



December 7, 2022

Chris Moore, PhD
Executive Director
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, Delaware 19901

Dear Dr. Moore,

For years, numerous challenges have plagued managing the recreational fishing sector. Those challenges include limitations of MRIP recreational catch data, the need to change measures (sometimes annually) based on those data, and the recreational measures (e.g., bag, size, and season limits) not reflecting stock availability and abundance. Implementation of the new Recreational Harvest Control Rule (HCR) has not eliminated these challenges but takes an important first step towards addressing them. As the Council works through implementation of the HCR for the 2023 specifications process, we offer the following recommendations to help prioritize continued action on the recreational management reform initiative through the Council's 2023 implementation plan.

Taken in totality, our recommendations work to synchronize the recreational fishery specifications process with recreational accountability, recreational catch accounting, and status determination criteria on a two-year stock assessment cycle. Furthermore, our recommendations are consistent with the goals of the [recreational reform initiative](#) and aim to prioritize the HCR as the preferred recreational management reform solution for the benefit of all recreational fishing participants.

Implement and Improve the Recreational Harvest Control Rule

The 2023 recreational fishery specification process for summer flounder, scup, and black sea bass is the first test of the newly approved HCR. The HCR works to address MRIP limitations by evaluating other scientific metrics (e.g., stock status) when determining the direction and magnitude of a management change and marks an improvement over the previous management program, which continually tried to close the gap between expected recreational catch and projected ACLs with minimal success.

Initial results of the HCR demonstrate the difficulties of using MRIP catch estimates for ACL management because of wide confidence intervals ([see Table 2, page 12](#)). One of the outstanding questions from the previous HCR framework/addenda was whether the current recreational measures are the most appropriate starting point. For species like black sea bass and scup, which continue to be highly abundant and available to the fishery, we recommend prioritizing this question during further developments of the HCR alternatives.

Recommendation: Prioritize optimization of recreational measures (e.g., bag, size and season limits) with fish availability and abundance through the continued development of HCR alternatives ([proposed 2023 implementation plan action #5](#)).

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Revisit Recreational Accountability Measures

The current accountability measures evaluate catch estimates against previously projected Annual Catch Limits (ACL) when accountability could (and should) be based on status determination criteria (e.g., realized fishing mortality estimates) directly from a peer reviewed stock assessment. For example, both fishing sectors exceeded their black sea bass ACLs in 2016, 2017, and 2018 ([see slides 8 and 9](#)).

However, the average realized fishing mortality associated with those ACL overage years was below the Fmsy target ([see slide 5](#))¹. In other words, current accountability requires management changes based on ACL overages even when the stock assessment concluded overfishing was not occurring during those years. Not only does that demonstrate the need to address the disconnect between accountability and status determination criteria but amplifies recreational fishing industry concerns about why projected ACLs form the basis of our recreational fisheries management program. This, coupled with recreational catch confidence intervals as discussed above, places emphasis on the need for the Council to continue to prioritize recreational management reform.

Recommendation: Include consideration of recreational sector accountability measures based on realized F instead of projected ACLs and align the timing of recreational accountability with status determination criteria occurring on a two-year stock assessment cycle. This can be considered through the next framework/addenda ([proposed 2023 implementation plan action #7](#)).

Recreational Catch Accounting and Optimum Yield

Although an optimum yield analysis for summer flounder, scup and black sea bass has not been formally conducted, we believe that for these harvest food-based fisheries it is justifiable to set optimum yield at maximum sustainable yield. With that in mind, these fisheries have underperformed optimum yield over the last couple of years ([see summer flounder, scup, black sea bass](#)). Furthermore, best scientific information available indicates opportunity to increase yield while also preventing overfishing and it is the Council's responsibility to modify the management regime to ensure optimum yield is achieved on a continuing basis to provide the greatest overall benefit to the Nation ([see National Standard 1](#)).

Implementation of revised sector specific allocation in 2023 is not anticipated to resolve continued underperformance of optimum yield. One solution would be to reconsider sector specific allocation to address the current shortcoming in optimum yield, but we offer an alternative objective solution that would (1) provide additional flexibility to test, refine and optimize HCR alternatives and (2) satisfy National Standard 1 all while maintaining recently revised sector specific allocations.

Recommendation: (1) Include consideration of sector quota transfers as an after season accounting exercise in the next addendum/framework action ([proposed 2023 implementation plan action #7](#)), and (2) develop an objective plan for revisiting sector allocation for harvest dominated fisheries (e.g., summer flounder, scup, black sea bass) assuming the HCR continues to require sector specific allocation as part of the specification process.

Address Ongoing MRIP Limitations

As discussed, the limitations of the MRIP catch estimates continue to challenge the current MSA fishery management program. The HCR is a step towards addressing this but does not change the underlying

¹ Total catch equaled the overfishing limit (OFL) in 2016 but realized fishing mortality (F₂₀₁₆) was below Fmsy and is one of the lowest F values in the time series.

data. Despite [continued improvements to the MRIP methodology](#), fishery stakeholders have little confidence in its estimates.

Recommendation: Add engagement with NOAA Fisheries to the 2023 implementation plan regarding the [final report](#) of the Recreational Electronic Reporting Task Force to help the MAFMC prioritize improved recreational catch data collection.

Thank you for considering our recommendations while planning actions and deliverables for the Council's 2023 implementation plan.

Sincerely,

A handwritten signature in blue ink, appearing to read "M. Waine", is positioned above the printed name.

Michael Waine
Atlantic Fisheries Policy Director