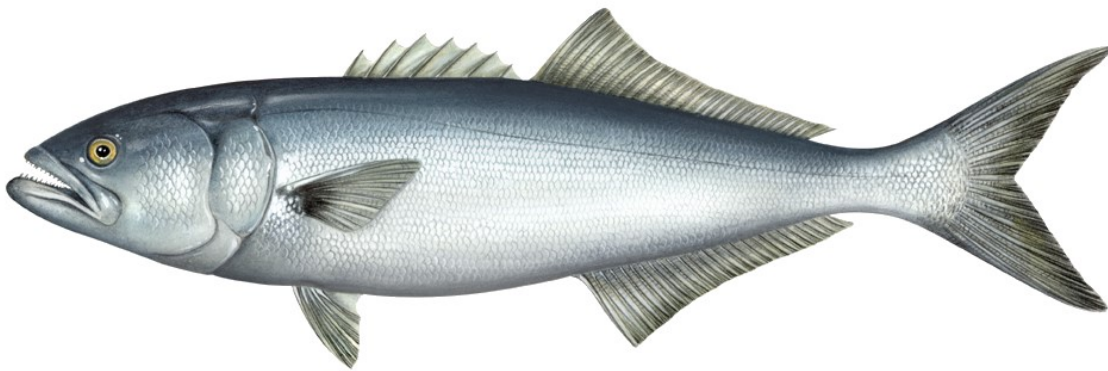


BLUEFISH ALLOCATION AND REBUILDING AMENDMENT

DRAFT PUBLIC COMMENT SUMMARY APRIL 2021



Prepared by the
Mid-Atlantic Fishery Management Council (MAFMC or Council) and the
Atlantic States Marine Fisheries Commission (ASMFC or Commission)



TABLE OF CONTENTS

1	Introduction and Comment Summary	2
1.1	Overview	2
2	Public Hearing Summaries	3
2.1	North Carolina, South Carolina, Georgia, and Florida	3
2.2	Delaware, Maryland, Potomac River Fisheries Commission, and Virginia	5
2.3	Connecticut and New York	7
2.4	Maine, New Hampshire, Massachusetts, and Rhode Island	11
2.5	New Jersey	15
3	Written Comments	20

1 INTRODUCTION AND COMMENT SUMMARY

1.1 OVERVIEW

This document summarizes public comments on the Bluefish Allocation and Rebuilding Amendment. Through this action, the Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission (Commission) are considering potential modifications to the Fishery Management Plan (FMP) goals and objectives, current allocations between the commercial and recreational sectors, current commercial allocations to the states, initiating a rebuilding plan, revising the quota transfer processes, revising how the FMP accounts for management uncertainty, and revising *de minimis* provisions in the Commission's plan. Additional information and amendment documents are available at: <https://www.mafmc.org/actions/bluefish-allocation-amendment>.

Five virtual public hearings were held between March 24 and April 8, 2021, targeted toward certain states or regional groupings of states (Written comments are still being received through Friday April 23rd, 11:59 PM. Preliminary summary information will be provided at the AP meeting.

Table 1). Hearings were attended by 178 people in total (excluding Council and Commission staff). Not all attendees provided comments.

Written comments are still being received through Friday April 23rd, 11:59 PM. Preliminary summary information will be provided at the AP meeting.

Table 1: Amendment public hearing schedule.

Date and Time	Regional Grouping
Wednesday, March 24, 6-8pm	North Carolina, South Carolina, Georgia, and Florida
Thursday, March 25, 6-8pm	Delaware, Maryland, Potomac River Fisheries Commission, and Virginia
Tuesday, March 30, 6-8pm	Connecticut and New York
Thursday, April 1, 6-8pm	Maine, New Hampshire, Massachusetts, Rhode Island

INCOMPLETE DRAFT DOCUMENT – BLUEFISH AP BRIEFING MATERIALS

Date and Time	Regional Grouping
Thursday, April 8, 6-8pm	New Jersey

2 PUBLIC HEARING SUMMARIES

A summary of each public hearing is provided below. Due to the complexity and high number of amendment alternatives, each management issue was presented and commented on individually. Comments are summarized by hearing and individual comments are grouped by management issue and paraphrased.

2.1 NORTH CAROLINA, SOUTH CAROLINA, GEORGIA, AND FLORIDA

Wednesday, March 24, 2021, 6:00 p.m.

Attendees: (18 excluding Council/Commission staff): Chris Batsavage, Michael Carotta, Michelle Duval, James Fletcher, Cynthia Ferrio, Sonny Gwin, Hannah Hart, Doug Haymans, Dewey Hemilright, Rusty Hudson, William Mandulak, Thomas Newman III, Will Poston, Art Smith, Eric Summers, Sara Winslow, Amy Zimney, Wes Townsend

Summary: The meeting started with an introduction and briefing from the hearing officer Chris Batsavage (NC). Five members of the public offered public comment on the amendment alternative sets. The majority of comments were focused on the allocation alternatives with an emphasis on ensuring quotas remain at levels that support positive fishery participation from both sectors. Some members of the public expressed their frustration with the complexity of alternatives associated within the commercial allocations to the states. The two who spoke on this issue were supportive of maintaining status quo commercial allocations for their respective state to ensure quotas do not fall much lower than the current levels. Feedback was mixed on how to proceed with the rebuilding plan and the transfer process. Members of the public did express their frustration with the current stock status and offered comments to that effect. The two comments received on management uncertainty were in support of adopting sector specific management uncertainty. Finally, the one comment received on *de minimis* status voiced support for status quo. Questions from the public mainly focused on the new Marine Recreational Information Program (MRIP) estimates, the overfished stock status, current quotas and management measures, and the transfer provisions.

Comments

FMP Goals and Objectives

- **William Mandulak (Recreational – NC):** I am concerned about how you are going to evaluate sustainable harvest, given migratory patterns of bluefish. Are you taking measurements from ME-FL? How are you going to do that? In that objective, you said promote practices that reduce discard mortality within the commercial/recreational fishery. Does that mean if we find discard mortality is high in gillnets/trawl we ban that gear? I am confused when you say we are going to give fair and equitable access. If you have 1,000 people on the beach fishing for bluefish, and maybe 1000 commercial fishermen fishing for bluefish, how do you determine equitability?

Commercial/Recreational Allocation

- **William Mandulak (Recreational – NC):** Many of the changes increase the recreational allocation. However, over a long period of time there were transfers from the recreational to the commercial sector. Without knowing what the specific impacts are going to be on the fishermen that are on the beach, we might as well just take the most we can get. But, I think it's important

to provide a maximum allocation to the commercial sector as well. Therefore, keep things status quo for now.

- **Thomas Newman (Commercial – NC):** 2a-1 (status quo) allows for adequate commercial allocation. Commercial fishing reporting and accountability happens in real time during the season. Last year, we went to a 300-pound limit to avoid going over our limit. The recreational sector catch is not accounted for until later in the year. We have no bycatch in our gillnet fishery.
- **James Fletcher (Commercial – NC):** We are using MRIP data which is considered the best available science. It looks to me that we are overfished because of the MRIP estimates. These estimates are not based on data from individual fishermen. Would we be better off to require every saltwater recreational fisherman to register?
- **Rusty Hudson (Commercial – FL):** Florida has increased its commercial landings in the recent past. Do not lose us in the next stock assessment because we have had a good signal. Status quo or 2a-5 to offer a reasonable allocation to the commercial sector.

Commercial Allocations to the States

- **Thomas Newman (Commercial – NC):** Status quo across the board. I may not be well versed in it all, but I think the fishery has been managed well. Status quo for trigger and minimum default as well.
- **Michael Carotta (Commercial - MA/NC):** Status quo because I am not comfortable in the disparity in some of the proposed alternatives.

Rebuilding Plan

- **James Fletcher (Commercial –NC):** 2006 MSA required recreational anglers to register. Why do we have to follow MSA under this rebuilding plan? Commercial landings in NC have decreased due to lack of access to the resource, because inlets have been closed which doesn't allow boats to go out easily. We must comply with all requirements of MSA! The Council should have individual registration of recreational fishermen. When is management going to come up with something new to solve the problem? Would it be possible for the Council and ASMFC to have foreign scientists to come in and see if this stock is actually overfished?
- **Thomas Newman (Commercial - NC):** The commercial sector has a long history of understanding their harvest. Commercial limits should not change because we have not gone over limits and do have the ability to close when necessary. We need real time recreational data. I do not have a lot of faith in the MRIP data. We want to continue to harvest at the rate we are at now.
- **William Mandulak (Recreational – NC):** It is frustrating that we have been under our limits by transfers, but now we do not have that ability to transfer since we are overfished. As a recreational fisherman that wants to be fair to both sectors, I suggest alternative 4d. The longer-term plan allows for the stock to recover over more time and allows the fishery to get to a higher biomass level.

Sector Transfers

- **Thomas Newman (Commercial - NC):** 5a-1 and 5b-2. Status quo has been working very well for the commercial sector.

- **William Mandulak (Recreational – NC):** Why do we do transfers at all? If the stock is not overfished, I would support 5a-2 to allow bidirectionality.
- **Michael Carotta (Commercial - MA/NC):** As a commercial fisherman I am more and more aware of the place recreational bluefish holds in the culture. Family, kids, and fishermen are thrilled to go blue fishing. I am against any transfer that puts the recreational fishermen's quota at risk. Secondly, I was hoping more of this hearing to focus on abundance and how we can conserve the fishery. There are bigger and more important things to talk about to restore the fishery.

Management Uncertainty

- **Thomas Newman (Commercial - NC):** Each sector should be responsible for its own management uncertainty. I support 6b.
- **James Fletcher (Commercial – NC):** Why is fisheries management associated with so much uncertainty?
- **William Mandulak (Recreational):** There will always be management uncertainty since these fish are always on the move (chasing bait and different water temperatures). The best we will ever be able to do is to have a level of uncertainty we are able to deal with. If I had to vote, each sector should have their own uncertainty. Therefore, I support 6b.

De Minimis

- **Thomas Newman (Commercial - NC):** De minimis states should have the same regulations as the rest of the states (status quo – 7a). All states should have the same federal measures.

2.2 DELAWARE, MARYLAND, POTOMAC RIVER FISHERIES COMMISSION, AND VIRGINIA

Thursday, March 25, 2021, 6:00 p.m.

Attendees (24 excluding Council/Commission staff): Chris Batsavage, John Bello, Joan Berko, Alan Bianchi, Ellen Bolen, John Clark, Eric Durell, Michelle Duval, James Fletcher, John Ford, Martin Gary, Pat Geer, Sonny Gwin, Dewey Hemilright, Michael Luisi, Olivia Phillips, Michael Platt, Will Poston, Somers Smott, David Stormer, Jonathan Watson, Angel Willey, Roger B Wooleyhan Jr, Erik Zlokovitz

Summary: The meeting started with an introduction and briefing from the hearing officer Mike Luisi (MD). This hearing experienced low turnout and as a result there were only four individuals who provided a comment or question on the management issues. Three of the four people who spoke were Council members. The one member of the public who spoke at the hearing said that bluefish is currently not a priority commercial species for this region. While he was supportive of a lower commercial allocation to Delaware, he wanted to ensure that state to state transfers remain as an option to allow access to the resource should it become more abundant in the future. Staff were also asked several questions regarding when amendment changes would be implemented, the rebuilding timeline, and if rebuilding should be removed from the amendment.

Comments

FMP Goals and Objectives

No comment offered.

Commercial/Recreational Allocation

INCOMPLETE DRAFT DOCUMENT – BLUEFISH AP BRIEFING MATERIALS

- **Roger Wooleyhan (Commercial – DE):** When will we know what the state specific quotas will be after you make these changes?
- **Sonny Gwin (Council Member – MD):** Have there been any problems with the transfer provisions? Is there a race to access quota transfers? In MD, we have been not catching our full quota and have been transferring it away. If through reallocation we lose quota, we may not have the ability to use excess quota or transfer it away.

Commercial Allocations to the States

- **Roger Wooleyhan (Commercial - DE):** In the 1970s there were a lot of people who were catching bluefish. Nowadays bluefish isn't worth much and people fish for other species. There are only a few commercial fishermen targeting bluefish in our area. Larger bluefish are moving further offshore, and we do not go far enough out to target them. However, I am concerned that because we haven't been fishing for bluefish we could lose access to quota. I don't want a situation where bluefish become abundant again later on and we aren't be able to catch them. If state-to-state transfers are able to be used in the future to give us access to bluefish, I would be ok with smaller allocations since our current effort is so low.

Rebuilding Plan

- **Mike Luisi (Council Member - DE):** Do you think there is any chance that we will need to pull rebuilding out of this amendment to address it more quickly?
- **David Stormer (Council Member - DE):** Do you think the 7-year rebuilding plan will be able to be fully rebuilt within the 10-year MSA requirement given this started in 2019?

Sector Transfers

No comment offered.

Management Uncertainty

No comment offered.

De Minimis

No comment offered.

2.3 CONNECTICUT AND NEW YORK

Tuesday, March 30, 2021, 6:00 p.m.

Attendees: (36 excluding Council/Commission staff): Chris Batsavage, Alan Bianchi, Christopher Borgatti, Colleen Bouffard, Gary Bowman, Ted Burdacki, Floyd Carrington, Maureen Davidson, Justin Davis, John DePersenaire, Anthony Dileria, Sandra Dumais, Michelle Duval, Mark Ellis, Julie Evans, James Fletcher, Dan Farnham, Dan Farnham Jr., Cynthia Ferrio, Timothy Froelich, Tom Fuda, Matthew Gates, William Goeben, Kurt Gottschall, Emerson Hasbrouck, TJ Karbowski, James Monzoli, Jeff Moore, Jerry Morgan, Cheri Patterson, Mike Plaia, Will Poston, Paul Risi, Deri Williams, Steven Witthuhn, Erik Zlokovitz

Summary: The meeting started with an introduction and briefing from the hearing officers, Maureen Davidson (NY) and Justin Davis (CT). In total, eight people offered comments on the amendment alternative sets. Comments offered under the FMP goals and objectives section consisted of several on the water observations, but a few individuals commented on the fact that there is economic benefit to caught and released bluefish. Four people supported status quo commercial/recreational allocations. Of the comments received on commercial allocations to the states, two individuals supported using the hybrid time series that recognized historical landings and recent trends. One individual supported alternative 3a-3d-2, which would provide a minimum default allocation of 0.1% to every state. Regarding rebuilding, one person supported 4b, another 4d, and two others offered their thoughts on why the rebuilding options are problematic. When sector transfers were discussed, two people supported bi-directional transfers, one person supported the status quo process, and two people supported the status quo transfer cap. In regard to management uncertainty, two people spoke in favor of sector-specific management uncertainty (6b). Lastly, one individual supported *de minimis* alternative 7e, which would allow *de minimis* states to set recreational management measures equal to those that were in place in 2020.

Questions from the public covered a variety of topics including the overfished stock status, current quotas and management measures, the validity of the new MRIP estimates, and whether the transfer provisions can occur during rebuilding. Some were concerned about the probability of rebuilding within 10 years and the consequences of not rebuilding within the set timeframe. Others asked why the ten-year plan was not included in the alternative set and thought that ten years would be the best rebuilding duration. Many members of the public expressed frustration with the complexity of the alternatives. Individuals offered their perspective on aspects of the amendment they understood; however comments may have been limited because individuals did not want to comment on alternative sets they did not fully understand. Staff indicated they are happy to work with any members of the public offline to better understand all the alternatives.

Comments

FMP Goals and Objectives

- **Tom Fuda (Recreational - CT):** The goals and objectives talk about discard mortality. There is a recreational sector that practices catch and release. To this group, a released fish is not a wasted fish. The goals should consider the fact that there is economic benefit associated with released fish.

- **TJ Karbowski (For-Hire - CT):** There is little retention for recreational anglers. Bag limits were 15 fish and now they are at 3 fish. Often, we do not keep too many fish. To put a rough estimate, out of 100 fish that hit the deck, we maybe only kept 10.
- **Timothy Froelich (Commercial - NY):** How and why are we now under strict management measures? The fishery was over managed to the point where we were not able to harvest enough fish. The larger fish ate the smaller fish and then the older fish died of old age. As water quality deteriorates the bluefish migrate further offshore to cleaner water. They are no longer where they once were.
- **James Fletcher (Commercial - NC):** I agree with the water clarity comment. Also, why are we using MRIP to manage these fish? Why do we still not have required recreational reporting? Why has management not mandated barbless hooks as a better release practice if this is a catch and release fishery? We need to go to an international party to assess stock status. NMFS says we are overfished, but we are not!
- **TJ Karbowski (For-Hire - CT):** I do not know the specifics of the year classes. However, these fish spawn more offshore where we cannot keep tabs on them. It is a cyclical spawning issue. This is not a recreational or commercial fishing issue. In 2013, we had the last year of alligator bluefish in Long Island Sound, after that, the menhaden were basically gone. Besides the 2020 season, there were not many menhaden in recent years. The small harbor-sized bluefish eat bay anchovies. The larger bluefish are following bunker around. This past year we caught large bluefish and large stripers that were following the menhaden. When NC banned omega protein from their waters in 2014, they depleted the menhaden fishery farther north. Since then, we have problems with Omega protein exceeding their cap in our waters.

Commercial/Recreational Allocation

- **Tom Fuda (Recreational - CT):** In favor of status quo, no action.
- **TJ Karbowski (For-Hire - CT):** Status quo unless there is a large increase in commercial demand. We have to pick and choose our battles. Ultimately, the recreational sector is not affecting these fish.
- **Dan Farnham Jr. (Commercial - NY):** I know overfishing is not currently occurring, but how close are the recreational landings to the RHL? Also, what is the rate of dead discards? Why is there not an alternative that would readjust the historical allocation (1981-1989) using recalibrated MRIP estimates as we have done for black sea bass and scup? For the alternatives, I prefer status quo, but I would like to see the 1981-1989 data use the recalibrated estimates instead.
- **Mike Plaia (Commercial/Recreational - CT/RI):** Try to get the allocations in line with revised MRIP data. I prefer 2a-4 or 2a-5 with no phase-in.
- **Timothy Froelich (Commercial - NY):** Status quo for now. I agree with Dan Farnham that one side should not be restricted while the other sector has accountability measures. For NY the quota was 200,000 pounds, which is not large enough to have a fishery. Last year, we were constrained by our limits very early in the year. Bluefish are so abundant that we struggle to avoid them while fishing for other species.
- **Tony DiLernia (Council member - NY):** I want to give historical context to the amendment 1 decision and why I supported (at that time) the ability to transfer from the recreational sector to

the commercial sector. From 1981-1989 I was active on headboats. When fish were caught by headboats they were caught recreationally but often sold commercially. That is why I support the transfer. While some of those fish were counted as recreational fish, they were sold as commercial fish.

- **James Fletcher (Commercial - NC):** Tony brings up a good point - If the recreational sector was selling fish we should see if that was illegal or not (at the time). ASMFC is not requiring saltwater anglers to register. Why are we enforcing the need to rebuild but not enforcing the 2009 saltwater registration requirement? We need to implement total retention and ban barbless hooks.
- **TJ Karbowski (For-Hire - CT):** 99.99% of the time bluefish are caught right in the mouth and I do not see any reason to mandate the hooks for bluefish. Once you know how to use a de-hooker or pliers, there is little to no damage and it does not affect mortality.

Commercial Allocations to the States

- **Timothy Froelich (Commercial - NY):** Even if NY doubles its allocation, the 200,000-pound quota doubled is still only 400,000 pounds, which is still not enough. The 200-pound trip limit is too restrictive. A 400-pound trip limit still needs to be increased. If we keep going back and using the wrong data, then this whole management action is misguided.
- **Tony DiLernia (Council member - NY):** Helping to clarify Tim's concerns - While many fish were caught in a recreational manner and were allocated to the rec community, many were shipped into the commercial market. With that in mind, 3a-2 gets an increase, but NJ gets a decrease. I cannot support this because it decreases NJ's allocation. This also happens for 3a-3. Therefore, I would support 3a-4 because it supports both NY and NJ (slight loss).
- **Tom Fuda (Recreational - CT):** State-to-state transfers will still occur, correct? Then, select an option that uses more recent data. I have no strong preference because I am a recreational guy.
- **TJ Karbowski (For-Hire - CT):** We need to ensure the recreational sector does not end up with a smaller bag limit.
- **Dan Farnham Jr. (Commercial - NY):** These alternatives are quite convoluted. However, I support a minimum default allocation for states. In support of 0.1%, because it is the current minimum for other states. The reason I did not want to base com/rec allocation on an updated time series was because of the unrestricted angler phenomenon. But when it comes to commercial allocation, this is not an issue because we are not discussing recreational accountability. I'm in support of the hybrid approach 3a-4 which gives weight to recent landings trends while also respecting historical landings and allocation.
- **James Fletcher (Commercial - NC):** This does not address the conditions in NC with the problem of the inlet where sometimes commercial vessels have to land fish in VA. The organization I represent used to have 237 vessels, and all but 18 gave up their permits to NY. I'm dumbfounded why every species we are managing benefits NY; NY will not accept what they turned in on their records and NY does not trust their own data. I'm also frustrated that we are calling MRIP best scientific information available. All in all, agencies have not done their job.

Rebuilding Plan

- **John DePersenaire (Recreational Fishing Alliance - NJ):** Fishing mortality has a diminishing return on SSB. I assume that environmental factors are at play. Why do we not have 10-year plan? What happens if we do not make adequate progress towards rebuilding?
- **TJ Karbowski (For-Hire - CT):** These rebuilding plans use MRIP numbers and thus are not useable. I 100% agree with this chart in terms of what happened in 2014. The ecosystem in Long Island Sound “died” during this time. There was nothing going on in the spring (maybe road salt added to the problem). This was the same time Omega Protein got kicked out of NC.
- **Mike Plaia (Commercial/Recreational - CT/RI):** I support 4b because it gets us there quickly, but most importantly, within 10 years.
- **Tom Fuda (Recreational - CT):** What we are talking about is doubling the SSB (in regards to rebuilding to the target). How achievable is that? Menhaden are managed using ecological reference points and ecosystem-based management. The striped bass population is considered part of this process. How does this factor in Bluefish? I prefer 4d, the 7-year plan. I do not think the 4-year plan is good because it will keep catch low for 4 years and then greatly increase the limits, which will be an issue. I prefer a more gradual approach where catch is allowed to increase gradually as the stock rebuilds.
- **James Fletcher (Commercial - NC):** What we miss by not including data prior to 1984 is the understanding that Russian’s were fishing dogfish, which allowed bluefish to reach a high population level. We are not managing any fishery right because of one predator. Is NMFS supporting the dogfish population to throw off management for all other species?

Sector Transfers

- **Mike Plaia (Commercial/Recreational - CT/RI):** Would these transfers occur during the rebuilding plan? I prefer status quo for both sets (5a-1 and 5b-1).
- **Tom Fuda (Recreational - CT):** 5a-2 because it would prevent transfers when the stock is overfished. I prefer 5b-1 for the transfer cap.
- **John DePersenaire (Recreational Fishing Alliance – NJ):** 5a-2 makes sense from an equity standpoint. But I am opposed to transfers until we can get to reasonable regulations on the recreational side. The recreational regulations are too restrictive right now and transfers should not occur until they are fixed.

Management Uncertainty

- **TJ Karbowski (For-Hire - CT):** Does management uncertainty account for MRIP uncertainty? Having management uncertainty for MRIP needs to be included in management. New MRIP has to be factored into the decision.
- **Mike Plaia (Commercial/Recreational CT/RI):** I prefer 6b.
- **Tom Fuda (Recreational - CT):** I prefer 6b.

De Minimis

- **Tom Fuda (Recreational - CT):** I am in favor of 7e because it implements consistent regulations coastwide.

Other

- **TJ Karbowski (For-Hire - CT):** As an example, MRIP has us taking thousands of fish from shore, where there are no fish up here. For BSB they have us (CT) taking a ton of fish during the winter when no one is fishing. We have sat here for 2 hours, we have heard that commercial sector is not catching the fish, recreational sector is not catching fish, I conclude that we have a YOY survival rate problem. We need to focus on the root issue, which is the survival rate of bluefish, not the issues addressed here today.
- **James Fletcher (Commercial - NC):** Maybe we need to look at our science differently. Can we pull regulations from bluefish entirely? See if the fishery manages ok on its own. I don't know of any fishery that has been fished to extinction.

2.4 MAINE, NEW HAMPSHIRE, MASSACHUSETTS, AND RHODE ISLAND

Thursday, April 1, 2021, 6:00 p.m.

Attendees: (46 excluding Council/Commission staff): Mike Andresino, Chris Batsavage, Owen Baute, Gerald Belastock, Rick Bellavance, Alan Bianchi, Kali Boghdan, Paul Caruso, Jack Creighton, James Cullen, Mike DeAnzeris, Michelle Duval, Dave Eisner, Peter Fallon, Dan Farnham, Jay Farris, Cynthia Ferrio, Kimberly Fine, Corey Gammill, Steven Grust, David Gullette, Dewey Hemilright, Raymond Kane, John LaFountain, Nicole Lengyel Costa, John Manteiga, Parker Mauck, Joe Mckenna, Nichola Meserve, Ethan Minichiello, David Monti, Anthony Nascimento, Dale Newton, William Nicholson, Cheri Patterson, Michael Pierdinock, Will Poston, Kermit Robinson, Sarah Schumann, Eric Summers, Lou Tirado, Sam Truesdell, Megan Ware, Anna Webb, Katie Perry, Keith Yocum

Summary: The meeting started with an introduction and briefing from the hearing officer Nicole Lengyel (RI). In total, eight members of the public offered comments on the amendment alternative sets. Several comments were made in regard to the FMP goals and objectives, but two reoccurring themes stood out. Two individuals said that “fair and equitable” should be better defined. Additionally, two individuals thought it important that the catch and release aspect of the recreational fishery be recognized. On the subject of the commercial/recreational allocation, three people supported alternative 2a-2, two people supported status quo, and one person supported 2a-3. Four individuals supported updating the state commercial allocations to alternative 3a-2. The three attendees who provided input on a preferred rebuilding alternative agreed that the stock should be rebuilt as quickly as possible and as such, supported alternative 4b. In regard to transfers, three people said that sector transfers should not be continued, but one individual supported the status quo transfer process, and another thought the transfer cap should be updated (5b-2). Lastly, one individual voiced support for sector specific management uncertainty and *de minimis* alternative 7e.

Staff received a lot of technical questions on the amendment, a few of the reoccurring and more substantive questions are included below. A few people asked how the commercial and recreational allocations were calculated and what data was used. Two individuals asked why there was no alternative that used the same base years with new MRIP data. Staff also received questions on the rebuilding plans including: why a ten year option was not included; if rebuilding to the target was considered realistic; and why the stock was considered overfished.

Comments:

FMP Goals and Objectives

- **David Monti (Rhode Island Saltwater Anglers Association, Charter):** Overall, the amendment is a reset due to MRIP, more so than a reallocation. Like striped bass, we need to

look at the value of the fish left in the water. The availability of fish is what drives the demand. This is largely a catch and release fishery. The value of bluefish to the recreational community is very high; bait and tackle shops, fuel, charter trips, generate a lot of economic activity. The commercial value is quite low. We support catch data over landings data. We support goals and objectives that recognize keeping this value of fish in the water as the highest economic concern. This is a key component of considering economic and social needs of all groups as is described in objective 2.2.

- **Rick Bellavance (Priority Charters, Recreational/Commercial – RI):** The proposed goals are much better than the existing goals, and strongly recommends that the Commission and Council consider updating the FMP. In particular goal 2 is extremely important. However, “fair and equitable” is quite subjective, so if we can further define those terms it would improve the overall message. Goal 2 addresses the fact that many stakeholders utilize the bluefish resource. These goals support all stakeholders, regardless of whether you want to eat bluefish, harvest them yourself, or catch and release them.
- **Owen Baute (Recreational – RI):** How do you define stakeholder engagement? How do you plan to achieve that?
- **Mike Pierdinock (Party/Charter – MA):** I would like to recommend that “equitable access to all user groups” be defined. At times, bluefish are used as bait, food, and catch-and-release and we want all user groups represented.

Commercial/Recreational Allocation

- **David Monti (Rhode Island Saltwater Anglers Association, Charter):** Can you explain the difference between how catch vs landings data is allocated? In regard to the allocations, I would like to see catch data used so each fishery has their own sector specific discards. I support 2a-2 or 2a-3 because these alternatives use catch data and are based on more recent years, but I would like to see what the status quo option with updated MRIP estimates looks like. In regard to the phase-in, we support 2b-2.
- **John LaFountain (Fox Seafood Inc., Commercial – RI):** Why are there no alternatives higher than 17% for the commercial sector? Considering how low the other commercial allocations are, I support status quo. I am surprised there is not an option with a higher allocation for the commercial sector. We also feel that the MRIP data is highly inflated, and the fish are not coming as close to shore where the recreational guys are. The commercial fishery is quite healthy but has been restricted by a low quota. Bluefish is a food source that should be enjoyed by the public. This is a fishery which can be harvested by smaller boats which supports local fishermen. Small-scale commercial fishing operations rely on bluefish, and they have made investments that depend on access to the resource, we cannot decrease their access. Also, when I hear reports that recreational anglers are unable to catch three fish, I question the validity of MRIP data and think the estimates are inflated. Bluefish are migrating through, but they are staying offshore.
- **Mike Pierdinock (Party/Charter – MA):** How did you come up with the phase-in time periods and why is there no 10-year option?
- **Rick Bellavance (Priority Charters, Recreational/Commercial – RI):** Why isn’t there an alternative that uses the original base years with new MRIP information? I support using the catch-based approaches that you have proposed.

- **Eric Summers (Recreational – MA):** I support 2a-2 to increase the recreational allocation to 89%.
- **Mike DeAnzeris (Commercial – MA):** I support the comments proposed by John LaFountain. Status quo because the fish are most valuable to the smaller boats that bring catch to the local markets. The fishery is well suited to day-boat catch. Make sure the quota is accessible in a proper manner, so fresh fish can be distributed quickly. Bluefish should be caught and marketed within a day or so to economically benefit local communities.
- **Steven Grust (Recreational – NJ):** I support 2a-2 but I am concerned that there is not a minimum size limit to help conserve the stock. Many people harvest small bluefish for bait and that definitely affects the health of the stock.

Commercial Allocations to the States

- **John LaFountain (Fox Seafood Inc., Commercial – RI):** I support 3a-2 because 5 years is a long enough period to know what the current trends in abundance are. In Rhode Island there are plenty of bluefish, and other states are not harvesting them. These fish seem to not spend much too time down south. The proposed goals and objectives support economic efficiency and fair access for fishermen. Rhode Island needs a larger quota so that their fishery isn't closed in the fall when the run of bluefish occurs.
- **Steven Grust (Recreational – NJ):** I support 3a-2. A 5-year time series is long enough to pick up on the migration patterns of bluefish. In NJ it's rare to see more than 3 fish caught a day.
- **Rick Bellavance (Priority Charters, Recreational/Commercial – RI):** The 5-year average is the smart way to go (3a-2). I also support a minimum default allocation to convert discards to landings (3d-3). I support a phase-in because some of the changes are significant.
- **David Monti (Rhode Island Saltwater Anglers Association, Charter):** I support 3a-2 and a minimum default allocation (3d-3). The trigger approach is too complex. For phase-in, we support 3b-2 which phases in reallocation evenly over the duration of the rebuilding plan.
- **Eric Summers (Recreational – MA):** I support 3a-2 and 3d-2

Rebuilding Plan

- **Eric Summers (Recreational – MA):** Is the target a real value? We have never been at the target since 1985. Is there something being done differently this time that will make it more likely that biomass will hit the target? I recommend we be cautious; the target may not be too high, the threshold could be too low. I support 4b to have the stock be rebuilt as soon as possible. Maybe make the threshold 75% of the target instead of 50%.
- **David Monti (Rhode Island Saltwater Anglers Association, Charter):** I support 4b as it rebuilds the stock quickest. The other options are remarkably unpleasant, with a lower chance of success.
- **Mike Pierdinock (Party/Charter – MA):** He remembers back in 1980s when bluefish were abundant, and this is not the same fishery today. Is the reduction in estimates of biomass due to the fact that less people are targeting bluefish because they have moved offshore?
- **Rick Bellavance (Priority Charters, Recreational/Commercial – RI):** Spawning stock biomass and recruitment looks to be fairly stable. I think the Council's risk policy has been

vetted and is the appropriate alternative (4c). This alternative will get the job done, but won't overly burden the fisheries.

- **Steven Grust (Recreational – NJ):** Does the biomass graph account for unreported caught fish?
- **John LaFountain (Fox Seafood Inc., Commercial – RI):** We support 4b, along with many of the fishermen I have spoken to.

Sector Transfers

- **David Monti (Rhode Island Saltwater Anglers Association, Charter):** Earlier I pointed to the value of the catch and release aspect of the fishery. We feel the quota transfer provision is not reflective of the 65% of folks who practice catch and release in the fishery. Why practice catch and release if the unused quota is going to be transferred. The idea of catch release is to practice conservation in safe release practices so that there are fish tomorrow to catch. There is no benefit to the fishery if we transfer the fish and do not help them grow. We feel strongly that there should be no transfer at all in either direction. Given there are no options to that affect we support 5b-1 status quo in regard to the transfer cap.
- **Steven Grust (Recreational – NJ):** I support 5b-2.
- **John LaFountain (Fox Seafood Inc., Commercial – RI):** I support 5a-1 which will continue to allow quota going from the recreational to the commercial sector. It is important to support the commercial fishermen at the end of the season when the transfers typically occur.
- **Eric Summers (Recreational – MA):** I support no transfers.
- **Owen Baute (Recreational – RI):** I support no transfers. Catch and release is only worth it when the fish are going to stay there.

Management Uncertainty & De Minimis

- **David Monti (Rhode Island Saltwater Anglers Association, Charter):** We support 6b, the post-sector split. Seems to be the fairest alternative.

De Minimis

- **David Monti (Rhode Island Saltwater Anglers Association, Charter):** We support 7e, the 2020 management measures.

2.5 NEW JERSEY

Thursday, April 8, 2021, 6:00 p.m.

Attendees: (37 excluding Council/Commission staff): Steven Avakian, Chris Batsavage, Bill Blanke, Bonnie Brady, Jeffrey Brust, Tony Campagna, Michael Celestino, Douglas Chase, Joe Cimino, Heather Corbett, John Dwyer, Jessica Daher, John DePersenaire, Michelle Duval, Cynthia Ferrio, Frank Florio, Thomas Fote, Paul Haertel, Ross Hartley, Stephen Hydock, Bob Keller, Tom Little, Wayne Maloney, Reel MaxLife, Steven Morey, Adam Nowalsky, Will Poston, Michael Purvin, Andrew Rigby, Lenny Rodriguez, Mark Taylor, John Toth, Mike Waine, Kevin Wark, Thomas Wayne, Harvey Yenkinson, Douglas Zemeckis,

Summary: The meeting started with an introduction and briefing from the hearing officer Joe Cimino. In total, six individuals offered comments on the amendment. Very few comments received at this hearing were in support of a specific alternative. The majority of the meeting was geared towards answering questions on the amendment and several suggestions were made that fall outside of the current range of alternatives.

Individuals offered several recommendations for the FMP goals and objectives including greater consideration of the following: the consumer user group; environmental stressors; the importance of forage fish; and differences in regional abundance. When asked about the commercial/recreational allocation alternatives, one individual voiced support for alternative 2a-1. No comments were provided on the state commercial allocations, but two commercial stakeholders said they thought the alternatives were too complex and expressed a preference to discuss the matter later offline with staff. On the subject of the rebuilding plan, three people thought that the stock is responding to environmental and ecological cues and that fishing mortality is not the cause for the stock's decline. Four people were in strong support of a ten-year rebuilding plan to give the stock adequate time to rebuild. In regard to the sector transfers, one person shared that they were never in support of this process and a second person said that they would prefer that no transfers occur until the recreational sector has a higher bag limit. Lastly, one person commented in support of sector specific management uncertainty (6b) and flexible recreational measures for *de minimis* states (7b).

Attendees asked several clarifying questions, a few of which are highlighted below. One person stated that prior to final action, the public will need clarification from NOAA Fisheries on what actually happens if adequate progress is not achieved during rebuilding. Another person asked about when transfers are allowed during the rebuilding plan. Staff explained that the newly proposed transfer process (5a-2), which would allow transfers during rebuilding so long as the stock was above the overfished threshold and overfishing is not occurring. Lastly, one person asked if a ten-year rebuilding plan could even be implemented if it was previously removed from the alternative set, to which a NJ commissioner responded that nothing is completely off the table until after final action.

Comments

FMP Goals and Objectives

- **Bonnie Brady (Long Island Commercial Fishermen's Association - NY):** I see that the FMP goals and objectives reference fair and equitable access to user groups along the coast, but what about consumers?
- **Kevin Wark (Viking Village, Commercial - NJ):** Bluefish are suffering from great environmental issues. I have watched this my entire life. Moving up and offshore and they have

now dwindled to a small population. I feel a lot of this work is in vain. Until we can learn why recruitment is low, we are going to struggle. I think the objectives need to be more focused on the stressors in the environment that caused changes in the fishery. Why are bluefish swimming at 100 fathoms when they used to be just a few miles off the beach? Collectively, we need to open our eyes and look at what is happening in the environment. I don't believe this is an overfishing issue. These fish used to look like schools of menhaden.

- **Tom Fote (Board Member - NJ):** In 1989 we put a 10 fish bag limit in it was not due to stock status. A few years later the stock declined, but it was due to sand eel populations declining. In the 1960s through the 1980s bluefish were feeding heavily on sand eels. In the 1990s bluefish were no longer looking healthy and well fed because of warming waters and less bait. The fish go further offshore to be in colder waters. We know these issues are environmental and bluefish have gone through these cycles. We are at about the 75-year average population. Now, we changed the limits again and its due to stock status. I see that we are going to put a lot of commercial and recreational fishermen through unnecessary suffering, because we know that the stock depends on forage species, and forage species are moving because the water is warm.
- **John Toth (Jersey Coast Anglers Association):** Sand mining has destroyed habitat on the inshore waters. When you lose habitat, it is less attractive for all species. We are dealing with climate change here and also had hurricane Sandy destroy much of the inshore environment. This is one of the major reasons we are not seeing bluefish in our waters.
- **Bonnie Brady (Long Island Commercial Fishermen's Association - NY):** On the eastern end of Long Island there has been some of the largest bluefish and most abundant schools we have seen in years. I know water temperature plays a role, but our experience has not been the same as the previous commentors.

Commercial/Recreational Allocation

- **John DePersenaire (Recreational Fishing Alliance - NJ):** Can you show a time series of recreational landings relative to the RHL?
- **Mike Waine (American Sportfishing Association - NC):** Do recreational landings include dead discards? Does the document have discard information within it?
- **Kevin Wark (Viking Village, Commercial - NJ):** I represent Viking Village, we have 34 vessels and we were huge bluefish producers for many years, until we saw bluefish shift to the east. The epicenter of bluefish fishing has been moving northward over the years. However, if the fish return, we want to be able to fish for them. We are looking for opportunities to continue fishing in the Mid-Atlantic and keeping the infrastructure alive. I am just curious of what the historical percentages are to ensure we have opportunities moving forward. It costs a lot of money to keep the doors open. I support 2a-1. This is all about opportunity for these vessels if the fish present themselves.
- **Bonnie Brady (Long Island Commercial Fishermen's Association - NY):** Can you explain why the percentages change when we are using catch data?
- **Mike Waine (American Sportfishing Association - NC):** This bluefish fishery is absolutely different from the summer flounder, scup, and black sea bass fisheries in that catch-and-release fishing is a large component of the bluefish fishery.

Commercial Allocations to the States

- **Bonnie Brady (Long Island Commercial Fishermen’s Association – NY):** This is a very complicated set of alternatives. Would it be possible to talk offline to better understand the management implications?
- **Kevin Wark (Viking Village, Commercial - NJ):** I agree with Bonnie. This is too confusing for me to make any comment right now. We need to know what this truly means for individual states especially when I am representing the commercial sector.

Rebuilding Plan

- **John DePersenaire (Recreational Fishing Alliance – NJ):** I previously asked about the absence of a 10-year rebuilding plan option. It was explained that the MSA requires that the stock be rebuilt as soon as possible, and it was determined that the 10-year option was not appropriate. I do think that this is a significant concern from our standpoint. This stock is responding more to environmental and ecological cues as opposed to directed fishing mortality. By not having the 10-year option, we are setting managers up for failure. We are putting the burden of unnecessary pain on the fishermen. Section 304e in MSA allows for going up to 10 years. I really think that the 10-year option should be included. I also think the SSB rebuilding target is actually unattainable knowing that we have never been at that level before.
- **Mike Waine (American Sportfishing Association - NC):** The public hearing document states “if adequate progress is not made through the rebuilding plan, the regional office will immediately make revisions necessary to achieve adequate progress. NOAA Fisheries technical guidance on MSA National Standard 1 recommends that in these situations the rebuilding fishing mortality proxy (F) be set at 75% of the target F. This means that if the selected rebuilding plan is demonstrating difficulty in achieving the target on time, F may be further decreased to achieve a rebuilt stock.” Am I understanding correctly that if we do not rebuild on pace with the plan that we start lowering our target fishing mortality rate to 75% of the target to speed rebuilding? If this is the guidance, but we don’t know for sure if that is what gets implemented, then that leaves quite a bit of uncertainty for the stakeholders. I continue to maintain that this is going to be a really frustrating moment if we are wrong about this ambitious timeline and MSA NS1 says we need to further constrain. There are many factors aside from fishing mortality that impact rebuilding. Prior to final action we will need clarification from NOAA Fisheries on what actually happens if we do not achieve adequate progress towards rebuilding.
- **Bonnie Brady (Long Island Commercial Fishermen’s Association, NY):** There has to be a 10-year option. Midway through the rebuilding plan if new stock assessment information is made available and the research surveys are unable to catch bluefish, the quotas will be dropped and both fleets will be heavily restricted. Winter flounder was an interesting situation. In 2010 the NEFMC put a moratorium on winter flounder in southern New England because the trawl survey was unable to catch the fish and the assessment showed that there were no fish. The problem was that the net was about 6 inches off of the bottom and unable to catch flat fish. I highly recommend as a failsafe to have the ten-year option in the plan. If regionally there is an issue – tides, temperature, forage, EFH – the only people that are going to pay for it are the fishermen and you have to have the 10-year option as a buffer just in case.

- **John Toth (Jersey Coast Anglers Association):** The ten-year approach is the way to go. Right now, we are constrained to 3 fish. How much more can we do to help the stock? This is not a result of fishing mortality; this is an environmental issue and beyond our control. The last thing we need to do is to see the for-hire fleet go out of business. They are already struggling with low bag limits and the pandemic. Whatever we can do to help the for-hire fleet would be much appreciated.
- **Kevin Wark (Viking Village, Commercial - NJ):** Everyone on the call has been spot on. Bluefish are the next weakfish, where the bag limit is down to one and the species can't get a foothold back into the environment. We also used to have winter flounder in New Jersey and that fishery is almost nonexistent now. This adds to the long list of species we have lost. We need to be mindful of our infrastructure and provide the opportunities we can. We do not want our goals to be too high. I think bluefish are not going to be able to rebuild. We used to see them spawning inshore in the spring and summer and now we don't see that anymore in the Mid-Atlantic. This is the next grey trout – where nobody can pinpoint what happened. All the comments we have heard tonight are very good and accurate.
- **Mike Waine (American Sportfishing Association - NC):** When the Council and ASMFC developed this draft amendment, we asked them to keep the 10-year alternative in place. They removed it and we now can no longer have it added back in because it is outside of the current range of alternatives. Is that correct?
- **Tom Fote (Board Member, NJ):** Nothing is ever completely off the table. I have seen weirder things happen before. The real problem is looking at the public hearing attendance numbers. The small number of stakeholders do not represent the entire community. We used to have hearings with 100s of people. People are webinar-ed out. We are not getting enough public input.
- **Bonnie Brady (Long Island Commercial Fishermen's Association - NY):** I agree with Tom and think there is a fair amount of burnout from all the meetings we have had. If there was a way to add a few more types of public hearings, that could be very beneficial. I think people need a break and it has pretty much been non-stop for weeks. It would be helpful to ask Bob and Chris to see if additional hearings could be scheduled.

Sector Transfers

- **John DePersenaire (Recreational Fishing Alliance – NJ):** The recreational sector needs reasonable bag limits to entice people to pursue bluefish. We need that incentive. I would surmise that directed trips are down, just because of their change in distribution. Bluefish are very far offshore, and less people are targeting them. In fact, many of the bluefish fishing tournaments that would usually happen during the springtime in New Jersey have shut down. I have a hard time supporting transfers to the commercial sector until reasonable bag limits are restored. I am not opposed to transfers to the commercial side in general, just not until reasonable recreational measures are restored that incentive people to go on a head boat or steam 20 miles offshore to catch them.
- **Kevin Wark (Viking Village, Commercial - NJ):** I spoke against this quota transfer so many years ago when it was first implemented because I knew the day would come that it would no longer be feasible. We can't expect the recreational sector to transfer fish to the commercial sector. Many years ago, I spoke against this system where unused fish would be transferred

away. Back then, accounting was not very accurate for either sector, which made transfers an even bigger problem in his view. This was never a good system and I hope we have all learned from this. Transfers hasn't been a huge issue lately because the commercial sector hasn't been landing all their quota but moving forward, I do not see it likely that the recreational sector would transfer over fish. I do not see transfers working as an option moving forward.

- **Bonnie Brady (Long Island Commercial Fishermen's Association - NY):** When are transfers allowed and not allowed in regards to stock status and the rebuilding plan?

Management Uncertainty

- **John DePersenaire (Recreational Fishing Alliance – NJ):** We would support 6b. This position is consistent with the position we have taken for the recent summer flounder, scup, and black sea bass allocation amendment. There is value added to the catch-and-release component of the bluefish fishery. I think it is best to not share uncertainties across sectors. We need to revisit how we estimate average weight of discarded fish.
- **Mike Waine (American Sportfishing Association - NC):** It seems that switching to sector specific management uncertainty will just penalize the recreational sector for uncertainty associated MRIP estimates. The recreational reform initiative has been working to develop tools to better use MRIP data and for management to account for its inherent uncertainty. There is an effort to potentially base recreational measures on stock status. I wanted to provide greater context around this issue when these decisions are being made.

De Minimis

- **John DePersenaire (Recreational Fishing Alliance – NJ):** We would support 7b. I really do not think the impacts of fishing in a de minimis state are going to have any measurable impacts on the stock during rebuilding. Let those states take full advantage of any bluefish. In the broader scheme of things, de minimis states will have a very small impact.

3 WRITTEN COMMENTS

Written comments are still being received through Friday April 23rd, 11:59 PM. Preliminary summary information will be provided at the AP meeting.