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Subject: Testimony before the Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard's hearing on March 19, 2013 on Developments and Opportunities in U.S. Fisheries Management

I am here testifying for Jersey Coast Anglers Association and New Jersey State Federation of Sportsmen's Clubs. These two organizations are comprised of 150,000 concerned sportsmen and women throughout New Jersey. I would like to thank the Chairman Mark Begich and the committee for this opportunity to testify on this important issue. I would especially like to thank Senator Lautenberg for all his hard work for the citizens of New Jersey, the environment and the marine resource. I would also like to thank Senator Schumer for being a strong advocate for recreational anglers and working with Senators Menendez and Lautenberg for funding for stock assessment research through other groups including Partnership for Mid-Atlantic Fisheries Science Research. In addition to my volunteer work with JCAA and the NJ Federation of Sportsmen's Clubs, I have served on the Atlantic States Marine Fisheries Commission as the Governor's appointee for 12 years including 2008 – the present, Legislative proxy for 5 years and a concerned citizen since 1990. That experience forms my testimony today. The reason I can do all this volunteer work is because I retired as an Army Captain in 1970 after being wounded in Vietnam. I am a disabled vet. In the aftermath of Hurricane Sandy, the work of the Senate has become even more vital in restoring the fishing industries in New Jersey and New York. I remain hopeful that the House of Representatives will follow your lead and fund this crucial work. The following is NOAA's current assessment was released March 15, 2013.

- NOAA's "Initial Assessment of the Economic Impacts of Sandy on New Jersey and New York Commercial and Recreational Fishing Sectors. "The report estimates total uninsured losses of \$78 million to \$121 million in New Jersey and \$77 million in New York.
- The greatest damage from Sandy was to businesses supporting recreational fishing in New Jersey (\$62 million to \$105 million) and New York (\$58 million). These damages included damage to marinas, docks, spoiled bait, destroyed tackle and damages to for-hire vessels.

- Impacts to commercial fishing were estimated at \$14 million in NJ and \$19 million in NY but this total in both states excludes damage to state-licensed vessels. The main types of damage included structural damage to processor and dealer facilities, loss of product, damages to commercial fishing vessels and lost gear.
- The evaluation provides information specific to the fishing industry in each state to assist governors information to help them assess storm-caused damage. It supplements ongoing work by the states.
- I reread my testimony from 2004 on data management and the problems we encounter. I discovered I would need to repeat much of what I said then since little has changed. The reauthorization of the Magnusson Act in 2006 required the NMFS to fix the data problems. Five years later much remains to be done.

I have testified before the House of Representatives Sub-Committee on Fisheries, Wildlife, Oceans and Insular Affairs on many fisheries management and environmental issues since the eighties. However, data management is certainly one of the most important topics. Most of what takes place in fisheries management is based on data. Data determines the stock assessment, the size of quotas and the rebuilding period. Without data we can't manage fisheries. The quality of fisheries management decisions is directly tied to the quality and accuracy of the data. The data we need does not come cheaply. As the federal and state demands on fisheries management increase, particularly in the area of quota management, the need for quality data continues to increase and so does the cost. When I first got involved in fisheries management, there were quotas on only four or five species on the East coast. Now almost every species managed at the state or federal level is based on quota management. Quota management is data intensive. To get good data you must have the proper systems in place to collect and quantify this data. It also takes a lot more money than we have in the present system.

The systems we are using were not designed for Quota or Total Allowable Catch (TAC) management for recreational fisheries. We were trying to use tools like the Marine Recreational Fisheries Statistical Survey (MRFSS) to set up state-by-state quotas for recreational fishing. We are now switching to Marine Recreational Information Program, or MRIP, as the new way that NOAA Fisheries is collecting and reporting recreational fishing catch and effort data. Even with the new program, the data is still insufficient to allow for accurate state by state quota management. The new program is still only showing trends, not giving real time information and producing data good enough for quota management. . The weaknesses of the MRIP are that for the most part that program has only tweaked the models to look at bad data in different ways. There is still a lack of confidence levels and the same lag time, especially the confidence among recreational anglers. The number of intercepts that are done in each state varies greatly. Some states collect enough data to make the data slightly more reliable with less percentage of statistical error (PSE). Other states have sample sizes that are so small for specific species that a couple of outliers can totally skew the data. The problems with the intercepts are both in the number and in the quality. For 30 years many fisheries managers have been questioning the data collected, particularly on species that have large night time fisheries. For example, many private, charter and party boats along with surf anglers fish for bluefish and striped bass at night when no intercepts are collected. I understand that this will start being implemented in the immediate future. The lack of that data indicates a smaller stock and then

impacts on overall stock assessment. When you passed the Magnusson Act in 2006, you authorized NMFS to collect better recreational data but did not supply the necessary funding.

Everyone is demanding a more accurate count of the number of recreational anglers and the fish they are catching. As we get better data, we are confronting new problems. I always believe we have been underestimating the number of recreational anglers and the number of fish they are catching. This also means we have been underestimating the size of the available stocks of species that have a major recreational catch. The virtual population analysis (VPA) uses catch figures and release figures in estimating the size of the stocks. What happens if a state starts adding intercepts? Or what happens if a state begins doing intercepts at night? I believe that we will discover that a state has more anglers making more trips and catching more fish. This would not reflect a change in fishing behaviors or overall catch, just a change in actual reporting. The management tools we presently use have no way to address this potential change. What will show up statistically will be more anglers entering the fishery, making more trips and catching more fish. This will erroneously indicate possible overfishing and lead to more restrictive management rules for the following year. This is what I think happened in New York in 2001 – 2003 regarding the summer flounder and scup fisheries.

New York was required to make a 48% reduction in summer flounder TAC and a 55% reduction in the scup fishery TAC. I think this is partially due to issues discussed in the previous paragraph. After a careful review of the data available, I believe that New York was treated unfairly and testified to this fact on 6/14/04 to the Subcommittee on Fisheries Conservation, Wildlife and Oceans on Data Collection and suggested solutions to NMFS that were ignored.

I was born and grew up in Brooklyn. I fished the North and South Shores of Long Island from one end to the other. When I moved to New Jersey, I was amazed to find that we usually counted double and sometimes triple the number of anglers that were counted in New York. I have always been interested in the trends from the MRFSS for both New York and New Jersey. The trends were generally similar. This makes sense since we share the same weather, the same fishing seasons and often the same waters.

I will use summer flounder catches in New York and New Jersey as an example. According to the MRFSS, for about 20 years New York averaged between 400,000 and 600,000 participants. During that same period, New Jersey has ranged from 1.5 million to 800,000. In 2001, MRFSS indicated New Jersey had 1.3 million participants. New York had over 700,000. Although that was not an all-time high for New Jersey, it was for New York. I wish I could share the 2002 figures but NMFS gave the contract for 2002 to the lowest bidder, fired the contractor after 6 months and then extrapolated figures from previous data to arrive at figures for 2002. They failed to tell ASMFC or the states about this problem and allowed management decisions to be made using this bizarre data. I have included more details in the attached article from the JCAA Newspaper. Given this problem, we really cannot use the faulty data from 2002. In 2003, the MRFSS showed New Jersey had 1,054,000 participants. This decrease in 2003 may represent a legitimate trend in New Jersey due to weather and changes in fishing conditions. In 2001, we had excellent conditions. The drought allowed fishing almost every day. The winter was mild and we were able to fish comfortably through January 2002. In 2003 we had a rainy spring, lousy early fishing and we were freezing in November. A drop of about 250,000 participants makes sense. The total number of trips dropped by about 800,000. What happened in New York? In 2001, New York had its highest participation level in 20 years. In 2003, sharing our weather and fishing conditions, we would expect to see a decrease. Instead, MRFSS reported a huge increase to over 900,000 participants, the highest level ever recorded in New York. Perhaps bad weather and lousy fishing is attractive to New Yorkers. Or the data was horrible. Or the data was finally more accurate and the previous 21 years were inaccurate. The

ASMFC had no choice but to interpret the data as a huge increase in New York because this is a jointly managed plan with the Mid-Atlantic Fisheries Management Council. The Council falls under Federal guidelines which do not allow for the necessary flexibility. They were unable to even consider that it was the previous data that was inaccurate. This led to a significant decrease in the summer flounder TAC for New York for 2004 and did have a devastating impact on New York's recreational fishing industry and all the ancillary businesses.

Because the summer flounder fishery is such an important one for New York, the estimates are a loss of tens of millions of dollars to the New York economy. In order to be in compliance, New York implemented 3 fish, 17 inches and a season from May 8th to September 6th. The irony of New York's draconian regulations is this is only a 20% reduction and according to the tables they are out of compliance since New York needs to take a 48% reduction.

I'm from New Jersey. In 2003, why should I have worried about this? Most people feel this is strictly New York's problem. In addition to my concerns about using faulty data to make management decisions, this will also have an impact on New Jersey. I never thought I would hear charter boat captains from New Jersey talking about their concerns if tens of thousands of New Yorkers began fishing in New Jersey waters. Our bag limit of 8 fish, 16 ½ inches and a season from May 8th to October 8th was attractive to any New Yorker within reasonable traveling distance. New York was at 3 fish, 17 inches and a season from May 8th to September 8th. Our regulations were based on our historical catch, not with consideration of a significant influx of New York anglers. This could have had a devastating impact on our 2004 statistics and on our regulations for 2005. We could have gone over TAC even after taking the most conservative path according to the tables we use to calculate seasons. What a hell of a way to run a system! I could discuss many other data gathering strategies including the Large Pelagic Survey but the message would be the same.

I carefully considered Senator Schumer's letter to the Commissioners for the Atlantic States Marine Fisheries Commission. Senator Schumer has been a strong advocate for recreational anglers. He has also been a strong advocate with Senators Menendez and Lautenberg for funding for stock assessment research through other groups including Partnership for Mid-Atlantic Fisheries Science Research. Because of this funding we have better information about summer flounder. Because of my respect for his work, I need to respond to some of his concerns. First, when we set the years for quota distribution for summer flounder and black sea bass using 1998 as the base year, it was done with much deliberation and concern. New Jersey gave up 20% of its catch so other states could raise their commercial levels. After much deliberation and a year of reviewing the charts, a motion was made at the Management Board Meeting by Gordon Colvin, the then director of Marine Fisheries for New York. Mr. Colvin is without a doubt the toughest negotiator for his state's interests that I have ever met. I always joke that he gives away snow in the winter. This was not the best or worst year for New Jersey and we were willing to agree to support the needs of other states. We are a compact of states. It is not our job to take advantage of other states for our own interest. Our job is to make interjurisdictional decisions in the best interest of the marine resource and the states. This decision in 1998 predated the great increase in counting recreational anglers in New York in 2001 – 2003. It is this data that has helped create the difficulty for New York. Common sense suggested to me that we were not only underestimating the number of anglers and trips in New York but also underestimating the stock size. Despite my suggestion to resolve this issue, NMFS refused to address this problem. There is something else happening with this fishery. In order to stay within these quotas with this huge spawning biomass, we are required to further restrict the recreational catch. We can restrict bag limits, size limits and seasons. New York has been relying on size limits rather than seasons. New

Jersey emphasizes changing seasons to gain the needed reductions. I understand the concerns facing New York's managers. Long Island Sound, Montauk, Captree, Sheepshead Bay and City Island, all areas I fished while living in New York, represent different management needs as far as size and seasons. Sometimes those varied needs are difficult in a single plan. We have the same problem in New Jersey dealing with Fortescue, Cape May, Barnegat Bay and Sandy Hook. We even have species like winter flounder and scup that don't migrate south of Barnegat Bay. I have included a comparison (Tables 1) of New York and New Jersey's regulations for the past few years. I have also included a table showing the reductions in other states from 2001 (Table 2). In our latest guidance in an ASMFC conference call last week on black sea bass, the technical committee recommended shorter seasons would give the most opportunity to meet the quota. It is important to point out that research done beginning in the 70's, showed that some species like black sea bass and summer flounder have an interesting migratory pattern. These species move back and forth from the offshore to inshore waters from one season to another. Summer flounder travels as far as the continental shelf to spawn. They do not return directly to the same bay or estuary. It seems as these fish get larger, they go out and return further north. Because we are uniformly raising size limits for southern states, it causes the stocks to migrate farther north. We have continually seen larger and larger black sea bass and summer flounder harvested in the northern states. By raising size limits, we are causing other problems. If we caught the same poundage in 1994 and 2013, the number of actual fish is about 25% in 2013. That means the four anglers on a boat can catch only one fish to have the same poundage. Everyone else will need to catch and release despite the mortality problems that causes. Striped bass has a big hook and release contingent. We always knew the numbers for striped bass would be high. In many years we kill as many fish by catch and release as we do by catch and keep. Summer flounder and black sea bass are not considered the same way by anglers. Summer flounder and black sea bass are considered catch and eat, prime dinner fare in New York and New Jersey. We are not seeing figures for some years that suggest we are killing more summer flounder and black sea bass with catch and release than we are for catch and eat. These are called regulatory discards and the problem is created when the size limits are so large anglers need to discard multiple fish before they have a legal size for dinner. This is a terrible waste and has a huge impact on stock assessment. A dead fish is a dead fish. We need a better way to manage. I am a Brooklyn boy who grew up fishing from Canarsie Pier, Steeple Chase Pier and party boats from Sheepshead Bay. I understand the needs of the anglers who continue to fish in those areas and would like to work with this committee to make sure they are able to harvest fish for their families. I was always proud to bring home a fish for my Mom to cook for dinner in Brooklyn.

The Atlantic States Marine Fisheries Commission and the National Marine Fisheries Service are trying to manage the recreational catch effectively with the tools available. The tools they are using are not designed for the task due to a lack of funding. The current tools were designed to establish trends for the recreational fishing industry as cheaply as possible. We are requiring them to use data that is not appropriate for the task. It is no wonder that the decisions made using this data creates more problems than they solve. In a 2003 article which is included, Menakhem Ben-Yami stated, "Fisheries management is all about people. People are all it can manage, and people are those who either enjoy or suffer from its consequences, including depletion of fish stocks. Therefore, it cannot be feasible if it is perceived by fishing people as erroneous, wrong, unjust, etc. This is one more reason for fisheries management not working." I absolutely believe this is true. ASMFC and NMFS have been working on the Atlantic Coast Cooperative Statistical Program (ACCSP) to design and implement a better system for compiling fisheries catch data for both recreational and commercial fishing. They signed an agreement a number of years ago and are making some progress with this task. But the demands for fisheries management are increasing more quickly than the new system is being developed and implemented. With the reauthorization of the

Magnusson Act in 2006, MRIP is slowly being implemented. What has lagged behind is the stock assessment work needed to make MRIP accurate.

The other problem we face is really good stock assessment. Because we cannot physically count every fish in the ocean, we rely on modeling to get an estimation of the stocks. My experience with these models is that they are based on assumptions that are very conservative. When you begin to layer one conservative assumption on another, the resulting model is extremely conservative. This is great when you are rebuilding stocks. It is necessary to take a very precautionary approach when stocks are rebuilding to guarantee success. However, I believe once the stocks are rebuilt or are well on the way, these models can result in a significant underestimation of the existing stocks. Summer flounder is a good example. We began rebuilding the stocks in 1994 when there was a low spawning stock biomass. We implemented measures to rebuild this spawning stock biomass with a target goal. The scientists set an unrealistic target which created numerous problems until several revisions became more realistic. We have been hovering at close to or slightly above that spawning stock rebuilding target since 2011. However, there has been relatively little or no increase in the summer flounder quota. The SSC (Statistical and Scientific Committee) for the Mid-Atlantic Fisheries Management Council has insisted on keeping the spawning stock biomass number the highest since we have recorded data. The last stock assessment concluded that recruitment is not based on how large the spawning stock biomass is. There are other factors that impact on the successful recruitment beyond the spawning stock biomass number. We can only guess what those other factors might be. We can make some assumptions about the availability of forage species, water temperature, weather and environmental contaminants. Without reliable data, it remains only a guess. But we know for sure that there is often no reliable relationship between actual recruitment and the spawning stock biomass number. We have had some of the highest recruitments in years when the spawning stock biomass was half of what it is now. And with this very high spawning stock biomass we have had some low recruitment. Again, what is needed is more money to develop appropriate data gathering tools. I know these models have been peer tested but in the article below, Menakhem Ben Yami states, "I think that another reason for having inadequate science in charge for so many years is that the "peer reviewing" of publications and scientific reports is being done by scientists, however independent, who come from the same discipline and the same, prevailing school of thought as the authors. Thus, assessments made on the basis of statistical models are reviewed by statistical modellers, who obviously believe in their basic methodology, but not by scientists who may think that the whole existing modeling methodology cannot produce reliable results." I have been saying the same thing for years.

There has been ongoing conversation about flexibility. There are varied opinions about the amount of flexibility the managers should have. Historically, some federal management councils did not act responsibly in implementing rebuilding measures. Because of the few irresponsible decisions there is a general mistrust of all of the councils by some of the scientific and fisheries advocate groups. With the last reauthorization of the Magnusson Act, more power was given to the SSC. This created problems rather than resolving them. The scientific modellers can take bad data in which we have little confidence and find ways to treat it as credible. It should be up to the fisheries managers to use the data in responsible way. In 2014, we will have to reduce the catch for summer flounder and black sea bass in New York and New Jersey. The SSC is telling us that unless we reduce this catch in 2013 NY & NJ will exceed the recreational quota on summer flounder and black sea bass. In the beginning of this presentation I gave you the economic numbers from Hurricane Sandy. What I didn't give you were the number of damage boats (estimated at over 52,000 combined New York and New Jersey attached article). This means less boats in the water, marinas and boat ramps still inaccessible, many of the beaches remain closed due to hurricane damage. If I was a betting man I would give you 4 to 1 odds that our catch will go down significantly on

both summer flounder and black sea bass for no other reason than the hurricane. So what will happen in 2014? The SSC with the lower catch numbers will suggest we can expand our catch in 2014 by increasing seasons and lowering bag limits. Common sense management experts would consider the impact of the hurricane on the numbers and suggest status quo for 2013 and 2014 based on 2012. The managers should have the flexibility to take this huge event into consideration rather than just relying on the SSC numbers crunching. Common sense should prevail.

I would like you to consider the following suggestions:

1. The Federal Government needs to appropriate real money to develop and implement a system that will give us the data we need and need to make the Northeast Area Monitoring and Assessment Program a line item in NMFS budget.

2. The money should be allocated to the states to do the actual data gathering. The states have proven they can implement any data-gathering program more efficiently, accurately and cost effectively than government contractors.

3. We need a fund new stock assessment that counts fish more accurately. We also need to collect the Recreational Data necessary to bring the Percentage of Statistical Error to an acceptable level.

4. We need to develop a culture that respects the expertise of responsible fisheries managers that allows them to use the data in a flexible way. The SSC is charged with providing data, not making management decisions. The SSC should not be allowed to insert their own perspective on additional conservation since the need for conservation is already built into the models.

5. The elephant in the room is climate change. As far as fishermen are concerned, climate change is already here. This is a reality. Water temperature is having a huge impact on fish habitat. The change in temperature by just a couple of degrees pushes some fish further north or eliminates the surf clam fishery off Island Beach State Park. Who knows what the next 5 – 10 years will bring? We need to spend the money to study the impact of climate change and be flexible enough to address these changes in fisheries management. Of course what we really need to do is halt the progress of man-made climate change.

6. NMFS and ASMFC needs to revisit all the allocation of fish between commercial and the recreational sectors, State allocations and sector allocation. Especially before NMFS tries to set up catch shares.

In closing, in the last hundred years there have been amazing advances in science and technology. We can count the craters on the moon. We are able to use satellites to photograph a four foot area on earth from tens of thousands of miles away. We can actually land a vehicle on Mars to analyze the soil. These are things we couldn't even dream of 50 years ago. But when it comes to knowledge about what is happening in the ocean, we are still in the dark ages. The two recent Oceans Reports point this out dramatically. We're not even sure about the impact of human activity on the ocean. It is my hope that Congress and the President will see the ocean as a priority. That will have the most dramatic effect on all of our lives. I know these are difficult economic times but dollars invested in research and data collection will pay huge dividends in the economic recovery of the fishing industry and all its ancillary businesses.

Table 1

Year	New Jersey Summer Flounder Recreational Management Measures					New York Summer Flounder Recreational Management Measures				
	Reduction/ liberalization	Size Limit (inches)	Bag Limit	Open Season	# Days open	Reduction/ liberalization	Size Limit (inches)	Bag Limit	Open Season	# Days open
2000		15.5	8	May 6 - Oct 20	168		15.5	8	May 6 - Oct 20	168
2001	-34%	16	8	May 12 - Sept 11	123	-41%	17	7	May 2 - Oct 31	183
2002	-16.7%	16.5	8	May 18 - Sept 24	130	0%	17	7	May 2 - Oct 31	183
2003	56% (22%)	16.5	8	May 3- Oct 13	164	4% (2.5%)	17	7	Jan 1 - Dec 31	365
2004	-1.3%	16.5	8	May 8 - Oct 11	157	-48.5%	17 18	3 3	May 15 - July 30 July 31 - Sept 6	115
2005	5.52% (0%)	16.5	8	May 7 - Oct 10	157	-6.32%	17.5	5	April 29 - Oct 31	186
2006	9.73% (0%)	16.5	8	May 6 - Oct 9	157	-37.61%	18	4	May 6 - Sept 12	130
2007	-40%	17	8	May 26 - Sept 10	108	-49%	19.5	4	April 24 - Sept 17	147
2008	-41.8%	18	8	May 24 - Sept 7	107	-64%	20.5	4	May 15 - Sept 1	110
2009	-4%	18	6	May 23 - Sept 4	105	-37%	21	2	May 15 - June 15 and July 3 - Aug 17	78
2010	-1%	18	6	May 29 - Sept 6	101	78% (59%)	21	2	May 15 - Sept 6	115
2011	124.9% (77%)	18	8	May 7 - Sept 25	142	139.5% (125%)	20.5	3	May 1 - Sept 30	153
2012	38% (37%)	17.5	5	May 5 - Sept 28	147	71%	19.5	4	May 1 - Sept 30	153

Note: Reduction/liberalization:--minus sign denotes required reduction. Percent in parenthesis (%) denotes liberalization taken.

Table 2

Year	Massachusetts			Rhode Island			Connecticut			New York			New Jersey		
	Size	Bag	Season	Size	Bag	Season	Size	Bag	Season	Size	Bag	Season	Size	Bag	Season
2000	15.5	8	146	15.5	8	146	15.5	8	146	15.5	8	146	15.5	8	168
2001	16.5	7	103	17.5	6	101	17 or 17.5	6	365	17	7	183	16	8	123
2002	16.5	7	365	18	5	119	17	6	365	17	7	183	16.5	8	130
2003	16.5	7	365	17.5	5	143	17	6	365	17	7	365	16.5	8	164
2004	16.5	7	365	17.5	7	275	17	6	365	17/18	3	115	16.5	8	157
2005	17	7	365	17.5	7	275	17.5	6	246	17.5	5	186	16.5	8	157
2006	17	7	365	17.5	7	275	18	6	246	18	4	130	16.5	8	157
2007	17.5	5	66	19	7	122	18	5	129	19.5	4	147	17	8	108
2008	17.5	5	67	20	7	365	19	5	101	20.5	4	110	18	8	107
2009	18	5	44	21	6	199	19.5	3	66	21	2	78	18	8	105
2010	18	5	108	19.5	6	245	19.5	3	103	21	2	115	18	6	101
2011	17.5	5	132	18.5	7	245	18.5	3	114	20.5	3	153	18	8	142
2012	16.5	5	132	18.5	8	245	18/16	5	170	19.5	4	153	17.5	5	147
2013													17.5	5	122
Year	Delaware			Maryland			Virginia			North Carolina					
	Size	Bag	Season	Size	Bag	Season	Size	Bag	Season	Size	Bag	Season			
2000	15.5	8	146	15.5	8	231/241	15.5	8	268	13/15	/8	365			
2001	17.5	4	146	17	8	237	15.5	8	263	13	/8	351			
2002	17.5	4	230	17	8	357	17.5	8	278	15.5	8	139			
2003	17.5	4	365	17	8	278	17.5	8	365	14	/8	365			
2004	17.5	4	365	16	3	365	17	6	278	14	/8	365			
2005	17.5	4	365	15/15.5	2/4	365	16.5	6	365	14	8	365			
2006	17	4	365	15/15.5	2/4	365	16.5	6	365	14	8	365			
2007	18	4	365	15/15.5	2/4	365	18.5	5	272	14	8	365			
2008	19.5	4	365	16.5/17.5	1/3	365	19	5	357	14/15.5	8	365			
2009	18.5	4	365	16.5/18	1/3	152	19	5	365	14/15	8	365			
2010	18.5	4	347	19	3	188	18.5	4	365	14/15	8	365			
2011	18	4	358	18	3	199	17.5	4	365	15	6	365			
2012	18	4	358	17	3	247	16.5	4	365	15	6	365			
2013															

Fisheries Management & Legislative Report **by Tom Fote (from Jersey Coast Anglers Association April 2004 Newspaper)**

Summer Flounder

At the ASMFC meeting there was a lengthy discussion about New York's summer flounder overages and the necessary reduction. I fought hard for a motion that would give New York some relief. Some people asked me why I fought so hard to reach a solution that was not allowed for in the plan. The implication was that I had not fought as hard when other states faced reductions due to overages. My reply is that times are different and the situation is different. My responsibility as commissioner is to look at each issue individually and consider the current situation. Circumstances change and in this case there were some outstanding reasons why I changed my mind. In 2002, because of the issue of paybacks, states were being very conservative on the implementation of changes in their fluke regulations for 2003. Most states made a good faith effort to develop regulations that would keep them in compliance with their targets. They used the available data conservatively in developing their regulations. None of us were told there was a problem with the 2002 Marine Recreational Statistical Survey. New York, New Jersey and other states used those figures as though they were calculated in the same way as the figures from 2000 and 2001. Even though we know none of these figures are accurate we expected some consistency from year to year. The National Marine Fisheries Service should have told us about the problem with the data for 2002. It is irresponsible to punish a state for developing regulations when they were given inconsistent data. Right now, New York is required to take a 48% reduction in the summer flounder fishery. This will have a devastating economic effect on the marine recreational fishing industry in New York and impact on the quality of life for recreational anglers. If this happened in New Jersey the impact would be even more devastating and I am not sure what actions we would need to take. We just can't use the Marine Recreational Statistical Survey to do quota management. It was not designed for this task and continues to create problems throughout the system. We are encountering the same problems in scup, sea bass, tautog and any other species that uses this data.

Open the Pandora's Box: A Discussion about Fisheries Allocations

NOAA Fisheries has released the first-ever compilation and discussion of fisheries allocation issues which summarizes input received from a broad spectrum of stakeholders. The report is a direct outcome of commitments made by NOAA during the National Saltwater Recreational Fisheries Summit to address stakeholder concerns regarding allocation. To read the report, go to http://www.nmfs.noaa.gov/stories/2013/01/docs/lapointe_allocation_report_final.pdf. I have included the white paper's conclusions below.

In politics the third rail is social security. In fisheries the third rail is allocation. This is the topic everyone avoids at all cost. It is one of the most difficult to deal with. I have asked Bruce Freeman to develop a white paper on the history of this issue. I have also asked some sports writers who have the institutional memory to consider writing articles on this topic. The recreational community has taken it on the chin on allocations because of the failure of the NMFS to historically gather good recreational statistics. NMFS never thought that the recreational sector would catch enough fish to need regulations. NMFS was created from the Bureau of Sports Fisheries and the Bureau of Commercial Fisheries. The Bureau of Commercial Fisheries was the site of all the money. They had port agents and were spending millions of dollars to collect commercial landings. The restrictions on the commercial fisheries go back hundreds of years. The Bureau of Sports Fisheries looked at trends in recreational fishing but was never intended to set up allocations. The money was never spent for Marine Recreational Fisheries Statistical

Surveys. We were spending millions of dollars on commercial catch figures and a pittance on surveying all the recreational anglers in the country. This continues to this day under NMFS. While the budget for recreational surveys has doubled, double almost nothing is still almost nothing.

In the 1980's NMFS looked at historical recreational surveys and literally cut the numbers for the recreational sector fisheries in half with no scientific validation. When the Councils and Commissions began setting quotas, the only data available was from NMFS. This data was the flawed MRFS data and the 50% reduction data. Hardly scientifically valid! This has extremely negative consequences on the recreational sector to this day. The report referenced above will be used to generate a discussion about changing present allocations and making future allocations. Remember, the recreational sector is already in the penalty box and any decisions based on previous allocations will continue to handicap the recreational sector. We need to be skeptical in discussing the issues raised in this report since it fails to recognize the systemic problems already in existence. Without an acknowledgement of the history, the future will not be favorable for recreational anglers. We need to get the people who have the historical knowledge to share with all of us before any decisions are made.

Marine Fishery Allocation Issues White Paper Conclusions by George Lapointe

Allocation issues pervade fishery management discussions and decisions in the US, and likely elsewhere. Almost all fishery management decisions, direct and indirect, have allocative effects and stakeholders in fishery management are attuned to these impacts. Perceptions about the fairness of individual and cumulative allocation decisions can drive stakeholder's perspectives about the fairness of the overall fishery management system.

As mentioned in a number of project discussions, fishery managers have a difficult time explaining the process, rationale, and outcomes of allocation decisions because. At best, it's very hard to explain to a group or individual why a decision was made in a way that they do not agree with. In more difficult allocation discussions, it is nearly impossible to achieve an outcome that is not perceived as very unfair by some stakeholders.

Also evident from this project is that most managers and stakeholders favor an allocation process that is more efficient and understandable than currently done. Many suggestions were made about improvements to the management process to make allocation decisions more clearly understood, fairer, and based more on quantitative factors and less on qualitative factors which are often perceived as biased and arbitrary.

Clearly, there is difficult work to be done on allocation in the Nation's fishery management system. A logical conclusion from this type of perception is that fishery managers at the state, regional, and national levels need to focus more time and resources to allocation discussions and decisions. This should begin in the initial stages of a fishery management action and should include clear, direct language about the allocation definitions and decisions to be made, who is responsible for the decisions, and how stakeholders can engage in the process.

Similar to most difficult policy issue, progress lies in hard work, additional attention to the issue, and frank discussion among stakeholders. This project has identified some courses of action for decision makers to consider. Other options will likely be identified by decision makers and stakeholders as future discussions about how to best address fishery allocation is discussed in states, at Council meetings, and at National venues. This project is clearly an initial step in this important discussion

From my Testimony on 6/14/04 to the Subcommittee on Fisheries Conservation, Wildlife and Oceans on Data Collection

SOME MORE COMMENT ABOUT FISHERIES SCIENCE

Menakhem Ben-Yami is a fisheries Management and Development Advisor from Israel. I communicate with him through a message board that includes people from around the world. He sent me this email and I wanted to share it with you. Pay particular attention to #5 where he discusses the peer review process. I have been saying the same thing for years. I mentioned to Menakhem that he did not include recreational fishing in his definitions. He replied that most of the countries he deals with pay little attention to recreational fishing.

Article from Menakhem Ben-Yami

Appeared on Fishfolk

I think that it might be useful to recall some definitions that we discussed here several years ago:

1. Fishery management is about maintaining the production of fish and the well-being of fish producers at sustainable levels.
2. Good assessment of the desired level of production (expressed either in the terms of input or output, or a combination of both), and of the production sector are necessary for successful management. The fishery science, as practiced today, may not be able in many cases to produce such assessment. It may be "the best available" but not necessarily adequate science.
3. Fisheries management is all about people. People are all it can manage, and people are those who either enjoy or suffer from its consequences, including depletion of fish stocks. Therefore, it cannot be feasible if it is perceived by fishing people as erroneous, wrong, unjust, etc. This is one more reason for fisheries managements' not working.
4. Choice of management strategy (by the authorities in charge) is in most cases political and economic. The two basic strategies are (1) favoring the existing fishing people and their communities, and (2) favoring larger and financially more efficient owners, which as a rule includes large corporations. Both strategies may eventually achieve similar fish yields, but each at different social and economic costs.
5. Within each strategy various technical/technological means can be adapted. Some of those are today criticized as based on inadequate, or just wrong science and assumptions. An example: selective fishing for only larger individuals in groundfish fisheries that, according to some scientists, leads to creation of stunted, starving populations of undersized, early and weak spawners, and, perhaps, genetic changes in those fish populations where genetically slower growers enjoy the selective fishing and bequeath this trait over an increasing share of the stock.

I think that another reason for having inadequate science in charge for so many years is that the "peer reviewing" of publications and scientific reports is being done by scientists, however independent, who come from the same discipline and the same, prevailing school of thought as the authors. Thus, assessments made on the basis of statistical models are reviewed by statistical modellers, who obviously believe in their basic methodology, but not by scientists who may think that the whole existing modeling methodology cannot produce reliable results.

NEWS from BoatUS

November 14, 2012

Boat Owners Association of The United States

880 S. Pickett St., Alexandria, VA 22304

BoatUS Press Room at www.BoatUS.com

FOR IMMEDIATE RELEASE

Press Contact: D. Scott Croft, 703-461-2864, SCroft@BoatUS.com

Over \$650 Million in Estimated Losses to Boats Makes Storm Single Largest Disaster for Recreational Boats on Record

Boat Owners Association of The United States estimates that Hurricane Sandy's damage to recreational boats will reach \$650 million, with over 65,000 boats damaged or lost, like these boats at a marina on Great Kills Harbor, Staten Island NY.

Download hi-res photo.

STATEN ISLAND, NY, November 14, 2012 — The nation's largest group of boaters, Boat Owner's Association of The United States (BoatUS), estimates that over 65,000 recreational boats were damaged or lost as a result of Hurricane Sandy. BoatUS also estimates that dollar damage to all recreational boats (only) is \$650 million, making the late October storm the single-largest industry loss since the Association began keeping track in 1966. A video of the BoatUS Catastrophe response team on the ground in New York and New Jersey can be found at <http://youtu.be/TGoCB6ObpA>.

"We are all reeling from the huge impact this storm has had on communities and people's lives," said BoatUS AVP Public Affairs Scott Croft. "We've never seen anything like it. The scope of the damage to boats is unprecedented, affecting large areas from the Atlantic seaboard as far inland as the Great Lakes, with the majority of damage in New Jersey, New York and Connecticut. The combination of boats stored ashore at low elevations and record high surge levels caused hundreds, if not thousands, of boats to float away into neighborhoods, parks and marshes. The tri-state coastline left no place for the surge to go, but up. While some boats that stayed in the slips did fine, other boats tied to floating docks simply lifted off too-short pilings and floated away — still tied to the dock. Some vessels never made it out of their slip and rest on the bottom."

The BoatUS Catastrophe Response Team reports that the marine community has rallied to gain the upper hand on the recovery process. "If there is a story to tell, it's about how the boating industry got together immediately after the storm to help each other out and get boats back in their place," said BoatUS Catastrophe Team Member Jack Hornor. While some New Jersey barrier islands continue to restrict access delaying boat recovery efforts, some marinas, boat clubs and yards have recovered their customers' boats and put them back on blocks to undergo damage assessments. Many boating facilities, especially those on New Jersey's coast, Staten Island and western Long Island, sustained significant damage to infrastructure such as docks, workshops, clubhouses and equipment, which will likely have an impact on the 2013 boating season.

BoatUS estimates over 32,000 boats were damaged in NY, followed by New Jersey's 25,000, Connecticut's 2,500 and 6,000 remaining in various states. Dollar damage to recreational boats (only) in New York is estimated at \$324 million, followed by \$242 million in New Jersey and \$23 million in Connecticut. Previously, in the 2005 storm season, Hurricane Wilma and Katrina damage was estimated at over \$700 million combined.

As with any storm, the BoatUS Marine Insurance Program will be investigating hurricane damage prevention measures taken by boaters and possible new solutions, but one early indication is that boats tied-up to protected floating docks with tall pilings had the best chance of survival with Sandy. "However, you can't base a hurricane preparation plan on one storm. While storm surge was the biggest factor here, wind and rain can be major factors in the next one. Hindsight is only good if you look at the bigger picture," said BoatUS Director of Technical Services Bob Adriance.

One new factor that is affecting post-hurricane boat recovery efforts? Snow. BoatUS reports there is some concern in the industry that storm damaged vessels may not be winterized in time with the arrival of colder weather.