

Appendix C: Position Letters

Visioning and Strategic Planning Stakeholder Input Report

July 2012

Position Letter Guidelines

On the following page are the guidelines that were provided to assist organizations in submitting position letters.



Visioning and Strategic Planning

Guidelines for official position letters

Any organization may submit an official position letter as a part of the Mid-Atlantic Fishery Management Council's visioning and strategic planning project. The purpose of this project is to gather broad stakeholder input that will inform long-term goals and to develop a strategic plan for achieving these goals. The council is collecting data from all of its stakeholders through several outreach methods. Below are several "big-picture" questions that may help your organization craft a position letter.

1. What aspects of the existing management system are working and which are not working?
2. What are the greatest challenges facing Mid-Atlantic fisheries today?
3. What would successful fisheries and fisheries management in the Mid-Atlantic look like? In other words, what metrics of success should the Council use beyond preventing overfishing?
4. How can the Council work with industry to ensure stability in the fisheries?
5. What specific issues threaten the sustainable management of Mid-Atlantic fisheries? Does your organization have ideas for how the Council might address these issues?
6. Are there environmental or ecological changes in the Mid-Atlantic ecosystem that require the Council's consideration?
7. Does your organization have specific recommendations for how the Council can improve its performance?

Please limit your letters to 2 pages. Letters may be emailed to Mary Clark at mclark@mafmc.org, faxed to (302) 674-5399, or mailed to 800 North State Street, Suite 201, Dover, De 19901. The deadline for submission is February 29, 2012.

Position Letters

This section contains 12 position letters that were submitted by the organizations below.

<p>The Great Egg Harbor Watershed Association & River Council</p> 	<p>Garden State Seafood Association</p> 	<p>Long Island Commercial Fishing Association</p>
<p>Maryland Department of Natural Resources</p> 	<p>Maryland Coastal Bays Program</p> 	<p>National Association of Charterboat Operators</p> 
<p>National Coalition for Marine Conservation</p> 	<p>Natural Resources Defense Council</p> 	<p>New Jersey Council of Diving Clubs</p> 
<p>Oceana</p> 	<p>Pew Environment Group</p> 	<p>Shinnecock Marlin and Tuna Club</p> 



The Great Egg Harbor Watershed Association & River Council

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David Brown
Egg Harbor Twp.
William Handley
Upper Twp.

February 28, 2012

Mary Clark
Mid-Atlantic Fishery Management Council
Suite 201, 800 N. State St
Dover, DE 19901

Dear Ms. Clark,

Thank you for contacting us about the MAFMC Visioning Project and inviting us to comment. As stewards of the first coastal tidal estuary designated into the National Wild and Scenic River System in 1992, we are hard at work trying to protect the fish species and anadromous fish habitat that the National Park Service identified as some of the Outstanding Resource Values (ORVs) for which the Great Egg Harbor River system was designated by Congress.

Given the collapse of River Herring populations leading to fisheries closures and the current study for Listing under the Endangered Species Act, we are very concerned about the declining status of River Herring and other forage fish species like Menhaden at the bottom of the food chain that are an important keystone to the ocean ecosystem.

As a way to expand our knowledge and voice for fisheries conservation, we have partnered with PEW and some of our sister Partnership Wild and Scenic Rivers in New England by joining the Herring Alliance, and encouraging other federally designated coastal Wild and Scenic Rivers with anadromous fish to join with us.

We are pleased to offer the following summary comments as our "Vision" for Mid-Atlantic Fisheries:

1. MAFMC needs to maintain rebuilt fisheries by maintaining adequate forage prey for all components of the ecosystem.
2. MAFMC should more rapidly advance ecosystem-based policies and practices to better manage and conserve the forage base as a whole and to restore and protect overall ecosystem functions.
3. Since the small mesh fisheries have significant incidental catch of many important forage species, such as river herring, shad and butterfish, MAFMC needs to move faster and do much more to improve commercial fisheries monitoring and reduce commercial bycatch.

4. MAFMC should implement ecologically-sustainable catch limits for stocks by setting reference points consistent with NS1 Guidelines on maintaining forage species populations at a level above BMSY through the Atlantic Mackerel, Squid and Butterfish Fishery Management Plan.
5. MAFMC should explicitly specify the Optimum Yield (OY) for all species within the Atlantic Mackerel, Squid and Butterfish Fishery Management Plan in a manner that takes into account the special role played by these species in the ecosystem.
6. The analysis of socioeconomic considerations affecting Optimum Yield and the specifications process within the Atlantic Mackerel, Squid and Butterfish Fishery Management Plan should be expanded to include a better accounting of the impacts of forage depletion on predator populations and the fisheries they support.
7. MAFMC should address serious depletion of additional keystone forage species in the Mid-Atlantic (alewife, blueback herring, and shads) by including these as non-target stocks within the Atlantic Mackerel, Squid and Butterfish Fishery Management Plan.
8. Since most commercially harvested forage populations in the region are either declining or are at historically low levels, MAFMC should develop a research plan for species whose status is unknown that would prioritize the data collection needed to determine stock status, enhance at-sea fishery monitoring, and ensure that the research plan is prioritized by the National Marine Fisheries Service (NMFS).
9. MAFMC should conduct a review of forage species that are not currently the target of commercial fisheries, identify them as Ecosystem Component (EC) species, and prohibit new directed fisheries until adequate information is available to manage these species in a manner that is sustainable and consistent with ecosystem-level goals and policies.
10. MAFMC should include habitat protection as a key element of its strategic planning and develop a comprehensive habitat plan that produces a net improvement for regional ecosystem support, including fishery production, habitat protection, and overall mitigation of fishing impacts in the Mid-Atlantic region.
11. MAFMC should increase the use of cooperative research, which engages fishermen in the scientific process, educates stakeholders about fisheries data collection and analysis, expands the base for science-based decision making, provides data on ecosystems and sustainable fishing gear, and brings legitimacy to the scientific process and the MAFMC.
12. Since recreational fisheries make up a significant segment of the managed stocks, and these fisheries are critical to good management and stakeholder support, MAFMC should increase recreational data collection and the knowledge base of these fisheries

We thank you for the opportunity to contribute to the vision project for Mid-Atlantic fisheries, and we look forward to working with the MAFMC to better manage and conserve our fisheries resources.

Sincerely,





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Phone: (609) 898-1100
E-mail: gregdi@voicenet.com

February 29, 2012

Visioning and Strategic Planning Questions

1. What aspects of the existing management system are working and which are not working?

- The MAFMC has an open and transparent public process with sufficient notification and access to amendments and other council issues.
- The opportunity to follow the SSC and various committees is predictable and provides adequate time for input.
- The specifications setting process should be streamlined to reduce staff time.
- MAFMC members should be more involved in SSC discussions, FMAT, fisheries performance reviews and stock assessments.
- Research priorities identified during stock assessments need to be incorporated into the research agenda more timely and specifically.
- A poor understanding of the socio-economic realities of the fishing industry is apparent.

2. What are the greatest challenges facing Mid-Atlantic fisheries today?

- Mid-Atlantic fisheries, while sustainable and viable, are subject to additional management pressures outside of the MAFMC authority.
- Marine Spatial planning, protected resources issues, endangered species designations and additional outside influences have serious negative possibilities.
- Continued struggle for waterfront access.

- Different state management regimes along with federal regulations create vessel inefficiencies.
- The Council needs to do a better job of defining and enhancing consideration of the importance of fishing communities.

3. What would successful fisheries and fisheries management in the Mid-Atlantic look like? In other words, what metrics of success should the Council use beyond preventing overfishing?

- Convene the Fishery Performance Panels to develop a system of metrics that would be collected and analyzed to determine “success”.
- The Fishery Performance Panels would develop a definition of “success”.

4. How can the Council work with industry to ensure stability in the fisheries?

- It would be helpful to create a definition of “stability”, specifically the difference between biological and economic stability. We would be happy to provide a detailed response after that is done.
- For the Council to ensure “stability” a thorough research initiative to understand the man made impacts on productivity and the environmental factors affecting fisheries need to be conducted.

5. What specific issues threaten the sustainable management of Mid-Atlantic fisheries? Does your organization have ideas for how the Council might address these issues?

- The relationship between recruitment and harvest potential needs to be better understood and a proper analysis of survivorship needs to be assessed.
- The Demersal fisheries are severely recruitment dependent and need sufficient applied research to better understand and predict its influence on the fishable biomass.
- The impact of predation on juvenile, sub adults and young of the year needs to be thoroughly researched and considered.
- Predation on adult fish/squids by predators including, spiny dogfish, marine mammals and striped bass need to be researched and considered.

- An honest discussion needs to take place about human food requirements versus the needs of marine mammals and fish.

6. Are there environmental or ecological changes in the Mid-Atlantic ecosystem that require the Council's consideration?

- The Council needs to prioritize a research agenda to include real time monitoring of environmental conditions that exist in the ocean.
- The industry would serve as the platform to collect and report ocean conditions while directed fishing on MAFMC species.
- Evaluate the applicability and potential of acoustic surveys for squid, mackerel and butterfish.
- A baseline would be created to determine what changes are taking place and if they are predictable.

7. Does your organization have specific recommendations for how the Council can improve its performance?

- Convene the Advisory Panels more often and create Fishery Performance Review Panels for all fisheries.
- Create a process by which issues are identified by each of these groups and determine if they rise to the level of an amendment or if changes are appropriate can be accomplished through specifications or framework.

Feb 29, 2012

To: MAFMC

From: Long Island Commercial Fishing Association

Re: MAFMC Visioning Project

To Whom it May Concern:

The Long Island Commercial Fishing Association represents commercial fishermen from all gear groups throughout Long Island.

We would like to make the following suggestions re the Council's visioning process as you move forward with future fisheries management policy.

First and foremost, we feel it is of the utmost importance that all species that are regulated by the council by state-by-state quota be moved to federal coast-wide quotas, and that the state-by-state system of quota allocation be discontinued. Because of inadequacies in the tabulation of landings in New York due to the box method in the 1980s and 1990s, New York was unfairly disadvantaged in the state-by-state quota distribution process in the fluke, bluefish, black seabass, and scup fishery. Furthermore, any attempt to find relief through a council vote to overrule the state-by-state allocation method became futile since those states with the lions' share of quota effectively blocked any vote. At the time of the regulation, the council and NMFS knew that New York was at a disadvantage, yet did nothing. Twenty years of inequity is long enough. Fishermen with federal permits from all states should all be allowed to fish equally, with equal quotas, in the EEZ.

Secondly, the MAFMC should put more effort into establishing economic safeguards when establishing regulations on fishermen and their communities, not just for one fishery, but safeguards re cumulative effects of regulations upon several co-existing fisheries, since the majority of fishermen in the Mid-Atlantic region fish a variety of fisheries throughout the year. Overly restrictive regulations upon several fisheries concurrently have domino-like negative economic effects to both fishermen and their communities. Not enough time or effort has been made to determine those trickle-down effects and virtually no effort has been made to minimize the effects of multiple regulations on multiple fisheries concurrently, as it should be per National Standard Eight.

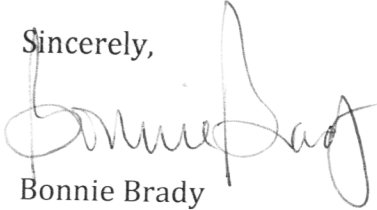
Thirdly, the conflicting and competing objectives of harvesting fish for human food consumption versus the needs of marine mammals and fish should be openly and honestly discussed. If OY is the goal for harvesting fish as a food source, then it should be addressed as such.

Lastly, NEAMAP should be funded not by RSA, but through a line-item in the federal budget. A second, new research trawl fleet using the NEAMAP method (using industry boats and captains with scientists on board) should be deployed to improve data collection in the Mid-Atlantic and ultimately build trust regarding data

collection between industry and regulators. Additional funding should be provided by NMFS **not** for catch shares, but for annual scientific re-assessments of all stocks in the Mid-Atlantic and the staffing to accomplish that goal. New scientific methods for determining stock size should also be utilized to help determine stock populations, such as acoustic surveys for squid, mackerel, and butterfish.

Thank you for your consideration of these points.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bonnie Brady".

Bonnie Brady
Executive Director
Long Island Commercial Fishing Association

516-527-3099

P.O. Box 191

Montauk, NY 11954



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor
John R. Griffin, Secretary
Joseph P. Gill, Deputy Secretary

February 28, 2012

Dr. Christopher Moore
Executive Director
800 North State Street, Suite 201,
Dover, DE 19901

Dear Mr. Moore;

This letter is being submitted on behalf of Maryland Department of Natural Resources (MDNR) Fisheries Service regarding the Mid-Atlantic Fishery Management Council's visioning and strategic planning project. We appreciate the opportunity to provide input, and we value our partnership in managing our coastal resources. Sustainability, harvest accountability, enforcement, and cost recovery are the principles we use as a measure of successful fisheries management. These principles highlight the areas where the Council has been successful, and provide guidance on issues that need improvement.

Sustainable fisheries management is more than just meeting fisheries' thresholds and targets. Managers must consider ecosystem dynamics when making decisions in an effort to provide biological and economic stability. When fisheries are stable, economic stability allows fishermen to plan their activities based on their needs, rather than based on fish availability. Sustainable fisheries also rely on healthy habitats. Of specific importance are the canyons and documented communities of slow-growing coldwater corals and shallow water corals that have been recorded in a number of areas throughout the region. Habitat identification and protection should play an important role in managing species such as black sea bass and summer flounder, as well as other coastal species including cod, tilefish, and grouper. Also, knowing more about our coastal habitats will help guide decisions on activities affecting fisheries resources such as offshore wind development and beach replenishment activities. The Council should consider working with the energy industry in partnership with state Coastal Zone Management Programs, the Mid-Atlantic Regional Council on the Ocean (MARCO) and others to identify and protect sensitive hard bottom habitats that support important fish communities. Habitat will also be a major factor in climate change. As many fish species are beginning to expand their range, available habitat will play a significant role in stock assessment.

Harvest accountability presents us all with an opportunity to work with our shared stakeholders to improve management. The Marine Recreational Information Program (MRIP) redesign presents us with a unique opportunity to inform our recreational stakeholders on the importance of recreational harvest estimation. MRFSS/MRIP harvest estimates are still being used for in-season quota management; a use they were not designed for. Until recreational harvest estimates accurately reflect recreational stakeholders experiences on the water, at the scale for which the states, Councils, and NMFS are using them, anglers will not feel accountable for their harvest. This is a problem which can only be solved by funding; the amount of data needed for true in-season recreational management would require significant increases in sampling efforts. On the other hand, commercial fisheries can improve their harvest accountability by providing timely and accurate reports through

online reporting systems. Federal dealers in the mid-Atlantic are already required to report online. Requiring electronic reporting at the trip level for commercial fishermen in one, uniform system would help the states manage their quotas and track their landings in federal waters. These tools already exist through NMFS and Atlantic Coastal Cooperative Statistics Program's (ACCSP) Standard Atlantic Fisheries Information System (SAFIS).

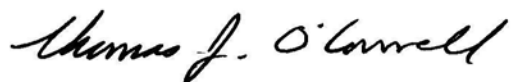
When it comes to enforceability, inconsistencies between management jurisdictions is the largest enforcement challenge we face. When the Council and the Atlantic States Marine Fisheries Commission (ASMFC) do not have consistent management plans and harvest measures, it is increasingly difficult for managers, fishermen, and enforcement agencies to ensure that all laws and regulations are being followed. During the 2011/2012 spiny dogfish season, inconsistencies in management between ASMFC and MAFMC resulted in the closure of federal waters while state waters remained open in the southern region. If these southern region states continue to harvest dogfish, accountability measures may be triggered for the 2012/2013 season. A closure of the federal waters before Maryland's state quota has been harvested, plus possible reductions in available quota in the following season would double the impact on Maryland fishermen. The unintended consequences of these inconsistencies can lead to overharvest and complications in harvest accountability. We urge the Council to coordinate more with ASMFC, to develop fishery management plans that minimize the complexities of quota management between Federal and State waters.

Sustainable fisheries that have harvest accountability and enforceable management measures require administration and coordination at the state level. We expect that most agencies on the east coast are funding some portion of the management of their commercial fisheries; permit and license fees do not often cover the cost of management. The Council should consider the cost of management incurred by their partner agencies when recommending management measures to NMFS. Shared cost recovery in all fisheries results in better enforcement resources, better harvest accountability systems, and improved sustainability efforts.

Lastly, changes to how we all do business can improve our stakeholder involvement and our management. Better coordination with state agencies on regulatory implementation, including greater stakeholder input into fisheries management plan addendums and amendments through coordinated meetings at the state level, can improve the input from stakeholder and partner agencies.

Thank you for providing this opportunity to provide input on the direction the Mid Atlantic Fisheries Management Council may take in the future. If you would like to discuss any of the suggestions in this position letter, please feel free to call me at (410) 260-8281.

Sincerely,

A handwritten signature in black ink that reads "Thomas J. O'Connell". The signature is written in a cursive, flowing style.

Thomas O'Connell
Director, Maryland Fisheries Service



Maryland Coastal Bays Program

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Maryland Coastal Bays Program's **VISION** for Mid-Atlantic Fisheries

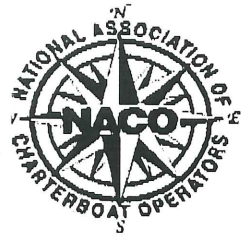
The Maryland Coastal Bays Program (MCBP) is one of 28 estuary programs within the National Estuary Program (NEP) established by Congress in 1987 to improve the quality of estuaries of national importance. The NEP represents a unique partnership of the U.S. Environmental Protection Agency (EPA) and numerous federal, state, and local organizations working together to address coastal watershed management challenges. MCBP was established in 1996 to assist the region in developing a Comprehensive Conservation Management Plan (CCMP) to restore and protect Maryland's coastal bays. The Program is a partnership among the towns of Ocean City and Berlin, National Park Service, Worcester County, U.S. Environmental Protection Agency, and the Maryland Departments of Natural Resources, Agriculture, Environment, and Planning.

The coastal bays are strongly dependant on offshore resources that support many of the economic, recreational and biological engines that make up the framework of the coastal socio-biological environment. Although many of the 504 CCMP action items pertain to the estuarine portion of the bays, the offshore environment is of increasing importance to the Program.

The Maryland Coastal Bays Program is a strong advocate of ecosystem based fisheries management. We hold the generally accepted view that the goal of ecosystem-based fisheries management is to manage finfish and shellfish species based on their habitat utilization, life history stages, feeding preferences, species interactions, and the hydrographic and physical parameters that influence their distribution over time and space. In that regard we view that identification of the quality and quantity of habitat in coastal waters is of prime importance. We advocate that managed species that have a strong affinity for specific habitat should have a component of that habitat in their management plans. For example, species such as black sea bass have a strong affinity for structure, the amount and quality of suitable habitat in coastal waters should be incorporated into regional harvest quotas.

Bottom habitats have not been adequately surveyed in the Mid-Atlantic in general and especially off Maryland's coast. We advocate for enhanced knowledge of offshore live bottom and rock outcrops to better identify their communities and their spatial distribution in the Mid Atlantic.

A goal of the CCMP was to obtain accurate fish harvest information. We strongly advocate for continued efforts to ensure that the most accurate information on harvest is obtained, for management plans are only as good as the data on which they are based. Wise management will result in a strengthened and enhanced diversified and sustainable economic base by promoting fish harvest goals which will preserve and maintain fish populations.



National Association of Charterboat Operators

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Mississippi Charter Boat Captains
Second vice-president

Gary Krein
Charterboat Assoc. of Puget Sound
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Member Associations :

Alaska Charter Association
Beach Haven Charter Fishing Association
Cape Cod Charter Boat Association
Captree Boatman Open & Charter Boats
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Chicago Sportfishing Association
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Deep Creek Charterboat Association
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Florida Guides Association, Inc.
Genesee Charterboat Association, Inc.
Golden Gate Fishermen's Association
Greater Point Pleasant Charter Boat Assoc.
Hawaii Fishing & Boating Association
Homer (AK) Charter Association
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Islamorada Charterboat Association
Kenosha (WI) Charter Boat Association
Maine Association of Charterboat Captains
Marco Island Charter Captains Assoc.
Maryland Charterboat Association
Michigan City Charter Boat Association
Mississippi Charterboat Captains Assoc.
Northeast Charterboat Captains Assoc.
Northern Neck Charter Captains
Panama City Boatmen Association
Petersburg (AK) Charterboat Association
Port Aransas (TX) Boatmen, Inc.
Prince William Sound Charter Boat Assoc.
Seward Charterboat Association
Sitka (AK) Charter Boat Operators Assoc.
United Boatmen of New Jersey
Virginia Charter Boat Association
Waukegan Charter Boat Association
Westport Charterboat Association

February 21, 2012

Mid-Atlantic Fishery Management Council
ATT Mary Clark
Suite 201 800 N. State Street
Dover, Delaware 19901

Sent via Fax 302-674-5399

Dear Ms. Clark,

NACO is a national non-profit organization that represents over 3,000 owner/operators across the United States. We are the premier voice for charter boats across the U.S. and while NACO does not have any particular comments for the vision of the management of the particular species included, we defer to the comments from our members in the region; we do have specific comments on the vision of overall fishery management of all species and marine resources. NACO has a National Policy on two specific issues facing our nation today, catch shares and sector separation and the National Ocean Policy.

Our members do not support the creation and/or implementation of any new catch share programs on the East and Gulf Coasts nor do we support separation of the recreational fishing sector. Catch share/sector separation programs are not biological, they are simply economic plans to reduce fleet capacity while doing very little to benefit the resources. While discard mortality may be slightly reduced in directed fisheries the discard mortality is expanded in the peripheral fisheries and in many cases increases causing more harm to the resource. There have been no unbiased comprehensive studies that provide the real impact of catch share programs on the resource, fishermen, their families, the supporting businesses, and communities. Without an unbiased comprehensive study to provide such information we have no true indication of what catch shares programs do. Sector separation efforts in the recreational fisheries have simply created further division among fishermen while serving no purpose in expanding fishing days or flexibility in seasons. We recommend your vision statement to include a policy on no new catch share and sector separation programs until such a study is completed.

The National Ocean Policy is an extremely controversial and potentially harmful policy to our future of fishing and boating. This policy has no congressional oversight and is being fast tracked underground with little stakeholder involvement. The potential power granted to the National Ocean Council by an Executive Order is extremely troublesome to fishermen, boaters, and other stakeholders. This policy must be placed on hold until more information and more involvement by stakeholders is allowed. Marine spatial planning efforts under this policy exceed the need while most regions already have such efforts under essential fish habitat and MPAs. We do not need more federal government bureaucracy involved in our marine resource management. We recommend you include a policy of no support for the National Ocean Policy in your vision statement.

Should you have any questions, please contact us.

Sincerely,

Robert F. Zales, II

Capt. Robert F. Zales, II
President



Conserving Ocean Fish and Their Environment Since 1973

February 13, 2012

Mary Clark
Mid-Atlantic Fishery Management Council
Suite 201, 800 N. State St
Dover, DE 19901

Dear Ms. Clark,

The National Coalition for Marine Conservation (NCMC) is encouraged by the Visioning Project the Council has undertaken to engage stakeholders in the creation of a strategic plan for Mid-Atlantic fisheries. Founded in 1973, NCMC has followed Mid-Atlantic Council actions for over three decades, as issues evolved from Americanizing fisheries to ending overfishing to advancing ecosystem-based fishery management (EBFM).

We have been disappointed with the Council's pace in moving to EBFM and strongly support making implementation of EBFM a priority, if not the guiding principle for the Council's new strategic plan. Indeed, the final recommendations of the Interagency Ocean Policy Task Force adopted through Executive Order 13547 declare it a national priority objective to "(a)dopt ecosystem-based management as a foundational principle for the comprehensive management of the ocean, our coasts, and the Great Lakes."¹ Through the Council's Atlantic Mackerel, Squid and Butterfish Fishery Management Plan (MSB FMP), the Council can take significant strides toward EBFM by accounting for and safeguarding the important ecological role that these forage species play in the ecosystem.

In a report to Congress published in 1999, the National Marine Fisheries Service's Ecosystem Principles Advisory Panel recommended considering the effects of fishing on predator-prey relationships as the first, incremental step toward EBFM.² In the time since the panel's report, the case for more precautionary management of prey species to conserve predator populations has been bolstered by emerging ecological theory, which argues that merely managing fisheries conservatively under a single-species, maximum sustainable yield-based regime does not and cannot adequately protect a species' ecological role.³ In fact, there is mounting scientific evidence that even so-called "sustainable fishing" for a prey species whose abundance strongly influences population size of predators can cause dramatic shifts in ecosystem communities, and that "(a)lthough overfished stocks have been known to recover, revival of communities that have changed states can be excruciatingly slow or even impossible."⁴

Recent stock status reports paint a grim picture of the state of the Northeast's forage base. Many commercially targeted forage populations are either at historically low levels (Atlantic menhaden, alewife, blueback herring and American shad), are not satisfying fishery quotas (longfin

¹ A National Policy for the Stewardship of the Ocean, Coasts, and Great Lakes, White House Council on Environmental Quality, July 19, 2010.

² Ecosystem-Based Fishery Management. Report to Congress by the Ecosystem Principles Advisory Panel. 1999.

³ Pikitch, E.K. et al. 2004. Ecosystem-Based Fishery Management. *Science*. 305: 346-7.

⁴ Zabel et al. Ecologically Sustainable Yield, *American Scientist*, March-April 2003.

and shortfin squid and Atlantic mackerel), or are significantly smaller than previously believed (Atlantic herring). Not a single stock is presumed to be at a stable level above B_{MSY} , which is where the revised National Standard 1 (NS1) Guidelines recommend forage species be maintained “to enhance and protect the marine ecosystem.” Overfishing or overfished status could not be determined in the latest assessments for three of the four forage species managed by the Mid-Atlantic Council (butterfish, Atlantic mackerel and shortfin squid), and mackerel and butterfish stocks are showing signs of distress, such as reduced productivity and a decline in older age classes.⁵ Mackerel landings in 2011 were merely 1% of the quota set by the Council.⁶

With many predatory fish populations recently rebuilt or on a course of rebuilding, forage demand will increase. Maintaining rebuilt fisheries will require fishery managers to provide adequate prey for predators by improving upon traditional single-species management approaches for forage fish in the short-term, and then advancing to ecosystem-based policies and practices to better manage and conserve the forage base as a whole for long-term ecological sustainability. To this end, the Council should adopt the following objectives as part of its strategic plan:

1. **Implement ecologically-sustainable catch limits for squid, mackerel and butterfish.**
 - a. Advocate for the use of stock assessment models that explicitly account for predation (e.g., M2 models) and uncertainty regarding present and future predator demand.
 - b. Value the ecological importance of forage species when specifying optimum yield. Adopt ecological reference points to maintain forage species populations at a level above B_{MSY} consistent with NS1 Guidelines (e.g., B_{MSY} becomes a threshold instead of a target).
 - c. For species for which overfishing or overfished status is unknown, develop a research plan that prioritizes studies and/or data collection needed to determine status. Develop clear guidance for establishing ecologically safe catch levels (i.e., prevents overfishing while accounting for predator demand) when stock status is unknown.
2. **Improve catch monitoring and at-sea observer coverage in small-mesh fisheries.** River herring, shad and butterfish are incidentally captured by vessels targeting other small pelagics such as mackerel and longfin squid. Inadequate at-sea observer days allocated to these fisheries, sampling protocols which allow a large percentage of observed catch to escape proper species identification, and regulations which allow for fish to be dumped directly from the net without being sampled by onboard observers inhibit an accurate assessment of the impacts of incidental catch.
3. **Reduce forage fish bycatch.**
 - a. Provide incentives for the use of selective gears.
 - b. Incorporate non-targeted species regularly encountered in the squid and mackerel fisheries into the MSB FMP as “non-target stocks in the fishery” to facilitate improved conservation and management of these species, including data collection and the establishment of catch limits that prevent overfishing.
4. **Assess “stocks in a fishery” from an ecosystem point of view.** The NS1 objective of maintaining adequate forage for all components of the ecosystem underscores the need to

⁵ See, TRAC. 2010. Atlantic Mackerel in the Northwest Atlantic. TRAC Status Report 2010/01; also, Northeast Fisheries Science Center (NEFSC). 2010. 49th Northeast Regional Stock Assessment Workshop (49th SAW) Assessment Report. US Dept Commer, Northeast Fish Sci Cent Ref Doc. 10-03; 383 p.

⁶ NOAA Fisheries Weekly Quota Management Report, http://www.nero.noaa.gov/ro/fso/reports/Quota_Monitoring/QMReportArch.html

consider not only the status of target species, but the status of the forage base as a whole when setting catch limits for any single species. There are small schooling pelagic species that are critical to the Northeast ecosystem as forage but which are not currently the target of commercial fisheries. Species such as sand lance, smelt and krill should be identified as ecosystem component (EC) species either through the MSB FMP or through a fishery ecosystem plan (see recommendation below). The designation as EC species would encourage the gathering of available information on their role in the food web, their population status and trends in their status, all to be considered within the context of gauging the health of the overall forage base.

5. **Develop a Fishery Ecosystem Plan (FEP) that recognizes the importance of ecosystem services and provides a framework for incorporating ecosystem considerations into the Council process.**
 - a. Construct objectives that articulate the Council’s vision of how fishery management should intersect with ecosystem needs. Objectives should lay the foundation for identifying and prioritizing ecosystem interactions, such as predator/prey relationships, to monitor and assess.
 - b. Collaborate with the Northeast Fisheries Science Center to develop an Integrated Ecosystem Assessment for the Mid-Atlantic Bight tailored to fishery management applications. Develop indicators of ecosystem status with an emphasis on an index of forage fish abundance and benchmarks for assessing “healthy” states to be maintained and “unhealthy” states to be avoided.
 - c. Provide a regulatory framework for ecosystem component species not managed through existing FMPs. The FEP should prohibit new forage fisheries from developing unless and until adequate information is available to manage these species in a manner that is consistent with ecosystem-level goals and policies.

NCMC greatly appreciates the opportunity to contribute to the Council’s vision for Mid-Atlantic fisheries. We look forward to further collaboration as you build a strategic plan from stakeholder feedback.

Sincerely,



Pam Lyons Gromen
Executive Director



Natural Resources Defense Council
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New York, NY 10011
Tel: (212) 727-2700
Fax: (212) 727-1773

January 31, 2011

Richard B. Robins, Jr., Chairman
Mid-Atlantic Fishery Management Council
800 N. State St., Suite 201
Dover, DE 19901

Re: Comments on the Mid-Atlantic Fishery Management Council (MAFMC or Council) Visioning and Strategic Planning

Dear Chairman Robins,

Please accept the following comments from the Natural Resources Defense Council (NRDC) on the MAFMC's visioning and strategic planning process. NRDC has almost 120,000 members and on-line activists in the Mid-Atlantic states. We appreciate your and the Council's efforts to solicit outside input on future management directions and hope that we are able to assist the Council on an ongoing basis in performing its role and responsibilities in managing and conserving fisheries and other living marine resources in the region. We address below the specific issues that the MAFMC has identified that it is seeking input on as part of this planning process.

Aspects of Existing Management Working Well

We commend the Council and NMFS for overseeing the recovery of most managed stocks in the Mid-Atlantic over the past decade. The lessons learned from this challenging process – including the need for precautionary management based on the best available science – must continue to be the foundation of future management decisions. The current management system now appears capable of generally preventing data-rich and data-moderate stocks from becoming overfished or subject to chronic overfishing. The MAFMC has also generally followed the scientific advice in management decisions in recent years, a major reason for its current success in ending overfishing of the region's managed stocks. We also feel that the current system is relatively transparent and open, with significant and multiple opportunities for public and industry input, including open participation in technical meetings and other aspects of the decision-making process.

Greatest Challenges Facing Mid-Atlantic Fisheries

The current ACL-setting system is unlikely to consistently prevent overfishing of all managed stocks in the region because of inadequate buffers relative to existing scientific and management uncertainties. This is particularly the case with stocks of recognized high scientific uncertainty, such as black sea bass. To prevent overfishing as it is required to do, the Council should revise its ACL-setting mechanisms to be more risk-adverse and, in the meantime, act with significant precaution, especially when raising catch limits significantly over a short period of time like occurred recently with summer flounder and scup. We also note that that high annual variability in management measures that frequently results from

risk-prone catch level setting is demanding of management and scientific resources, and appears to increase friction with the regulated community, which in turn decreases trust among stakeholders and the efficacy of the management regime.

Other significant challenges for the MAFMC include that:

- the current management system is not designed to prevent overfishing and depletion of the large number of unmanaged species in federal waters (as well as in state waters, in some cases) in the region;
- catch levels and other management actions fail to adequately account for (*i.e.*, catch levels are set too high) forage needs of managed and unmanaged species, including protected resources such as marine mammals, especially fully-recovered populations of depleted species;
- there has been too little use of area management, including gear restricted areas, as a fishery management tool; and
- the Council has failed to date to protect important marine habitats from fishing gear impacts.

Vision of Successful Fisheries and Fisheries Management in the Mid-Atlantic

NRDC envisions a fisheries management system in the region that meets the requirements and satisfies the goals of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the National Ocean Policy established by Executive Order 13547, the Endangered Species Act (ESA), and other applicable statutes, regulations, and orders. To this end, regional fisheries management would:

- protect, maintain and restore marine ecosystem health;
- ensure resilient ecosystems so as to best withstand changing environmental conditions, including resulting from climate change;
- play a role in identifying and protecting important marine ecological areas in the region, including protecting the function these areas play in recovering fish populations, providing habitat connectivity and population interactions, maintaining biodiversity, and safeguarding genetic resources;
- protect important marine habitat, including essential fish habitat, from fishing impacts specifically, such as deep sea corals and other sensitive benthic resources in and around the region's submarine canyons and adjacent shelf-break areas, as well as on the region's four seamounts;
- integrate ecological interactions, such as predator-prey dynamics, and satisfy forage needs of current and future restored populations of flora and fauna;
- protect and restore marine biodiversity;
- ensure catch levels are set based on scientific advice and fully account for existing scientific and management uncertainties, erring on the side of precaution; and
- seek to decrease scientific and management uncertainties, including through improvements in the quality and timeliness of stock assessments, the quality of catch data (particularly bycatch), and improved integration of trophic and environmental relationships.

How Can the Council Work With Industry to Ensure Stability in the Fisheries?

The Council should ensure that its management decisions are based on the best available scientific information and have the conservation and long-term economic viability of the fisheries in the region as

its key goals. These bases for decision-making should be made as clear as possible to the public and the regulated industry. This is especially true when explaining the need for more precautionary management in the face of scientific and management uncertainties. It is important not to blame the need for management action on the legal requirements of the MSA *per se*, as opposed to the underlying conservation and economic rationales, as this undercuts effective management, particularly in the long-term.

Threats & Solutions to Sustainable Management of Mid-Atlantic Fisheries

It is important to maintain a precautionary, risk adverse approach to uncertainty, given the high levels of such uncertainty in fisheries science and management and the inherent riskiness of managing to maximum sustainable yield. Because of the shortcomings of the current ACL-setting mechanism, overfishing is likely to occur again in the region. Part of the solution is to revise the ACL-setting mechanism. Another part of the solution is to give greater attention to developing appropriate optimum yield criteria and prioritizing managing to optimum yield. Other threats include the MAFMC's failure to manage, or even adequately monitor, the catch of many commercially and/or ecologically important species in federal waters in the region, such as river herring, shad, and other forage species, and the failure to account for predator-prey relationships in assessing stock status, monitoring ecosystem health, and setting ACLs and other management measures. The number of MAFMC-managed species should be increased and management, including ACL-setting, for all managed species should be modified to address forage and other ecological considerations. The protection of essential fish habitat and habitat areas of particular concern through expanded use of area-based management, including marine protected areas, should also be a high priority for the Council.

Environmental or Ecological Changes in the Mid-Atlantic that Require Attention

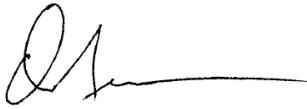
Management must ensure that populations of fish and other marine organisms, as well as marine ecological systems more generally, are as resilient as they can be to climate change. In many cases, this will require increased precaution in ACL-setting. In addition, as populations of fish, protected species, and other organisms recover as a result of successful management, fisheries managers must provide for such recovery when setting ACLs and taking other management actions.

Recommendations for the MAFMC to Improve Performance

In addition to the recommendations above, NRDC recommends that:

- the Council evaluate, using available bycatch data, PSA analysis, and other available tools, whether additional stocks are currently in need of conservation and management and thus should be managed as stocks in a fishery;
- the Council should develop a process for identifying on an ongoing basis whether a species should be managed as a stock in a fishery; and
- the Council should develop improved methods of monitoring bycatch (*e.g.*, via enhanced observer and real-time e-logbook reporting).

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Newman', with a long horizontal flourish extending to the right.

David Newman, Oceans Program Attorney
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NEW JERSEY COUNCIL OF DIVING CLUBS

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3/3/12

Ms Mary Clark
Mid Atlantic Fishery Management Council
800 North State St., Suite 201
Dover, Delaware 19901

VISIONING POSITION LETTER – NJ SPORT DIVER FISHERY

The NJ Council of Diving Clubs (NJCDC) is an organization of 14 recreational sport diving clubs in New Jersey with a few clubs in nearby states. Sport divers can actually see the underwater environment and sometimes have unique insights regarding problems with fisheries. Most recreational sport diving is done in the EEZ in the Mid Atlantic area due to often poor u/w visibility inshore, the location of most shipwrecks and artificial reefs in the EEZ, and other factors. Recreational sport divers also have had problems getting their fishery recognized at the federal level, mostly because they are a small fishery, use equipment different from the hook and line norm, and because the fishery is not well understood. I was scheduled to attend your visioning focus group in early December, but emergency surgery precluded that.

The sport diver fishery is mainly a wreck and artificial reef fishery in this area (hard habitat) with a little diving on a rocky bottom in northern New Jersey waters. In general, NJ sport divers take the same fish as hook and line fishermen, with the exception of small free swimming fish such as scup which would not be easy to spear. The most important larger fish in our fishery include Tautog, Black Sea Bass, and Fluke. Smaller sluggish fish are also taken. Unlike hook and line fishermen, divers also are able to take lobsters by hand. Divers also take mussels and other shellfish by hand. Striped Bass are taken along the jetties and shoreline in state waters.

The sport diver fishery (spearfishing) does not lend itself to catch and release, but not all sport divers are involved in the fishery and some may pursue u/w photography or just explore. There is absolutely no by-catch in the sport diver fishery since the diver can see the quarry and only takes what he/she intends to take. Requirements to take fish between certain size limits (slot limits - example between 24 and 28 inches) would be difficult for sport diver and we usually vote against that sort of requirement or regulation. We have no problem with a minimum size limit as divers safe-side by taking only fish well over the minimum.

Most diving is done in depths of 20 to 120 feet. Technical diving can go deeper, but usually at those depths the diver is not focused on taking marine life. Sport divers are limited in time underwater, especially in deeper water and, therefore, don't take many fish. Most diving is done from both charter and private boats. Recreational sport divers have the same size and bag limits as any other recreational fishermen, and divers only take a tiny percent of the total recreational catch.

Regarding how the recreational sport diver fishery receives information from the Council and possible improvement in the future, most information is presently gathered from your website and internet. The NJCDC would agree that you need to understand what species are important in the sport diver fishery in given areas and then identify key people that would be interested and play a role in the regulatory process. In the sport diver fishery, that would include the chairman and legislative committee chairs of diving club organizations and a few key dive boat captains and dive shop owners that agree to spread the word. This communication is important any time regulations are being considered regarding species,

closed areas, seasons, equipment used, etc. that could impact the sport diver fishery. The NJCDC would agree that a dedicated outreach and communications Council staff member, especially one that understands all recreational fisheries including the sport diver fishery, would be helpful in the process of building a database of key people and a network of contacts for stakeholders.

The problem with hearings is the distance that you have to travel, the price of gas, the number of fishery councils that sponsor hearings (MAFMC, NEFMC, and ASMFC) and the fact that there are hearing on each species. This causes a multiplicity of hearings and travel with gas topping \$3.50 a gallon at this time. It might make sense to co-sponsor hearing on specific species between both federal and ASMFC (state) agencies and do more than one species at a hearing.. In New Jersey, the sport diver fishery is well known and understood by NJDEP, Division of Marine Fisheries, and this has made a difference and benefited the sport diver fishery in state regulations. What we like about the Mid Atlantic regulations for Sea Bass and Fluke is that recreational rules are managed jointly by both the MAFMC and ASMFC, and recreational fishermen are subject to the regulations current in the state in which they land their fish for both state and federal water. Usually state regulations are well understood. All federal fishery management councils should jointly manage fish with state governments.

Regarding regulatory strategies (size, bag limit, and seasons), sport divers will tend to take slightly larger fish, but not as many. As I previously mentioned, time underwater is very limited and doing things takes longer underwater. Hence, large bag limits are not overly important to the sport diver. Seasons, however, can be important since most sport diving in the Atlantic is done in the summer and early fall. Recently we tried to keep Tautog open for at least a short time during the summer months and early fall in NJ when most party boats favored a late fall and winter fishery only for this species.

Regarding problems that the sport diver fishery encounters with federal regulations, I will give you a cogent example. In late 1999, National Marine Fisheries service published a list of existing fisheries after a prolonged public comment period. On that list of fisheries was scallops for recreational hand harvest from both private and charter (considered commercial by federal regulations) dive boats. This sport diver fishery had existed since the 1950s, and we only take a few scallops around wrecks and artificial reefs.

Apparently in 2007, without our knowledge, the scallop committee of the NEFMC made the scallop fishery a limited entry commercial monopoly. Furthermore, the charter dive boats, which previously had federal permits, would have to prove that they took 1000 lbs of cleaned scallops to be eligible for that limited entry permit. The only one that could ever qualify were commercial scallop dredges. No charter boat ever took a thousand pounds of scallops in a year, nor could they prove it since the scallops were retained by the sport diver for personal consumption and not sold. We only recently became aware of this problem and are currently exploring how to get our right to take scallops recreationally back in federal waters.

I hope this letter will give you a better understanding of our sport diver fishery and the problems we face as recreational fishermen in the mid-Atlantic area. I wish you success in your visioning endeavor.

Sincerely

Jack Fullmer
Legislative Committee

Please reply directly to:

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February 29, 2012

Mary Clark
Assistant Plan Coordinator
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201,
Dover, DE 19901

Re: Mid-Atlantic Council Visioning and Strategic Planning

Submitted via Email to: mclark@mafmc.org

Dear Ms. Clark:

Oceana submits these comments in response to the Mid-Atlantic Fishery Management Council (MAFMC) Visioning and Strategic Planning process and the guidance provided to organizations in formulating comments to the process. As you likely know Oceana has been actively involved in advocating for the reform of fisheries management in the northeast region including the Mid-Atlantic for a number of years. Oceana's focus in reforming these fisheries is two-fold: the reduce the waste of fisheries and conserve sensitive, rare and important marine habitats from the effects of fishing. To support this Oceana has advocated before the Council and also used legal channels to challenge Council actions that violate the intention of the law.

The Council has a unique opportunity at this time to develop a clear, progressive plan for the Council's future work in both its implementation of the requirements of the Magnuson-Stevens Reauthorization Act and efforts that go beyond the minimum requirements of the law. In a region that has such importance for both commercial and recreational fisheries, the Council should and must do more to improve its approach to management.

In Oceana's view successfully managed fisheries:

1. Provide Accountability and Transparency:

The Council should make all of the fisheries in its jurisdiction fully accountable for all of their catches both targeted and incidental and provide a transparent means for the public to review the performance of each fishery and the Council itself. From this accounting of all catch, limits should be established to control all catch and bycatch in all fisheries to below acceptable levels. The Council's work to establish a cap on butterfish catch in the *Loligo* fishery is a step in the right direction. The Council should also look at the limits established on haddock catch in the Atlantic herring fishery and the limits on yellowtail flounder catch in the scallop fishery as models of a cross-FMP approach the Council should strive to repeat in all of its FMPs.

2. Are conducted in areas away from sensitive habitats:

The assumptions about the presence and importance of Essential Fish Habitat in the Mid-Atlantic region are rapidly evolving and allowing the Council to take a more progressive approach to managing fisheries that what was possible just a few years ago. As part of the

process that was initiated at the Council's 2010 Habitat-Ecosystem Workshop the Council must take action to identify and conserve these areas from the short and long-term effects of fishing through a dedicated EFH/Ecosystem management efforts in the near future.

3. Consider the role of each species in the ocean ecosystem when setting catch levels

It is important that all fisheries management be based on an understanding of the ocean ecosystem. The prosecution on all fisheries must be done within limits that consider the needs of the ecosystem, the roles of the target and non-target catch in the ecosystem and the places particular emphasis on species at the top and bottom of the food chain.

4. Include a margin of error when setting regulations to fully account for the uncertainty that is inherent to all fisheries management

All fisheries science and management includes uncertainty. The management of all fisheries in the Mid-Atlantic should include robust and explicit consideration of these factors with buffers to guard against these factors. This will guard against significant swings in catch providing stability for the fleet and provide insurance against overfishing two goals in all fisheries management programs.

5. Development new fisheries for new species carefully

Fisheries across the world are expanding to catch a range of species never considered in the past. The Council should establish clear policy to limit the expansion and development of new fisheries in the region and only allow those new fisheries which can show through science-based analysis will have minimal impacts on the marine environment.

Oceana commends the Council for its work on this visioning process to develop a strategic plan for the Council as it continues work beyond the implementation of the Magnuson-Stevens Reauthorization Act. With clear directives for future action the Council has an opportunity to become a leader in fisheries management with stable, well-managed fisheries for healthy stocks and a healthy ocean ecosystem.

Thank you for considering these comments,

Sincerely,



Gib Brogan
Northeast Representative
Oceana
Wayland, MA



Mary Clark
Mid-Atlantic Fishery Management Council
Suite 201, 800 N. State St
Dover, DE 19901

Dear Ms. Clark,

I am writing on behalf of the Pew Environment Group with comments on the Mid-Atlantic Fishery Management Council's (MAFMC) visioning and strategic planning project. We are encouraged that the Council has undertaken the Visioning Project to better engage stakeholders in the creation of a strategic plan for Mid-Atlantic fisheries, and we hope that the Council will use the outputs of the project to implement concrete actions.

In order to improve fisheries management in the Mid-Atlantic and provide for long-term sustainability, we recommend that the Council focus on improving the following aspects of its current management:

1. Actively manage forage fish, formally incorporate forage fish considerations in the management process, and protect habitat as key first steps toward an ecosystems approach to management;
2. Improve catch monitoring and at-sea observer coverage, particularly in forage fisheries, and reduce wasteful bycatch;
3. Support cooperative research and enhance recreational data collection.

Focus on Ecosystems and the Critical Role of Forage Fish and Habitat

The Council has successfully rebuilt many of the predatory fish populations under its management. These successes are resulting in increased reliance on the regional forage base at a time when there is also increased demand on the forage base through directed fishing and bycatch/incidental catch. Maintaining these rebuilt fisheries will require the Council to provide adequate prey. This can be done in the short-term by improving upon traditional single-species management approaches for forage fish, especially by better accounting for ecosystem considerations in the annual specification process. In the long-term, the Council should advance ecosystem-based policies and practices to better manage and conserve the forage base as a whole and to restore and protect overall ecosystem functions.

The Council can begin immediately to take significant strides towards better management of the region's forage fish through the Council's Atlantic Mackerel, Squid and Butterfish Fishery Management Plan (MSB FMP), which is, in effect, the Council's forage FMP. The Council should implement ecologically-sustainable catch limits for MSB stocks by setting reference points consistent with NS1 Guidelines on maintaining forage species populations at a level above BMSY.¹ The Council should also explicitly specify the Optimum Yield (OY) for all species within this FMP, in a manner that takes into account the special role played by these species in the ecosystem. Currently OY takes a backseat in the Council's specification process. Instead, OY should be determined prior to, or in conjunction with, the specifications process the Council currently undertakes. Analysis of socioeconomic considerations affecting OY and the specifications process should be expanded to include a better accounting of the impacts of forage depletion on predator populations and the fisheries they support. The Council can also address serious depletion of additional keystone forage species in the Mid-Atlantic (alewife, blueback

¹ National Standard 1 (NS1) Guidelines of the Magnuson-Stevens Fishery Conservation and Management Act, Federal Register / Vol. 74, No. 11 / Friday, January 16, 2009 / Rules and Regulations, p. 3208.

herring, and shads) by including these as non-target stocks within the MSB FMP, an option that is currently available through the Amendment 14 process.

The Council must also take action to better ascertain the health of the forage stocks already under its management. Most commercially harvested forage populations in the region are either declining or are at historically low levels, and none are at a stable level above BMSY, as the revised National Standard 1 (NS1) Guidelines recommend for forage species. As such, the Council should develop a research plan, in consultation with the SSC, for species whose status is unknown. The plan should prioritize the data collection needed to determine stock status, and the Council should work to ensure that the research plan is prioritized by the National Marine Fisheries Service (NMFS). Enhanced at-sea fishery monitoring should be a focus of this research plan. In the meantime, the Council should carefully limit biological risk to data-poor forage stocks from fishing pressure.

It is important that the Council consider the status of the northeast forage base as a whole, a point underscored by NS1's recommendation of maintaining adequate forage for all components of the ecosystem. The northeast ecosystem has many small schooling pelagic species that are critical as forage that are not currently the target of commercial fisheries. The Council should conduct a review of these species, identify them as Ecosystem Component (EC) species, and preclude new directed fisheries. The development of new forage fisheries should be prohibited until adequate information is available to manage these species in a manner that is sustainable and consistent with ecosystem-level goals and policies. Designation of these species as EC species would encourage the gathering of available information on their role in the food web, their population status and trends, all to be considered within the context of gauging the health of the overall forage base. Precluding new fisheries for forage species not currently managed or targeted would also go a long way towards protecting the immediate forage base. This is a logical and sensible first step towards an ecosystem-based approach to fishery management, and one already taken successfully by several other US regions.²

Finally, the Council cannot take an ecosystem-based approach to its management without addressing habitat concerns within the region. Habitat protection is a critical and complex issue, with significant implications for the maintenance of regional fish populations, as well as the overall ecosystem health. We strongly urge the Council to include habitat protection as a key element of its strategic planning and develop a comprehensive habitat plan that produces a net improvement for regional ecosystem support, including fishery production, habitat protection, and overall mitigation of fishing impacts in the Mid-Atlantic region.

Improve Monitoring and Reduce Bycatch

Adequate monitoring and observation is essential to effective management. Without reliable estimates of *total* catch of all species within the Council's jurisdiction, the Council cannot ascertain the overall health of the whole regional ecosystem. Observer coverage is poor in the Mid-Atlantic region, and catch monitoring and at-sea observer coverage in the small-mesh fisheries of the region is especially lacking. This is of particular concern because small mesh fisheries have incidental catch of many important forage species, such as river herring, shad and butterfish. As a result of inadequate at-sea observer coverage, poor sampling protocols that allow a large percentage of observed catch to escape proper species

² See North Pacific Fishery Management Council's Arctic Fishery Management Plan and Amendments 87/96 to the Gulf of Alaska and Bering Sea/Aleutian Islands Groundfish FMP's, as well as the Pacific Fishery Management Councils Amendment 12 to the Coastal Pelagic Species FMP. All of these precluded directed fishing on some or all forage species, including through the application of the Ecosystem Component Species designation.

identification, and regulations that allow for fish to be dumped without being sampled by onboard observers, the Council has an extremely limited assessment of the impacts of incidental catch. With the implementation of ACLs, as well as the importance of the forage base to the overall health of the region, the Council must get a better handle on the true amount of fish caught in the region.

As the Council knows, inadequate levels of observer coverage and monitoring complicates the task of successful and sustainable management, and has lead to poor estimates of bycatch mortality across virtually all fisheries and fishing sectors within the Mid-Atlantic. National Standard 9 requires that the Council both reduce bycatch and minimize mortality when bycatch is unavoidable.³ In addition to improving monitoring and observer protocols, the Council should better address bycatch within its managed fisheries by creating policies and incentives for the use of selective gears.

Cooperative Research

We encourage the Council to continue partnering with the Northeast Fisheries Science Center on cooperative research. Cooperative research has proven to be a valuable way to engage fisherman in the scientific process, and educate key stakeholders about fisheries data collection and analysis. It expands the base for science-based decision-making among the Council's constituency, and brings legitimacy to the scientific process and Council management as a whole. Cooperative research also provides data on ecosystems and sustainable fishing gear and practices, an area of research that is increasing in importance as emphasis on EBFM grows and catch limits are enforced.

Recreational data collection is another area on which we urge the Council to focus. As recreational fisheries make up a significant segment of the Council's managed stocks, increasing the knowledge base of these fisheries is critical to good management and stakeholder support.

The Pew Environment Group thanks the Council for the opportunity to contribute to the vision project for Mid-Atlantic fisheries. We look forward to further collaboration as the Council creates a strategic plan for the region.

Sincerely,



Kristen Cevoli
Pew Environment Group

³ National Standard 9 Guidelines of the Magnuson-Stevens Fishery Conservation and Management Act, 63 FR 24235, May 1, 1998.

February, 1st 2012

Dear Mid-Atlantic Fisheries Council,

The Shinnecock Marlin and Tuna Club has taken time to put together a position letter pertaining to the Visioning Project. Having met with the Council as a club, the main concerns voiced at our meeting as well as resulting outcomes of discussion have been drafted to formulate our position.

First and foremost, the state allocations that N.Y. recreational anglers receive each year are limiting and often excluding, as compared to many of the other states on the east coast. We as a club hope to find opportunity for our anglers in ways that may need to be creative with the N.Y. allocations in place. With our size limits often higher and our bag limits often lower, we have produced ideas that create opportunity for N.Y. anglers in an effort to find a similar experience that one finds in our neighboring states. With a coast-wide allocation seeming unavailable or distant at best due to all the individual states needing to be on board to change this, our main concern is to keep opportunity and access for this sport available.

Slot limits are a tool that can extend a season and ensure that most fishing trips would not end fruitlessly. Many of our club members fish as families and find young people discouraged in the sport when a fish can't come home for dinner or count in a tournament for many trips in a row. A slot limit could allow this one fish, such as a summer flounder, to not only validate a day trip for anglers, but to shorten the length of a fishing trip at times creating efficiency. With the mortality rate of catching and releasing fish such as a summer flounder being about ten percent, a slot could improve the stock as well. In past years many anglers cull through ten, twenty, and thirty fish, in search of their 21" N.Y. keeper. Knowing that a handful of the releases may go back to die puts our anglers in a discouraging position where neither the angler or fish will win. To finally catch a large and legal summer flounder that is often a breeding female, once again seems like a problematic practice at best. Modern anglers are looking to coexist with a healthy fish stock and respect it, but laws that don't make sense in our state leave them feeling frustrated and makes the sport seem hopeless. We believe with responsible and creative efforts this can be improved.

Longer seasons will also perpetuate the interest and opportunity for anglers when regulations are keeping a successful day of fishing challenging. For many, being allowed to go fishing at all can be rewarding even if the chances of catching are lower. This also keeps boats in the water longer and takes the pressure to produce a catch in a short season lighter. As a community of fishing culture and history, our local heritage and businesses that rely on access to these resources can also grow. Once again poundage and excess are not the underlying theme, but opportunity and coexistence with our resources.

We as a club represent the modern angler and our message is to find ways to perpetuate the sport of fishing within the mind set of maintaining healthy stocks, but prevent ourselves from being lost in a sea of legislation that may not serve either the

fish stocks or fisherman. The Shinnecock Marlin and Tuna Club currently provides a platform to cascade information to the club members and on into the recreational fishing community. We desire a channel of communication with the Council to be alerted of opportunities to contribute and receive current information and participation.

Sincerely,
Shinnecock Marlin and Tuna Club