

**NEW JERSEY MARINE FISHERIES COUNCIL**

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March 31, 2025

Robert Beal, Executive Director  
Atlantic States Marine Fisheries Commission  
1050 North Highland Street  
Suite 200A-N  
Arlington, Virginia 22201

Dear Mr. Beal:

On behalf of the New Jersey Marine Fisheries Council (MFC), I am writing to express support for Option C of the Recreational Measures Setting Process Addendum. The MFC advises the Commissioner of the New Jersey Department of Environmental Protection (DEP) on conservation and management rules, regulations, and policies regarding marine resources, and the commercial and recreational fishing industries that rely on them. I recognize that the official comment period for this proposed action has closed, but I appreciate your consideration of our comments in your decision making.

Members of the MFC Summer Flounder and Black Sea Bass Committees met with recreational advisors to review the current recreational measures setting process and evaluate the various options being considered. The proposed options within the addendum are very nuanced, and many of our stakeholders expressed frustration that the addendum was confusing. The goal for the meeting was to allow additional exploration of the options and their potential implications in order to inform meaningful comments from our advisors and their respective organizations during the comment period.

Advisors were decidedly in favor of Option C, the modified percent change approach using the RHL and harvest. This option is very similar to the current methodology, but implements several improvements to the process based on experience gained under the current method. Advisors were opposed to Option D because no trials had been conducted to determine how this option performed. Similarly, they were opposed to Option E because it resulted in very conservative management choices. All advisors were in favor of Option C, and the New Jersey Marine Fisheries Council expresses full support for this conclusion.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Patrick F. Donnelly', with a horizontal line underneath.

Patrick F. Donnelly, DMD  
Acting Chairman

c. A. Nowalsky  
J. Kaelin  
T. Kerns  
C. Tuohy  
T. Bauer



April 2, 2025

Wes Townsend, Chair  
Mid-Atlantic Fishery Management Council  
800 North State Street, Suite 201  
Dover, Delaware 19901

Joseph Cimino, Chair  
Atlantic States Marine Fisheries Commission  
1050 North Highland Street, Suite 200  
Arlington, Virginia 22201

Dear Chairman Townsend and Chairman Cimino,

After thoroughly reviewing meeting materials for the Recreational Measures Setting Framework/Addenda including the Staff Memo and FMAT/PDT recommendation, and the NOAA Fisheries staff RDM performance analysis, the American Sportfishing Association (ASA) submits the following additional comments regarding the merits of Option C (harvest-based target) versus Option D (catch –based target).

Catch-based management (Option D), while conceptually appealing, introduces a greater magnitude of change in management measures when using the Recreation Demand Model (RDM) — changes we cannot fully predict based on the limited analysis by NOAA Fisheries staff. In its analysis, NOAA Fisheries staff notes “if reductions are required, additional restrictions would be needed if the management target is [catch] instead of harvest. And if regulations are to be liberalized, they could be further liberalized if the management target is [catch] rather than harvest.” ([see PDF page 40](#)). To put it simply, Option D provides less stability in management compared to Option C. This goes against the objective of the Recreational Management Reform initiative, which the RMS action is intended to support.

Staff notes that one of the cons of Option C is requiring an assumption that discards are unchanged by measures when setting the harvest-based target. However, this does not mean discards are disregarded, they are accounted for in the fishery specifications process by reducing discards when calculating an RHL. This process of accounting for discards has yielded positive biological outcomes. More specifically, harvest-based targets have enabled black sea bass and scup to reach exceptionally high biomass, summer flounder to rebuild, and bluefish to progress towards rebuilding. More importantly, managing using a Recreational Harvest Limit over the past two decades has successfully prevented overfishing across these species. Finally, the United States District Court for the District of Columbia upheld the legality of the harvest-based Percent Change Approach in September 2024 ([see PDF page 86](#)). Collectively, this demonstrates that managing to a harvest based target using Option C is compliant with the Magnuson-Stevens Act and has supported the biological health of these stocks without necessitating the more volatile measures that a catch-based approach would introduce.

After refining the RHL process to stabilize recreational measures using the Percent Change Approach, we see no need to switch to a catch-based system that would further destabilize fisheries already strained by significant measure variations. We urge the Council and Policy Board to adopt Option C and reassess the harvest vs. catch-based target debate after further analyzing RDM-generated measures (especially for black sea bass) over a longer time series, incorporating expected MRIP revisions and changes from the Recreational Sector Separation and Catch Accounting Amendment.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Waite", with a stylized flourish at the end.

Michael Waite  
Atlantic Fisheries Policy Director  
American Sportfishing Association