

Appendix

Public Comments

A Public Comment Period was held for the Omnibus Amendment from April 12 to May 15, 2013 as advertised in [78FR21914](#). Five Public Hearings occurred as listed in Table A-1 below.

Date	Location
29-Apr	Warwick, RI
30-Apr	Riverhead, NY
1-May	Manahawkin, NJ
2-May	Ocean City, MD
3-May	Virginia Beach, VA

Of the five Public Hearings, three were not attended by the public (Warwick, RI, Riverhead, NY, Manahawkin, NJ). The other two were attended by seven (Ocean City, MD) and six (Virginia Beach, VA) members or the public. Each Public Hearing consisted of a presentation by Council staff on the issues and alternatives contained in the amendment followed by questions and comments by the public. In each of the two public hearing that were attended, comments and questions were primarily focused on clarification of alternatives. Comments were made at each location in support of a more flexible approach to recreational accountability measures that did not treat them the same as commercial fisheries. On the other hand, comments were also made that would amend recreational management to a catch accounting system to more closely align management with that for commercial fisheries rather than relax management responses. None of the verbal comments at public hearings identified support for specific alternatives. Most of the attendees indicated their preferences in written comments submitted later.

A total of 53 written comments were collected during the public comment period. These were primarily from recreational stakeholders and addressed specific alternatives that they supported. There were several groups of written responses that were essential identical although contributed by individuals suggesting some coordination on behalf of stakeholders. No comments were received that came from commercial fishery stakeholders or stakeholder groups or from environmental advocacy groups. A single comments letter was received that reflected an agency position (RIDFW). Table A-2 below summarizes the support for the various alternatives in the document through written comments.

Table A-2. Tabulation of support for various alternatives as indicated in written comments.

Alternatives	Number or Written Commenters in Support
1A	1
1B	1
1C	0
1D	43
2A	0
2B	0
2C	5
2D	40
3A	0
3B	0
3C	43
3D	2
4A	0
4B	0
4C	43
4D	1
4E	0
5A	0
5B	0
5C	1
5D	34
5E	39

Written Comments

The following pages comprise the written comments received on the Omnibus recreational Accountability Amendment.

Armstrong, James L.

From: Collins, Kathy
Sent: Wednesday, May 15, 2013 1:56 PM
To: Armstrong, James L.
Subject: FW: RECREATIONAL AM Amendment

From: Mark Gibson [mailto:Mark.Gibson@DEM.RI.GOV]

Sent: Wednesday, May 15, 2013 12:33 PM

To: Info1

Subject: RECREATIONAL AM Amendment

To Whom It May Concern:

Please find the RI Division of Fish and Wildlife Comments and preferences on the Councils recreational fisheries accountability amendment.

Proactive Accountability Measures

- I. Annual Catch Target:
 - a. **Alternative 1B. Mandatory Review of ACT = ACL – Uncertainty in Recreational Catch Estimates in combination with Alternative 1D. ACL / ACT Post Hoc Evaluation**
 - i. This allows for the possibility of a more accurate ACT to be determined
 1. Recreational regulations can be set more accurately
 - a. Reduces chance of overages
 - b. Reduces need for possible in-season closures or possession/size limit changes
 - i. A major consideration for this option is that it can be difficult to inform recreational anglers of these changes
 2. Reduces dependency on MRIP catch estimates

- a. Accounts for uncertainty in recreational estimates
 - 3. Alternative 1C requires the mandatory setting of recreational uncertainty
 - a. This could unnecessarily reduce catches and fishing opportunities of species that do not need a reduced ACT
- i. Incorporates assessment updates
 - 1. More accurate than using population projections
 - a. This procedure incorporates fishery-independent survey data rather than assumed values, as well as:
 - i. Includes updated catch data
 - ii. Accounts for year class sizes and strength
 - b. A drawback is that this approach is data and work intensive and taxes already overtaxed fisheries assets such as stock assessment scientists
 - 2. Possibly reduces the need for in-season closures and possession/limit changes
 - a. Could adjust ACL upon review (an overage may not be accurate or occurring)
 - b. Can help determine if an overage was caused by catch or effort
 - i. Issues can be isolated and remedied

II. In-season Closure Authority

a. **Alternative 2D. In-Season Adjustment to Bag, Size, Season**

- i. Allows recreational season to remain open for recreational anglers
 - 1. Coastwide closures could negatively impact anglers in a particular a state, region, or season
- ii. Still has a chance for overages
 - 1. Overage could be reduced with restrictive regulations
- iii. Difficult to inform recreational anglers of in-season changes to bag/size limit or season
 - 1. Would need some form of real time, consistent outreach to inform recreational anglers of changes, and would probably require multiple years before significant portions of the fishing public are adequately informed
- iv. Issues with the timeliness of receiving and reviewing data
 - 1. MRIP estimates are not available until well after the end of a wave
 - 2. MRIP data not final until the next year (i.e. 2012 data not final until April 2013)
- v. Alternative 2C eliminates the in-season closure authority
 - 1. Could result in extreme overages, so this would not be preferred

Reactive Accountability Measures

III. Trigger Conditions

a. **Alternative 3C. Compare Confidence Interval of Single Year Recreational Catch Estimates**

- i. Accounts for recreational harvest and dead discards estimates

- ii. Accounts for uncertainty information in MRIP estimates (PSE)
 - 1. Allows use of the lower confidence interval of MRIP estimates for species with favorable stock conditions
 - 2. Does not use MRIP data as if it were dealer reports of commercial landings or a full census of recreational fishermen
 - a. MRIP is a survey, not a census, so there are inherent inaccuracies
 - b. Allows us to move away from the strict use of MRIP data
- b. Alternative 3D. Repeat of Recreational Catch Estimate Exceeding ACL**
 - i. This alternative also seems reasonable, though alternative 3C is the preferred alternative
 - ii. Allows for recognition of high variability of recreational catch and effort data
 - 1. Recognizes that there are weather events, year class events, availability changes, etc. that all increase the variability of recreational fisheries
 - iii. If overages do not occur, this option allows for regulations to remain relatively constant
 - 1. As long as catch and effort estimates and stock abundance remain relatively constant

IV. Management Response

a. Alternative 4C. Payback when Stock is Overfished or when OFL is Exceeded.

- i. Accounts for overages that were incurred during a period of rebuilding or stock impairment
- ii. Does not create onerous regulations on a stock that is rebuilt and in good condition
- iii. This alternative also creates a buffer against the inherent variability in MRIP as it will not immediately require accountability if the stock is in otherwise good condition

V. Payback Calculation Alternatives

a. Alternative 5C. Payback ACL Overage only When Overfished/Overfishing.

- i. Accounts for and pays back overages that were incurred during a period of rebuilding or stock impairment, but not when the stock is in good condition
- ii. Does not create onerous regulations on a stock that is rebuilt and in good condition
 - 1. This is preferred relative to the “scaled” alternative, as some accountability is needed and should be enforced if the stock is in apparent stress. The scaled alternative appears to provide too much flexibility

This alternative again creates a buffer against the inherent variability in MRIP as it will not immediately require paying back of overages if the stock is in otherwise good

From: Collins, Kathy

Sent: Tuesday, May 14, 2013 11:50 AM

To: Armstrong, James L.
Subject: FW: Omnibus Amendment for Recreational AMs

From: robalorick@aol.com [<mailto:robalorick@aol.com>]

Sent: Tuesday, May 14, 2013 10:27 AM

To: Info1

Subject: Omnibus Amendment for Recreational AMs

Gentlemen:

In order to allow managers much more flexibility when using recreational catch estimates, I support the following Alternatives within the Public Scoping Document for Recreational AMs: Alternative 1D — Alternative 2D --- Alternative 3C With a 3 year Average --- Alternative 4C --- And Alternatives 5D & E.

Thank You,

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From: Collins, Kathy

Sent: Monday, May 13, 2013 3:06 PM
To: Armstrong, James L.
Subject: FW: Recreational AM Amendment

-----Original Message-----

From: Skip Feller
[\[mailto:sfeller3@verizon.net\]](mailto:sfeller3@verizon.net)
Sent: Monday, May 13, 2013 2:55 PM

To: Info1

Subject: Recreational AM Amendment

We are for Alternative 2D, In-Season adjustments to bag, size, season, as possible. We cannot survive in season closures as happened last year! November and December are VERY important to our business as that is the prime time for sea bass fishing in the southern states!

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From: J McWhinney <x6011@hotmail.com>

Sent: Saturday, May 11, 2013 6:04 AM

To: Info1

Subject: Public Scoping Document for Recreational AMs

These regs are a problem. In order to allow managers much more flexibility when using recreational catch estimates, I support the following Alternatives within the Public Scoping Document for Recreational AMs: Alternative 1D — Alternative 2D --- Alternative 3C With a 3 year Average --- Alternative 4C --- And Alternatives 5D & E.

James McWhinney

From: ajn118@aol.com
Sent: Saturday, May 11, 2013 11:01 AM
To: Info1
Subject: Omnibus Amendment for Recreational AMs

Dear Sir / Madam

In order to allow managers much more flexibility when using recreational catch estimates, I support the following Alternatives within the Public Scoping Document for Recreational AMs: Alternative 1D — Alternative 2D --- Alternative 3C With a 3 year Average --- Alternative 4C --- And Alternatives 5D & E.

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From: David L. Konick <dlkonick@earthlink.net>
Sent: Saturday, May 11, 2013 12:31 PM
To: Info1
Subject: Omnibus Amendment for Recreational AMs

Ladies and Gentlemen of the Council:

I have reviewed the April 13, 2013 Amendment and Environmental Assessment ("AEA") which presents and evaluates alternatives

to the existing accountability measures (AMs) for the recreational Atlantic mackerel, bluefish, summer

flounder, scup, and

black sea bass fisheries and proposes to amend the Atlantic Mackerel, Squid, and Butterfish Fishery

Management Plan ("FMP"),

the Bluefish FMP, and the Summer Flounder, Scup, and Black Sea Bass FMP.

In order to allow managers much more flexibility in how recreational catch estimates are used, I support the following Alternatives

within the Public Scoping Document for Recreational AMs in the April 13, 2013 AEA:

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Alternative 3C with a 3 year Average

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Thank you for taking the time to consider my views.

David L. Konick
Attorney at Law

P.O. Box 57
Washington, Virginia
22747-0057 (540)

internet:<dlkonick@earthlink.net>

From: Walt & Susan Longyear <longyear@shentel.net>
Sent: Saturday, May 11, 2013 1:54 PM
To: Info1
Subject: April 13, 2013 Amendment and Environmental Assessment

Ladies and Gentlemen of the Council:

I have reviewed the April 13, 2013 Amendment and Environmental Assessment ("AEA") which presents and evaluates alternatives

to the existing accountability measures (AMs) for the recreational Atlantic mackerel, bluefish, summer

flounder, scup, and

black sea bass fisheries and proposes to amend the Atlantic Mackerel, Squid, and Butterfish Fishery

Management Plan ("FMP"),

the Bluefish FMP, and the Summer Flounder, Scup, and Black Sea Bass FMP.

In order to allow managers much more flexibility in how recreational catch estimates are used, I support the following Alternatives

within the Public Scoping Document for Recreational AMs in the April 13, 2013 AEA:

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Thank you for taking the time to consider my
views. Sincerely,

Walter Lopngyear

From: Cheryl Beveridge <beveridge56@hotmail.com>
Sent: Saturday, May 11, 2013 9:46 PM
To: Info1

Ladies and Gentlemen of the Council:

I have reviewed the April 13, 2013 Amendment and Environmental Assessment ("AEA") which presents and evaluates alternatives

to the existing accountability measures (AMs) for the recreational Atlantic mackerel, bluefish, summer flounder, scup, and

black sea bass fisheries and proposes to amend the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan ("FMP"),

the Bluefish FMP, and the Summer Flounder, Scup, and Black Sea Bass FMP.

In order to allow managers much more flexibility in how recreational catch estimates are used, I support the following Alternatives

within the Public Scoping Document for Recreational AMs in the April 13, 2013 AEA:

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Thank you for taking the time to consider my views.

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Calvert
Road

Upper Marlboro, Maryland 20772

From: Demaris Miller <demaris@demarismiller.com>
Sent: Sunday, May 12, 2013 7:35 AM
To: Info1
Subject: Omnibus Amendment for Recreational AMs

Ladies and Gentlemen of the Council:

I have reviewed the April 13, 2013 Amendment and Environmental Assessment ("AEA") which presents and evaluates alternatives

to the existing accountability measures (AMs) for the recreational Atlantic mackerel, bluefish, summer flounder, scup, and

black sea bass fisheries and proposes to amend the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan ("FMP"),

the Bluefish FMP, and the Summer Flounder, Scup, and Black Sea Bass FMP.

In order to allow managers much more flexibility in how recreational catch estimates are used, I support the following Alternatives

within the Public Scoping Document for Recreational AMs in the April 13, 2013 AEA:

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Thank you for taking the time to consider my views.

Demaris Miller

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Washington, VA 22747

Omnibus Recreational Accountability Measure Amendment:

Amendment 17 to the Atlantic Mackerel Squid & Butterfish plan gives the recreational industry a free pass as far as accountability measures.

The United National Fishermen's Association has on at least 30 occasions requested the Mid Atlantic Fishery Management Council & National Marine Fisheries Service implement Trip reports, Operator Licenses, & boat permits for all boats fishing in the Exclusive Economic Zone controlled by the Council. Mid Atlantic Fishery Management Council and National Marine Fisheries Service refused to comply with the Magnuson Act by implementing equal reporting on all boats in the Exclusive Economic Zone.

Mid Atlantic Fishery Management Council has NO INTENTION of meaningful accountability measures for the recreational fishing sector. Requiring a phone APP when fishing in the Exclusive Economic Zone could solve the reporting problems.

Accountability measures should be **BARBLESS HOOKS ON ALL RECREATIONAL BOATS IN THE Exclusive Economic Zone WHEN ANY TARGET Accountability Measures HAS BEEN EXCEEDED BY RECREATIONAL FISHING REQUIREING ACCOUNTABILITY MEASURES.** This includes party charter for hire fishing, HMS species **SHOULD REQUIRE BARBLESS HOOKS ON RECREATIONAL FISHING** as they are in the Exclusive Economic Zone managed by the Mid Atlantic Fishery Management Council when Accountability Measures are exceeded.

Accountability measures requiring Barb-less hooks will reduce undersize fish landing which are regulatory discards, thus by catch, by-catch is another issue Mid Atlantic Fishery Management Council chooses not to discuss in accountability measures on recreational fishing.

Mid Atlantic Fishery Management Council & Atlantic States Marine Fisheries Commission Choose to combine Recreational fishing in state waters & Exclusive Economic Zone when discussing regulations on recreational fishing. Recreational fishing in the Exclusive Economic Zone COULD REQUIRE APPS TO BE FILED PRIOR to recreational trips into the Exclusive Economic Zone. BEST AVAILABLE SCIENCE, could be interpreted as allowing science of cell phones as a recreational reporting requirement if fishing in the Exclusive Economic Zone when an Accountability Measure should be required.

Accountability Measures could also require any recreational violation fines be used to enhance the species by growing & releasing small fish. Thus enhancement facilities could utilize existing marine facilities to hatch & release small juvenal fish as accountability measures.

It is clear Alternative 4A pound for pound pay back will not be adopted for recreational. Thus what ever measure is adopted it will not be the same as for commercial which require a pound for pound pay back, With Recreational log books & operator licensed good information would exist. “best available science” in the form of reporting APPS would give correct Exclusive Economic Zone reporting by recreational fishermen {THE

ASSUMPTION 90% OF THOSE WHO CAN AFFORD BOATS TO FISH THE Exclusive Economic Zone ALREADY HAVE CELL PHONES THAT CAN SUPPORT APPS & REPORTING BY APPS.}

Enforcement would be able to check & see if an APP was filed prior to the CRAFT entering the Exclusive Economic Zone & if a follow up report was filed for the trip; Failure of recreational fishermen to report should carry the same up to \$100,000.00 fine the commercial face. Thus accountability measures would have teeth.

It is clear Annual Catch Limits & Accountability Measures Amendment for the recreational fishing are intended as a free pass for recreational to continue to over harvest & increase discard mortality in the Exclusive Economic Zone. Clearly the Mid Atlantic Fishery Management Council has forgotten the VISIONING PROCESS and bringing the people into the management process as far as commercial fishermen are concerned .

Barb-less hooks utilization of fines for enhancement replacement of Annual Catch Limits exceed species with APP reporting when recreational Fishing in the Exclusive Economic Zone offers Accountability Measures that are simple & would help the resource.

The Mid Atlantic Fishery Management Council should address in Accountability Measures that commercial loose harvest when recreational exceed Annual Catch Limits with no meaningful Accountability Measures.

NO Mid Atlantic Fishery Management Council members who recreational fish in the Exclusive Economic Zone should be allowed to vote on Amendment 17 because of conflict of interest.

James Fletcher United National Fishermen's Association 123 Apple RD Manns Harbor North Carolina 27953

From: Collins, Kathy

Sent: Friday, May 10, 2013 9:06 AM

To: Armstrong, James L.
Subject: FW: Omnibus Amendment for Recreational AMs

From: Buddy Seigel [<mailto:buddyscrn@gmail.com>]

Sent: Friday, May 10, 2013 6:08 AM

To: Info1

Subject: Omnibus Amendment for Recreational AMs

In order to allow managers much more flexibility when using recreational catch estimates, I support the following Alternatives within the Public Scoping Document for Recreational AMs: Alternative 1D — Alternative 2D --- Alternative 3C With a 3 year Average --- Alternative 4C --- And Alternatives 5D & E.

Thank You,

Buddy

Allen
"Buddy"
Seigel
1091
Ocean
Parkway

Berlin, MD 21811

From: Collins, Kathy
Sent: Wednesday, May 08, 2013 3:27 PM
To: Armstrong, James L.
Subject: FW: omnibus amendment for recreational ams

From: Steven Sadowski [<mailto:stevietocool@hotmail.com>]

Sent: Wednesday, May 08, 2013 3:07 PM

To: Info1

Subject: omnibus amendment for recreational ams

info1@mafmc.org (Email Subject) Omnibus Amendment for
Recreational AMs (Email Body) In order to allow managers much
more flexibility when

using recreational catch estimates, I support the following
Alternatives within the Public Scoping Document for Recreational
AMs:

Alternative 1D

- Alternative 2D --- Alternative 3C With a 3 year Average ---

Alternative 4C --- And Alternatives 5D & E.

Please support these alternatives, so that management may have more flexibility
with their

recreational catch estimates and not have to close fishing seasons due to bad catch
estimates.

Thank you for looking into this matter,

Steven Sadowski

From: Collins, Kathy
Sent: Wednesday, May 08, 2013 2:13 PM
To: Armstrong, James L.
Subject: FW: RECREATIONAL AM AMENDMENT

From: Joe OHara
[\[mailto:fishoc@verizon.net\]](mailto:fishoc@verizon.net)
Sent: Wednesday, May 08,
2013 2:08 PM **To:** Info1

Cc: O'Connell, Tom

Subject: RECREATIONAL AM AMENDMENT

I am a summer flounder advisor to MAFMC. I have reviewed and commented on amendments, starting with Addendum 2. I was asleep when Omnibus ACL/AM Amendment was passed.

I think it is unfair to equate recreational fish count estimates to the precision of the commercial scale. I participated in the recent online discussion of MRIP improvements. This did not increase my confidence in their estimates.

I support the following alternatives: 1A; 1D; 2D; *3D; 4D; and, 5E. * The percent used for dead discards should be supported by scientific studies.

According to the Amendment, " none of the Council's recreational fisheries is overfished, nor is overfishing occurring for any of these

fisheries ". If it ain't broke, don't fix it. Get rid of the paybacks.

From: Joe Parson <jmparson72@gmail.com>

Sent: Thursday, May 09, 2013 7:40 PM

To: Info1

In order to allow managers much more flexibility when using recreational catch estimates, I support the following Alternatives within the Public Scoping Document for Recreational AMs: Alternative 1D — Alternative 2D --- Alternative 3C With a 3 year Average --- Alternative 4C --- And Alternatives 5D & E.

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Sent from my iPad

From: crossidcricket@verizon.net
Sent: Thursday, May 09, 2013 7:12 PM
To: Info1
Subject: Omnibus Amendment for Recreational AMs

Dear Gentlemen and Ladies:

In order to allow managers much more flexibility when using recreational catch estimates, I support the following Alternatives within the Public Scoping Document for Recreational AMs: Alternative 1D — Alternative 2D --- Alternative 3C With a 3 year Average --- Alternative 4C --- And Alternatives 5D & E.

Thank you for listening and allowing my input to this very important

matter. Richard Nieman
45 Wood Duck Drive,
Berlin, Maryland 21811

From: james bradford <jaybradford89@gmail.com>
Sent: Thursday, May 09, 2013 11:00 AM
To: Info1
Subject: Omnibus Amendment for Recreational AMs

In order to allow managers much more flexibility when using recreational catch estimates, I support the following Alternatives within the Public Scoping Document for Recreational AMs: Alternative 1D — Alternative 2D --- Alternative 3C With a 3 year Average --- Alternative 4C --- And Alternatives 5D & E. Thank You,

From: Neuberger, George <George.Neuberger@jacobs.com>
Sent: Thursday, May 09, 2013 10:09 AM
To: Info1
Subject: Omnibus Amendment for Recreational AMs

1. In order to allow managers much more flexibility when using recreational catch estimates, I support the following Alternatives within the Public Scoping Document for Recreational AMs: Alternative 1D — Alternative 2D --- Alternative 3C With a 3 year Average --- Alternative 4C --- And Alternatives 5D & E. Thank You,

George Neuberger

Jacobs Document
Management Group
484-530-7831 work

302-562-3597 cell

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From: Palmer, Glenn <Glenn.Palmer@arcadis-us.com>
Sent: Wednesday, May 08, 2013 8:50 PM
To: Info1
Subject: Omnibus Amendment for Recreational AMs

In order to allow managers much more flexibility when using recreational catch estimates, I support the following alternatives within the Public Scoping Document for Recreational AMs: Alternative 1D — Alternative 2D --- Alternative 3C With a 3 year Average --- Alternative 4C --- And Alternatives 5D & E.

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From: Mike Bobetsky <wannafish@optonline.net>
Sent: Wednesday, May 08, 2013 7:23 PM
To: Info1
Subject: Omnibus Amendment for Recreational AMs

Dear Chairman Robins, Dr. Moore & Mr. Armstrong,

We are at time in the year 2013 where our for-hire fishing fleet and fishing businesses that rely on the economic activities related to go fishing, are trying to survive the most difficult regulatory and economical period for the recreational fisheries. Over a period of a decade and a half, our for-hire fleet, most notably in my home port of Sheepshead Bay New York, has been reduced from close to 30 party boats to now roughly 7 party boats sailing daily, much in part due to the sub-standard collection and calculation on what recreational fishermen have reported to be caught, and has resulted in the most restrictive 'recreational catch limits' which have been destroying the livelihood and viability of those in the recreational fishing industry.

Though NMFS has allocated millions of dollars of taxpayer money over the years to come up with the numbers of fish caught by anglers, originally with the MRFFS program and recently with the MRIP program, the accuracy of what recreational fishermen have caught and landed has grown that much worse and has been compounded by Accountability Measures and paybacks now being used against fishermen, to the point in which:

"We much again question"

2- The statistical calculating process used to improve the confidence in the final reported harvest by fishermen

3- Accountability Measures and the economically harmful paybacks the following season based upon faulty harvest data

4- Highly restrictive RHL (Recreational Harvest Limits) to stocks that are fully rebuilt

(ie: Black Sea Bass) which easily create yearly overfishing scenarios

5- In seasons emergency closures to fully rebuilt stocks which disrupt and cause economic harm to for-hire and businesses that rely on fishing activities

As we fishermen and for-hire industry boat owners have seen time and again, the credibility of the MRIP program is 'highly debatable to its accuracy' and the regulatory language controls placed upon fishermen based upon faulty recreational catch estimates, requires immediate changes to answer the primary point of this discussion:

"How many fish did recreational fishermen catch?"

In order to allow managers much more flexibility when using recreational catch estimates, I support the following Alternatives within the Public Scoping Document for Recreational AMs: Alternative 1D — Alternative 2D --- Alternative 3C With a 3 year Average --- Alternative 4C --- And Alternatives 5D & E.

1D) Alternative 1D. ACL/ACT Post Hoc Evaluation. The ACL/ACT that was set for a given fishing year is re-evaluated based on an updated assessment.

2C) Alternative 2C. Eliminate In-Season Closure Authority. Regulatory language regarding monitoring / closure of the recreational fisheries will be removed. This alternative, if chosen, would reflect a preference for addressing recreational overages in subsequent fishing years rather than imposing an early closure.

3C) Alternative 3C. Confidence Interval. When a stock is not overfished and overfishing is not occurring for that stock, the recreational sector ACL will be evaluated based on an annual comparison of an appropriate confidence interval of the total catch estimates (landings and dead discards), where the entire confidence interval (i.e., including the lower confidence limit) is above the recreational ACL to trigger an AM. Both landings and dead discard estimates will be evaluated in determining if the recreational sector ACL has been exceeded.

4C) Alternative 4C. Payback when Stock is Overfished or when OFL is Exceeded. ... the overage (in pounds) will be deducted, as soon as possible, from a subsequent single fishing year recreational sector ACT only if the stock is overfished and/or OFL has been exceeded AND $B/B_{msy} < 1$. When these conditions are not met, AMs will consist of adjustment to bag/size/season and in-season monitoring for early closure when the recreational overage caused OFL to be exceeded, but $B/B_{msy} > 1$, or caused ABC to be exceeded. In-season monitoring only will occur when only the Rec ACL has been exceeded.

Finally. Alternatives 5D (Scaled Payback of the ACL Overage.) & 5E (No Payback).

We the recreational Fisherman need the utmost of attention by the MAFMC to approve the Omnibus Amendment for Recreational Accountability Measures without it being watered down.

Thank you for your attention to this pressing fishery matter,

Respectfully,

Michael
Bobetsky
Recreation
al
Fisherman
Jamaica Bay & Rockaway Inlet NY

From: John Lavelle <JLavelle@rjlinus.com>
Sent: Wednesday, May 08, 2013 7:06 PM
To: Info1
Subject: Omnibus Amendment for Recreational AMs

In order to allow managers much more flexibility when using recreational catch estimates, I support the following Alternatives within the Public Scoping Document for Recreational AMs: Alternative 1D — Alternative 2D --- Alternative 3C With a 3 year Average --- Alternative 4C --- And Alternatives 5D & E.

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Sent from my iPhone

From: Jim Kimsey <jamesdkimsey@gmail.com>
Sent: Wednesday, May 08, 2013 6:21 PM
To: Info1
Subject: Seabass

To whom this concerns,

I am a recreational fisherman who loves catching seabass. My friends and family enjoy the sport as well and I would like to ensure that my kids will have this opportunity as well.

In order to allow managers much more flexibility when using recreational catch estimates, I support the following Alternatives within the Public Scoping Document for Recreational AMs: Alternative 1D — Alternative 2D --- Alternative 3C With a 3 year Average --- Alternative 4C --- And Alternatives 5D & E.

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From: Doug Darmstaetter <pinnaclemd@gmail.com>
Sent: Wednesday, May 08, 2013 4:31 PM
To: Info1
Subject: Omnibus Amendment for Recreational AMs

In order to allow managers much more flexibility when using recreational catch estimates, I support the following Alternatives within the Public Scoping Document for Recreational

AMs: Alternative 1D — Alternative 2D --- Alternative 3C With a 3 year Average --- Alternative 4C --

*- And Alternatives
5D & E. Thank You,*

*Doug
Darmstaetter
Lancaster, PA*

From: anthonyrinaudo05@comcast.net
Sent: Wednesday, May 08, 2013 7:32 AM
To: Info1
Cc: Anthony Rinaudo
Subject: Omnibus Amendment for

In order to allow managers much more flexibility when using recreational catch estimates, I support the following Alternatives

within the Public Scoping Document for Recreational AMs: Alternative 1D

*— Alternative 2D --- Alternative 3C With a 3 year
Average --- Alternative 4C --- And Alternatives 5D & E.
Thank You, Anthony Rinaudo*

From: Steve Schneider <stevejs1@verizon.net>
Sent: Tuesday, May 07, 2013 10:26 PM
To: Info1
Subject: Omnibus Amendment for Recreational

May 7, 2013

To whom it may concern:
In order to allow managers much more flexibility when using recreational catch estimates, I support the following Alternatives within the Public Scoping Document for Recreational AMs:

I would like to ask your support of the following: Alternative 1D

– Alternative 2D --- Alternative 3C With a 3 year Average ---
Alternative 4C --- And Alternatives 5D & E.

Thank you for your
consideration, Regards,

Steve
Schneide
r
Easton,
MD
stevejs1@verizon.net
410-310-
0574

From: Benjamin Strahl <benstrahl@gmail.com>
Sent: Tuesday, May 07, 2013 9:15 PM
To: Info1
Subject: Omnibus Amendment for Recreational AMs

In order to allow managers much more flexibility when

using recreational catch estimates, I support the following Alternatives within the Public Scoping Document for Recreational AMs:

Alternative 1D

- Alternative 2D --- Alternative 3C With a 3 year Average --- Alternative 4C --- And Alternatives 5D & E.

--

Benjamin Strahl
benstrahl@gmail.com
[m](#)

From: Clark, Mary
Sent: Wednesday, May 08, 2013 9:48 AM
To: Armstrong, James L.
Cc: Moore, Christopher
Subject: Omnibus AM Amendment Comments - Form Submission - Omnibus AM Amendment Comments

New form submission via [Mid-Atlantic Fishery Management Council](#):

Full Name: Steve Doctor

Email Address: sdoctor@dnr.state.md.us

State of Residence: Maryland

Select the role(s) that best describes you?: "Recreational Fishermen", "Government employee (federal or state)"

Comments: OMINBUS RECREATIONAL ACCOUNTABILITY MEASURE AMEMDMENT I would like to thank Jim Armstrong for his hard work in explaining these alternatives and his patience in explaining these complicated issues. He did an excellent job at the public hearing. The accountability measures crafted and adopted by the MAFMC have placed a huge hardship on the recreational black sea bass fishery in the Mid-Atlantic States. The councils risk policy and methods of establishing quotas developed in response to the Magnuson-Stevens reauthorization are not working well. This amendment is a step in the right direction, but does not address the basic problems with the policies in effect at the Mid-Atlantic Council in respect to the interpretation and implementation of the Magnuson-Stevens reauthorization. The options presented are a great first step, but the options are not comprehensive in the fix, and will need to be further refined to make the quota setting

process easier and more effective. ACCEPTABLE Biological Catch This is the

hardest part of the amendment to comment on because this is where a lot of the trouble with the process lies. The crux of the problem with the quota setting process is the interplay between the stock assessment coordinator at NMFS, the monitoring committee, and the SSC in developing the initial guidance on harvest level. NMFS stock assessment coordinator produces an Annual Catch Target and sends it forward each year. When the NMFS stock assessment coordinator produces this catch target they take into consideration uncertainty at many levels. The uncertainty the NMFS stock assessment coordinator takes into consideration when making their catch recommendation are the retrospective pattern in recruitment estimates, uncertainty in catch estimates (PSE), reaction to the stock to different levels of harvest, and many other factors. The catch recommendation they put forward has these considerations of uncertainty built in to their catch recommendation. The catch estimate is then forwarded to the SSC and monitoring committee that are again tasked with evaluating the uncertainty in the assessment and harvest recommendations. This makes three times the catch recommendation is adjusted for uncertainty. The best way to correct this situation would be to change the role of the SSC and removed them from between the NMFS recommendation and the monitoring committee recommendation. The SSC has been concentrating on incorporating additional assessment uncertainty into quota setting and not been concentrating on whether the stock level is overfished in regards to the OFL, the intent of the Magnuson act. The SSC should be moved to a post hock evaluation of whether the benchmarks were met or violated. As far as this amendment is concerned the best alternative would be Alternative 1A, but realistically the roles of the SSC and monitoring committee need to be redefined. The current methodology has caused a great deal of stress, and has negatively impacted the recreational fisheries. In season closure authority The current alternatives are close to being helpful, but do not meet the needs of the fishery. The best alternative would be to a combination of alternative 2B and 2D. When the projections indicate an overage will occur then there should be an adjustment to management measures. This method is already done successfully in the commercial fisheries (ie butterfish). For instance when a projection indicates a 80% harvest level is projected the size and creel are adjusted to reduce the harvest level. Reactive Accountability Measures Alternative 3A is a good option but was structured incorrectly initially in that it did not wait three years before it was triggered. It was set up to use the one year average the first year of implementation and was subject to the fault it was meant to correct. Until three years are in place the trigger should not be implemented. There is also a problem in what figure for catch is being used to calculate an overage or the resulting payback. For instance the estimate of total poundage of black sea bass recreationally harvested in 2012 has changed three times as mean weight was adjusted as more data came in throughout the year. What figure is going to be used to calculate the overage? This needs to be established.

Management Response This section is confusing in that some of the alternatives conflict and overlap between sections 4 and 5. Between all the alternatives Alternative 5D seems to make the most sense. This would trigger payback when the stock is overfished and OFL is exceeded, and the payback is scaled to the stock status.

Discussion I am fully invested in the process and offer these suggestions to improve the process. The current role of the SSC in the MAFMC was not the intent of the

Magnuson Act, and is not being properly assigned in this region. The SSC deliberations in the Mid-Atlantic have been utilizing a tier approach. The SSC has been reviewing the assessment and its fortitude, and then adjusts the quota accordingly without regard to the stock status. This has resulted in some ridiculous quota recommendations, disrupted the recreational fisheries, and ruined the credibility of the MAFMC under conditions of a recovered stock fishery. I think a lot of bad

press has been promulgated at and by government agencies at the Magnuson act when the real problem has been implementation at the MAFMC and not the act itself. The SSC should be tasked to evaluate stock status, harvest related to the OFL, and not make quota recommendations. Quota recommendation should fall on the NMFC stock assessment coordinator and the monitoring committee and be evaluated the next year by the SSC to be sure they did not go over the OFL. The SSC evaluation of whether the OFL was exceeded in retrospective analysis would satisfy the requirements of the Magnuson act and also fit well into the intent of the current addendum and management.

From: Kevin Graybill
<kevingraybill1@gmail.com>

Sent: Tuesday, May 07,
2013 8:05 AM

To:
Info1

Subject: Omnibus Amendment for
Recreational AMs

Omnibus Amendment for
Recreational AMs

(Email Body) In order to allow managers much more flexibility when using recreational catch estimates, I support the following Alternatives within the Public Scoping Document for Recreational AMs: Alternative 1D — Alternative 2D --- Alternative 3C With a 3 year Average --- Alternative 4C --- And Alternatives 5D & E.
Thank You,

From: Van Napper <napperv@verizon.net>

Sent: Tuesday, May 07, 2013 10:51 AM

To: Info1

Subject: Omnibus Amendment for Recreational AMs

*In order to allow managers much more flexibility when using recreational catch estimates, I support the following Alternatives within the Public Scoping Document for Recreational AMs: Alternative 1D — Alternative 2D --- Alternative 3C With a 3 year Average --- Alternative 4C --- And Alternatives 5D & E.
Thank You,*

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From: harborman@optonline.net
Sent: Tuesday, May 07, 2013 11:48 AM
To: Info1
Subject: Omnibus Amendment for Recreational AMs - public comment

Dear Chairman Robins, Dr. Moore & Mr. Armstrong,

We are at time in the year 2013 where our for-hire fishing fleet and fishing businesses that rely on the economic activities related to go fishing, are trying to survive the most difficult regulatory and economical period for the recreational fisheries. Over a period of a decade and a half, our for-hire fleet, most notably in my home port of Sheepshead Bay New York, has been reduced from close to 30 party boats to now roughly 7 party boats sailing daily, much in part due to the sub- standard collection and calculation on what recreational fishermen have reported to be caught, and has resulted in the most restrictive 'recreational catch limits' which have been destroying the livelihood and viability of those in the recreational fishing industry.

Though NMFS has allocated millions of dollars of taxpayer money over the years to come up with the numbers of fish caught by anglers,

originally with the MRFFS program and recently with the MRIP program, the accuracy of what recreational fishermen have caught and landed has grown that much worse and has been compounded by Accountability Measures and paybacks now being used against fishermen, to the point in which:

“We much again question”

The MRIP program design in collecting recreational fishery data

The statistical calculating process used to improve the confidence in the final reported harvest by fishermen

Accountability Measures and the economically harmful paybacks the following season based upon faulty harvest data

Highly restrictive RHL (Recreational Harvest Limits) to stocks that are fully rebuilt (ie: Black Sea Bass) which easily create yearly overfishing scenarios

In seasons emergency closures to fully rebuilt stocks

which disrupt and cause economic harm to for-hire and businesses that rely on fishing activities

As we fishermen and for-hire industry boat owners have seen time and again, the credibility of the MRIP program is ‘highly debatable to its accuracy’ and the regulatory language controls placed upon fishermen based upon faulty recreational catch estimates, requires immediate changes to answer the primary point of this discussion:

“How many fish did recreational fishermen catch?”

In order to allow managers much more flexibility when using recreational catch estimates, I support the following Alternatives within the Public Scoping Document for Recreational AMs: Alternative 1D — Alternative 2D --- Alternative 3C With a 3 year Average --- Alternative 4C --- And Alternatives 5D & E.

1D) Alternative 1D. ACL/ACT Post Hoc Evaluation. *The ACL/ACT that was set for a given fishing year is re-evaluated based on an updated assessment.*

Regulatory language regarding monitoring / closure of the recreational fisheries will be removed. This alternative, if chosen, would reflect a preference for addressing recreational overages in subsequent fishing years rather than imposing an early closure.

3C) Alternative 3C. Confidence Interval. *When a stock is not overfished and overfishing is not occurring for that stock, the recreational sector ACL will be evaluated based on an annual comparison of an appropriate confidence interval of the total catch estimates (landings and dead discards), where the entire confidence interval (i.e., including the lower confidence limit) is above the recreational ACL to trigger an AM. Both landings and dead discard estimates will be evaluated in determining if the recreational sector ACL has been exceeded.*

4C) Alternative 4C. Payback when Stock is Overfished or when OFL is Exceeded. *... the overage (in pounds) will be deducted, as soon as possible, from a subsequent single fishing year recreational sector ACT only if the stock is overfished and/or OFL has been exceeded AND $B/B_{msy} < 1$. When these conditions are not met, AMs will consist of adjustment to bag/size/season and in-season monitoring for early closure when the recreational overage caused OFL to be exceeded, but $B/B_{msy} > 1$, or caused ABC to be exceeded. In-season monitoring only will occur when only the Rec ACL has been exceeded.*

Finally, Alternatives 5D (Scaled Payback of the ACL Overage.) & 5E (No Payback).

We in the for-hire industry and all recreational anglers need the utmost of attention by the MAFMC to approve the Omnibus Amendment for Recreational Accountability Measures without it being watered down.

Thank you for your attention to this pressing fishery matter,

EC NEWELLMAN FISHING UNITED.COM

From: Lloyd Wold <lwold20878@yahoo.com>
Sent: Monday, May 06, 2013 9:46 PM
To: Info1
Subject: Omnibus Amendment for Recreational AMs

In order to allow managers much more flexibility when

using recreational catch estimates, I support the following Alternatives within the Public Scoping Document for Recreational AMs:

Alternative 1D

— Alternative 2D --- Alternative 3C With a 3 year Average --- Alternative 4C --- And Alternatives 5D & E.

From: thriller185@yahoo.com
Sent: Monday, May 06, 2013 4:59 PM
To: Info1
Subject: Omnibus Amendment for Recreational AMs

In order to allow managers much more flexibility when using recreational catch estimates, I support the following Alternatives within the Public Scoping Document for Recreational AMs: Alternative 1D — Alternative 2D --- Alternative 3C With a 3 year Average --- Alternative 4C --- And Alternatives 5D & E.

Thank You,

From: Stephen Zimmerman <stephenzim@verizon.net>
Sent: Monday, May 06, 2013 4:49 PM
To: Info1
Subject: Omnibus Amendment for Recreational AMs

In order to allow managers much more flexibility when using recreational catch estimates, I support the following Alternatives within the Public Scoping Document for Recreational AMs: Alternative 1D — Alternative 2D --- Alternative 3C With a 3 year Average --- Alternative 4C --- And Alternatives 5D & E. Thank You,

Stephen Zimmerman

From: Collins, Kathy
Sent: Monday, May 06, 2013 4:47 PM
To: Armstrong, James L.
Subject: FW: Omnibus Amendment for Recreational AMs

From: Jason Hall [<mailto:jhall@whroddy.com>]

Sent: Monday, May 06, 2013 3:55 PM

To: Info1

Subject: Omnibus Amendment for Recreational AMs

Dear Sir or Madam,

In order to allow managers much more flexibility when using recreational catch estimates, I support the following Alternatives within the Public Scoping Document for Recreational AMs: Alternative 1D — Alternative 2D --- Alternative 3C With a 3 year Average --- Alternative 4C --- And Alternatives 5D & E.

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www.whroddy.com

Whitney H. Roddy, Inc.

P.O. Box 149

Bloomfield, NJ 07003

From: Collins, Kathy
Sent: Monday, May 06, 2013 1:50 PM
To: Armstrong, James L.
Subject: FW: RECREATIONAL AM Amendment

-----Original Message-----

From: Sue Foster
[<mailto:sue@oysterbaytackle.com>] Sent:
Sunday, May 05, 2013 5:10 AM

To: Info1

Subject: RECREATIONAL AM Amendment

We support the Omnibus Recreational Accountability Measure Amendment.

It is critical this amendment pass. While not perfect, this amendment will allow managers to more fully consider an estimate's truthfulness before drastic action to close fisheries is taken as a result of bad estimates. Without the flexibility that this amendment provides, we will lose seasons due to bad catch estimates. Livelihoods and jobs are at stake. Thank you, Sue Foster

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Coastal
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Ocean
City,
MD
21842

sue@oysterbaytackle.com

oysterbaytackle.com

From: Collins, Kathy
Sent: Monday, May 06, 2013 1:49 PM
To: Armstrong, James L.

Subject:

FW: Omnibus Amendment for Recreational

From: Ty Wintermoyer [<mailto:tywinter@verizon.net>]

Sent: Monday, May 06, 2013 12:45 PM

To: Info1

Subject: Omnibus Amendment for Recreational

In order to allow managers much more flexibility when using recreational catch estimates, I support the following Alternatives within the Public Scoping Document for Recreational AMs: Alternative 1D — Alternative 2D --- Alternative 3C With a 3 year Average --- Alternative 4C --- And Alternatives 5D & E.

From: Collins, Kathy

Sent: Monday, May 06, 2013 1:49 PM

To: Armstrong, James L.

Subject: Omnibus comment

From: crossbowhunter58@aol.com [<mailto:crossbowhunter58@aol.com>]

Sent: Monday, May 06, 2013 12:21 PM

To: Info1

Subject: SUSPECTED SPAM:

Omnibus Amendment for Recreational AMs (Email Body) In order to allow managers much more flexibility when using recreational catch estimates, I support the following Alternatives within the Public Scoping Document for Recreational AMs: Alternative 1D — Alternative 2D --- Alternative 3C With a 3 year Average -- - Alternative 4C --- And Alternatives 5D & E.

From: Clark, Mary
Sent: Monday, May 06, 2013 11:29 AM
To: Armstrong, James L.
Subject: FW: Form Submission - Omnibus AM Amendment Comments - Form Submission - Omnibus AM Amendment Comments

From: Squarespace [<mailto:no-reply@squarespace.com>]

Sent: Thursday, May 02, 2013 12:55 PM

To: Clark, Mary

Subject: Form Submission - Omnibus AM Amendment Comments - Form Submission - Omnibus AM Amendment Comments

New form submission via [Mid-Atlantic Fishery Management Council](#):

Full Name: Melanie Duff

Email Address: mdduff@comcast.net

State of Residence: Maryland

Select the role(s) that best describes you?: "Interested Public"

Comments: Please allow reason to overrule bad data and understaffed data collection that leads to bad data. Until data collection can be properly collected, we cannot rely on this data to make decisions that may or, as has been, may not benefit our fish populations.

From: Capt. Dan <finchasersportfishing@gmail.com>

Sent: Monday, May 06, 2013 8:49 AM

To: Info1
Subject: Omnibus Amendment for Recreational Ams

To allow managers flexibility when using recreational catch estimates, I voice my support for the following Alternatives within the Public Document for Recreational AMs: Alternative D1, Alternative 2D, Alternative 3C, Alternative 4C , and Alternatives 5D & E.

Thank You,

Sincerely,

Capt. Dan Stauffer

Fin Chaser Sportfishing
www.finchasersportfishing.com
866-OC-FISHN (866-623-4746)

From: heyarewethereyet@aol.com
Sent: Monday, May 06, 2013 8:09 AM
To: Info1
Subject: Omnibus Amendment for Recreational AMs

To who it may concern,

In order to allow managers much more flexibility when using recreational catch estimates, I support the following Alternatives within the Public Scoping.

Document for

Recreational AMs:

Alternative 1D —

Alternative 2D ---

Alternative 3C With a 3 year Average --- Alternative 4C --- And Alternatives 5D & E.

Thank You,

Robert Gabriel, Seaford, DE.
19973 Recreational Fisherman
44 + Years.

From: Tyler Long <fishinty72@hotmail.com>
Sent: Sunday, May 05, 2013 9:15 PM
To: Info1
Subject: Omnibus Amendment for Recreational AMs

In order to allow managers much more flexibility when using recreational catch estimates, I support the following Alternatives within the Public Scoping Document for Recreational AMs: Alternative 1D — Alternative 2D --- Alternative 3C With a 3 year Average --- Alternative 4C --- And Alternatives 5D & E. Thank You,

Tyler Long

Sent from Windows Mail

From: Fenwick Tackle <fenwicktackle@gmail.com>
Sent: Sunday, May 05, 2013 8:22 PM
To: Info1

Subject: RECREATIONAL AM Amendment

In order to allow managers much more flexibility when using recreational catch estimates, I support the following Alternatives within the Public Scoping Document for Recreational AMs: Alternative 1D — Alternative 2D --- Alternative 3C With a 3 year Average --- Alternative 4C --- And Alternatives 5D & E. Thank you, Dan Mumford, owner of Fenwick Tackle, Fenwick Island, DE 19943

From: Robert Foster <bfoster.obt@gmail.com>

Sent: Sunday, May 05, 2013 8:19 PM

To: Info1

Subject: RECREATIONAL AM Amendment

In order to allow managers much more flexibility when using recreational catch estimates, I support the following Alternatives within the Public Scoping Document for Recreational AMs: Alternative 1D — Alternative 2D --- Alternative 3C With a 3 year Average --- Alternative 4C --- And Alternatives 5D & E.

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Ocean City, MD 21842

From: Sue Foster <sue@oysterbaytackle.com>
Sent: Sunday, May 05, 2013 8:15 PM
To: Info1
Subject: Omnibus Amendment for Recreational AMs

In order to allow managers much more flexibility when using recreational catch estimates, I support the following Alternatives within the Public Scoping Document for Recreational AMs: Alternative 1D — Alternative 2D --- Alternative 3C With a 3 year Average --- Alternative 4C --- And Alternatives 5D & E.

*Sue
Foster
Oyster
Bay
Tackle*

11615A
Coastal
Hwy. Ocean
City, MD
21842

sue@oysterbaytackle.com
m.oysterbaytackle.com

From: Jerry <jsvogel42@comcast.net>
Sent: Sunday, May 05, 2013 5:15 PM
To: Info1
Subject: Omnibus Amendment for Recreational AMs

To whom it may concern;

In order to allow managers much more flexibility when using recreational catch estimates, I support the following Alternatives within the Public Scoping Document for Recreational AMs: Alternative 1D — Alternative 2D --- Alternative 3C With a 3 year Average --- Alternative 4C --- And Alternatives 5D & E.

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Sent from my iPad

From: Collins, Kathy
Sent: Monday, May 06, 2013 8:54 AM
To: Armstrong, James L.
Subject: FW: OmnibusAmendment for Recreational Ams

From: sbsitds@comcast.net [<mailto:sbsitds@comcast.net>]

Sent: Monday, May 06, 2013 8:52 AM

To: Info1

Subject: OmnibusAmendment for Recreational Ams

To allow managers more flexibility when using recreational catch estimates, I support for the following Alternatives within the Public Document for Recreational AMs: Alternative D1, Alternative 2D, Alternative 3C, Alternative 4C , and Alternatives 5D & E.

Trevor D Stauffer

From: Collins, Kathy
Sent: Thursday, May 02, 2013 8:39 AM
To: Robins, Rick; Moore, Christopher; Armstrong, James L.
Subject: FW: Rec AMs

From: Bob Roche [<mailto:creeker2@gmail.com>]

Sent: Wednesday, May 01, 2013 7:32 PM

To: Info1

Subject: Rec AMs

Dear Chairman Robins, Dr. Moore & Mr. Armstrong,

I'd like to urge Council to consider creating the strongest possible defense against poor recreational catch estimates. Because catch estimates have grown worse, not better, while management's need for accuracy has grown greater, the management community MUST be allowed to use the full statistical answer to, "how many fish did they catch?" and not just an estimate's centerpoint.

Thank You For Your

Consideration, Bob Roche

From: tbiesiadec@aol.com [mailto:tbiesiadec@aol.com]

Sent: Friday, April 26, 2013 3:15 PM

To: Contact MAFMC

Subject: Re: Council Requests Public Input on Omnibus Recreational Amendment

Recreational Fishing has NEVER depleted a species stock. Mackerel, have not rebounded since their decimation by the Russian factory ships! Every other fish stock (cod, Haddock) commercial overfishing. Idiotic government allowances of socalled "by-catch". Will you get as tough with the "big boys" or is their big money puling your strings? Leave the recreational fisherman alone!

Armstrong, James L.

From: Collins, Kathy
Sent: Thursday, April 25, 2013 2:22 PM
To: Robins, Rick; Moore, Christopher; Armstrong, James L.
Subject: FW: Rec AMs

From: Riccardi, John [<mailto:John.Riccardi@sig.com>]

Sent: Thursday, April 25, 2013 12:41 PM

To: Info1

Subject: Rec AMs

Dear Chairman Robins, Dr. Moore & Mr. Armstrong,
I'd like to urge Council to consider creating the strongest possible defense against poor recreational catch estimates. Because catch estimates have grown worse, not better, while management's need for accuracy has grown greater, the management community MUST be allowed to use the full statistical answer to, "how many fish did they catch?" and not just an estimate's centerpoint.

Below are my selections from the Recreational Accountability Measures comment sheet.

1D) Alternative 1D. ACL/ACT Post Hoc Evaluation. *The ACL/ACT that was set for a given fishing year is re-evaluated based on an updated assessment.*

2C) Alternative 2C. Eliminate In-Season Closure Authority. Regulatory language regarding monitoring / closure of the recreational fisheries will be removed. This alternative, if chosen, would reflect a preference for addressing recreational overages in subsequent fishing years rather than imposing an early closure.

3C) **Alternative 3C. Confidence Interval.** *When a stock is not overfished and overfishing is not occurring for that stock, the recreational sector ACL will be evaluated based on an annual comparison of an appropriate confidence interval of the total catch estimates (landings and dead discards), where the entire confidence interval (i.e., including the lower confidence limit) is above the recreational ACL to trigger an AM. Both landings and dead discard estimates will be evaluated in determining if the recreational sector ACL has been exceeded.*

4C) **Alternative 4C. Payback when Stock is Overfished or when OFL is Exceeded.** *... the overage (in pounds) will be deducted, as soon as possible, from a subsequent single fishing year recreational sector*

ACT only if the stock is overfished and/or OFL has been exceeded AND B/Bmsy is <1. When these conditions are not met, AMs will consist of adjustment to bag/size/season and in-season monitoring for early closure when the recreational overage caused OFL to be exceeded, but B/Bmsy >1, or caused ABC to be exceeded. In-season

monitoring only will occur when only the Rec ACL has been exceeded.

Thank You For Your Consideration,

John Riccardi

Susquehanna
International
Group Equity
Finance
John.Riccardi@si-g.com

Ph. 610-617-2826

Fax 610-747-2044

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From: Collins, Kathy

Sent: Thursday, April 25, 2013 2:21 PM

To: Robins, Rick; Moore, Christopher; Armstrong, James L.
Subject: FW: s/b Rec AMs

From: Donna Constantino [<mailto:donnaconst@verizon.net>]

Sent: Thursday, April 25, 2013 1:18 PM

To: Info1

Subject: s/b Rec AMs

ar Chairman Robins, Dr. Moore & Mr. Armstrong,

I'd like to urge Council to consider creating the strongest possible defense against poor recreational catch estimates. Because catch estimates have grown worse, not better, while management's need for accuracy has grown greater, the management community MUST be allowed to use the full statistical answer to, "how many fish did they catch?" and not just an estimate's centerpoint.

Below are my selections from the Recreational Accountability Measures comment sheet.

From: Collins, Kathy
Sent: Thursday, April 25, 2013 10:17 AM
To: Robins, Rick; Moore, Christopher; Armstrong, James L.
Subject: FW: RECREATIONAL AMs AMENDMENT

FYI

From: Capt. Monty Hawkins [<mailto:mhawkins@mediacombb.net>]

Sent: Thursday, April 25, 2013 10:07 AM

To: Info1

Subject: RECREATIONAL AMs AMENDMENT

Dear Chairman Robins, Dr. Moore & Mr. Armstrong,
I'd like to urge Council to consider creating the strongest possible defense against poor recreational catch estimates. Because catch estimates have grown worse, not better, while management's need for accuracy has grown greater, the management community MUST be allowed to use the full statistical answer to, "how many fish did they catch?" and not just an estimate's centerpoint.

Below are my selections from the Recreational Accountability Measures comment sheet.

1D) **Alternative 1D. ACL/ACT Post Hoc Evaluation.** *The ACL/ACT that was set for a given fishing year is re-evaluated based on an updated assessment.*

2C) **Alternative 2C. Eliminate In-Season Closure Authority.** Regulatory language regarding monitoring / closure of the recreational fisheries will be removed. This alternative, if chosen, would reflect a preference for addressing recreational overages in subsequent fishing years rather than imposing an early closure.

3C) **Alternative 3C. Confidence Interval.** *When a stock is not overfished and overfishing is not occurring for that stock, the recreational sector ACL will be evaluated based on an annual comparison of an appropriate confidence interval of the total catch estimates (landings and dead discards), where the entire confidence interval (i.e., including the lower confidence limit) is above the recreational ACL to trigger an AM. Both landings and dead discard estimates will be evaluated in determining if the recreational sector ACL has been exceeded.*

4C) **Alternative 4C. Payback when Stock is Overfished or when OFL is Exceeded.** ... *the overage (in pounds) will be deducted, as soon as possible, from a subsequent single fishing year recreational sector*

ACT only if the stock is overfished and/or OFL has been exceeded AND B/Bmsy is <1. When these conditions are not met, AMs will consist of adjustment to bag/size/season and in-season monitoring for early closure when the recreational overage caused OFL to be exceeded, but B/Bmsy >1, or caused ABC to be exceeded. In-season

RFA would like to reiterate the position that has been organized and expressed in written and oral comments that adjustments to recreational season, size limits and bag limits are acceptable accountability measures consistent with MSA and National Standard I guidelines. Since the national implementation of accountability measures, these recreational adjustments have been accepted by the Secretary of Commerce as meeting MSA requirements.

Thank You For Your Consideration.
 Considering recreational landings are never tabulated by weighing each individually caught fish, landings will always be expressed as estimates and landing limits as targets. Season, size limit and bag limit are more than adequate accountability measures for the recreational sector.

Capt. Monty Hawkins

The following comments are directed towards specific action items in the Omnibus Amendment.

mhawkins@stargazer.com
 Partyboat Morning Star

Annual Catch Targets (ACT)

RFA supports Alternative 1A, No Action/Status Quo. Consistent with comments made above, recreational fishing opportunity should not be negatively impacted through reductions to ACT due to the uncertainties associated with the limitations of federal recreational data collection programs. RFA takes great exception with Alternatives 1B and 1C where uncertainty in recreational catch estimates is deducted from the ACT. Uncertainty in recreational catch estimates can be described as a confidence interval commonly used in statistics. Confidence intervals are not unidirectional but fall both equally above and below a mean value. In the case of a recreational catch estimate, the uncertainty associated with that estimate has the potential to move that number both higher and lower of equal magnitude. Applying this logic to Alternatives 1B and 1C, there is complete justification that the equation $ACT = ACL + \text{Uncertainty}$ in the Recreation Catch Estimates should also be included yet it is not.

RFA supports implementation of 1D in conjunction with 1A. This is consistent with the use of "best available science".

In Season Closure Authority

RFA supports the adoption of Alternative 2C to eliminate in-season closure authority. The application of in-season closure authority has not played out well and has proven detrimental to the recreational community not only in the Mid-Atlantic, but across the country. The design and methodology of MRIP makes the most recent catch estimates the most unreliable in the time series. RFA opposes granting NOAA the authority to close a recreational fishery based on the least reliable information or worse, landings projections that are based on that information. RFA finds Alternative 2D to be unrealistic to implement. Changing recreational fishing regulations mid-season would result in significant noncompliance due to an inability to provide adequate notification of regulation changes to all recreational anglers. It is possible that some states could utilize state level license/registry data bases to reach out to fishermen to inform them of regulations changes but this would come with significant cost to the state and its effectiveness is undetermined at this time. Mid-season changes would prove highly disruptive to businesses engaged in the recreational fishing industry. Many recreational fishing businesses purchase equipment, fuel, bait, tackle and book charters prior to the commencement of the fishing season and sales are based on the proposed regulations for a particular fishing season. Changing those regulations mid-season would result in those businesses potentially being stuck with inventory that will not be used under revised regulations. Another consequence would be charter boats canceling trips resulting in loss of revenue from many businesses on a regional basis. From a

management standpoint, mid-season adjustments in some recreational fisheries would require complementary action from the Atlantic States Marine Fisheries Commission (ASMFC) and each individual state would also have to promulgate revised regulations which may not be possible.

Reactive AMs

RFA does not support the use of trigger conditions and believes that adjustments to season, size and bag limits are acceptable forms of accountability measures. However, some combination of Alternatives 3C and 3D could be appropriate. Alternative 3D, as structured in the draft amendment would implement an approach similar to that currently in use by the ASMFC. Yet, under this scenario, recreational anglers are potentially disadvantaged due to the inaccuracies and limitations of federal data collection programs.

Management Response

RFA supports Alternative 4D, No Payback, and most definitely opposes Alternative 4A which would maintain the pound for pound payback for any overage of the recreational annual catch limit. RFA has consistently submitted comment to the effect that pound for pound paybacks are unacceptable for the recreational sector in light of the limitations and outstanding deficiencies with the recreational data collection programs. RFA elaborated on this point in comments submitted in 2010 in regards to the original ACL/AM Omnibus amendment. However, RFA believes that paybacks may have value in certain circumstances. In particular, when an overfishing level is exceeded and the stock status is overfished and overfishing is occurring, pay backs may be needed to maintain a specific rebuilding schedule since no flexibility currently exists in the MSA in regards to rebuilding ⁶⁶timeframe extensions. If paybacks are implemented, RFA's preferred option would be Alternative 4C.

Payback Calculation Alternative

RFA generally does not support paybacks in the recreational sector and therefore supports Alternative 5E. Pay backs in the recreational sector for rebuilt fisheries, especially when fishing mortality is consistently trending under F_{msy} , are not necessary and serve no biological or conservation purpose when an ACT is exceeded. If paybacks are implemented, the Alternative 5D, Scaled Payback of the ACL Overage, would be the preferred option.

Sincerely,



Jim Donofrio
Executive Director



Capt. Adam Nowalsky
RFA New Jersey Chapter Chair

John Niedermair
12203 Lemar Court
Silver Spring
MD, 20904-1800



Dear Chairman Robins, Dr. Moore & Mr. Armstrong,

I'd like to urge Council to consider creating the strongest possible defense against poor recreational catch estimates. Because catch estimates have grown worse, not better, while management's need for accuracy has grown greater, the management community **MUST** be allowed to use the full statistical answer to "how many fish did they catch?" and not just an estimate's center point.

Below are my selections from the Recreational Accountability Measures comment sheet.

1D) Alternative 1D. ACL/ACT Post Hoc Evaluation. *The ACL/ACT that was set for a given fishing year is re-evaluated based on an updated assessment.*

2C) Alternative 2C. Eliminate In-Season Closure Authority. Regulatory language regarding monitoring / closure of the recreational fisheries will be removed. This alternative, if chosen, would reflect a preference for addressing recreational overages in subsequent fishing years rather than imposing an early closure.

3C) Alternative 3C. Confidence Interval. *When a stock is not overfished and overfishing is not occurring for that stock, the recreational sector ACL will be evaluated based on an annual comparison of an appropriate confidence interval of the total catch estimates (landings and dead discards), where the entire confidence interval (i.e., including the lower confidence limit) is above the recreational ACL to trigger an AM. Both landings and dead discard estimates will be evaluated in determining if the recreational sector ACL has been exceeded.*

4C) Alternative 4C. Payback when Stock is Overfished or when OFL is Exceeded. ... *the overage (in pounds) will be deducted, as soon as possible, from a subsequent single fishing year recreational sector ACT only if the stock is overfished and/or OFL has been exceeded AND B/Bmsy is <1. When these conditions are not met, AMs will consist of adjustment to bag/size/season and in-season monitoring for early closure when the recreational overage caused OFL to be exceeded, but B/Bmsy >1, or caused ABC to be exceeded. In-season monitoring only will occur when only the Rec ACL has been exceeded.*

Thank You For Your Consideration,

A handwritten signature in blue ink that reads "John Niedermair".

John Niedermair IV

Recreational Fisherman

Silver Spring, MD

