



Mid-Atlantic Fishery Management Council
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MEMORANDUM

Date: July 28, 2016
To: Council
From: Kiley Dancy, Staff
Subject: August Council Meeting Summer Flounder Amendment Discussion

The Council is scheduled to meet jointly with the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Board on Tuesday, August 9, 2016, from 9 a.m.-12 p.m. to discuss issues for development in the Comprehensive Summer Flounder Amendment. The following materials are provided for this discussion:

- 1) August 2016 Amendment Discussion Document
- 2) Summary of Advisory Panel comments from the June 22 Advisory Panel meeting, plus additional advisor comments received on the amendment in June/July 2016

Comprehensive Summer Flounder Amendment: Issues for Development

Council and Board Discussion Document - August 2016



This document contains a list of issues that Council and Board members have raised for consideration in the Comprehensive Summer Flounder Amendment, and/or major themes of comments received during scoping in the fall of 2014. At the December 2014 joint meeting, the Council and Board reviewed scoping comments and identified four major categories of issues to pursue, including **1) FMP goals and objectives, 2) recreational/commercial allocation, 3) recreational measures and strategies, and 4) commercial measures and strategies**. In addition to a number of sub-items specific to those categories (listed below), the Council and Board indicated that alternatives developed under these umbrella categories should also consider improved management strategies for discards and non-target bycatch, improved data collection requirements and protocols, and ecosystem and habitat considerations.

The specific issues below, other than the major overarching categories, have not yet been explicitly approved for inclusion in the amendment by the Council or Board; they instead reflect issues raised by managers and scoping commenters for further exploration. This document was developed to solicit feedback from the Council and Board on the direction to take with these issues regarding the development of alternatives, and to highlight comments from the most recent discussions of the Fishery Management Action Team (FMAT). Also provided in this document are initial tasks that may be undertaken by the FMAT and issue-specific working groups.

The issues described below vary in complexity, and several have been raised but not clearly defined. The FMAT and Working Groups will work to compile background information, draft options, and develop initial analysis. Council and Board guidance related to the following would be helpful as the FMAT and Working Groups ramp up this work:

- Any refining that could be done at this time to the list of issues to be addressed in this amendment;
- Additional detail or clarification of specific problems that need to be addressed, particularly for issues that remain less clearly defined;
- Suggestions for amendment alternatives (or approaches to developing alternatives) that could address the issues below;
- Comments on possible directions or methods for analysis.

1.0 Goals and Objectives

This amendment document will consider revisions to the existing Fishery Management Plan (FMP), which include:

1. Reduce fishing mortality in the summer flounder fishery to assure that overfishing does not occur.
2. Reduce fishing mortality on immature summer flounder to increase spawning stock biomass.
3. Improve the yield from the fishery.
4. Promote compatible management regulations between State and Federal jurisdictions.
5. Promote uniform and effective enforcement of regulations.
6. Minimize regulations to achieve the management objectives stated above.

The joint Council/Board meeting in December 2015 included a workshop on goals and objectives, based on work completed on this issue by Fisheries Leadership and Sustainability Forum in the fall of 2015. Workshop documents and a recording are available at <http://www.mafmc.org/briefing/december-2015>.

FMAT Comments and Questions

None at this time. Based on the feedback received during the December 2015 workshop, the FMAT is working to revise draft goals/objectives for review by the Council and Board, and for inclusion in the draft amendment for public hearings.

2.0 Commercial/Recreational Allocation

The Council and Board may consider revisions to the 60% commercial/40% recreational landings allocation. The Council has contracted a project to develop an allocation model for summer flounder to inform the discussion of this issue. The model aims to determine which allocations would maximize benefits to the commercial and recreational sectors, by combining recreational and commercial spatial discrete choice models to simulate behavior under alternative allocations between the sectors. This project is currently being completed and a report is scheduled to be presented at the December joint Council/Board meeting. The model has been developed such that it can easily incorporate a new MRIP time series once the new time series becomes available.

FMAT Comments and Questions

With regard to commercial/recreational allocation, the FMAT has noted several things to be considered:

- One FMAT member indicated that while the allocation model may be promising, it is a new and complex tool for analyzing these types of decisions, and its application will require substantial review.
- Major ongoing changes to the Marine Recreational Information Program (MRIP) effort estimation methodology are expected to eventually result in revised time series of estimated recreational catch, landings, and effort, which will have major implications for analyzing potential shifts in the commercial/recreational allocation. The revised estimates have the potential to be several times higher for private boat and shore mode. The current and new methodologies will run side by side from 2015 to 2017, with full use of revised estimates and termination of the current method no earlier than 2018. Re-estimation of historical time series is expected sometime in mid-2017. In past discussions, the Council and Board have indicated that they do not yet wish to remove or delay action on any issues.

- The FMAT notes that given the timing of the new MRIP estimates and the finalization of the allocation model, most of the work to analyze this issue in-depth will need to be delayed until these products are available. The FMAT plans to begin compiling background information on this issue this fall, but will wait to draft or analyze specific alternatives until the allocation model can be reviewed. Model results and any analysis will then need to be updated when new MRIP time series become available.
- If the Council and Board consider sector separation for the recreational fishery (i.e., giving the for-hire and private angler recreational sector separate allocations; see recreational issues section below), thought should be given to how this would be affected by shifting the commercial/recreational allocation. Most comments in support of sector separation to date have indicated that any potential for-hire allocation should be taken from the existing or revised recreational allocation. The FMAT requests any Council/Board guidance on this point.
- A Council member listening on the last FMAT call indicated that currently nothing is structured to be conditional on the status of the stock, and that perhaps this should be considered. How should declines or increases in stock status impact allocation decisions? Another Council member indicated that perhaps now is not the right time to consider this issue given apparent declines in stock status and changes in MRIP.

Initial FMAT/Working Group Tasks and Next Steps

- Compile information on historical basis and rationale for current 60/40 split.
- Compile information, including related staff and Technical Committee analyses, related to past petitions for changes in the commercial/recreational allocation.
- Review economic model results and discuss potential application to alternatives development.
- Track MRIP revisions and develop a plan to incorporate new estimates into the analysis of this issue.

3.0 Recreational Measures and Strategies

Changes to recreational management measures and strategies could potentially include the following issues:

Recreational Process, Conservation Equivalency Framework, and Recreational Allocations

This amendment may identify improvements to the current process for setting recreational measures (e.g., administrative and management process, timing, methods of evaluating measures for reductions or liberalizations, etc.). In addition, options could be developed to revise the conservation equivalency vs. coastwide measures framework currently in the FMP, and associated recreational allocations and/or targets. This may include institutionalizing or formalizing an updated framework or guidelines for regional conservation equivalency (e.g., formalize something similar to what the Commission is doing now with their Addenda for regional conservation equivalency). Alternatives should address questions such as: under state-by-state or regional conservation equivalency, how should regional or state allocations be established and how should performance be evaluated? What are the consequences of overages? How does this relate to the consequence of the Council's Accountability Measures?

FMAT Comments and Questions

- The FMAT noted that the scope of this issue could range from very large changes to small tweaks, with variable complexity. This issue likely needs a more clearly defined problem statement or additional guidance from the Council/Board.
- Commission staff has noted that the Commission’s Management and Science Committee is currently considering an updated conservation equivalency policy for multiple Commission species, to be developed over the next year. The intersection with summer flounder management is unclear at this point. While policies resulting from this process may inform the amendment, they may not be specific enough to address some summer flounder conservation equivalency issues (e.g., contain allocation guidelines or other prescriptive guidance that would improve the summer flounder process).
- The FMAT would like guidance on what types of process issues or recreational framework approaches the Council and Board would like to see explored through this amendment. Similarly, does the Council/Board have guidance at this time for specific approaches to recreational allocation that should be explored in alternatives development?
- What types of adaptive mechanisms, if any, could be developed to accommodate future changes in availability or other changing conditions in the fishery?

Initial FMAT/Working Group Tasks and Next Steps

- Lay out the current recreational process and conservation equivalency vs. coastwide measures framework, and their historical basis. Identify which elements are explicit components of the current FMP, including which would require an amendment to modify.
- Identify possible revised recreational allocation options under state-by-state and/or regional conservation equivalency (i.e., re-evaluate 1998 base year and current “fish sharing” approach). This could include exploration of adaptive mechanisms to accommodate future changes in range/spatial distribution/availability of stock.
- Consider where consequences of recreational overages need to be reconsidered or modified in the FMP.
- Consider whether explicit guidance on the data and methodologies used for evaluating management measures should be incorporated into the FMP or otherwise adopted by the Council or Board.
- Identify methods to analyze the impacts of shifts in recreational allocations or changes to the overall recreational strategies.

Recreational Sector Separation

This action could consider setting a separate quota for the for-hire (party and charter) sector of the recreational fishery, and/or managing this sector under a different set of measures than the private recreational sector.

FMAT Comments and Questions

- The FMAT has noted that it the Recreational Working Group should look into and clarify if or how individual states might pursue this, under either the current or a modified system.

Initial FMAT/Working Group Tasks and Next Steps

- Summarize the current ability to implement sector separation at the state level.

- Explore and summarize recreational data by mode, including within the for-hire sector (Marine Recreational Information Program, or MRIP, vs. logbook data), at a coastwide and state-by-state level.
- Summarize the pros and cons of separation options that include only different management measures vs. a separate quota allocation.
- Identify options for allocation of separate for-hire quotas.
- Identify additional reporting requirements that would be needed for either or both sectors under such a system.

Shore Mode Strategies

The Council and Board could consider separate sets of measures for shore mode and/or explore separate quota allocation for shore mode.

FMAT Comments and Questions

- The FMAT notes that an ongoing problem with managing for shore mode has been the higher PSEs (percent standard error; higher PSEs indicate greater uncertainty) associated with breakdowns by state and mode, perhaps particularly for shore mode which is the smallest mode for summer flounder.
- The FMAT raised the issue of whether separation of shore mode quota or measures should be coupled with mandatory reporting requirements for shore mode, such as with the New Jersey shore program that requires mandatory sampling. The FMAT also noted that enforcement issues may arise if a site has fishing access both by shore and by boat, but different management measures.
- The FMAT suggested that guidelines could be developed for shore strategies, but that it would be helpful to have more clarity from the Council and Board on specific concerns regarding management of shore mode and specific directions they would like to take to address these concerns. Specifically, are there particular shore mode strategies that would need to be implemented through an amendment, or is the current ability for states to set separate shore-mode measures under conservation equivalency sufficient? Should the FMAT and Working Group pursue alternatives for a separate shore mode quota or just separate measures/guidance?
- The FMAT also notes that recreational catch estimates by mode will also be affected by new MRIP estimates (though party/charter estimates will not change, shore and private boat estimates will, leading to changes in the proportions of catch and effort among modes).

Initial FMAT/Working Group Tasks

- Similar tasks to “Sector Separation” above.

Alternative Recreational Strategies

This action could add alternative management strategies to the FMP, beyond the current bag/size/season adjustments (i.e., modify FMP to allow slot limit or total length limit, or other strategies). Scoping comments and advisors have expressed concerns related to the suboptimal combinations of bag, size, and seasonal limits, and several concerns related to increasing size limits. Specifically, commenters are concerned about high size limits pressuring female stock biomass, the discrepancy between recreational and commercial size limits, the declining ability of recreational anglers to take home fish for food, the declining ability of recreational anglers to catch keeper fluke from shore, and the high number of discards resulting from high size limits.

FMAT Comments and Questions

- The FMAT noted that alternative strategies have previously been explored, and information can be pulled together for further exploration by the Recreational Working Group. While the FMP would likely need to be amended to allow size strategies other than a minimum size (e.g., to allow a maximum size for a slot limit), specific annual measures would still be developed through the recreational specifications process each year.
- The FMAT noted that some of these strategies have associated enforcement or practicality concerns that need to be more thoroughly explored and defined.

Initial FMAT/Working Group Tasks

- Summarize past Technical/Monitoring Committee and staff analyses of slot limits and other alternative approaches.
- Review relevant literature on alternative recreational strategies, and applications in other fisheries.
- Define enforcement issues and potential solutions related to alternative strategies.

Recreational Gear Requirements or Restrictions

Recreational gear requirements (e.g., requirements for certain hook sizes and/or types, or total gear amount requirements) or recommendations (issued from the Council and Commission, states, and/or NMFS) could be considered through this action.

FMAT Comments and Questions

- The FMAT discussed that recreational gear restrictions have been explored for other species, for example, with Gulf of Maine cod and haddock. In this case, NMFS decided to recommend certain gear types instead of implementing strict gear requirements, in part due to opposition from bait and tackle shops and concerns related to enforcement. This information should be summarized by the Recreational Working Group.
- The FMAT also noted that further discussion was needed on the enforceability and/or practicality of these measures.

Initial FMAT/Working Group Tasks

- Summarize previous efforts to implement or analyze recreational gear restrictions and recommendations within the Greater Atlantic Region, and other regions to the extent possible.
- Review studies on optimal hook sizes and other gear and handling related recommendations for summer flounder.

Recreational Data Collection Requirements and Protocols

The FMAT and Recreational Working Group will consider developing options for recreational reporting requirements (either new requirements or enhanced existing requirements).

The FMAT and Working Groups will consider that the Council is developing a framework action to consider requiring the use of Electronic Vessel Trip Reports (eVTRs) for for-hire fishing vessels with federal permits for Council-managed species. This action would not change for-hire VTR requirements, except for the method of submission. This action is expected to increase timeliness of data submitted through VTRs, eliminate the need for paper-based reporting, and increase the accuracy of the data collected. The Council held the first of two framework meetings for this action in June 2016 and voted

to develop a range of alternatives. The second framework meeting will be held at the Council's August 2016 meeting.

FMAT Comments and Questions

- The FMAT noted that MRIP does incorporate logbooks for final recreational estimates (despite the common misconception that they are not used). The FMAT believes there may be room for improvement with for-hire data collection, although the group noted that these issues cut across all recreational species and are not specific to summer flounder. Should recreational reporting requirements be considered through this amendment or elsewhere to address multiple species?
- The FMAT noted that MRIP has done some investigation of recreational reporting requirements and the Recreational Working Group may be able to draw on some of that work.

Initial FMAT/Working Group Tasks

- Summarize current reporting requirements (state and federal) for the recreational fishery.
- Summarize past and ongoing work related to recreational reporting requirements and identify areas where amendment alternatives could improve recreational reporting or monitoring for summer flounder.

4.0 Commercial Measures and Strategies

The Council and Board will consider changes to commercial management measures and strategies, potentially including the following issues:

Commercial Allocation Strategies

This action could revise the current state-by-state commercial allocation scheme based on 1980-1989 landings history. Options raised in Council/Board discussions and scoping (in addition to *status quo*) include revised state-by-state quotas, regional quotas, coastwide year-round quota, scup quota model (coastwide quota in the winter, state-by-state quotas in the summer), and some form of management cooperatives (e.g., sectors).

FMAT Comments and Questions

- The FMAT indicated that one of the first steps in evaluating this issue would be to explore alternative historical time frames for allocation. However, there are many ways to approach alternative allocation strategies, and the FMAT indicated that some policy guidance is likely needed on approaches to commercial allocation that should be explored in alternatives development. For example: do Council and Board members have policy preferences at this time for balancing the incorporation of historic landings vs. current stock distribution/availability?
- Do Council and Board members have ideas for other quota allocation schemes not listed above that should be considered?
- What types of adaptive mechanisms, if any, could be considered to provide for future changes in environmental conditions, stock distribution, etc.?

Permit Capacity and Latent Effort

The FMAT and Commercial Working Group will look at options to address latent commercial effort and a perceived mismatch between permit capacity and stock size.

FMAT Comments and Questions

- The FMAT notes that a permit moratorium has been in place for many years. The Working Group will evaluate the permit list and permit use to the extent possible. However, the ability to directly match permits with other datasets such as VTR and dealer data is limited.

Initial FMAT/Working Group Tasks

- Council/Board members have indicated that documentation of each state's management history with regard to permits would be helpful (i.e., landings qualifiers and other conditions for permits). The FMAT and Commercial Working Group will work to assemble this information.
- Document existing state and federal permits, and their overlap. Determine what associated data can be tied to permits to determine recent use and /or historic use if possible.
- Develop options for working definitions of "latent effort" to begin developing alternatives.
- Explore possibilities for tiered permit structures.

Commercial Landings Flexibility

The FMAT and Commercial Working Group will explore options to allow vessels to land their catch at the closest or preferred port. This will include a review of current safe harbor provisions and consider how this system could be modified, and whether consistent guidelines or regulations are needed.

In scoping, there were many comments both for and against landings flexibility. Arguments for landings flexibility included the need to address rising fishing costs, fuel use (due to environmental impact and cost), the need to adapt to market conditions, safety concerns, changing distribution of fish, and improved efficiency (landing the same amount of fish with less time/money/waste) Many indicated that landings flexibility should be implemented without revising the current state-by-state quotas. Landings would apply to each state's quota the same way it does currently, but the vessels could land them in whichever state they prefer.

Arguments against landings flexibility included concerns about flooding certain markets and concerns about impacts to shoreside operations in states where most landings currently occur due to allocation. Some indicated that landings flexibility would be a logistically very difficult, would create quota monitoring problems, and/or would open up the system to abuse.

Some said flexibility would make sense in the winter but would be detrimental in the summer, and supported going to a "scup quota model" with coastwide quotas and landings flexibility in the winter, and state-by-state quotas and landings in the summer.

There is some concern about how monitoring of both state and coastwide quota would be conducted given that there is already a lag in accounting. Additionally, there is concern regarding how state level trip limits would be enforced if landing in different states.

FMAT Comments and Questions

- The FMAT noted that alternatives here could include options to liberalize the rules for transfer or conditions under which transfers can be made.
- The FMAT notes that current safe harbor provisions vary from state to state. Some have more rigid conditions. These should be clarified for the benefit of the FMAT, Council/Board, and public.

- How should landings flexibility options be designed with regard to quota accounting and transfers? i.e., how should the quota landed in a different state be accounted for under a state-by-state, regional, or other allocation?
- How should landings flexibility options be designed with regard to the sale of commercial landings and other shoreside operations? i.e., should there be requirements to sell in a certain state, etc.

Initial FMAT/Working Group Tasks

- Compile information from previous discussions on this issue (e.g., Commission's Law Enforcement Committee)
- Prepare a summary of current transfer rules and conditions, as well as how quota accounting works for transfers, as there appears to be a lot of confusion on this issue.
- Review and potentially refine the draft memo written on this issue by the Commission's intern in the summer of 2015.
- Define enforcement issues related to safe harbor and landings flexibility, and explore existing or possible enforcement agreements. Compare commercial regulations by state to identify where mismatches may cause enforcement issues.

Commercial Discard and Bycatch Reduction or Avoidance Strategies

The FMAT and Working Group may develop options to more actively manage certain types of discards or bycatch.

FMAT Comments and Questions

- The Working Group can look into discard data (much of which can be pulled from the most recent benchmark assessment) to identify any obvious problems. However, this is likely an issue where a more clearly defined problem statement would be helpful. Do the Council and Board have specific concerns about discards or bycatch from specific areas, fisheries, gear types, etc. that should be addressed through amendment alternatives?
- FMAT members noted that currently discards are not estimated by state (as requested by some scoping commenters), but by water area. High CVs may be an issue when trying to parse the data at too fine of a scale. The raw data can be separated by state by looking at ports, but broader estimates are very difficult.
- Regulatory discards vs. economic discards can be separated for the raw observer data to get an idea of trends, but it is probably difficult or impossible to expand an estimate for the overall fishery, since the discard reason changes tow by tow.

Initial FMAT/Working Group Tasks

- Pull discard information from assessment and expand on/update where necessary. Identify to the extent possible any clear discard issues that could be addressed through amendment alternatives, resulting from specific fisheries, gear types, mesh sizes, water areas, etc.
- Identify specific management options that could be considered for reducing specific problematic discard or bycatch rates.
- Pull observer data and summarize trends in discard reasons over time, in the context of changing stock status and regulations.

Data Collection Requirements and Protocols

The FMAT and Working Group may consider options to improve current catch monitoring, reporting, and validation system. It has been suggested that the effectiveness of commercial catch monitoring varies along the coast.

FMAT Comments and Questions

- Are there summer flounder-specific monitoring and reporting questions or problems that Council and Board members have identified that could be explored by the Commercial Working Group?

Initial FMAT/Working Group Tasks

- Summarize current reporting requirements (state and federal) for the commercial fishery.
- Summarize past and ongoing work related to commercial reporting requirements and identify areas where amendment alternatives could improve reporting or monitoring for summer flounder.

Create Accountability Measures for sub-Annual Catch Limits established by the NEFMC

- Several Council members have expressed concern related to federal Accountability Measures for species managed by the New England Fishery Management Council (such as for windowpane flounder or other groundfish species) that if triggered, would negatively impact the commercial summer flounder fishery. These members have proposed incorporating AMs into the summer flounder plan, so that the Mid-Atlantic Council would be responsible for AMs from other species that could potentially impact the summer flounder fishery.

Initial FMAT/Working Group Tasks

- Summarize the current AMs for NEFMC plans that may impact the commercial summer flounder fishery if triggered.
- Work with NEFMC staff to evaluate options that should be considered as alternatives to these AMs.

5.0 Other Issues

Other issues raised by the Council and Board and/or by scoping commenters that may be relevant to an amendment process are listed below. These items may or may not be appropriate to incorporate into amendment alternatives. Some of these issues may be difficult to address within the FMP, while some of the issues are being, or could be, addressed through other actions or processes. The FMAT would appreciate further guidance from the Council/Board on whether any of the issues below should be pursued for further development, either as a separate category or incorporated under a previously described issue.

- Improve the timing of the specifications process (more closely sync the timing of the assessment process and the specifications process, and/or improve the timeliness of implementing measures for the upcoming fishing years)
- Identify strategies for habitat protections and/or enhancements
- Incorporate Ecosystem Approach to Fisheries Management (EAFM) principles into FMP
- Prohibit fileting fish at sea
- Evaluate spawning time/area closures



Comprehensive Summer Flounder Amendment June 2016 Advisory Panel Comments on Draft List of Issues

The Mid-Atlantic Fishery Management Council's (Council) Summer Flounder, Scup, and Black Sea Bass Advisory Panel (AP) met jointly with the Atlantic States Marine Fisheries Commission's (Commission) Summer Flounder, Scup, and Black Sea Bass AP on June 22, 2016. In addition to developing Fishery Performance Reports,¹ advisors reviewed a draft list of potential issues for the Comprehensive Summer Flounder Amendment, and commented on these items as summarized below.

Council Advisory Panel members present: James Fletcher (NC), Lisa Poyer (NY), Jeffrey Gutman (NJ), Meade Amory* (VA), Robert Ruhle (NC), Carl Benson (NJ), Joan Berko (NJ), Denny Dobbins (VA), Harry Doernte (VA), Jan McDowell (VA), Michael Plaia* (RI)

Commission Advisory Panel members present: Meade Amory* (VA), Robert Busby (NY), Greg DiDomencio (NJ), James Tietje (MA), Michael Hall (RI), Michael Ireland (NC), Michael Plaia* (RI), Brent Fulcher (NC, proxy for Robbie Mercer)

*Serves on both Council and Commission Advisory Panels.

Others present: Julia Beaty (MAFMC Staff), Kirby Rootes-Murdy (ASMFC Staff), Kiley Dancy (MAFMC Staff), Mark Holliday (MAFMC SSC), Doug Lipton (MAFMC SSC), Mike Luisi (MAFMC/ASMFC), Barbara Hutniczak (NOAA), David Bush (North Carolina Fisheries Association)

Please note: Advisor comments described below are generally paraphrased, and **except where noted, represent the views of one individual Advisory Panel member.**

Goals and Objectives

- Reducing fishing mortality on immature flounder should remain an objective.

Commercial/Recreational Allocation

- Staff and the FMAT should review the administrative record for the approximately 6-year period when the petition for allocation changes was being discussed, denied, accepted, transferred to the agency and back to Council, etc. Managers should especially pay close attention to what the technical committee reported, which was there appeared to be no justification for changing the 60/40 split. It's important to look at the historical perspective.
- Until we can accurately monitor the recreational landings, we shouldn't even consider changing this allocation. We don't truly know what one side is contributing and this would just add more uncertainty. We shouldn't even look at it until MRIP is fixed.

¹ June 2016 Fishery Performance Reports available at: <http://www.mafmc.org/ssc-meetings/2016/july-20-21>.

- Will the allocation model [in development as contracted by the Council] include a ton of multipliers for the recreational side but only ex-vessel value on commercial side, like the standard NMFS economic models? Can it model that recreational anglers have the flexibility to target many species but commercial fishermen have less flexibility?
- Managers should take into account the impacts that shifting allocations may have on other species – specifically the increased pressure that other, less restricted species may face under management induced effort shifts.
- Managers should leave allocations status quo. It's been that way since 1993. If you get a lot of people saying they prefer status quo, how many times do you have to keep asking what people want? This is taking a long time. Hopefully we can move past this issue quickly. Most people want status quo.
- [At least two advisors] Agree with above comment that current allocations are generally working well.
- Additional concern expressed for using MRIP as the basis for new allocations.
- What are the number of recreational anglers fishing each year in the management unit? Directed trips? Working groups should look into this information to get a handle on recreational participation and effort.
- [Two advisors] For evaluating commercial data, it might be worthwhile to look at the vessels in study fleet that are tow by tow reporting. Look at their CPUE instead of proxy CPUE that is associated with the fishery itself. Might be a better metric for performance.

Recreational Issues and Strategies

Recreational Process, Conservation Equivalency, and Recreational Allocations

- On recreational strategies, we only have one data set to go off of. The best available science isn't good enough. We should address that first. We're getting ready to make serious changes – they should be based on better data.
- Support going back to state by state recreational measures. I don't remember tremendous overages or underages. 50% of the time it's over, 50% of the time it's under. This allows states to address their own individual needs.
- [Discussion of why regional conservation equivalency was adopted in recent years and the tradeoffs between state by state vs. regional approaches]
- States generally want different things. Small size limits vs. long seasons, etc.
- Recommend status quo recreational allocations and state by state management. If states are wildly different, constituents should complain to their fisheries managers.

Sector Separation for the For-Hire Sector

- Oppose sector separation; however, support differential bag limits. There are different kinds of for hire vessels. We take the recreational fishing public out, and are better at reporting. Differential bag limits should be in place but not different quotas.
- Sector separation was discussed for cobia, and tied directly in with reporting. Reporting was a qualifier. There was a big split in opinions for and against, so would recommend treading lightly on this issue.
- Oppose sector separation.

Shore Mode Strategies

- Should be no differentiation between shore mode. It's all recreational fishermen.

Alternative Recreational Strategies

- Suggest a multiple slot limit, for example: 2 fish that are 16" to 18", and 2 that are 18" and over. This would still have discard mortality on the bigger ones if it included 18" and over.
- Try to do away with discards. Lower the recreational size limit to 11". Use 10% discard mortality. Quit targeting the breeding stock.
- Do away with size limits entirely and base restrictions on bag limits and seasons only.
- Slot limits have come up again and again over the past several years. Why hasn't management come back to advisors with a response about what the tradeoffs of slot limits would be? These should be analyzed and presented.
- New York tried a slot limit with striped bass. It's complicated. It increases the need to handle bigger fish more to measure them. What if you don't measure it right? It's easier to do one limit.
- A slot limit is counter-intuitive. Now you're increasing discards on other end of range.
- Support cumulative length limit of 60" of fish total, or 40" total. The only way you get a ticket is if you throw it back. No discards.
- A total length limit is a good concept in theory, but not practical in reality, particularly for head boats - it would be difficult to enforce. People would trade fish to make sure they added up.

Recreational Gear Requirements or Recommendations

- For years there was a restriction on recreational fishermen in the Gulf of Maine, that they could have no more than 2 hooks. Recently that was eliminated.
- Opposes hook size restrictions in the fluke fishery. The tackle industry would suffer. A lot of interest in the fishery stems from all the different methods you can use to catch them, and gear restrictions would take the fun out of the recreational side.
- There are so many different hooks, restrictions on this could be confusing. Not to mention trying to prevent people that don't know any better from throwing over the wrong hook size. This would be a large burden – it's hard enough to keep up with changing bag, size, and season restrictions.
- Not all manufacturers are consistent across hook sizes.
- Size limit on hooks should be up to fishermen. Should be able to use a bigger hook if they want a bigger fish.
- New York changed to circle hooks for shark fishing, but then there were no circle hooks available. There are other factors that are out of our control. The manufacturer in China doesn't make them fast enough. Regulations right now are complicated enough. Should not make it more complicated.

Recreational Reporting

- Head boats are required to report. There should be reporting for other sectors. It's got to be improved.

- Recommend that in 3 years a monitoring/reporting system be developed that would capture 80% of the recreational fishing effort, with a penalty associated with the recreational fishing quota if this does not occur, such as a 10% reduction in quota. We need the pressure on us to change the system. Maybe make it so we all suffer if it doesn't get done, for example a 10% reduction if the amendment doesn't get done.

Commercial Issues and Strategies

Commercial Quota Allocation Strategies and General Commercial Regulation Comments

- A lot of things can be made better. The Technical Committees should recognize how much the Marine Mammal Protection Act and Endangered Species Act have changed the way fishermen have to operate, especially south of Oregon Inlet or Cape Charles, VA depending on time of year. There are fish there but we can't fish there, because we need Turtle Excluder Devices that excludes 50% of catch. Plus, there are mandatory coast guard checks. Vessels are going north instead. Management does a good job of rebuilding fisheries but not a good job of managing once they are rebuilt. These fish are a food source. Why are we targeting a spawning fish when we could keep a smaller fish that are better to eat? This is not helping your coastal economy, not helping your stock, and biomass is suffering as a result.
- On the Turtle Excluder Device issue: the fish are there in North Carolina waters. I can take a new \$10,000 fluke net, put a TED in it, in 4 days the tail section of the net is destroyed. I choose to not use the TED and instead steam north. This is a big issue which imposes additional costs on industry.
- The regulations say that the TEDs have to be aluminum. We should be allowed to use pre-stressed cable. This is a simple regulation change that needs to be made.
- For summer flounder, we try to land exactly the quota each year without overages or underages, but we can never get it exactly. Some years we go over and have to pay back, and some years we go under and can't carry it over. I asked the scientists at the Marine Resource Education Program if there's a scientific reason why we have to pay back for overages but can't carry over for underages. No one could give a scientific reason why. We already have enough distrust between fishermen and managers. Allowing carryover of unused commercial quota would go a long way to fixing that. Put in a buffer if we have to so that we don't exceed the ABC, but still allow some carryover, just from one year to the next, not cumulatively.
- Agree with allowing quota rollover, only for one year. Would not expect a biological impact or exceeding the TAC. The reason states fish right up to the line or sometimes over is because of the use it or lose it mentality. That's what causes the 5% overages each year. There is no biological disadvantage to one year roll over. The ABC is set with idea that 100% will be caught – this could be recalculated.
- The scallop fishery allows up to 15% annual carryover in the event that a quota is not reached. Summer flounder should do that. You're not taking away from the biomass, you already allocated that, you just didn't achieve it.
- [Staff summarized the outcome of a recent lawsuit on this issue in New England indicating that quota carryover cannot cause the single year ABC to be exceeded. Summer flounder catch and landings limits are currently structured in such a way that we typically use all of

that ABC. Unless we build in a buffer, such as setting an ACT below the commercial ACL, or change the structure of catch and landings limits, we likely do not have room for rollover.]

- Recommend doing away with state by state commercial allocation. It's only costing the industry money to steam from one port to another to unload catch in states that still have quota left. Let fishermen go to the closest port where they'll get the most money.
- Completely disagree with any change in commercial landings allocation. Infrastructure was put in place for distribution purposes, based on historical numbers. Fishermen knew the allocations when they were getting into the fishery.
- It is not clear why we are considering an adjustment to commercial quotas.
- Speaking with folks that were fishing in the '50s, '60s, they relied on a few species. These were southern fishermen fishing in northern fisheries. The summer flounder fishery was then rebuilt. The MAFMC and ASFMC have kept the fishery going and it's working. Not many fisheries can claim that. I'm concerned about changing it around. The argument of climate change should be considered in light of the Bell et al. paper², which indicated that it was not climate change for summer flounder causing the change in distribution but changes in age structure and population growth. We've created natural restricted areas in the south by avoiding protected species, inlets filling in, etc. States have established their fisheries based on what's been allocated, so they've established the infrastructure to go along with that. A change to allocation could have a big impact on economies and infrastructure.
- A lot of us are having trouble with these complaints about low allocations and low trip limits. These are situations that have not just arisen in the last couple of years. I don't think it is justifiable. Even if all the fluke moved off of Connecticut and Massachusetts, I don't think that would be a compelling reason to re-evaluate the quotas. There's got to be a way to quantify whether there's been a barrier to entering into these fisheries. Have the people who have made the complaints bought permits in other states? Have they done something to help themselves? Many fishermen went other places, re-invested to make it work. For those people who have not done that – I don't think it's fair for them to ask for more quota. Staff should put up a matrix to evaluate what any reallocation would do. What would really change things for New England states? There's not enough fish to go around. Allocation changes would have to be very severe to make a difference. The reduction to North Carolina and New Jersey fishermen would be massive.
- No change in state allocation. Infrastructure and coastal economies were built on that allocation. North Carolina fishermen created the lion's share of quota up and down the east coast. Most northern fishermen fished on groundfish, and did not care about fluke. Now licenses have shifted around the coast. When they purchased the license, they accepted that landings would have to be in a certain state. I disagree with the supposed shift in populations. There has been a shift in effort because ESA regulations have forced it.
- Absolutely leave the state allocations alone. We used 1980-1989, setting regulations in 1993. That's 20+ years built around that. Boats that come down from Rhode Island and New Jersey, they bought a license to land in Virginia. It was worth it for them to do that.

² Bell, R. J., Richardson, D. E., Hare, J. A., Lynch, P. D., and Fratantoni, P. S. Disentangling the effects of climate, abundance, and size on the distribution of marine fish: an example based on four stocks from the Northeast US shelf. – ICES Journal of Marine Science, doi: 10.1093/icesjms/fsu217.

They can sell it to someone else. It's an economic decision, not a management decision. The value of landings has steadily increased because of the way it's been managed. We're maximizing the value. People are seeing that there's money in this fishery and now they want to get into it. But the people that are in it have worked hard to get it where it is. And it's one of the only major fisheries we have in Virginia and North Carolina. We don't need to change it.

Permit Capacity and Latent Effort

- Should leave the federal permits status quo. States control who can and cannot land through landing licenses. Latent permits need state permits to even utilize it.
- Latent effort is a state issue. A federal permit is useless without a state allocation. I live in NC, our boat hails in NC, but we can't land fluke in NC. The state took care of that. Our boat hasn't been in the state since 1983 so we shouldn't have an allocation in that state. Boats still need a federal permit. If you tried to do it at the federal level would need to create a new permitting process, having a bycatch permit. Let states do it how they want to do it.
- Imagine being a fisherman from Belford, NJ or Wanchese who saw groundfish days at sea whittled down to practically nothing. They were able to overcome that by investing in fluke, leaving their home ports, spending money to make money, they are still in the fishery. They have no access to groundfish, but now they are going to be squeezed by New England from a quota grab. Need a consideration for fairness for those guys.
- I'm for status quo. My boat has been tied to the dock since March 1. I am waiting for fluke season. In 1980s and 1990s we went where we had to in order to survive - New England, Alaska, wherever. My groundfish permit has been basically taken away from me. My fluke is going to be redistributed to a group that won't go farther than Hudson or Georges Banks.

Commercial Landings Flexibility

- Landings flexibility is just another word for reallocation. If you take fish and land them in other states, it just changes the allocation. Regarding enforcement, when a boat comes in in Virginia, we have to call in. Once it's in, we have to call in before we start unloading. We need to call in when we're done unloading. We have good enforcement. People get tickets for not having licenses all year long. Landings flexibility would be terrible in terms of enforcement issues. We should not give anyone the opportunity to do what they did with Research Set-Aside. Landings flex is a terrible idea that should be taken off the table as soon as possible.

Commercial Discard/Bycatch Reduction or Avoidance Strategies

- Only thing that needs to be changed is to go from 5.5" to 5" tail bag and no minimum fish size. Convert discards to landings in northern states. Mainly leave status quo, just change net size.
- If you're pulling regulated gear you shouldn't have a minimum fish size.

Comments for upcoming AP meeting June 22, 2016

I would like to present the following input for discussion and inclusion regarding the FMP for summer flounder:

I will comment in the order it is presented on the worksheet: Comprehensive Summer Flounder Amendment: Issues for Development.

Commercial/Recreational Allocation:

I feel the current allocation based on previous years catch ratios be revisited. My perspective, being a member of the charter boat sector, and my observations and discussions with the recreational sector, show a significant decline in the number of trips for fluke, number of successful trips for fluke, number of charter boats fishing for fluke, and number of recreational boats fishing for fluke.

I would suggest that since the council and commission function under the NMFS which is an entity under the auspices of the Department of Commerce, that economic considerations be the primary driver of our decisions in regards to allocations, particularly keeping in mind the economic health of existing fishery related businesses.

Fluke, for certain, more than any other species, is the primary driver of economic activity in the recreational sector in the mid Atlantic region. A majority of fishing activity and money spent in all sectors of the recreational sector, revolves around this fishery, and the importance of the fluke population sustainability and proper fishery regulations and allocations, should not be underestimated.

I would suggest the following thought process when considering allocations. Each fluke has an economic value to both the recreational and commercial sector. Based on economic driven activity, it is within the realm of our SSC that the economic value of a fluke for each sector can be ascertained. While this may be a new concept to consider, I feel it is at the basis of what we are trying to achieve under the guidelines of the Magnuson provisions, a sustainable fishery preserving the rights of the fishery sectors and community related businesses.

Of primary consideration is the health of the stock as no businesses will thrive if we do not manage the species well. Viability of our fishery sectors is important as well as it is based on the economics of the fisheries involved. Species that are more economically important to one sector vs another should be allocated in accordance so that both sectors continue to thrive under tough economic conditions.

New MRIP data.....survey via mail data vs older telephone survey data:

We have been presented data suggesting that the recreational catch may be as much as 3 times previously captured data. I have previously sent in comments on using this type of intercept data and the historical inaccuracy of this type of data under the older MRFFS and newer MRIP configurations. In these comments I implore that such data types are too inherently flawed and can lead to devastating and economically disastrous consequences.

As Magnuson requires that the recreational catch be quantified, we have struggled for many years since MRFFS data was first used in 1979. It was hoped that the national registration of saltwater

fishermen would prove a valuable base to tap into for surveying the public under MRIP guidelines, but alas, it has been discovered that a very large percentage of fishing activity occurs by individuals not registered.

For years, this type of intercept data has been proven to be inaccurate and our fishery scientists have struggled, having to use uncertainty factors in their formulas, to come up with ABC and ACL recommendations. I strongly suggest, that once and for all, this whole program subset of data collection be abandoned and substituted with more believable and reliable data such as dock side surveys, fish counters on head boats, percent of boats fishing via direct observations, etc.

To conclude my comment of this subject.....Whatever modifications are made to the commercial vs recreational allocation, the final driving factor needs to be the sustainability of the economic health of existing businesses in both sectors. Our decision can have drastic consequences if not thought out well.

Conservation Equivalency:

I remain strongly opposed to our current regionalized management approach to summer flounder for the following reasons.

It is obvious to all that if we had the same size and number limit for the whole east coast that this would not work due to the spatial distribution of the fluke population. Fishermen in some states would be able to keep no catch due to unavailability of the species, unavailability of the species in that time frame, or unavailability of fish in that size parameter.

Suppose we divided the east coast in half, would the imposition of one regulatory statute on the northern half and a separate one of the southern half work? Again, the answer is no for the above reasons.

I would suggest, regional management does the same thing. All those who have been involved in the fluke fishery for many years have seen the dynamics of the spatial distribution change. We all have seen the changes in the fisheries in our individual states where we fish. The larger the territories involved in any grouping of fishery regulations, the harder it becomes to establish regulations that allow for viability of fishery related businesses within that state.

An example of this is the recent change in the regulations for the Delaware Bay, allowing regulations to be changed for this area more closely matched to the size fish on the southern fringes of the fluke biomass. This change hopefully will help those fishery related businesses survive, many others of which have already failed. Another example of is the allowance of a smaller fluke for shore based fishermen in Island Beach State Park.

Fluke regulations should be returned to a state by state basis such that fisheries can be regulated to accommodate the changes and availability of fluke populations within each state.

I would also suggest that state quotas not be based on historical standards, but instead on the economic importance of that species to that state. Number of fisherman targeting that species should be an important factor.

Sector separation:

I would strongly discourage separating the recreational sector into for hire vs recreational or shore based vs boat based fisheries for the following reasons.

The complexity of our fishery regulatory process is already way too complex and totally out of the realm of understanding by over 99% of our fishery community. Discord between commercial and recreational sectors is enough to deal with without adding a whole new dysfunctional process of arguing over quota distribution between more sectors and deciding on that quota.

The shore based fishery encompasses such a small segment of our fishery (4%), that subdividing it from our recreational catch sector is surely not worthy. Furthermore, as this is such a small fishery, wasting more resources on trying to document the catch more than is already being done, is not productive in an economically challenged regulatory process where monies could be better spent elsewhere.

I know in some fisheries, say Bluefin tuna for example, different regulations exist between for hire vessels and recreational fishermen. One might suggest that since I am in the for hire sector of the fluke industry, I might argue for our own catch sector and fight for a larger segment of that quota. My interest is in fairness and congruity of our fishing segments and I feel any subsector divisions will not benefit the fluke population, sector financial health, or the ability of fishery related businesses to thrive.

Recreational discards:

This continues to be a problem in the recreational industry. Due to the high size limit my discard ratio tends to be anywhere from 1 out of 4 to 1 out of 10. We still unfortunately continue to keep the best breeders of the stock.

For years we have had discussions on a slot size fishery and also on a cumulative length strategy both of which may help preserve more of the breeding segment. I feel it is worthwhile exploring these topics in the following manor. First, I have never seen what fluke fishing regulations would look like under these two types of systems.

I would suggest the SSC be given the task of working figures based on known parameters of our fluke population, and suggesting what regulations would look like under slot or cumulative length regulations to see if either of these is even feasible. It is hard for us to comment on such suggestions without knowing more about what the regulations might look like.

Second, if such regulations appear viable, I would suggest it be done on a small scale, say a portion of one state, to see if SSC projections turn out to be within expectations.

Recreational gear requirements:

I am not in favor of regulating gear requirements at this time. I do feel however that recommendations should be made and distributed online where feasible and also as handouts at local tackle and bait shops.

Two gear recommendations should be made. One is to require J hook sizes no smaller than 5/0, demonstrated by a recent study to be ideal hook size for reducing the catch of small fish while not reducing the catch of keeper size fluke.

A second recommendation would be to use Kahle hooks or circle hooks for the use of non bucktail type of rigs.

Data collection and protocols consideration:

As previously mentioned I strongly oppose the continued use of fishery dependent data sourced through phone or mail surveys. Students of survey data of all types are well aware of all the inherent inaccuracies of this type of data.

The for hire sector, and to a lesser extent the recreational sector are aware that the more fish they report, the more this will affect the quota for subsequent years. With social media being such a dominant force in our lives, the recreational sector will learn too that high catch reporting rates will be used against them.

I strongly suggest that only data derived by direct observations be used. The suggestion of using apps or any other survey reporting means have been and always will be flawed. Our SSC's cannot produce proper ACL's and ABC's if we don't give them good data.

Other issues.....Commercial measures

Evaluate spawning/time area closures

I brought this up at the previous AP meeting and I feel we are being remiss by not exploring this issue. One of the prime considerations for the health of any stock is preserving the spawning ability of that species. While 2014 was a little better for recruitment index, the previous 4 years showed a low index, which is one of the reasons for the reduced biomass and subsequent reduced quotas for both industry sectors.

I am aware that many factors affect recruitment success including predation, SSB, and oceanic factors including variations in ocean temps and acidity. One factor we should not ignore, though, is harvesting these fish when they are at their prime spawning time.

I have read many studies, mostly done in the late 1980's regarding spawning times of our offshore fluke population. We know that they are serial spawners and that the timing of the spawns is related to the north-south distribution of the fish in the fall and winter. As we know what areas the fluke are being harvested from, and when they are harvested, strongly suggest money should be allocated for studies to be done at fish processing facilities to examine what state of fecundity the fish are in.

I think we should use that data to time the areas of closure to best preserve a successful spawning event. If we can increase recruitment, this will benefit the industry as a whole. Effort should be made to make the closures as least cumbersome to the commercial community as possible.

To: Kirby Rootes-Murdy

From: John (Jack) Conway, Advisory Panel Member (CT)

RE: Response to questions posed in the Discussion Document

DT: 06-27-16

Introduction: My comments are based on over 50 years of recreational fishing in Long Island Sound and tailored to reflect what I consider is fair to the commercial sector and the recreational fishing public (including bait and tackle shops). Since I don't fish commercially or run a party or charter boat my viewpoints are not influenced by my financial interests. My viewpoints tend to reflect the opinion of the largest recreational group (private boat owners).

Apologies on not being able to attend the meeting in person.

Specific comments to questions in the AP Discussion Document:

Commercial Recreational Allocation: a slight change in allocation is in order due to the intense interest in summer flounder. My suggestion is 50/50 allocation.

Landings/Harvest based allocation or allocation including discards: keep the landings/harvest model in place. Discards are an issue and should be addressed but the current methodology appears to work well as a management tool. If discards could be retained (small fish that are mortally wounded) a different discussion is in order. (Note my comments on cumulative length limit).

Conservation Equivalency: while unpopular with some states, conservation equivalency is very important for the waters of Long Island Sound. Since boats from NY and often cross the dividing line while fishing, having somewhat common regulations are important. In reality many CT landed summer flounder are from NY waters. In addition, CT has a small recreational allocation and trying to micromanage CT recreational landings at the state level is more than problematic.

Alternative Recreational Allocation: there is a need to go back and reexamine the allocations based on 1998 data that are used to set regional measures. This will help with distribution/availability of stock.

Sector Separation: I'm totally against sector separation. Since the majority of fish are landed by private boat anglers (89%) it is very "unfair" to privatize a portion of the recreational quota for a few boats. In my chats with private boat based anglers all across the state of CT, no one is in favor of this option. The current disaster in the Gulf

of Mexico with red snapper is a great example of what happens when this route is taken.

Since landings for the Party/Charter group have decreased over the past 10 years, the logic of implementing sector separation in the summer flounder fishery is even more suspect. In the big picture the private boat based angler is under represented in the advisory panel process.

Shore Mode: it would appear that we are trying to micromanage landings that are only 4% of the landings. Just include it in the larger recreational landing mode. I oppose a separate quota for the shore mode.

Recreational Discards Discussion Topics:

Slot limit – I'm against a slot limit, in general summer flounder can be wounded during landing and often suffer eye wounds as well. The point being releasing a large fish that could be doomed to die or is blind is problematic at best.

Cumulative length limit – this concept is fascinating, while it can be tough to implement I think it's a great idea and would impact discards while allowing harvest. Enforcement would likely not like the idea, to get around that issue my suggestion would be to require anglers to use a "stringer" to keep fish separate. I typically fish with 2 other anglers in my boat – total of three anglers fishing. All retained fish go in a common cooler. Under the stringer scenario, anglers would need to identify "the fish they are keeping" via a stringer (rope line device attached through the gills to keep fish separate). Under the stringer scenario, the 3 anglers in my boat (including me) would be required to keep summer founder on 3 separate stringers to differentiate who landed what fish. All 3 stringers would be in the same cooler.

Recreational Gear Requirement Discussion Topics – I assume you are considering mandating the use of circle hooks. I don't think this is realistic in the summer flounder fishery. I have no issue with non-regulatory recreational gear recommendations.

Recreational data collection – the current process is flawed, suggestion is to ask for volunteers to report landing data via the current and varied state fishing license (registration) systems. It would be great to actually look at where fish are actually harvested versus landed (NY/RI fish coming to port in CT.) One would need to be careful to capture data from both the casual fisherman versus the "pros" (the old adage that 10% of the fisherman catch 90% of the fish is often true in the private boat fishing community).

Thanks – Jack

Dancy, Kiley

From: flukeman@aol.com
Sent: Monday, July 04, 2016 5:50 AM
To: Dancy, Kiley
Subject: Re: Materials for June 22 SF/S/BSB Advisory Panel meeting

Kiley,

I would like to add some more comments with respect to the meeting.

ADDITIONAL THOUGHTS

- 1) The lack of trust of the recreational harvest data, had many of the audience suggesting alternative methods. It seems, that a research program, thru grants.gov could produce options that those in the room many not realize are possible. The goal would be to collect data from at least 80 % of the trips taken for the three species that are of interest to our group. Once established and verified, expansion could be considered.
- 2) Why do we not provide to the user base, the best methods of releasing fish to increase survival rates. The requirement to release fish is at least 20 years old and the mortality figures forecast that decision. It is inconceivable, that management has not focused and provided best procedures for insuring successful release.
- 3) Per the biomass indicated for scup, I suggest that the harvest level be increased significantly. This may shift some pressure from BSB and SF from the recreational side. Commercially scup prices tend to make trips unprofitable when supply increases, so I do not see huge landing increases occurring. There is so much biomass room to encourage more effort, without immediate risk.

MORE DETAILS ON MY MEETING COMMENTS

Discards are an issue. Management has provided a vision(A) and made decisions that are not congruent with that vision. By accepting the FMAT rational, with respect to not reducing discards in the commercial summer flounder fishery, acceptance flies in the face of that vision. The actions speak volumes as to what this organization stands for. The request for proposal in 2015 Collaborative Research should have asked for full retention of catch AKA discard ban rather than study discard rates and methods of improvement. No method of releasing shorts can be better than not releasing them. If, as in the BSB fishery, you are allowed 15 fish, you would be required to stop fishing when you caught 15 BSB. Under the present system, you may release multiples of 15 in order to retain your limit. With the variables of handling techniques and release predation, no one can realistically predict mortality.

Update, Fluke in Raritan Bay

I thought that the results thru last Tuesday could yield the recreational sector to exceed the catch limit by double. It seemed to be slowing down. I hear from Barnegat Bay, private boaters, that they also are having a great year on similar size fish (20-24"). Rhode Island is also having a great season. Raritan Bay fishery was stalled because of poor drifting conditions. They are back. Saturday 6/25 one of the party boats reported 17 limits. All reported multiple limits. These fish are big with three more ten pounders landed, two on one boat. History tells me that a new wave will be entering the bay during the next two weeks. The present body will fan out and will be available for harvest as they exit the bay. I can easily see that a recreational harvest of 15+ million pounds is possible. I knew that last year's low harvest was due to the cold water, but could also have been due to the declining biomass. I now question the declining biomass numbers. But, if this continues we should be out of breeding stock. If good drifting conditions occurs, the record harvest will continue.

Comprehensive Summer Flounder Amendment comments

Objective 2...To my way of thinking reducing fishing mortality on immature summer flounder under scores the focus by management on the wrong effort. The statement could have read "on summer flounder or on mature summer flounder" and if accomplished would yield the results of increasing the biomass. Do we really believe the the recreational harvest of mainly female fish has no impact on spawning results?

Commercial/ Recreational Allocation

I agree that both sides should follow the same rules regarding payback.

The data with regard to MRIP, causes question on both the comm and rec sides. The comm data is reasonably controlled.

Did not understand how management can see that specific data points are inaccurate and then conclude that the total, due to pluses and minuses canceling effect, obtains the correct answer. How did you know the correct answer? If you do know the correct answer, you do not need MRIP.

Did not understand the point with respect to the allocation remaining landings/harvest based or catch based including discards. Discards are reduced in each sector to yield the allowable catch. Need to know what the difference, that is proposed.

Recreational Measures and Strategies

As long as we continue to allow discards, the only three variables are creel, season and size. Creel and season have been untouchable due to the devastating effect on the recreational support businesses. That leaves size. The concentration on harvesting females and the increase in discard mortality, must end, or we will be facing a fishery that cannot sustain itself.

Slot Limits

Prior to each meeting the calculations of what season and/or creel reduction needs to be accomplished in order to allow a single fish per 1/2" reduction. Having this will allow for realistic discussions rather than blue sky, with no cost association.

Gear Requirements

As above proper handling techniques should be provided by management. In an effort to reduced mortality stainless steel hooks should not be used. Also with the 18 ' minimum keeper, it should be recommended that a 7/0 hook be used.

Carl Benson

Dancy, Kiley

From: A. Ross Pearsall <ross.pearsall@gmail.com>
Sent: Tuesday, July 05, 2016 10:37 PM
To: Dancy, Kiley
Subject: Re: Draft Fluke/Scup/Sea Bass Fishery Performance Reports for Review

Hi Kiley,

Here are the comments I've been able to put together in regards to fluke amendment document.

- 1) Fluke is primarily a food resource. In Rhode Island, the general feeling is that fluke is not treated as such. Therefore, if any amendments are made, they should be made in light of the fact that fluke is primarily caught for food.
- 2) Regarding the commercial and recreational allocations, there appears to be a sense that the current allocations should stay in effect. The feeling is that it is too hard/nearly impossible to control the recreational fishery and actually enforce the allocations. However, if there were any changes in allocations, all species should be taken into account, not just fluke.
- 3) Also in regards to the allocations, many in Rhode Island wonder why there would be any consideration in changing the allocations until data from the "new" MRIP is used/shared. The sense is that there is no point in changing the current allocations until everyone has an understanding of how the recreational sector will be measured.
- 4) Regarding the for-hire sector, the general feeling is that this sector should be split from the recreational sector into it's own sector as current estimates show that 15-20% of recreational fluke are being landed by the for-hire sector. That said, many in Rhode Island feel that this could lead to the current commercial sector losing its allocation to another "commercial" sector. Instead, many feel that the resource has expanded and any allocation to a new for-hire sector should come from the resource, not from the existing sectors.
- 5) Many in Rhode Island are concerned that the MAFMC has the unilateral ability to enact amendments related to fluke. If MAFMC does indeed have that unilateral ability, Rhode Island needs representation other than in an advisory capacity.
- 6) Regarding landings flexibility, many in Rhode Island like the idea of having this flexibility and would like to know how states work together to achieve this. For many Rhode Islanders, the ideal situation is to land everything at one port. Their second choice is to allow multiple state limits on a boat and unload in the quota in various states.

Thanks,
Ross