



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
55 Great Republic Drive
Gloucester, MA 01930-2276

Richard B. Robins
Chairman
Mid-Atlantic Fishery Management Council
800 North Street, Suite 201
Dover, DE 19901-3910

DEC 04 2013

Dear Chairman Robins:

I have partially approved the Mid-Atlantic Fishery Management Council's Recreational Accountability Measures Omnibus Amendment. The implementing final rule will be published soon in the *Federal Register*.

The majority of the amendment has been approved. As called for in the amendment, we will remove the in-season closure requirement because of the delay in receiving recreational landings information during the season and the potential for disproportionate impacts on fishermen in states with later fishing seasons. In addition, the pound-for-pound payback will be replaced with a system of reactive accountability measures that would result in a payback only under certain conditions, as described in the Amendment. In circumstances where payback is not warranted under this system, adjustments to the management measures would be used to address accountability. These adjustments would be in addition to any necessary adjustments needed to meet that year's new catch limits. If a payback is necessary, the amount of that payback would be scaled relative to the biomass, if the stock is in a healthy condition. This scaling is intended to minimize the economic impacts of a payback for healthy stocks, while still accounting for the biological consequences of the overage.

Under this approved approach, the 1.1-million-pound black sea bass recreational fishery overage from 2012 will result in no payback, because the most recent estimate of black sea bass biomass is above the biomass target. However, the overage will need to be taken into account when setting management measures for the recreational black sea bass fishery for the 2014 fishing year.

The measure that I disapproved would have required that we compare the 3-year moving average of the value at the lower confidence limit of the recreational catch estimate, instead of the 3-year moving average of the point estimate to determine whether the annual catch limit was exceeded. While I agree that our system of recreational catch estimates is imperfect, I do not agree that using the lower confidence limit value meets the National Standard 2 requirement to use the best available scientific information. Using the lower confidence limit value would all but ensure that we are routinely underestimating recreational catch.

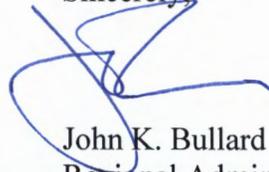


We expressed this concern during the Council's development of the Amendment and again in the proposed rule, and specifically requested public comment on this issue. We received several comments that, specifically or generally, agreed with the Council's approach, and several that did not. You also submitted a comment during the proposed rule comment period on the issue.

In your letter, you noted that fisheries management has routinely ignored the available information about the uncertainty in recreational catch estimates. However, there is a roughly 84-percent chance that the value at the lower confidence limit is below the true value, as opposed to the 50-percent chance that the true value is below the point estimate. Using the lower confidence limit value continues to ignore the uncertainty that the true value of recreational catch is just as likely higher than the point estimate as it is below it. As a result, we have determined that using the point estimate is the best available scientific information on recreational catch, and that using a different value would be inconsistent with National Standard 2.

I appreciate the hard work that the Council and staff put into this amendment, and the Council's continued efforts in promoting sustainable recreational fisheries. If you have any additional questions regarding the implementation of the approved measures, please contact George Darcy, Assistant Regional Administrator for Sustainable Fisheries, at (978) 281-9315.

Sincerely,



John K. Bullard
Regional Administrator

cc: Dr. Christopher Moore, Executive Director, Mid-Atlantic Fishery Management Council
Robert E. Beal, Executive Director, Atlantic States Marine Fisheries Commission