



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
MARINE FISHERIES ADVISORY COMMITTEE
Silver Spring, MD 20910

DEC 20 2013

MEMORANDUM FOR: Samuel D. Rauch III
Deputy Assistant Administrator for Regulatory Programs,
performing the functions and duties of the
Assistant Administrator for Fisheries

FROM: Keith Rizzardi *KWRizzardi*
Chair, Marine Fisheries Advisory Committee

SUBJECT: White Paper on Recommendations for MSA by the Recreational
Fishing Working Group (RFWG)

This memo transmits a white paper by the MAFAC Recreational Fishing Group on recommendations for changes in the Magnuson-Stevens Act. This was developed in response to the terms of reference MAFAC received from you in mid-2013. MAFAC's Recreational Fishing Subcommittee and Recreational Fishing Working Group (RFWG) was assigned to help identify the motivations of recreational and non-commercial fishermen; common factors, goals, and management objectives of these sectors; and specific legislative, regulatory, and policy changes needed to achieve these goals.

It is important to note that this white paper was not intended to reflect a consensus viewpoint of the members of MAFAC. The goal was to obtain the opinions of a broad range of national recreational fishery opinion leaders and stakeholders comprising the RFWG.

The white paper was the product of many hours of work by the national membership of the RFWG (including the Pacific Islands). It was vetted through the Recreational Fishing Subcommittee and returned with comments and questions for final development. The final document was presented for information to MAFAC by the Recreational Fishing Subcommittee at the December 2013 MAFAC meeting. The contents will also be used by NOAA Fisheries staff convening the Saltwater Recreational Fishing Summit to target key points of concern.

We respectfully submit this white paper so you can understand the national perspectives of the wider recreational fishing community, as represented by the broad-based RFWG membership.

Cc: Dr. Kathryn Sullivan, Acting Under Secretary for Oceans and Atmosphere
Dr. Mark Schaefer, Assistant Secretary for Conservation and Management

Attachment

MAFAC Recreation Fishing Working Group
White Paper on MSA Recommendations

11/20/2013

Magnuson-Stevens Fishery Conservation and Management Act Reauthorization and NOAA Fisheries' Regulations: Challenges and Recommendations - a Marine Recreational Fisheries Perspective.

Prologue

There is strong agreement among Recreational Fisheries Working Group (RFWG) members that the motivations, rewards, social and economic benefits, and impacts of recreational and non-commercial fisheries are significantly different than those of commercial fisheries. These distinctions are important enough that RFWG members believe management strategies for the recreational sector differ from those of the commercial sector, which requires flexibility within the Magnuson-Stevens Fishery Conservation and Management Act (MSA) as well as flexibility with NOAA policies and guidance. Recreational fishermen primarily seek opportunities to catch fish, with some anglers preferring to catch larger fish. Overall, anglers have proven to seek access to public fish resources in responsible and sustainable ways. Recreational anglers request the ability to impact management decisions by exploring new and different approaches that rethink the management process. Their strong opinions about the differences between recreational and commercial fishing are presented in the responses to question one in the Appendix.

Executive Summary

The Marine Fisheries Advisory Committee (MAFAC) Recreational Fisheries Working Group (RFWG) developed specific issue areas and recommendations for possible changes to the Magnuson Stevens Fishery Conservation and Management Act (MSA) during reauthorization, as well as possible changes to NOAA fishing regulations. These were developed through the working group process detailed in the introduction. Some of these recommendations received very strong and broad consensus as being nationally important, while two of the recommendations received strong consensus as being regionally important. The recommendations are presented in detail in the section entitled "Recommendations." The recommendations in brief form relate to:

- Improved and expanded data is necessary for timely and appropriate management
- Flexibility in timeframes for rebuilding stock efforts
- Setting Maximum Sustainable Yield (MSY)/Optimum Yield (OY) to manage for an appropriate and different stock structure

- Individual Transferable Quota (ITQ), Individual Fishing Quota (IFQ), and catch share programs are considered inappropriate for recreational fisheries
- Flexibility in setting Annual Catch Limits (ACL), and reducing buffers
- Other statutes: Endangered Species Act (ESA), Marine Mammal Protection Act (MMPA), National Marine Sanctuaries Act (NMSA) need separate review. In the implementation of these acts, fishing opportunities may be overly or unnecessarily constrained
- Cooperative research should engage recreational fishermen and other stakeholders
- Fishing definitions should recognize subsistence and noncommercial fishing on a regionally appropriate basis
- A portion of the Allowable Biological Catch (ABC) should be set aside to test new management strategies

The working group consensus process leads us to urge both the Recreational Fishing Subcommittee of MAFAC and MAFAC to take these recommendations and supporting documents into full consideration during their discussions and deliberations about appropriate input into the MSA reauthorization process. We also recommend that consideration be given to possible changes to NOAA Fisheries regulations, which would make them more effective in accommodating the needs of recreational/non-commercial anglers and the need for sustainability and enhancement of recreational fisheries and fishing opportunities.

Introduction

This white paper and the recommendations are a synthesis and summary of two larger documents developed through the MAFAC RFWG working group process. That process elicited WG members' ideas, issues, concerns, and recommendations identified from responses to four broad questions developed through a conference call consensus process. Questions focused on:

- 1) "Key differences between recreational, non-commercial, and commercial sectors"
- 2) "Common factors, goals, and management objectives shared by recreational/non-commercial fishermen"
- 3) " Specific feasible recommendations to achieve 2-4 of the common goals and objectives"
- 4) "Themes for the 2014 National Summit"

Most WG members responded in writing to each question. Their responses were then condensed and synthesized into a working document following the 3 part template: 1) overarching theme, 2) supporting points, and 3) supporting quotes. The second working document is attached as an Appendix.

The white paper was then developed by 3 members based on a determination of consensus responding to question 3, including dividing them into those that are nationwide with very broad consensus and those that are important, but more regionally specific. Where applicable, the relevant MSA passages, supporting fishery regulations, and NMFS guidance that may benefit

from statutory or regulatory changes are noted. Those notations are not exhaustive, since not all working group members have detailed knowledge of the MSA.

The Appendix is included as an important supporting document because of the strong consensus on the concerns and the recommendations, which were repeated independently by many working group members, and because of the strength of opinions detailed in the supporting quotes. The document displays regional diversity and the appropriate intent of the MSA, which provides a process for accommodating major regional differences between council jurisdictions. However, it also highlights some of the shortfalls in the MSA's ability to effectively manage the recreational sector overall. Finally, the Appendix outlines specific issue areas where NOAA fisheries can more effectively accommodate the concerns of recreational/noncommercial fishermen. The working group urges the reader to review the Appendix as well as the white paper.

Section 1 - Common factors, goals, management objectives, and the recreational communities' perspective

The recreational sector is fundamentally different from the commercial sector in several ways, including their motivations for participating in the fishery. Commercial fishermen prosecute the fishery primarily for personal economic gain. They want to catch as many fish as possible, as efficiently as possible, in order to maximize profit. Conversely, recreational anglers fish for enjoyment, to provide fish for their families, for the challenge of catching specific species, and for spending quality time with family and friends. Such social motivations for recreational anglers result in significant positive economic impacts to the nation's economy and coastal communities.

Within the recreational sector, non-commercial and recreational anglers alike share many common factors, goals, and management objectives, regardless of their regional perspectives. The term non-commercial is more appropriate for the Western Pacific region, because it encompasses a broader range of motivations, including subsistence, meeting cultural and ceremonial needs, and cultural exchange of fish in ways that are not profit motivated.

Commonalities include:

- **A desire and reasonable opportunity to catch (larger) fish.** This desire translates to having a range of size classes of fish, which helps ensure access to an occasional trophy (large) fish.
- **Access to a fishery that has management accountability, sustainability, stability, predictability, and maximizes angler experience.** The fish, their availability, and access to fish are strong common factors.
- **The need for timely reporting and analysis of fish landings and fishing effort.** Data to make in-season harvest estimates is available with commercial fishing; this data does not exist for recreational fishing, so the resulting catch-limits and management plans are very conservative.
- **Many fishermen feel new and different approaches are needed to rethink recreational fisheries management. Many believe there is a need to consider the**

importance of social and economic impacts in decision-making. Often arbitrary ten-year mandates to rebuild stocks for some species result in ultra conservative ACLs and AMs that unnecessarily restrict fishing.

Section 2 - Recommendations

The following recommendations were the collective effort of the RFWG members to address the fundamental differences and the resulting needs of the recreational sector within MSA, the National Standards and/or NOAA Fisheries policy. The list is not exhaustive, nor ordered in any prioritized ranking, but rather is a consensus-based reflection of the issues and solutions necessary to overcome some of the most important national and regional challenges for America's recreational anglers.

National Significance:

- **DATA.** Improved data collection and data systems are necessary for timely and responsive management. This must include social, cultural, and economic data as well as catch and effort data (**MSA 303, 109 479, FMP amendments, NS8, Guidelines for Community Analyses?**).
- **REBUILDING.** Flexibility in stock rebuilding timeframes is needed. Required rebuilding time frames are necessary, but they should be determined based on species life histories (as long as stocks move in a forward rebuilding trajectory, regardless if quotas are exceeded, fishing should be allowed, seasons should not be restricted unless removals are negatively affecting the stock).
- **MSY/OY.** Managing to MSY/OY carries inherent risk and may not meet the goals of recreational fishermen for having frequent encounter opportunities or the chance to catch larger fish. Management should focus on a more balanced and robust stock using a wider range of tools (**MSA NS1, New NS1 guidelines, NS8?**).
- **SECTOR FLEXIBILITY.** The current biomass-based management system is a commercial fisheries model that does not work well when applied to recreational fisheries. Inland fisheries managers have demonstrated that recreational fisheries can be managed much more effectively using rates of mortality, rather than a hard poundage quota system. NOAA Fisheries should embrace the management flexibilities under the MSA and provide guidance to the Councils for alternative management approaches for the recreational sector (**NS1 Guidelines, Management tools?**).
- **ITQ, IFQ, CATCH SHARES.** ITQ, IFQ, and Catch Shares programs are not appropriate for the recreational sector. New entry opportunities and equal access to a public trust resource are imperative to effectively managing the nation's fisheries resources for the good of all (**MSA 303A, NOAA Catch Shares policy**).
- **FLEXIBILITY WITH SSC RECOMMENDATIONS.** ACL and AM/ACT recommendations from the SSCs are often too conservative as they attempt to account for

frequent data uncertainty. The tendency for their recommendations to include overly precautionary buffers can significantly disadvantage recreational fishermen by unnecessarily reducing fishing opportunities. The councils should be allowed to adjust ACL upwardly (within a specified margin of error) when there is low risk of overfishing or there are significant social and economic benefits (**MSA NS1, NS1 Guidelines, NS8?**).

- **OTHER STATUTES.** The ESA, MMPA, and NMSA have placed restrictions that at times appear unreasonable to recreational fishermen in some regions. ESA and MMPA risk assessments (PBR) and population estimates are often based on very poor data. Sanctuaries may close areas to fishing without adequate baseline data or monitoring to demonstrate conservation benefits. A separate review of these statutes is needed to ensure that unnecessary closures to recreational angling are not a consequence of statute implementation.
- **COOPERATIVE RESEARCH.** Cooperative research programs should be adequately funded and specifically provide opportunities for recreational fishermen to be involved with study design, data collection, and reporting. The ‘Coastal Angling Tagging Cooperative’ project out of Scripps Institution of Oceanography, UC San Diego is a current example.
- **SEPARATION OF COMMERCIAL AND RECREATIONAL FISHING.** It is detrimental for recreational fisheries to be lumped together with commercial fisheries operations. Creating separate languages to regulate commercial and recreational fishermen allows lawmakers the freedom to put regulations into place that make sense for everyone.
- **SENSIBLE ALLOCATION BETWEEN COMMERCIAL AND RECREATIONAL FISHERIES.** Formal guidelines should be established that separate recreational anglers and commercial anglers.
- **ANNUAL CATCH LIMITS NEED TO BE BASED ON SOLID SCIENCE WITH FLEXIBILITY FOR NON-TARGETTED AND INCIDENTALLY CAUGHT SPECIES.** For coral reef species in particular, there is not enough life history and stock assessment data to develop reasonable ACLs and ACTs. Proxy species within complexes may not be representative.
- **CONSIDER MANAGEMENT AT THE STATE LEVEL WHERE APPROPRIATE.** In many cases, federal agencies are not the most appropriate organizations to manage fisheries. Where applicable, states or fishery management commissions should take control of managing fish populations. This will allow organizations to manage fisheries with a greater attention to detail.

Regionally important/important to include:

- **FISHING DEFINITIONS.** Fishing definitions need to be revised so that the strict separation between commercial and recreational fishing may allow for recognition of

subsistence fishing and its value to communities, at least in Alaska, the Western Pacific, and the Caribbean. On a regionally appropriate basis the definitions should also allow for recognition of noncommercial fishing that allows the cultural exchange of fish for other resources in ways that are not considered barter and not considered a commercial profit making transaction (MSA 104-297(3); 104-297(4); 104-297(37)).

- RESEARCH SET ASIDES. Language that authorizes the Councils to set aside a portion of the ABC to use in pilot projects to test alternative management strategies is needed. However, research set asides should not be permitted for the purpose of sector separation or individual fishing privileges.

Section 3 - Proposed themes for the 2014 recreational fisheries summit

In September 2009, NOAA began an initiative to strengthen their relationship with the saltwater recreational fishing community. Soon thereafter, the National Policy Advisor for Recreational Fisheries was created and supported by both an internal team of regional NOAA Fisheries coordinators and a group of outside advisors linked to the Agency's official Marine Fisheries Advisory Committee. In April 2010, the first national Saltwater Recreational Fishing Summit was held, which provided direction to the national policy advisor and his support network. The summit kicked off an improved dialogue and commitment to action on priority issues and formed the basis for NOAA's national and regional Recreational Saltwater Fisheries Action Agendas. The overall goal of the initiative was to enable NOAA Fisheries to become more coordinated, strategic, and responsive to recreational angler concerns.

In April 2014, NOAA Fisheries plans to host a second national summit on saltwater recreational angling. The 2014 summit will provide an opportunity to reflect on the success and effectiveness of NOAA's relatively new recreational angling program, along with what still needs to be accomplished to meet the goal of being more coordinated, strategic, and responsive to the needs of recreational anglers. In addition, members of the Recreational Fisheries Working Group submitted the following topics and ideas for consideration in developing the upcoming summit agenda:

- Explore alternative management strategies and needed changes to the Magnuson-Stevens Act to maximize recreational opportunities
- Understanding the differences and similarities between recreational/non-commercial anglers and commercial fishers
- Equal representation and priority for recreational fisheries within Magnuson-Stevens and NOAA fisheries policy, including developing clear definitions for recreational vs. commercial fisheries
- Marine Protected Areas/Marine Sanctuaries - understand the potential and realized short and long-term economic impacts to recreational anglers
- MRIP data collection processes and potential improvements
- Population assessments – how can they be improved?
- Understand the recreational sector impacts of ACLs, ABCs, MSY/OY, IFQs and ITQs
- Rebuilding timelines
- Discard mortality – new advancements and further improvements in understanding

- Illegal, Unreported, and Unregulated fishing (IUU) in U.S. waters
- Inland vs. marine fisheries management - what remains to be learned?

Section 4 - Conclusions

The NOAA Recreational Fisheries Initiative and the timing of reauthorization of the Magnuson Stevens Act have created an opportunity for substantive input from the MAFAC RFWG. RFWG members are representative of a broad range of fisheries and constituencies. The RFWG process has been a rapid response to this opportunity. This white paper and Appendix represent a range of concerns and issues that face recreational and noncommercial fishermen throughout the nation and its territories. The specific recommendations speak to both the MSA and to a range of NOAA Fisheries regulations and policies. Given fair consideration, these recommendations will enhance recreational fishing opportunities and experiences.

Appendix - RFWG responses to 4 questions

Question 1: Describe the key differences between the recreational, non-commercial, and commercial sectors which you see as most important for federal managers to understand in developing policy and regulation.

OVERARCHING THEME 1

One of the differences between recreational and commercial fishing sectors is the motivation and forces that drive each. Recreational anglers are driven by social factors and their efforts provide a significant economic impact. Commercial fishing is almost exclusively driven by economic factors.

Supporting points

Recreational anglers fish for pure enjoyment, to catch and consume fish, for the challenge of catching specific species, and for social reasons. These efforts provide significant economic impact. Conversely, commercial fishing is a business and is driven by the need to produce income and profit.

Supporting quotes from working group participants.

Recreational anglers “may participate in a fishery to bring home food to eat, the challenge or sport of catching a fish, and/or to enjoy the outdoor experience. The recreational reasons for going fishing may be consumptive or non-consumptive with the latter being an increasing trend often dependent on the species.”

"In the most basic sense, one is a vocation and the other an avocation." "From an economic perspective, recreational saltwater anglers are an important and significant component of our nation's marine fisheries. In 2011, there were more than 11 million saltwater anglers who took 70 million fishing related trips and who contributed \$70 billion in sales impacts to our economy - resulting in 455,000 jobs (NOAA – Fisheries Economics of the United States 2011). Recreational anglers spent \$3.8 billion in 2011 on fishing tackle alone." "Commercial Fishers have the expectation that fish belong to them." "Recreational fishermen (RF) view fishing as a privilege, not a right."

"Fortunately, there are a limited number of species where both user groups conflict on how they are managed and allocated." [Commercial harvesters] "fish as a job, a way to pay bills and produce profit." [Recreational Anglers] "relate “quality of life” issues when fishing. The national survey poll illustrates this." "Time on the water, friendships, teaching others to fish have high value to them [recreational anglers] and are as important as catch." "Socially, recreational anglers want the interactions and joy that comes from fishing alone or with others. When recreational anglers fish alone they enjoy the solitude and thinking time that fishing brings." "When fishing with others...family members, friends or acquaintances... recreational anglers enjoy the time together to talk and communicate about various topics (family, the fishery, tactics, etc.)." "In the for-hire party and charter boat sector this social engagement is amplified as often times the intensity of fishing is magnified by expert guides which usually leads to greater fishing

success. This greater shared experience often creates memories that last a lifetime. Memories shared by mothers, fathers, daughters and sons."

"Recreational fishing provides serious social and economic benefits to local fishing communities. This activity supports many small and large supporting businesses such as tackle shops, tackle manufactures, boat builders and sellers, marinas, fuel sales, hotels and restaurants, and a host of other businesses. While recreational fishing is clearly an activity that is not commercial for the individual angler it is a huge economic generator for local, state, and federal communities." "In the Western Pacific region there are indigenous and resident fishermen who expect and claim a long-term right to fish for subsistence, to meet cultural and ceremonial needs, to share widely in their communities, for pleasure, for social recognition, and for occasional sales to offset some costs. This background makes us somewhat unique and means that there is a blurring of the recreational commercial distinction enshrined in simple language in the MSA. It also means that there are mixed and somewhat overlapping motivations, values of participation, costs and benefits." "In Samoa and the Marianas a good fisherman gains status and reputation in the community, and may become a more desirable marriage partner! They fish to eat and to share!" "The key differences: recreational/non-commercial fishermen are chasing the excitement, adventure, and the thrill of hooking and fighting fish. Whether the catch ends up as dinner, is released, or is landed in hopes of winning a tournament or new record, the excitement and thrill of hooking-up and the subsequent fight that follows is what keeps people fishing for their entire life. Commercial fishing success is not measured in life experience but rather in net profit. And in general, it is assumed that the more fish that are retained and sold, the more profit that will be generated."

OVERARCHING THEME 2

Commercial fishing is completely motivated by economic incentives and the generation of income in an efficient and effective manner.

Supporting points

The commercial fishery is motivated largely, if not solely, upon the desire to provide income for self or family. The commercial fishery is totally consumptive with a goal of maximizing yield with as little of cost as possible to maximize profit.

Supporting quotes:

"Commercial fishing is about spending the least amount of money to catch the most fish to have the highest profits. Without the monetary reward, commercial fishing goes away." "[Commercial fishing's]... motivation is to make a profit and provide a fresh and safe product to the consumer. [Its] success enhances the social and economic impacts to small fishing communities and the supporting businesses that move the product to the consumer." "Recreational fishing is inherently less efficient than commercial fishing...Maximum sustainable yield management benchmarks may provide adequately for a commercial fishery but typically result in poor recreational fishing."

OVERARCHING THEME 3

The charter and for hire sectors provide a platform for recreational anglers and are in part driven by a combination of factors. These include recreational anglers' enjoyment of fishing, the challenge of catching specific species, and the opportunity to catch and consume fish.

Supporting points

The charter and for hire sector is a component of recreational fishing that provides opportunities to recreational anglers and significant economic impact to our communities.

Supporting quotes

"For-hire vessels only land fish when hired by recreational anglers to take them fishing. Unless payment is received from the recreational anglers there would be no fish landed on a for-hire vessel."

"The economic benefit of the recreational and for-hire sectors is huge and has been documented most recently with numerous economic impact studies." "Charter for hire fishermen need economic incentives as well as a regulatory structure that provides stability for their businesses. Charter for hire captains are operating in commerce like commercial fishermen, but are handicapped by a derby fishery that does not allow them to fish when they have customers available"... "It is important that the charter for hire and recreational sectors both are able to maximize full economic benefit for their respective sides of the fishery."

Question 2: Identify and describe the common factors, goals and management objectives shared by recreational/non-commercial fishermen.

OVERARCHING THEME 1

Recreational/non-commercial anglers desire a reasonable chance of **catching fish and larger fish.**

Supporting points

A biomass with a diversity of size classes helps ensure access to an occasional trophy fish.

Supporting quotes

"Size within the biomass is perhaps more important... than the size of the biomass..."

"(fishing) is enhanced if there is a chance of catching a larger than average fish."

"All fishermen share the common goal of catching fish."

"Recreational non-commercial fishermen share the common goals of catching, eating and sharing fish, especially big fish..."

OVERARCHING THEME 2

Recreational/non-commercial fishermen want **access to a fishery that has management accountability, sustainability, stability, predictability, and a maximum angler experience.**

Supporting points

The fish, their availability, and access to fish are strong common factors shared by all.

Supporting quotes

“The ability to catch fish without having to incur high cost of equipment, gear and supplies and the need to have access to fishing areas through government or private landowners.”

“An unequivocal common goal across all sectors is managing for healthy fisheries.”

“The shared management objective is to have some peak fishing challenges and experiences in a sustainable fishery”

OVERARCHING THEME 3

Need for **timely reporting and analysis of recent fisheries data to impact management decisions** is a common theme among recreational/non-commercial fishermen

Supporting points

The present MRIP data is not enough, nor are other surveys. A system is needed that allows timely reporting and analysis of the fish landed recreationally. Data to make in-season harvest estimates is available with commercial fishing. However, these data do not exist for recreational fishing so resulting catch limits and management plans are very conservative

Supporting quotes

“Fisheries management plans need more timely data and analysis to develop catch limits that foster optimum yield while sustaining fisheries.”

“There’s a general and widespread lack of confidence about FMP stock assessments, especially regarding recreational data.” “(Managing healthy fisheries) not only requires collecting the best science possible, but also approximately applying the data to effectively guide management processes and decisions.” “In summary better science, better data, better supply of fish and better access to the resource are all areas of common ground...”

OVERARCHING THEME 4

Recreational/non-commercial anglers want **new and different approaches that rethink the way we manage**, from considering the importance of social and economic impacts in decision making, to having NOAA, the Councils, and statistical committees consider and use a different management approach.

Supporting points

Arbitrary ten-year mandates to rebuild stocks for various species results in ultra conservative ACLs and AMs that unnecessarily restrict fishing. All fishermen plan their fishing year with specific seasons.

Supporting quotes

“Many fishermen believe that there are discrepancies in management when for example bottom species are put off limits during the winter fishing season when bottom fishing is more popular.” “Some species sought by anglers (bottom and reef fish) should be managed as “Recreational food fish”... other species (like tarpon and bonefish) as catch and release only... and some others like striped bass, redfish and sea trout should be managed as recreational food and as sport fish.” “Sport fishing managers need to start placing more value on socio- economic data and value as compared with commercial profit margins.” “What motivates (us) to be better fishers are cultural practices and methods, the motivation of show casing their freshly caught fish and preparing the harvest catch for cultural events, weddings, ... (etc.)” “They want their children and grandchildren and extended family members to learn and to participate in the fishing experience.” “They want to be able to give fish widely through social networks and have the option of exchanging fish and fish products for other kinds of resources in informal ‘non-barter’ exchange.”

Question 3: Describe specific feasible recommendations to achieve 2-4 of the common goals and objectives.

OVERARCHING THEME 1

Managing to MSY carries risk, does not adequately account for normal stock fluctuations, and disadvantages recreational fishermen. OY estimates should incorporate environmental variability and the different needs of recreational fishermen.

Supporting points

With some stocks, managing to MSY reduces the number of larger individuals and is counter to the recreational fisherman’s goals of frequent encounters with larger fish. Managing to a yield % of the stock, using a wider range of tools (i.e. fresh water fisheries) would better serve recreational fishermen.

Supporting quotes

"Managing for MSY maximizes yield and reduces age structure which is counter to the recreational goals of maximizing encounters and size." "The management needs to change somewhat from MSY to a more robust and diverse stock". "The MSA allows managing based on a mortality rate rather than poundage...it will likely require specific direction in MSA for the Councils and NOAA to consider this approach."

OVERARCHING THEME 2

Greater flexibility is needed so that different sectors can be managed appropriately. Councils and SSCs need more flexibility in setting ABCs and ACLs - the ACL should be

permitted to be upwardly adjusted when there is low risk of overfishing and there are significant social and economic benefits. Rebuilding time frames should be flexible and science-based on life history data.

Supporting points

Different sectors have varying needs and goals, and management flexibility should accommodate them. AM buffers for data poor stocks can be overly large and reduce fishing opportunities and thus, negatively impact communities. The 10-year rebuilding time frame is arbitrary as some stocks have rebuilt even where there have been overages.

Supporting quotes

"We need flexibility to fish when we have customers...the private sector needs to be able to fish when they are off work." "Stocks with little or no population data, yet age and size structure show no indication of overfishing should be removed from the requirement to set ACL or AM on that stock." "The concept of OY could be better operationalized as it relates to MSY specifications that lead to ABC/ACL/ACT....so that relevant social and economic factors are given at least some consideration, especially in data poor situations where...AM buffers are overly large and restrictive." "FMPs should be reviewed and based on multiyear segments as year to year ACL-ACTs do not allow for averaging."

Themes 1 & 2 require revision of NS1 in the MSA and revision of the new NS1 Guidelines. NS8 needs reconsideration/revision with respect to bycatch reduction, bycatch counting, and maintenance of robust stock structure.

OVERARCHING THEME 3

Improved data management systems and data collection processes are needed on recreational effort, catch, economic value, and non-economic values such as social participation, cultural identity, and community support through sharing fish and fishing opportunities.

Supporting points

Quota management (i.e. ACL) may seriously disadvantage recreational fishermen when catch and effort data is poor, especially if AMs lead to reduced seasons or other restrictions. The fishing experience may be of much higher economic value to the recreational fisherman than for the commercial fisherman, and should be recognized in the management strategies. Non-economic social and cultural values deriving from enhanced recreational fishing opportunities need more comprehensive consideration.

Supporting quotes

"Give states and regions the resources and authority to collect and analyze data...and allow them to more latitude to develop FMPs...based on more timely data." "Enhanced data collection is still a major concern and as MRIP evolves it is hoped that it will become more accepted by the statistical community, fisheries managers and the public." "The social and economic analyses for fishery impact statements and NEPA analyses.... need greater support and greater demand for more detailed and effective impact

analyses." "The allocation process needs to address the best economic and social uses, not reflect past trends."

Theme 3 may require revision of the MSA sections 303, 109 479 contents of FMP and FMP amendments, NS 8, and guidelines for community analyses.

OVERARCHING THEME 4

Fishing definitions (MSA 104-297 (4); MSA 104-297 (3); MSA104-297 (37) need to be revised so that the strict separation between commercial and recreational fishing, and their respective sectors, is more flexible. This can allow for recognition of subsistence fishing, and on a regionally appropriate basis, allow recognition of noncommercial fishing permitting cultural exchange of fish for other resources in traditional and customary ways that are not considered barter or a commercial profit making transaction.

Supporting points

True subsistence fishermen continue to exist in the Western Pacific, Alaska, and the Caribbean. The MSA should accommodate their special needs for fish that that can be shared and exchanged in ways that help sustain their communities and cultures.

Supporting quotes

"A recognition of subsistence and a general definition that could be adjusted or locally operationalized in FMPs region by region is needed."

"The MSA needs to consider the different cultural beliefs and practices in the Western Pacific. We honor and practice many cultural ceremonies and fish have been a part of the ceremonies for generations."

"The broad definition of 'Commercial fishing' does not fit our region... because sharing and exchange is not trade or barter because there is no discussion of equivalencies."

Theme 4 may require revisions to fishery definitions and to the sections on Western Pacific Communities as well as similar provisions for the Alaska and Caribbean regions.

OVERARCHING THEME 5

Catch shares, IFQ ITQ and similar management schemes should not be a NOAA policy that is "pushed on" recreational fishermen.

Supporting points

The data needed for fair and equitable allocation between sectors is lacking. Fish are a public resource and should not become a freely given property right for a select few.

Supporting quotes

"Eliminate catch Shares, ITQs, IFQs and similar programs in mixed fisheries as they "lock in" commercial prosecution of the resource for a defined term of time."

Theme 5 may require reconsideration of the MSA section on LAPPS and their appropriateness for recreational fisheries along with the Catch Shares policy.

OVERARCHING THEME 6

Issues with related statutes - the MSA needs to be strengthened relative to other statutes that may severely restrict access and reduce fishing opportunities. Congress should consider MSA goals and provisions during consideration of any revisions to the ESA, MMPA, and NMSA.

Supporting points

In situations where data is lacking, the ESA and MMPA risk assessments (PBR calculations) may be inflated and overly restrictive. The NMSA may restrict fishing opportunities in areas of long term fishing access and intensify pressure elsewhere.

Supporting quotes

"Rein in control over the National Marine Sanctuaries and their attempt to impose no fishing zones under the guise of sanctuary environmental research areas (SERA)."

Theme six may require changing section 303A, or at least guidelines to treat recreational fisheries differently.

Policy or Regulatory Changes to MSA - Major Themes:

1. MSA needs to acknowledge the varying needs of different sectors. In section 407, remove language that unnecessarily restricts fishers, and add language that allows the exploration of innovative management. By doing so, definitions in the act may be added that create a legal distinction among recreational sectors. The referendum and catch limit language in 407 limits the possibilities for alternative recreational management. (407 (d) (1) is specific to Gulf red snapper and constrains NOAA/NMFS to shutting the fishery down - this is the only fishery with such a requirement in the MSA. Removal of this requirement would allow the RA to set multi year seasons with adjustments after the multi year seasons.
2. Revise MSA to recognize and include charter for hire as a sub sector of the commercial sector or its own sector (charter fishing is already defined....104-297 ...the term "charter fishing" means fishing from a vessel carrying a passenger for-hire (as defined in section 2101(21a) of title 46, United States Code) who is engaged in recreational fishing).
3. Create new funding sources that allow for new management strategies and to expand cooperative research programs.
4. Add legislative solutions to MSA to mandate fishery dependent data collection with an emphasis put on the needs of regional fisheries.
5. Managing OY for recreational fisheries. As there are conflicts between ecological, economic, and social objectives, as well as in the short and long term, it is important to recognize the OY for a recreational fishery needs to be different than that for commercial fisheries. OY must be treated as the fishery target and MSY as the limit (need to study the effects of "total removal" moving forward because as fish stocks recover, the fish get larger and we remove fewer fish than before to reach our TAC).
6. Need language that authorizes any of the 8 councils to set aside/reserve a portion of the allowable biological catch to use in pilot projects to test alternative management projects for

recreational fisheries (create penalties for those who choose to participate in pilot programs/new alternative projects and then fail to do so).

7. 10 Year Rebuilding Plans are beneficial for most species because of the long-term conservation and economic benefits of a rebuilt fishery far outweigh a fishery that is lingering in a depleted state. It seems that without a clear deadline, the hard decisions being made by fishery managers are constantly being put off in favor of minimizing socioeconomic concerns and nothing gets done. It is beneficial to give fishery managers the ability to make sound decisions based on the best available information, and in situations where that information is arbitrary or lacking, strive to improve it and proceed in a precautionary manner.
8. Establishing ACLs for data poor stocks – the councils need the ability to be flexible when setting ACLs on data poor stocks, or for stocks where there are incidental catches in multi-species targeted fisheries (i.e. gulf reef fish), to avoid-unnecessary fishery closures without any benefit to the fish stocks.
9. Change the make up of the councils to include a charter for hire seat at the table (recreational seats do not always represent the charter for hire sector interests). This could be accomplished by revising the MSA language on page 62: **302, 109-479 (D)(i)** to read as follows **109-479 (D)(i)** "The Governor of an applicable State submitting a list of names of individuals for appointment by the Secretary of Commerce to any of the Eight Regional Fishery Management Councils under subparagraph (C) shall include—" thus making the rule applicable to all 8 Councils.

Question 4: Identify themes/topics for the 2014 National Saltwater Recreational Fisheries Summit.

1. Alternative management methods need to be explored to maximize recreational opportunities and to be more responsive to the needs of recreational anglers.

Commercial MSY is focused on poundage whereas recreational fishing is focused on encounter rates and the possibility of catching larger or trophy fish.

“Quality of life” issues rank high (time on the water with friends, etc.)

Age diversity in fish populations has more importance than MSY

Consider innovative regional management strategies that address recreational needs and provide benefits to local or regional areas.

2. The MSA needs to be modified to recognize the cultural and historical basis for subsistence and recreational fishing by the First Nations, the Western Pacific Area, and the Alaskan Subsistence Fishery and the Caribbean.

Subsistence fishing is a critical concern to these groups for food and traditions. Ceremonial/cultural practices are often in conflict with traditional management practices. Subsistence anglers have a “catch and eat” philosophy rather than a “catch and release” philosophy. Subsistence fishers in the Western Pacific are allowed to share fish or sell a particularly large fish (to help with expenses) that would otherwise

go to waste. Management plans need to be flexible to allow for local custom/ceremonial practices.

3. The MSA needs to be modified from a primary interest of the commercial fleet to one where the recreational sector has better representation among the eight fishery councils.

The MSA is heavily weighted to the commercial industry to maintain profit. The Councils need to consider job creation - the economic data illustrates the value recreational fishing provides to their regional areas and the nation. Clarify definitions in the MSA where there is less ambiguity regarding what constitutes commercial and recreational fishing. Establish flexibility in management to allow for excess fish caught for subsistence or ceremonial fishers to be sold to help pay expenses. Recent trends suggest that some interest in moving the charter fleet into the commercial sector - this concept demands careful analysis and would suggest that there is an attempt to move allocation into the commercial sector at the expense of the “for hire” charter fleet.

4. MPAs and fishing closure zones are having significant economic and social impacts on recreational anglers and subsistence fisheries. Are these zones functional and is this the best management practice available?

Loss of access via closure zones puts a substantial burden on subsistence fishing. MPAs can create behavior modifications that cause heavy fishing pressure on the edge of the zones. Do MPAs or closure zones act as effective conservation tools or do they merely create preservation areas for the sake of preservation. With loss of access, do state and regional management efforts of bag limits and in-season action work more effectively to manage the fishery?

5. Explore a uniform recreational effort and landing data collection and analysis system that provides uniformity across the councils and allows for timely and accurate reporting.

Consider observer data that is necessary and most beneficial. Data collection is difficult and expensive so must be focused and accurate. Solicit methods from those states and regions that have viable programs to determine if they can be expanded to other regions. Determine what species should be considered for ACL or would species complexes be more efficient and effective for management purposes. Data poor stocks have multiple layers of “uncertainty” built into the models of determining ACLs, ABCs, and harvest levels. Proxy values result in overly conservative estimates that reduce harvest levels and opportunity

6. Discuss the impacts of the current management methods of ACL, ABC, OY, IFQ, and ITQ on the recreational sector. While splitting sectors may be appropriate for the commercial fishery, these concepts are divisive and create conflict within the recreational sector.

The current management methods are more appropriate to the commercial industry, but are not effective for the recreational sector. Harvest data is immediate through fish tickets and landing data while recreational data has a long lag time of months or more than a year due to dock sampling methods, reporting differences, or lack of uniformity in reporting data. Harvest levels for the recreational sector should be more “guidance” than hard allocations since current data collection does not allow for in-season adaptive management controls. ACLs and ABCs should be modified from an annual hard allocation to a geometric average over a three-year period to buffer the rapid swings that can occur in one-year stock assessments.

7. The current policy for defining overfished stocks, the stock rebuilding process, and determining when a stock is deemed rebuilt needs to be modified. A ten-year rebuilding requirement is an arbitrary number and needs to be re-examined.

The current rebuilding model does not take into consideration the variation of species for maturity, spawning rate, recovery, or length of sexual maturity and fecundity. The ten year rebuilding requirement should be modified to consider short lived versus long lived species and be adjusted when appropriate. Current stock rebuilding requirements do not give consideration to the impacts on local communities and the potentially devastating effects of economic loss due to this inflexible standard of ten years. Look at regions or councils that have produced release mortality data, how can these be applied, and what lessons can be learned. How can anglers modify their fishing behavior to avoid overfished species or increase survival rates upon release? Evaluate high survival rate release methods to educate fishermen and encourage use by all regions to reduce mortality.

8. Harvest controls should be established for non-indigenous and non-US citizens fishing in the Western Pacific and elsewhere.

In the areas around Guam, Commonwealth of Northern Marianas, American Samoa, and Hawaii (Commonwealth/Territory), non-US citizens can fish completely unregulated without effective control rules or harvest limits
Uncontrolled fishing by non-US participants creates severe ecological and economic impacts to the local fisheries

9. Recreational marine managers should consider the current inland fisheries/wildlife best management practices - are there lessons to be learned?

The issues facing marine recreational fishers today are similar to those of inland fishers in the early 1900s. The federal government intervened to create policies that controlled or stopped market hunting and fishing to protect fish and wildlife resources. Policies were developed based upon conservation and socio-economic value over commercial dollars/pound comparisons.
Should industrial harvest of marine resources be more severely scrutinized?
Do “quality of life” (non-market economic values) issues in recreational fishing have priority over producing protein?