreational boat!

Any more negative pressure and east Coast commercial fishing operations will be jeopardized.

Thank You,

Dick Grachek, owner and manager RiverCenter Marine LLC,

F/V Anne Kathryn, Stonington CT and Point Judith, RI

R M Grachek March 2021

Blue Moon Fish, Inc.
1735 Breakwater Road
Mattituck, NY 11952
631-298-4036

March 16, 2021

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

Re: Fluke/Scup/Sea Bass Allocation Amendment

Dear Dr. Moore:

We are a commercial fishing family from Long Island, NY, as well as a licensed seafood dealer, with 48 years in the business.

It is imperative that the joint MAFMC/ASMFC Commercial/Recreational Allocation Amendment for scup, black sea bass, and fluke NOT be changed for all three fisheries. New York already has much less of an equal share of the commercial fishing quota for the Eastern Seaboard. Losing more commercial quota will severely hurt us as fishermen and negatively affect the local businesses and seafood consumers that depend on us.

Lowering the commercial quota now would be especially bad timing after one year of a pandemic that has cost many commercial fishermen and related local businesses much of their income. The public needs to have a source of fresh, local fish available to eat as part of a healthy food supply chain, particularly at this difficult time when many folks are experiencing food insecurity.

Thank you for your consideration.

Sincerely,

Alexander A. Villani
Stephanie Villani
Blue Moon Fish, Inc.

cc: Bonnie Brady, LI Commercial Fisherman's Association

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

I am writing to reply to the MAFMC ASMFC webinar on March 2, 2021.

I am a commercial fisherman - John J. Rader, boat STARFISH, out of Montauk, NY.

I grew up in a fishing family, working on charter and Open Boats, until my family purchased the Open Boat Marlin. My father, brother and I ran several boats, Marlin, getting to know many recreational fishermen. These fishermen caught fish for their families.

In 1971 I decided to devote my life to commercial fishing, on the boat STARFISH. Scup, fluke and black Sea Bass are fish that I have been catching and selling, to feed many people, since 1971. The amendment in question cannot be changed to have commercial fishing lose more quotas in these three fisheries. Over the past years, we have had almost monthly changes in allowable catches, which is difficult enough for an landlord and supplying the markets.

I fully support the Status quo for these fisheries

While I support the recreational reform amendment to allow discards to become landings, I absolutely do not support taking commercial landings, which feed our country, turning them into "dead" discards.

I do not believe that that is the intention of Magnuson.

Therefore, I support, only, the status quo for commercial quotas for fluke, scup and black Sea Bass.

Yours truly,

John T. Rade
P.O. Box 171
63 Gloucester Ave
Montauk, NY 11954
631-668-5240

P.S. I own a commercial Rod + Reel fisherman, so my catch and discards are within those quotas.