

APPENDIX G3: All letters and e-mails from recreational  
fishers and recreational charter fishers

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Coastal Conservation Association  
6919 Portwest, Suite 100  
Houston, TX 77024

April 16, 2007

Mark Millikin  
National Marine Fisheries Service  
NOAA  
1315 East-West Highway  
Silver Spring, MD 20910

Dear Mr. Millikin,

Enclosed please find the comments of the Coastal Conservation Association on alternatives for guidance regarding Annual Catch Limits (ACL) and Accountability Measures (AM) and other overfishing provisions of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (MSRA).

The Coastal Conservation Association is a private, not for profit, fishery conservation organization with over 90,000 members in 15 state chapters from Texas to Maine. While composed primarily of recreational fishers, we believe the proper conservation and management of the marine fishery resource benefits all users. We sincerely appreciate the opportunity to provide information on this important topic

## **Issues Under Consideration**

**In considering potential guidance related to MSRA's overfishing provisions, NMFS has identified the following list of issues related to ACLs, AMs, and overfishing. NMFS seeks public comment on the scope of this NOI generally and the list of issues and potential alternatives for this action set forth below.**

CCA believes all fishery sectors should be managed to prevent overfishing. If overfishing is occurring harvest restrictions should be put into place as soon as practicable, and in no event later than the deadline.

CCA questions NMFS' position that ACL must be enumerated as a measure of either the weight or the numbers of fish, particularly as MFMT, perhaps the most critical calculation, is provided as a level of fishing mortality ("F"). We ask that NMFS reconsider its position on the issue, in recognition of the fact that there are essential differences between the commercial and recreational fisheries. An ACL for stocks harvested primarily by the commercial sector that is enumerated in pounds or numbers of fish is probably appropriate, as commercial fisheries are generally comprised of relatively few participants and managers can calculate the actual harvest in near real-time by some combination of sector quotas, trip limits and/or in-season closures. However, no calculation, whether in pounds or numbers of fish, can provide the precise level of

recreational harvest. Commercial fishers are relatively few in number, but each harvests relatively large quantities of fish. Recreational fishers, on the other hand, number in the millions, but each angler's harvest is relatively small. Due to the size of the recreational community, its harvest can only be estimated, based on a survey that necessarily and admittedly includes some level of imprecision. In the case of species that are not often encountered, or which are frequently released and thus not physically available to survey personnel, such imprecision can be significant. Even the best data cannot be accurately compiled until weeks, if not months, after it is gathered. Since harvest cannot be effectively calculated in real time, management of anglers is very different from management of commercial fishers, in that managers can only hope to control harvest indirectly, by managing angler behavior rather than their catch. Thus, in fisheries that are predominantly recreational in nature, the goal should be to constrain harvest to a specified fishing mortality level, rather than a hard quota expressed in pounds or numbers of fish.

With both fisheries there should be a maximum fishing mortality rate (MFMT or  $F_{\text{Threshold}}$ ), which is the proverbial "line in the sand" that should never be exceeded, and a reduced  $F_{\text{Target}}$ , which is far enough below MFMT to be statistically measurable; in commercially-dominated fisheries such MFMT may be expressed in pounds or numbers of fish as an appropriate OFL. Both fisheries should be managed to fish around the lower target in order to not exceed the MFMT and thus engage in overfishing.

Due to the variation in harvest estimates for recreational fisheries, the annual catch rates will vary around the established target. The commercial fishery should be kept at or below the target fishing level.

In the case of data rich stocks, the catch limits or target can be set much more precisely and closer to MFMT, in the case of data poor stocks the catch limits or target must necessarily be more conservative and further removed from the threshold.

Finally, CCA believes that forage fish management is often neglected, but essential to the health of most piscivorous fish stocks. Management, in establishing OY, should take into account the forage function of such stocks when setting catch limits, set  $F_{\text{target}}$  with the forage species' role in the ecosystem in mind, and thus manage more conservatively than would be necessary merely to avoid exceeding MFMT. In forage stocks that are assessed and already have a fishery, we would suggest a cap low enough to assure that predator species have ready access to the stock. On stocks that are not undergoing harvest we would suggest a moratorium on harvest until the issues around harvesting forage species are better resolved.

## **Issues for Developing Guidance for ACLs and AMs**

### **The role of the SSC and other peer review processes in setting ACLs and AMs**

The Science and Statistical Committees should have the predominant role in setting ACLs or Target Fs whether when there are peer reviewed stock assessments available to make a scientific judgment about the health of the stock or when little data is available. The judgment of the SSC is probably more valuable for determining harvest rates for data poor species.

## **The relationship between ACL and OY**

Optimum Yield: The yield from a fishery which provides the greatest overall benefit to the nation with particular reference to food production, recreational opportunities and conservation. It is based on maximum sustainable yield as reduced by economic, social or ecological factors

The ACL should never exceed OY. Again, while the ACL could be expressed as poundage or number of fish, it is better expressed as a fishing rate sufficiently below the MFMT to be statistically different, and would be synonymous with  $F_{\text{target}}$ .

## **Revision of existing overfishing definitions to include OFL**

Such conversion is merely a mathematical exercise converting the fishing mortality rate established as MFMT to poundage, which can be avoided if ACL is also expressed in terms of a fishing mortality rate rather than as pounds or numbers of fish.

## **Variability in data currently available for each stock (e.g., data rich, data poor, and stocks with data quality falling between data rich and data poor)**

There will always be variability in both the quantity and quality of the data available for various stocks. One would not expect the data for tomtoate to be as rich as the data for summer flounder. Management Councils must prioritize species in order to spend limited assets on those that are the most important to the region.

## **Setting ACLs for stocks with unknown status**

The logical option would be to cap the harvest at current levels until data is available to support an assessment. Current harvest levels should be capped in the case of species currently supporting a harvest. A moratorium on harvest for those for which no fishery currently exists, to prevent a fishery from starting up, is advisable.

## **Circumstances in which a numerical ACL can not be set for a stock, and in such situations, recommendations for adequate and appropriate alternatives to setting a numerical ACL (e.g., prohibitions)**

Data poor stocks often use Spawning Potential Ratio (SPR) or escapement as a proxy for fishing mortality in setting harvest limits.

## **Setting ACLs for stock complexes, stock assemblages, and similar stock groupings**

Each SSC should be the primary judge of the desirability of combining stocks for management purposes. However, such an approach should be used with caution. When setting acceptable levels of fishing mortality for a mixed stock, such level must be determined by reference to the weakest individual component to assure that it is not overfished. Such an approach can easily result in several healthy stocks being fished at a rate far below OY in order to protect a single

depressed stock, an undesirable outcome that can be avoided through the use of species-specific ACLs. However, in the case of a mixed stock fishery that is exploited through the use of non-selective gear that produces high levels of discard mortality, establishing an ACL for such stock complex or assemblage may be the only viable approach.

### **Variability in the accuracy of management approaches in achieving target fishing levels.**

Past experience has demonstrated that not all management approaches are equally successful in constraining harvest within target fishing levels. For example, the New England Fishery Management Council's attempts to regulate effort by instituting trip limits and limiting days at sea have met with little success in halting overfishing and rebuilding the stocks of New England groundfish. Such limited success can be compared with the Mid-Atlantic Fishery Management Council's approach of pairing trip limits with hard quotas for commercial fisheries, an approach which has effectively constrained harvest of nearly every stock managed by such Council, and led to real progress in rebuilding such stocks. Clearly, managers should be encouraged to adopt approaches with a successful track record, and abandon those with a historical record of failure.

### **Setting a buffer between ACL and OFL to prevent overfishing, and how to determine the size of the buffer needed**

We believe that the establishment of a meaningful buffer between ACL and OFL should be a core principle of marine fisheries management when the appropriate data is available. ACL must be set sufficiently below MFMT to be statistically meaningful. The size of the buffer between the two would depend on the precision of the estimates of current biomass, recruitment, fishing mortality, natural mortality and biomass at maximum sustainable yield. In stocks with very precise estimates of those variables, ACL and MFMT could be relatively close together, as long as the confidence intervals surround the 2 estimates do not overlap. In the case of data poor stocks, the point estimates are much less certain, and would have to be set farther apart to assure that the estimates of ACL and MFMT do not overlap. A larger buffer is also advisable in the case of severely depressed stocks, when even a single year of overfishing will have a significant impact on the recovery, or in the case of species that mature slowly and are minimally fecund, such as most sharks, and would have great difficulty recovering from an overfished condition.

### **Establishing the appropriate probability that an ACL will prevent overfishing for a stock**

Although widely used by some regional fishery management councils, the court-established standard requiring management measures to have at least a 50% probability of achieving their goals is not adequate, for a 50% probability of success also necessarily implies a 50% probability of failure. This has recently been illustrated by the problems with the recovery of the summer flounder population. In the case of data-rich stocks, a number closer to the court-mandated threshold of 50% may be practicable; in the case of data-poor stocks, a much larger probability (>75%) is advisable.

### **Establishing recommendations for in-season management authority and methods to be used as AMs to prevent overfishing**

Where data is appropriate in-season closures are a useful tool when the ACL is reached. As a rule, that limits the use of in-season closures to commercial fisheries, which report harvest in near real-time. However, such closures are not an appropriate way to manage recreational fisheries, both because there is no way to compile accurate harvest efforts in a timely fashion and because such an approach would do significant harm to the recreational fishing industry, most particularly the for-hire sector. While the commercial industry arguably benefits from a compressed season, in which the entire quota can be taken on relatively few trips, minimizing fuel and other expenses (with the caveat that the market must be able to accept all of the fish caught without a material fall in prices), the recreational industry makes its money not by the fish or by the pound, but by the trip, and books such trips over the entire anticipated season. Thus, an early season closure has a direct, proportional effect on such industry's income. However, in recreational fisheries in which in-season estimates can be made with some attempt at accuracy, an in-season decrease in bag limits or increase in size limits, made to avoid overfishing, may on occasion be a viable option. Such an approach is currently used, with a limited degree of success, in the Angling-category Atlantic bluefin tuna fishery.

In addition, a recreational closure will likely not have the conservation benefit required. Often it takes time for anglers to realize that substantive changes have been made. Regular annual and expected changes work best.

### **Limiting the extent of overfishing, should it occur**

Overfishing should never knowingly be permitted. Due to the realities of the current data collection system, harvest levels can only be timely estimated for the commercial sector. However, should estimates of harvest in any of those sectors suggest that overfishing is likely to occur, appropriate action, as described in the previous response, should be taken to prevent or limit such overfishing.

### **Establishing corrective actions to ensure accountability in a subsequent year for an overage of the OFL for a stock in a previous year**

Corrective actions must be both effective and appropriate to the sector subject to such actions. "Effective" should be read in two contexts—the AM should both remediate any harm done by the overfishing and should deter the affected sector from overfishing in a succeeding year. In the case of commercial fisheries, in which the participants are, often due to limited entry, a known universe of persons, paybacks in subsequent years probably constitutes the most effective AM, as the individuals who benefited from the overharvest will be the same persons who will feel the effects of sanctions in the subsequent year (note that, to better correlate "fault" with AM, the AM's might best be applied on a quarter by quarter basis, so that the fishing activity that is subject to the AM is more likely the same activity that caused the overage). In the case of the recreational fishery, a payback is impractical, as in most fisheries the extent, and perhaps not even the fact, of the overage will be known for certain until the following fishing year is well under way. Also, the universe of recreational fishers is fluid, both as to their actual identity and to their participation in a particular fishery. Many anglers fish for whatever is most abundant (or, perhaps, more "catchable" or "keepable") at the time, and an AM that involves a payback of harvest in a subsequent year will merely shift effort from one species to another, and create the

same problem the AM was designed to prevent with another species. Finally, because regulations governing angling harvest are, as noted above, really constraints on angler behavior, any recreational overage is probably not due to the anglers' "fault", defined as their knowingly exceeding their allocation, but by anglers obeying bag limits, size limits and seasons judged acceptable by fisheries managers, and only found inadequate after the fact. Under such circumstances, sanctioning anglers would not be viewed as an equitable measure. Instead, the proper AM would involve changing the regulatory scheme in a manner designed to reduce recreational harvest and, perhaps, also increasing the size of the buffer between ACL and MFMT to make overfishing less likely.

**Establishing AMs for various sectors of a stock, if an ACL is subdivided for a stock, and the need to still prevent exceeding the overall OFL for the stock**

Because of the essential differences between recreational and commercial fisheries, there is significant merit to the concept of subdividing the overall ACL for a stock into sector-specific ACLs, and crafting AMs for each sector in a manner appropriate to such sector's particular characteristics.

Thank you again for the opportunity to comment on these important proposed changes in marine fisheries management.

Sincerely,

Richen M. Brame  
Atlantic States Fisheries Director

From [Dan Wolford <danwolford@earthlink.net>](mailto:danwolford@earthlink.net)

Sent Thursday, April 12, 2007 4:39 pm

To [Marty Golden <Marty.Golden@noaa.gov>](mailto:Marty.Golden@noaa.gov) , [annual.catch.limitDEIS@noaa.gov](mailto:annual.catch.limitDEIS@noaa.gov)

Cc [Chris Hall <chall@intecsolutions.com>](mailto:chall@intecsolutions.com) , [Ben Sleeter <bsleeter@gmail.com>](mailto:bsleeter@gmail.com)

Bcc

Subject RE: Important Deadline to Comment on how Catch Limits are Set

Marty - thanks for the reminder.

The Coastside Fishing Club supports the analysis conducted by the Pacific Fisheries Management Council, as it was reviewed at its April 2007 meeting. Council commentary can be found in the following link.

<http://www.pcouncil.org/bb/2007/0407/C2.pdf>

Dan Wolford, Science Director  
Coastside Fishing Club

> [Original Message]

> From: Marty Golden <Marty.Golden@noaa.gov>

> To: Bob Hoffman <Bob.Hoffman@noaa.gov>; Craig Heberer <Craig.Heberer@noaa.gov>; Deanna Pinkard <Deanna.Pinkard@noaa.gov>; John Butler <John.Butler@noaa.gov>; Marty Golden <Marty.Golden@noaa.gov>; Monica DeAngelis <Monica.DeAngelis@noaa.gov>; Don Masters <Don.Masters@noaa.gov>; Stephen Stohs <Stephen.Stohs@noaa.gov>; Suzanne Kohin <Suzanne.Kohin@noaa.gov>; Charles Wahle <Charles.Wahle@noaa.gov>; Chris Mobley <Chris.Mobley@noaa.gov>; Culver, C <c\_culver@lifesci.ucsb.edu>; David Witting <David.Witting@noaa.gov>; Fisher, R <Randy\_Fisher@psmfc.org>; Hansen, D <donna@danawharfssportfishing.com>; Porter, R <Russell\_Porter@psmfc.org>; <Karen.Reyna@noaa.gov>; Wilson, C <cwilson@dfg.ca.gov>; Roberts, E <eroberts@dfg.ca.gov>; Lisa Wooninck <Lisa.Wooninck@noaa.gov>; Stone, C <emvlsport@aol.com>; Dupuis, S <Suedupuis@aol.com>; Bacon, D <captain@wavewalker.com>; Beuttler, J <jbeuttler@aol.com>; Bartley, R <stripperred@sbcglobal.net>; Farrior, M <mfarrior@aol.com>; Fletcher, B <dart@sacemup.org>; Fukumoto, G <Glenn\_glenn@sbcglobal.net>; Grant, B <boyd.grant@upsac.org>; Hall, C <chall@intecsolutions.com>; Konzal, J <rkonzal@aol.com>; Martin, Jim <flatland@mcn.org>; Mattusch, T. <TomMattusch@comcast.net>; Morris, M <mmorris999@cox.net>; Okefield, L <Luc@AnglersChoiceTackle.com>; Stasukevich, A <alstaz@yahoo.com>; Strickland, B <bstrickland@unitedanglers.org>; Wolford, D <danwolford@earthlink.net>; Working, P <pablotrabajando@hotmail.com>; Fukuto, S <steve@wfbradio.com>; Greenberg, J <RFACer@ix.netcom.com>; Vallone, S <bobsandsfishing@SBCglobal.net>; Raftican, T <Tom@unitedanglers.com>; Osborn B <Bob@unitedanglers.com>; Jones, K <KenJones@pierfishing.com>; Brad Gentner <Brad.Gentner@noaa.gov>; Carli Bertrand <Carli.Bertrand@noaa.gov>; Forbes Darby <Forbes.Darby@noaa.gov>; Jim D Murray <Jim.D.Murray@noaa.gov>; Margo Schulze-Haugen <Margo.Schulze-Haugen@noaa.gov>; Michael Bailey <Michael.Bailey@noaa.gov>; Michael Kelly <Michael.Kelly@noaa.gov>; Michael T Murphy <Michael.T.Murphy@noaa.gov>; Nicole Bartlett <Nicole.Bartlett@noaa.gov>; Paul Perra <Paul.Perra@noaa.gov>; Terry Smith <Terry.Smith@noaa.gov>; Jay Ginter <Jay.Ginter@noaa.gov>; Cedergreen, M



<mcedergreen@olynet.com>; Martin, Jim <jtmartin@purefishing.com>; Hamilton, E <NSIALiz@aol.com>; Green, J <hjgreen@jeffnet.org>; Bethers, M <bigfish@ptialaska.net>; Donofrio, J. <Jimdrfa@aol.com>

> Date: 4/12/2007 1:06:09 PM

> Subject: Important Deadline to Comment on how Catch Limits are Set

>

> Deadline for submitting comments on Annual Catch Limits is next Tuesday, April 17.

>

> My understanding is that \_NMFS has not received comments from any of the sportfishing organizations yet\_. The community should definitely be paying attention to how these annual limits get set, esp. given our current data system and what happens the following year if those limits are exceeded. Materials related to ACLs can be found here:

> <http://www.nmfs.noaa.gov/msa2007/opportunities.htm>.

>

> Once this comment period ends, NMFS will be drafting a proposed rule for additional public comment - probably in July. But this an opportunity to let NMFS know about any issues and ideas up front.

>

> --

> Marty Golden

> Pacific Recreational Fisheries Coordinator

> Partnerships & Communications Division (SF-8)

> Recreational Fisheries Services Team

> NOAA National Marine Fisheries Service

> 501 W. Ocean Blvd., Suite 4200

> Long Beach, California 90802-4213

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> Recreational Fisheries web Site: <http://www.nmfs.noaa.gov/ocs/recfish/>

> Phone: (562) 980-4004; Fax (562) 980-4047

>

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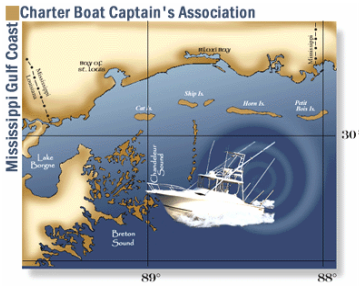
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## *Mississippi Charter Boat Captains Association*

*21030 B. J. Pittman Road*

*Saucier, MS 39574*

*228-385-2910*

*<http://www.mscharterboats.org>*

*Via email: [annual.catch.limitDEIS@noaa.gov](mailto:annual.catch.limitDEIS@noaa.gov)*

*Via fax: 301-713-1193*

April 17, 2007

Mark Millikin  
NOAA/NMFS  
1315 East-West Highway  
Silver Spring, MD 20910

### **Re: ACL comments and recommendations for overfishing definitions**

To Whom It May Concern:

We appreciate the opportunity to comment on the new MSA Annual Catch Limits and to recommend changes to the National Standard 1 Guidelines regarding overfishing.

Establishing ACL's for the recreational sector will be impossible under the current recreational data collection program of MRFSS. Recreational bag limits are the only way to currently manage recreational ACL's.

More real world impacts to the species and the humans who utilize the resource need to be considered when setting overfishing goals. Overfishing guidelines should be established that allow for the continued rebuilding of stocks without extremely restrictive requirements to end overfishing immediately. Each species should have its standard that allows the fishery to move forward toward the rebuilding target while allowing a reasonable harvest rate that affects the social and economic conditions of local fishing communities to the minimum amount possible. More real world impacts to the species and the humans who utilize the resource need to be considered when setting overfishing goals.

We appreciate your consideration of our comments.

Sincerely,

Capt. Thomas J. Becker, President  
MS Charter Boat Captains Association



# National Association of Charterboat Operators

P.O. Box 2990 Orange Beach, AL 36561  
Phone (251-981-5136) Fax (251-981-8191)  
info@nacocharTERS.org www.nacocharTERS.org

**Bobbi M. Walker**  
Executive Director

**Bob Zales, II**  
Panama City Boatman Assn.  
President

**Ed O'Brien**  
Maryland Charter Boat Assn.  
First Vice-President

**Tom Becker**  
Mississippi Charter Boat Captains  
Second Vice-President

**Chuck Schumacher**  
Chicago Sportfishing Assn.  
Secretary

**Ron Maglio**  
Michigan City Charterboat Assn.  
Treasurer

## Member Associations :

Alaska Charter Association  
Beach Haven Charter Fishing Assn.  
Black River Charter Guides Assn  
Cape Cod Charter Boat Assn  
Cape May County Party & Charter Boat  
Captree Boatman Open & Charter Boats  
Charterboat Assn. Of Puget Sound  
Chicago Sportfishing Assn.  
Deep Creek Charterboat Assn.  
Destin Charterboat Assn  
Eastern Lake Erie CharterBoat Assn.  
Florida Guides Association, Inc.  
Genesee Charterboat Assn, Inc.  
Golden Gate Fishermen's Assn.  
Homer Charter Assn.  
Ilwaco Charter Assn.  
Indiana's North Coast Charter Assn.  
Kenosha Charterboat Assn.  
Key West Charter Boatmen's Assn.  
Lake Michigan Sportfishing Assn.  
Marathon Guides Association  
Marco Island Charter Captain's Assn.  
Maryland Charterboat Assn.  
Michigan Charterboat Assn.  
Michigan City Charterboat Assn.  
Mississippi Charterboat Captain's Assn.  
Orange Beach Fishing Assn.  
Panama City Boatmen Assn  
Pennsylvania Lake Erie Charter Captain  
Pensacola Charterboat Assn.  
Petersburg Charterboat Assn.  
Port Aransas Boatmen Inc.  
Prince William Sound Charter Boat Assn  
Seward Charterboat Assn.  
Sitka Charter Boat Operators Assn.  
Sportfishing Association of California  
Steinhatchee Charterboat Assn  
Thumb Area Charter Captains Assn.  
Virginia Charter Boat Assn.  
Westport Charterboat Association

*Via email: [annual.catch.limitDEIS@noaa.gov](mailto:annual.catch.limitDEIS@noaa.gov)  
Via fax: 301-713-1193*

April 16, 2007

Mark Millikin  
NOAA/NMFS  
1315 East-West Highway  
Silver Spring, MD 20910

## Re: ACL comments and recommendations for overfishing definitions

To Whom It May Concern:

We appreciate the opportunity to comment on the new MSA Annual Catch Limits and to recommend changes to the National Standard 1 Guidelines regarding overfishing. However, we are extremely disappointed with the procedure you have established to do so. Annual Catch Limits and overfishing definitions are very complicated and difficult for the average person to understand. Your procedure of going to the public and requesting information certainly satisfies any perceived outreach effort but also is a very poor way to gather information on such complicated issues which few people outside your scientific staff understand. You should have better described the MSA requirements and the scientific issues and provided several possible scenarios for our consideration.

ACL's should be established according to how each fishery has been historically prosecuted and managed. It will be difficult to set ACL's for fisheries currently managed under a FMP and almost impossible to do for species that you have little or no information at all. Each sector, recreational and commercial, should be responsible for their harvest and discard mortality that can be fully verified. If one sector exceeds any recommended ACL, that overage should not carry over to the other sector or impact their allowed harvest.

Establishing ACL's for the recreational sector will be impossible under the current recreational data collection program of MRFSS. The NMFS cannot currently properly assess species with a large recreational component by using this data set, so trying to set and manage ACL's in recreational fisheries that have no assessment information will be next to impossible. Recreational bag limits are the only way to currently manage recreational ACL's.

Overfishing guidelines should be established that allow for the continued rebuilding of stocks without extremely restrictive requirements to end overfishing immediately. Each species should have its standard that allows the fishery to move forward toward the rebuilding target while allowing a reasonable harvest rate that affects the social and economic conditions of local fishing communities to the minimum amount possible. More real world impacts to the species and the humans who

utilize the resource need to be considered when setting overfishing goals. The accuracy of fishery assessment models is extremely limited and predicting any stock status into the future cannot be precisely done. The variability of the model predictions is largely based on assumptions made by the modelers and one variable plus or minus can severely affect the predicted result.

Extreme caution needs to be used when attempting to revise the overfishing requirements and when trying to establish ACL's for the various species. National Standard 8 was placed within the National Standards for a reason and we would argue that it was to attempt to rebuild and maintain stocks while also trying to maintain the social and economic conditions of our local fishing communities.

Sincerely,

Robert F. Zales, II  
President



# Orange Beach Fishing Association

P. O. Box 1202  
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We appreciate your consideration of our comments.

Sincerely,

Bobbi M. Walker  
President

# PANAMA CITY BOATMEN ASSOCIATION

P.O. Box 4151  
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April 17, 2007

Mark Millikin  
NOAA/NMFS  
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Silver Spring, MD 20910

via email: [annual.catch.limitDEIS@noaa.gov](mailto:annual.catch.limitDEIS@noaa.gov)

Re: ACL comments and recommendations for overfishing definitions

To Whom It May Concern:

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ACLs should be established according to how each fishery has been historically prosecuted and managed. It will be difficult to set ACLs for fisheries currently managed under a FMP and almost impossible to do for species that you have little or no information at all. Each sector, recreational and commercial, should be responsible for their harvest and discard mortality that can be fully verified. If one sector exceeds any recommended ACL that overage should not carry over to the other sector or impact their allowed harvest.

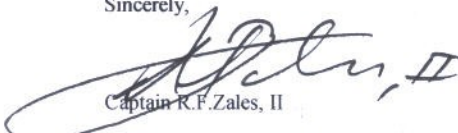
Establishing ACLs for the recreational sector will be impossible under the current recreational data collection program of MRFSS. The NMFS cannot currently properly assess species with a large recreational component by using this data set so trying to set and manage ACLs in recreational fisheries that have no assessment information and little recreational catch data will be next to impossible. Recreational bag limits and an accurate and reliable data system are the only way to currently manage recreational ACLs.

Overfishing guidelines should be established that allow for the continued rebuilding of stocks without extremely restrictive requirements to end overfishing immediately. Each species should have its standard that allows the fishery to move forward toward the rebuilding target while allowing a reasonable harvest rate that affects the social and economic conditions of local fishing communities to the minimum amount possible. More real world impacts to the species and the humans who utilize the resource need to be considered when setting overfishing goals. The accuracy of fishery assessment models is extremely limited and predicting any stock status into the future cannot be precisely done. The variability of the model predictions is largely based on assumptions made by the modelers and one variable plus or minus can severely affect the predicted result. Attempting to predict stock condition more than 2 or 3 years in the future just cannot be done with any reasonable certainty. In almost every assessment on species from the Gulf of Mexico over the last 20 years, every predicted stock status has never come close to the resulting status years later. Each stock status was far better than predicted regardless of any perceived harmful fishing activity.

Extreme caution needs to be used when attempting to revise the overfishing requirements and when trying to establish ACLs for the various species. National Standard 8 was placed within the National Standards for a reason and we would argue that it was to attempt to rebuild and maintain stocks while also trying to maintain the social and economic conditions of our local fishing communities.

Should you have any questions please contact me.

Sincerely,



Captain R.F. Zales, II

Cc: Secretary Carlos Gutierrez  
U.S. Department of Commerce  
1401 Constitution Ave, NW  
Washington, DC 20230

file

*"Dedicated to the conservation and enhancement of our natural marine resources"*



April 17, 2007

Mark Millikin  
National Marine Fisheries Service, NOAA  
1315 East-West Highway  
Silver Spring, MD 20910

**RE: Scoping Comments on Annual Catch Limits DEIS**

Dear Mr. Millikin:

The following comments are submitted by the Recreational Fishing Alliance (RFA)<sup>1</sup> on the National Standard 1 guidelines (Sec. 1(a)(1) and the requirements of the 2006 amendments to the Magnuson-Stevens Act (MSA). Of the 10 National Standards (NS) introduced in the 1996 Sustainable Fisheries Act, NS 1 can be recognized as carrying the most statutory weight during litigation and rebuilding of our domestic fisheries. Its revision, promoted by the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (MSRA) stands to have profound implications for the future of our industry and sport.

During discussions leading up Magnuson's passage and signing in to law, the RFA was deliberate in pointing out that some of the proposed provisions in MSRA would not promote efficient management of the recreational fishing sector. Some measures of the newly reauthorized law have the potential to create negative long-term impacts on the recreational fishing sector without any conservation benefit or real improvement to our domestic fisheries in return. This is particularly worrisome with the issue of annual catch limits (ACL) and accounting measures (AM) contained within MSRA. Consistent with our position in the final discussion of MSRA, we believe these management tools, though easily applied to commercial fisheries, are inappropriate for the recreational sector. However, the concepts of limiting mortality to ensure maintenance and rebuilding through quota managing mechanism are already in place in most recreational fisheries. While we understand this notice of intent comment period does not provide a mechanism to change this language, we stress the importance that the interpretation of MSRA mandates will have on the recreational fishing community.

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<sup>1</sup> The Recreational Fishing Alliance (RFA) is a national, 501(c)(4) non-profit grassroots political action organization that has been representing individual sport fishermen and the sport fishing industry since 1996. The RFA Mission is to safeguard the rights of saltwater anglers, protect marine, boat and tackle industry jobs and ensure the long-term sustainability of U.S. saltwater fisheries. RFA members include individual anglers, boat builders, fishing tackle manufacturers, party and charter boat businesses, bait and tackle retailers, marinas, and many other businesses in saltwater fishing communities.

The RFA offers the following comments on select issues on ACL and AM and their application to National Standard 1.

**The role of science and statistical committee (SSC) and other peer review processes in setting ACL and AM.**

The RFA encourages the increased use of outside peer reviewers in not only setting ACLs and AMs but biological reference points and other important biological benchmarks as well. Most SSC are currently composed of federal and state employed fisheries biologists who are exceedingly qualified and experienced. We do not question their qualifications, but point out that their intimate work with marine fisheries through governmental agencies narrows their perception only to mortality sources manageable under the bounds of the law; mainly fishing activity and habitat protection. The value of including outside scientists is that they bring a point of view that is not constrained specifically to fishing activity and variables under traditional fisheries management. This type of approach can be viewed as more holistic and consistent with the policy of moving toward ecosystem management.

**The relationship between ACL and optimum yield**

The definition of optimum yield (Sec. 104-297(28)(A)-(C)) is ambiguous and difficult to apply in a legal manner to fisheries management. Specific to (A), it is clear the phrase ‘greatest overall benefit to the Nation’ is highly subjective. However, the language contained within this section secures the consideration of food production and recreational opportunities in management decisions. This precedence sets through an extensive legal record that the commercial and recreational fisheries, and their respective industries, are placed on a lower priority than rebuilding fish stocks. This has limited the term ‘optimum yield’ mostly to allocation decisions. The RFA believes optimum yield is a term that should not be restricted to allocation decisions but included when setting ACL. Under the current council system, the SSC will develop an ACL based on the biological information available to them. This preliminary ACL is then considered by the appropriate regional fishery management council for final approval based not solely on biological information, but all the guidance offered under the 10 National Standards; optimum yield included. RFA firmly believes that the consideration of optimum yield must be included when setting ACLs.

**Revision of existing overfishing definitions to include overfishing level.**

The current definition of overfishing (Sec. 104-297)(29) refers to a specific level or rate of fishing mortality that fails to produce maximum sustainable yield on a continuing basis. There are a lot of uncertainties in marine fisheries science which are manifested in unknown sources of mortality that ultimately lower the performance of a stock. In addition, the legal authority of the Secretary to address mortality on marine fish under MSA and MSRA is limited. Unknown or unmanageable mortality has the effect of artificially increasing fishing mortality rates during stock assessments. There are many fisheries where fishing activity is not the primary source of mortality or the factor driving a stock’s decline. Yet fishing activity is the only variable that can be managed under the law. Overfishing levels must incorporate all sources of stress that impact marine fish.



Similar to ACL and AM, overfishing levels will not be effective if they are set in the same context for the commercial and recreational fisheries. Commercial landings and discards are relatively accurate estimates based on real landings figures and reasonable projections of discards produced from vessel trip reports (VTR) and observer data. These figures, similar to their total allowable catch (TAC) or total allowable landings (TAL), are in pounds. Recreational anglers are constrained to their TAC or TAL through minimum size limits, seasons and bag limits. Estimates of their landings are produced from the number of fish they land. While this estimate has a level of error associated with it, it is the most accurate estimate produced for the sector because anglers do not deal with weights of fish. During the conversion of numbers of fish to pounds, the error value can increase over 150%. The primary effort control for commercial fishermen is the trip limit which is in pounds. Conversely, the primary effort control for recreational fishermen is a bag limit which is in numbers of fish. Yet, fisheries managers continue to manage recreational, in terms of quota monitoring, in pounds.

Managing the recreational fishery through TACs and TALs based on pounds is a system destined to fail. There are numerous recreational fisheries that are experiencing this failure but can be most clearly illustrated in the summer flounder fishery. The recreational summer harvest for the past 5 years have been approximately 22% below the 15 year average, and, since 1999, recreational landings have averaged around 4.3 million fish annually. On the contrary, the recreational summer flounder harvest in pounds over the same 5 years is, on average, 12% above the 15 year average. This increase in poundage is not a function of landing more fish but a product of increasing the minimum size limit and requiring that recreational anglers harvest larger, heavier fish. By requiring that larger fish be landed, and managing the recreational fishery through a TAL based on pounds, recreational summer flounder harvest in pounds is doomed to increase even with stable effort. This is a serious flaw not unique to summer flounder but in the management of all the recreational fisheries and will only be exaggerated if overfishing levels are developed or implemented using pounds of fish. RFA strongly suggests that ACL, AM and overfishing levels not be set for the recreational fisheries until National Marine Fisheries Service (NMFS) and the regional fishery management councils can formally adopt a policy that strictly manages this sector in numbers of fish.

### **Variability in the accuracy of management approaches in achieving target fishing levels.**

Recreational fishing data collection programs are inadequate to produce landings and effort estimates on the same level of accuracy of the commercial fisheries. There are over 9 million marine recreational anglers and monitoring every one is impossible. For this reason, sub-sampling and expansion is used to create recreational fishing estimates. Due to the inherent nature of survey and statistical design, error is associated with recreational estimates. In some fisheries, this error can be highly volatile due to the size or distribution of the fishery and the sampling method's inability to capture representative samples of the fishery. Even the most popular recreational fisheries, such as summer flounder, red snapper and striped bass, have questionable landing estimates. For this

reason, the RFA suggests that recreational fishing target levels be established on a multi-year basis to absorb this error. In fact, NMFS data collection personnel have habitually stated that the recreational data collection programs were designed to show trends in fishing activity and that their error increases dramatically when using smaller spatial and temporal scales. By going to a multi-year approach, accuracy of the estimates will increase, foster stability in the recreational fishing industry, and increase the overall efficiency of fisheries management.

**Setting a buffer between ACL and overfishing level to prevent overfishing, and how to determine the size of the buffer.**

RFA suggests allowing the regional fishing management councils to set buffers between ACL and overfishing levels. The councils have proven that they recognize the concept behind the need for setting the buffers. In the past, the councils have set buffers and used precaution even when not prompted by federal law. Furthermore, with revisions to the procedure to set the ACL mandated by MSRA, there is enough precaution already in an ACL. It should be up to the discretion of the regional fishery management councils to determine if an additional buffer is warranted.

**Establishing the appropriate probability that an ACL will prevent overfishing for a stock.**

There is no question among stakeholders and fisheries managers that fisheries science is riddled with unknowns. Since the vast volume of the ocean prohibits us from counting every fish, and the sheer number of recreational anglers prevents us from contacting every angler, stock assessments and landings estimates contain a level of uncertainty. This uncertainty is a variable and usually decreases as more information about a year class or fishing season becomes available. Because of these characteristics, estimates for the terminal year always contain the highest level of uncertainty and reflect the probability that an ACL will prevent overfishing. The RFA has serious concerns about setting absolute probabilities for ACLs based on the most inaccurate data available at the time and suggests using probability strictly as a tool to be utilized by fisheries managers in determining the appropriate level of precaution.

**Establishing recommendations for in-season management authority and methods to be used as AMs to prevent overfishing.**

As it has been pointed out early, current recreational data collection programs have limitations in their role in management. They are not at a level of accuracy or timeliness to allow them to be used in real-time monitoring of the recreational fishing sector. In-season adjustment would require monitoring tools operating at a level that is unachievable with current programs. Biases, in both directions, could have severe impacts on the recreational fishing industry if a fishing season is prematurely closed short based on a false projection. Likewise, if a fishing season is extended and an overage occurs, severe impacts could be felt in the subsequent season. Inseason management is

just not a possibility in the recreational sector at this time, but we encourage NMFS to improve recreational data collection to a level where this type of management is possible.

**Establishing corrective action to ensure accountability in a subsequent year for an overage of the overfishing level.**

There was considerable debate leading up to the passage of MSRA regarding the establishment of accountability mechanisms and a misconception that blatant overages were persistently occurring. In any given fishery, if a target harvest limit is set and then exceeded by either sector, the overage is included and considered when setting the following year's harvest limit. If an overage occurs and causes an impact on the rebuilding of a stock, then adjustments are made in subsequent years to keep rebuilding on schedule. Overage currently can not go unaccounted for if they are slowing rebuilding. RFA affirms that accountability, either through the stock assessment workshop, SSC, or monitoring committee processes, is apparent in most all fishery management plans. We suggest that NMFS direct the regional fishery management councils to prepare reports on each of their FMPs and their process for setting annual harvest limits to determine if the performance of the previous fishing seasons is considered in setting future fishing limits.

The RFA has other concerns with the use of corrective action for overages. All recreational harvest estimates are presented with a percent standard error (PSE). The PSE is a value given to describe the confidence in a given estimate. For example, in 2006, just over 25,000 great amberjack were estimated to be harvested by recreational anglers<sup>2</sup>. The error associated with that estimate is 15 which illustrates that the estimate can vary 3,750 above or below the original estimate. If this fishery was limited to a 24,000 fish annual landing limit, there would be serious debate with the implementation of corrective action. Our confidence in recreational landing estimates is not, at this time, high enough to employ additional corrective actions beyond what is currently in place.

In addition, recreational fisheries must be managed using number of fish as opposed to pounds of fish. Most fishery management plans require anglers to land larger fish thus increasing their harvest in pounds. This results in the recreational sector having a higher probability of exceeding their harvest target despite having stable landings in numbers of fish. Fisheries managers must manage the recreational sector in numbers of fish before any corrective action taken.

**Preliminary ACL and AM alternatives.**

At this time, the RFA supports no action for ACL and AM alternatives. Under the statutory requirements of MSRA, the regional fishery management councils are required to comply with ACT and AM in their FMPs. We encourage the Councils to review their existing fishery management plans and provide a status review for each plan specific to annual catch limits and accounting measures. These reports can form the plan

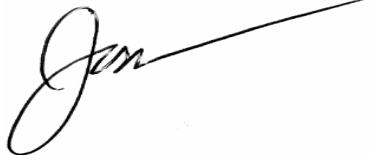
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<sup>2</sup> National Marine Fishery Service. 2007. *Personal communication*. Marine Recreational Fishing Statistical Survey.

of action to bring their plans up to speed with MRSA. The RFA agrees that it is appropriate for NMFS to provide guidance in implementing MRSA's overfishing provisions and their application to National Standard 1, but believes that the regional councils should be allowed to review and submit reports on their FMPs in reference to their compliance with the new law.

Thank for the opportunity to comment on this issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jim", with a long horizontal line extending to the right.

James A. Donofrio  
Executive Director

cc Dr. William T. Hogarth

From [Mark Millikin <Mark.Millikin@noaa.gov>](mailto:Mark.Millikin@noaa.gov)



Sent Friday, June 1, 2007 11:20 am

To [annual catch limitDEIS <annual.catch.limitDEIS@noaa.gov>](mailto:annual.catch.limitDEIS@noaa.gov)

Cc

Bcc

Subject [Fwd: question on annual catch limit DEIS]

From Kent Hall, March 1, 2007.

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

Subject: question on annual catch limit DEIS

Date: Thu, 01 Mar 2007 23:19:46 +0000

From: kent hall <bevandkent@hotmail.com>

To: Mark.Millikin@noaa.gov

Dear Mr. Millikin,

I am writing for the Sitka Charter Boat Operators Association, in Sitka, Alaska, and trying to determine how applicable the proposed ACL and AM changes will be to us.

I noticed no scoping meetings will be held in Alaska, and I'm thinking that perhaps this issue pertains more to commercial fishing operations on the east and west coasts.

If you believe our opinions are critical, please attach a link where I can find out more details of what's proposed. Hope to hear from you soon.

Thanks,  
Kent Hall  
Secretary/Treasurer  
Sitka Charter Boat Operators Association  
Sitka Alaska

April 13, 2007

SF3

SF

04-17-07 P12:12 IN

Dr. Robert Hogarth, Director  
National Marine Fisheries Service  
1315 East-West Highway  
Silver Spring, MD 20910



Dear Dr. Hogarth:

The Texas Black Bass Unlimited organization appreciates your leadership in ensuring that our ocean ecosystems are protected as well as the fish management improvement and the rules for the reauthorized Magnuson-Stevens Fishery Conservation and Management Act are being looked into. We would like to submit comments on the Notice of Intent recently issued by your department regarding possible changes to National Standard 1 on Fishing.

- ✓ Science, not special interest groups should set fishing limits. All decisions and appointments to the Science and Statistical Committee need to be tracked carefully by your department to ensure competence and independence.
- ✓ Accountability for over-fishing that keeps stocks out of trouble. We need clear, equitable, consistent accountability measures in place for annual catch limits.
- ✓ Timely catch data. Require fishermen to report their catch levels in an accurate, timely fashion.
- ✓ Stop over-fishing by maintaining the 10-year rebuilding requirement for recovering depleted fish stocks.

It is the responsibility of everyone – including congress – to protect the future of sport and food fish for future generations and we want to work with you to make this happen.

Thank you,

Ed Parten  
President, T.B.B.U.

**Anderson Pier, Inc.**  
**d/b/a Capt. Anderson's Marina**  
**5550 N. Lagoon Drive / Panama City Beach, FL 32408**  
**(850) 234-3435 or (800) 874-2415 Fax: (850) 234-0260**  
**[www.captandersonsmarina.com](http://www.captandersonsmarina.com) Email: [captanders@aol.com](mailto:captanders@aol.com)**

April 17, 2007

Mark Millikin  
NOAA/NMFS  
1315 East-West Highway  
Silver Spring, MD 20910

Re: ACL comments and recommendations for over-fishing definitions

To Whom It May Concern:

We appreciate the opportunity to comment on the new MSA Annual Catch Limits and to be able to recommend changes to the National Standard One Guidelines in regard to over-fishing. While we realize this effort satisfies the requirement for public input, we, the public, do not have enough data that is understandable to make valid decisions, decisions that affect our future.

We believe the manner in which you collect data needs to be improved drastically before you or we can make effective decisions on these matters. Recreational bag limits are the only way to manage ACLs under the new rules but have been proven inaccurate due to the way they are implemented.

In order to eliminate the excess 'dead discards' which are counted in the TAC, on Red Snapper, for instance, fishermen should catch and keep their first 4 fish and stop fishing. In the For-Hire fishery, given the alternatives you have proposed, the industry will be happy to comply. There will be some that are not going to comply with any of your regulations. Punish them, not the entire industry.

While the NMFS has been mandated by the Re-enactment of the Magnuson-Stevens Act to stop the over-fishing in a limited time period, the law is very clear that they make their decisions 'fairly and equitably' while taking into consideration the negative economic impact on the fishery. This is not happening. On the document dated March 2007, "Annual Catch Limits (ACLs) and Accountability Measures (AMs): Requirements of the 2006 Amendments to the Magnuson-Stevens Act (MSA)", page 3's list does not include any mention of the economic impact being an issue to consider while deciding the ACLs and AMs.

The estimate given in the NMFS documentation of the economic impact on the fishing industry is wrong. The estimate predicts a loss of 2 trips per charter boat and an overall loss of \$43,000.00 for the entire industry across the Gulf Coast.

As of this writing, the For-Hire businesses at Capt. Anderson's Marina have losses of more than \$42,000.00 in the first two months of the season and all are reporting losses already of more than 2 charter trips each. This does not take into account the related businesses for suppliers of bait & tackle, motels, and restaurants, etc.

The fishery is recovering and will continue to recover if no new regulations are added; it just needs to take a little longer. Like one of the fishermen has said, "It would be like the difference between taking an elevator or taking the stairs. You get to the same place, it just takes a little longer by stairs, but you still get there." The Gulf Coast recreational fishing industry is suffering and will suffer more under the most recent and the proposed regulations imposed by the National Marine Fishery Service (NMFS).

Our industry is not only our 'bread and butter' but is a major player in Florida's tourism industry. The latest regulations are going to devastate the industry, and thus impose an unwanted negative economic impact on the tourism industry.

For the recreational fishery, we have suggested and are still saying that we should be required to have logbooks to calculate the catches of each trip. We are told the reason they do not require that is that the statistics would be falsified. It is a matter of trust. We are a trustworthy group of business people. Just as there are 'bad apples' in every bunch, there will be some that report inaccurately. But not most of us. We want you to know what we are really catching because we know the estimates are exaggerated. The charter boat sector has been pushing for logbooks for several years to no avail.

There is another way to collect more accurate data. The catches of the private fishermen that hold licenses are being estimated. In other words, it is a guess. We are told it is impossible to collect their catch data. We say there are ways to get a lot closer. Congress has just put into place a requirement for a national registry which, if enough samples are taken, it should make it more accurate.

One way is for every license holder to submit the catches when they go fishing. They may not always be accurate, but they will be much closer than a total guess. You've heard this before but have not acted on it.

Another way to help you in enforcement is to charge a fee for a decal to the fishermen who use a private boat. That fee would be used strictly for enforcement. Each boat out there that has a decal can be checked, on a rotating basis from one area to another, for illegal catches and for properly accounting for their legal catch. Those who have fishing poles on their boats and no decal can be checked for fish. If they have fish, they are fined. If they do not have fish, they are warned of the need for the decal.

This would not be a fee for the already licensed vessels such as charterboats and headboats. It would be the private sector. And being afraid of dissension on their part...well, I think if they are told it is to help eliminate these excess regulations, they would welcome it. The decal would just be for those who want to fish from their boats.

The guessing will be over. The illegal fishermen will be put on notice that they will be prosecuted. You will have the funding to check for the illegal fishermen and the illegal catches.

The problem is major for the fishing industry and needs immediate attention. In the meantime, we would ask that the deficiencies that you know are there be corrected before any more damaging regulations are imposed.

Respectfully submitted,



Ken Anderson, Owner/Operator  
Capt. Anderson Fishing and Cruising



From [Bigtrig42@aol.com](mailto:Bigtrig42@aol.com)

Sent Tuesday, April 17, 2007 4:15 pm

To [annual.catch.limitDEIS@noaa.gov](mailto:annual.catch.limitDEIS@noaa.gov)

Cc

Bcc

Subject annual.catch.limitDEIS

April 16, 2007

Mark Millikin

NOAA/NMFS

1315 East-West Highway

Silver Spring, MD 20910

via email: [annual.catch.limitDEIS@noaa.gov](mailto:annual.catch.limitDEIS@noaa.gov)

Re: ACL comments and recommendations for overfishing definitions

To Whom It May Concern:

I appreciate the opportunity to comment on the new MSA Annual Catch Limits and to recommend changes to the National Standard 1 Guidelines regarding overfishing. However, we are extremely disappointed with the procedure you have established to do so. Annual Catch Limits and overfishing definitions are very complicated and difficult for the average person to understand. Your procedure of going to the public and requesting information certainly satisfies any perceived outreach effort but also is a very poor way to gather information on such complicated issues which few people outside your scientific staff understand. You should have better described the MSA requirements and the scientific issues and provided several possible scenarios for our consideration.

ACLs should be established according to how each fishery has been historically prosecuted and managed. It will be difficult to set ACLs for fisheries currently managed under a FMP and almost impossible to do for species that you have little or no information at all. Each sector, recreational and commercial, should be responsible for their harvest and discard mortality that can be fully verified. If one sector exceeds any recommended ACL that overage should not carry over to the other sector or impact their allowed harvest.

Establishing ACLs for the recreational sector will be impossible under the current recreational data collection program of MRFSS. The NMFS cannot currently properly assess species with a large recreational component by using this data set so trying to set and manage ACLs in recreational fisheries that have no assessment information will be next to impossible. Recreational bag limits are the only way to currently manage recreational ACLs.

Overfishing guidelines should be established that allow for the continued rebuilding of stocks without extremely restrictive requirements to end overfishing immediately. Each species should have its standard that allows the fishery to move forward toward the rebuilding target while allowing a reasonable harvest rate that affects the social and economic conditions of local fishing communities to the minimum amount possible. More real world impacts to the species and the humans who utilize the resource need to be considered when setting overfishing goals. The accuracy of fishery assessment models is extremely limited and predicting any stock status into the future cannot be precisely done. The variability of the model predictions is largely based on assumptions made by the modelers and one variable plus or minus can severely affect the predicted result.

Extreme caution needs to be used when attempting to revise the overfishing requirements and when trying to establish ACLs for the various species. National Standard 8 was placed within the National Standards for a reason and we would argue that it was to attempt to rebuild and maintain stocks while also trying to maintain the social and economic conditions of our local fishing communities.

Sincerely,

Capt. Bill Archer

From [sea flight sportfishing charters <seaflite@xyz.net>](mailto:seaflight_sportfishing_charters@xyz.net) 

Sent Tuesday, March 6, 2007 1:45 pm

To [annual.catch.limitDEIS@noaa.gov](mailto:annual.catch.limitDEIS@noaa.gov)

Cc

Bcc

Subject marine stewardship responsibility scoping mtgs

A good method of controlling overfishing is to control commercial bycatch. I personally know of hundreds of rockfish floating dead after the work of a commercial fishing boat in my area that was not, obviously, targeting rockfish. This is one of less documented examples of a well documented national problem - a problem better solved in Canada than in our country, oh by the way. I urge you to follow Canada's lead in reducing commercial bycatch, and thusly saving **millions** of pounds of the resource.

Leah W. Jenkin  
POBox 2347  
4850 Adams Drive  
Homer AK 99603

From [Rex Murphy <rvmurphy@ptialaska.net>](mailto:rvmurphy@ptialaska.net) 

Sent Monday, February 19, 2007 4:45 pm

To [annual.catch.limitDEIS@noaa.gov](mailto:annual.catch.limitDEIS@noaa.gov)

Cc [Forbes Darby <Forbes.Darby@noaa.gov>](mailto:Forbes.Darby@noaa.gov) , [William T Hogarth <Bill.Hogarth@noaa.gov>](mailto:William.T.Hogarth@noaa.gov) , ["David S. Whaley" <Dave.Whaley@mail.house.gov>](mailto:David.S.Whaley@mail.house.gov) , [Kevin Allexon <Kevin.Allexon@noaa.gov>](mailto:Kevin.Allexon@noaa.gov)

Bcc

Subject Overfished Stocks Catch Limits and Accountability Suggestions

Attachments [NOAAFCFSModel.doc](#)

23K

Greetings,

Enclosed please find a simple fisheries management algorithm and accountability plan that answers the needs of limiting recreational harvest in any over fished fishery.

Please feel free to contact me if you have any questions, comments or suggestions to further refine this proposal.

Regards,

Rex Murphy  
Winter King Charters  
P.O. Box 3309  
Homer, AK 99603  
907-235-9113  
[rvmurphy@ptialaska.net](mailto:rvmurphy@ptialaska.net)  
[www.winterking.com](http://www.winterking.com)

### The Problems:

1. How can we easily manage the recreational fishing sector within a fixed allocation required in the case of an over fished fishery?
2. How can we collect more timely and accurate harvest data?

### A Simple Solution:

1. Each year the recreational allocation (in fish) is determined using the best science and the allocation model in place for the particular fishery.
2. A number of Harvest Tickets (corresponding to the allocation in fish) are made available to the fishing public on a first come, first served basis. A ticket is good for one limit of fish for one person on any day of the fishing season. When all tickets have been dispensed, the allocation is fully pre-reserved.
3. Harvest Tickets are non-transferable to prevent scalping. Ticket can be used on any day of the regular season. A limit on the number of tickets available to any single angler should be considered.
4. A Harvest Record is incorporated into the Harvest Ticket. It could be used to collect data such as length of fish harvested, date harvested, location caught. This information would be valuable for year end harvest count, average fish size calculations and for enforcement purposes. The Harvest Record should be machine readable to facilitate entry into a harvest database. If a returned Harvest Record indicates a harvest that is less than the daily limit, additional Harvest Tickets could be issued corresponding to the number of reported uncaught fish.

### Comments:

A first come, first served management scheme should be readily accepted by the public, since this model is the basis for dispensing the vast majority of goods and services that have limited availability. Examples include airline tickets, charter boat and hotel reservations, and virtually everything we as consumers buy in stores. This model is already widely used in other wildlife management programs.

This model manages harvest to a level guaranteed not to exceed the allocation in fish, *without the need for in-season closures* or any end of season management action other than setting the following year's recreational allocation and bag limits. The single operating premise of this model is that ticket dispensing stops when there are no more available tickets.

This model collects accurate data on all fish caught, and provides the information to the fisheries managers in time for use in decision making for the following year.

From [jim and maureen panzer <jmpanzer@bbc.net>](mailto:jmpanzer@bbc.net) 

Sent Wednesday, February 21, 2007 3:26 pm

To [annual.catch.limitDEIS@noaa.gov](mailto:annual.catch.limitDEIS@noaa.gov)

Cc [Butch <wildmancharters@gci.net>](mailto:Butch <wildmancharters@gci.net>)

Bcc

Subject annual limit

Sirs,

Why are you considering annual limits for sportsmen who catch 10% of the fish(halibut). The commercial take has increased while you consider this restriction. If the state of Alaska wants more bang for the buck they should give 50% of the halibut to sportsmen to be shared by individual and chartered fishermen.

How much and how long I fish will be determined by your actions. Tuna fishing has been excellent.

Sincerely,

James Panzer,M.D.

Gordon Nebraska

From [Capthierry@aol.com](mailto:Capthierry@aol.com)

Sent Thursday, April 19, 2007 10:16 pm

To [annual.catch.limitDEIS@noaa.gov](mailto:annual.catch.limitDEIS@noaa.gov)

Cc [chancyw@gulftel.com](mailto:chancyw@gulftel.com) , [bobzales@att.net](mailto:bobzales@att.net)

Bcc

Subject comments and recommendations for overfishing

To whom it may concern,

This is in regard to comments to MSA annual comments and recommend to the National Standard One Guide Lines regarding overfishing.

I have found annual catch limits and overfishing definitions were very complicated and very hard to understand. I wish it could have been better described and possibly given different alternatives to look at.

I feel that (Annual Catch Limits) ACLs, should be established according to the greatest benefit to the nation. The most people that use the resource feel strongly that if one sector exceeds their ACL, that this overage does not carry over to the other sector or affect their harvest.

I feel that establishing ACLs for recreational fisheries will be very difficult, especially with fisheries that have no assessment information and lack of adequate data on most fisheries.

I think that if a fishery is showing positive signs of rebuilding, we should use less restrictive requirements to end overfishing so quickly. Let's stretch it out over time so as to lessen the socio-economic impact on fishermen and communities that depend greatly on these fisheries.

From my perspective, more emphasis needs to be placed on the fishermen, as we are the ones that are over-regulated while the fish stocks are recovering.

NMFS has set goals for rebuilding that are unreasonable and unreachable.

These goals can still be met with stocks rebuilding and fishermen and communities less impacted with just a little more time.

As it is now, these restrictive measures are already causing undue hardships, socio-economic impacts on our communities.

*Save the fish AND the fishermen!*

Thank you for your consideration to this matter.

Sincerely,

CAPTAIN MIKE THIERRY  
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April 17, 2007

P.O.Box 4335  
Panama City, FL 32401

Mark Millikin  
NOAA/NMFS  
1315 East-West Highway  
Silver Spring, MD 20910

via email: [annual.catch.limitDEIS@noaa.gov](mailto:annual.catch.limitDEIS@noaa.gov)

Re: ACL comments and recommendations for overfishing definitions

To Whom It May Concern:

I appreciate the opportunity to comment on the new MSA Annual Catch Limits and to recommend changes to the National Standard 1 Guidelines regarding overfishing. However, I am extremely disappointed with the procedure you have established to do so. Annual Catch Limits and overfishing definitions are very complicated and difficult for the average person to understand. Your procedure of going to the public and requesting information certainly satisfies any perceived outreach effort but also is a very poor way to gather information on such complicated issues which few people outside your scientific staff understand. You should have better described the MSA requirements and the scientific issues and provided several possible scenarios for our consideration.

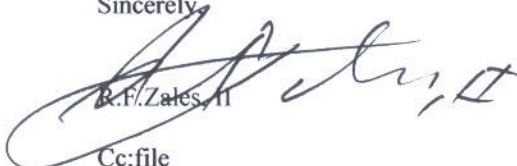
ACLs should be established according to how each fishery has been historically prosecuted and managed. It will be difficult to set ACLs for fisheries currently managed under a FMP and almost impossible to do for species that you have little or no information at all. Each sector, recreational and commercial, should be responsible for their harvest and discard mortality that can be fully verified. If one sector exceeds any recommended ACL that overage should not carry over to the other sector or impact their allowed harvest.

Establishing ACLs for the recreational sector will be impossible under the current recreational data collection program of MRFSS. The NMFS cannot currently properly assess species with a large recreational component by using this data set so trying to set and manage ACLs in recreational fisheries that have no assessment information will be next to impossible. Currently there is little if any recreational data on species that do not have a FMP so how can a reasonable person even begin to think you can properly manage such a species. Recreational bag limits are the only way to currently manage recreational ACLs and due to the complete lack of recreational data attempting to do so will be impossible.

Overfishing guidelines should be established that allow for the continued rebuilding of stocks without extremely restrictive requirements to end overfishing immediately. Each species should have its standard that allows the fishery to move forward toward the rebuilding target while allowing a reasonable harvest rate that affects the social and economic conditions of local fishing communities to the minimum amount possible. More real world impacts to the species and the humans who utilize the resource need to be considered when setting overfishing goals. The accuracy of fishery assessment models is extremely limited and predicting any stock status into the future cannot be precisely done. The variability of the model predictions is largely based on assumptions made by the modelers and one variable plus or minus can severely affect the predicted result. Current interim rules and proposed regulations are causing severe social and economic damage to local fishing communities because of the lack of social and economic data, and in some cases using false statements about the projected impact to the communities.

Extreme caution needs to be used when attempting to revise the overfishing requirements and when trying to establish ACLs for the various species. National Standard 8 was placed within the National Standards for a reason and we would argue that it was to attempt to rebuild and maintain stocks while also trying to maintain the social and economic conditions of our local fishing communities. More information needs to be gathered from the communities and the people who live and work in those communities on the REAL impact of proposed regulations. Providing a paper trail with words that cannot be substantiated to satisfy NEPA and the NMFS argument for extremely restrictive regulations should be addressed and corrected.

Sincerely,



R.F. Zales, II

Cc:file

From [mike zaleski <mez3830@hotmail.com>](mailto:mez3830@hotmail.com)

Sent Friday, February 23, 2007 9:21 am

To [annual.catch.limitDEIS@noaa.gov](mailto:annual.catch.limitDEIS@noaa.gov)

Cc

Bcc

Subject overfishing reply

To whom it may concern;

I am simply amazed that your agency insists there is overfishing..... especially by recreational fisherman. I have never in my 50 years seen such an abundance of fish in the ocean off of New Jersey. I fish the man made reefs off of Long Beach Island, Little Egg, Garden State North & South, as well as several other off shore areas.

I have noticed that every year in the last ten years the oceans have come alive with an abundance of every species. The flounder, sea bass, blue fish, striper, dolphin, menhaden, false albacore and not to mention the spiny dogfish and other sharks.

It is time for someone in your agency to start doing their job and not speculate on what might be happening in our oceans. Your agency should start using sound scientific methods to get an accurate count of the actual fish that are being caught. I have never seen or heard of someone being asked about how many fish they have caught on any given day....in 43 years of fishing. I have been fishing or around water my entire life as well as my father, who has passed on. We have never been approached by a researcher. My friends who fish from marinas located all along the coast of New Jersey, Delaware and Maryland have never seen a person asking about the days catch or heard of someone being asked. If that is the case, who is asking and who are they asking..... or is your agency guessing and basing their guesstimates on anti-fishing studies???

I think this is a question that is being asked over and over again by your every day recreational fisherman and it should be publicized for everyone to see.

Sincerely;

Mike Zaleski

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May 4, 2007

Dr. Robert Hogarth, Director  
National Marine Fisheries Service  
1315 East-West Highway  
Silver Spring, MD 20910

Re: Comments on National Fishing Standard 1

Dear Dr. Hogarth:

05-10-07A07:26 RCVD

I am an avid fisherman, conservationist, environmentalist, and outdoorsman. Through my volunteer position as Vice President of Education for the Virginia Council of Trout Unlimited, I'm very aware of the issues we face in protecting the vitality of our watersheds, oceans and marine ecosystems. As such, I am writing to submit comments to the National Marine Fisheries Service on possible changes to National Standard 1 on Fishing.

This is a critical time for the health of our oceans, and your leadership is vital for ensuring that our ocean ecosystems are protected and that ocean fish management is improved as your agency moves forward to issue rules for the reauthorized Magnuson-Stevens Fishery Conservation and Management Act (MSA), the law governing fishing in U.S. ocean waters.

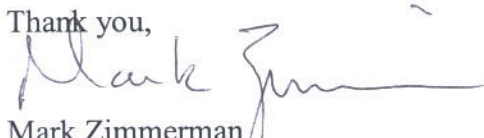
A strong and effective MSA is crucial for the sake of healthy oceans and the communities that depend on them. We believe that the revised National Standard 1 guidance should make the following changes in the way that your agency and regional councils conduct business:

- **Let science, not special interests, set fishing limits.** Every regional council must have a strong, independent, technically proficient Science and Statistical Committee (SSC) that has the resources and data to make conservative, science-based decisions. Appointments to these councils should be tracked carefully by NMFS to ensure competence and independence. These committees should set science-based annual catch limits (ACL's) that incorporate a precautionary approach or buffers to keep fish stocks healthy or recovering from depletion with a high level of certainty.
- **Set fishing limits with precautionary buffers so that overfishing does not occur.** In order to prevent overfishing managers must set catch limits with precautionary buffers to take into account uncertainty in fish stock data, population models, and fluctuating ocean conditions. Using appropriate buffers keeps catch limits consistently and appropriately below the level of overfishing which will ensure with a high percentage of certainty that overfished stocks recover, healthy stocks do not drop into overfishing territory, and enough forage fish are left in the ocean to support prey species.

- **Create accountability for overfishing.** Managers should create clear, equitable, consistent, and concrete accountability measures that keep stocks out of trouble if annual catch limits are exceeded.
- **Require fishermen to report their catch levels in an accurate, timely fashion.** Without accurate, timely catch data, it's impossible to determine if a fish has been overfished. With this information, we can take the necessary steps to ensure that overfishing in our oceans is less likely to occur. To that end, data from each fishery should be collected online soon after landing the fish.
- **Stop overfishing as quickly as possible.** NMFS should maintain the 10-year rebuilding requirement for recovering depleted fish stocks. Congress clearly considered and rejected changes to this requirement in the MSA reauthorization process.

In sum, we are very pleased with the proposals that NMFS has considered so far. We hope to see as many of these good ideas embedded in the final regulations and guidance as possible. We have a unique opportunity to make a quantum jump in the way we manage our fisheries to protect our oceans and our fish.

Thank you,



Mark Zimmerman  
Winchester, Virginia

cc. Mark Milikin, National Marine Fisheries Service