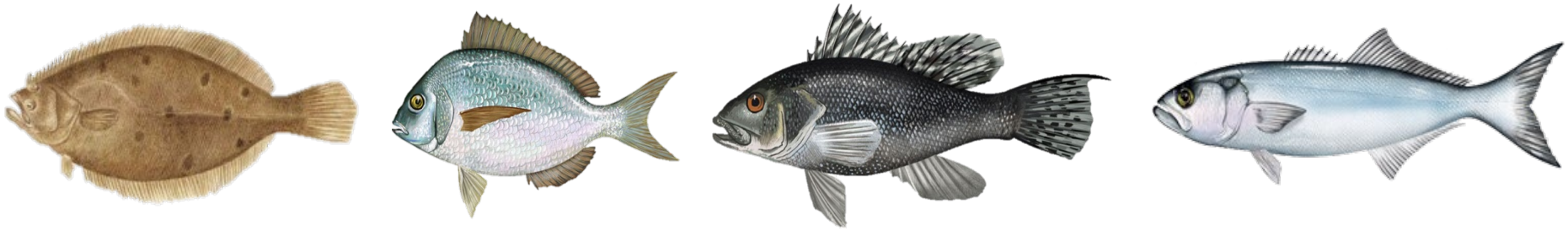
Summer Flounder, Scup, Black Sea Bass, and Bluefish

Recreational Measures Setting Process Framework/Addenda



Council and Policy Board Meeting

April 9, 2025

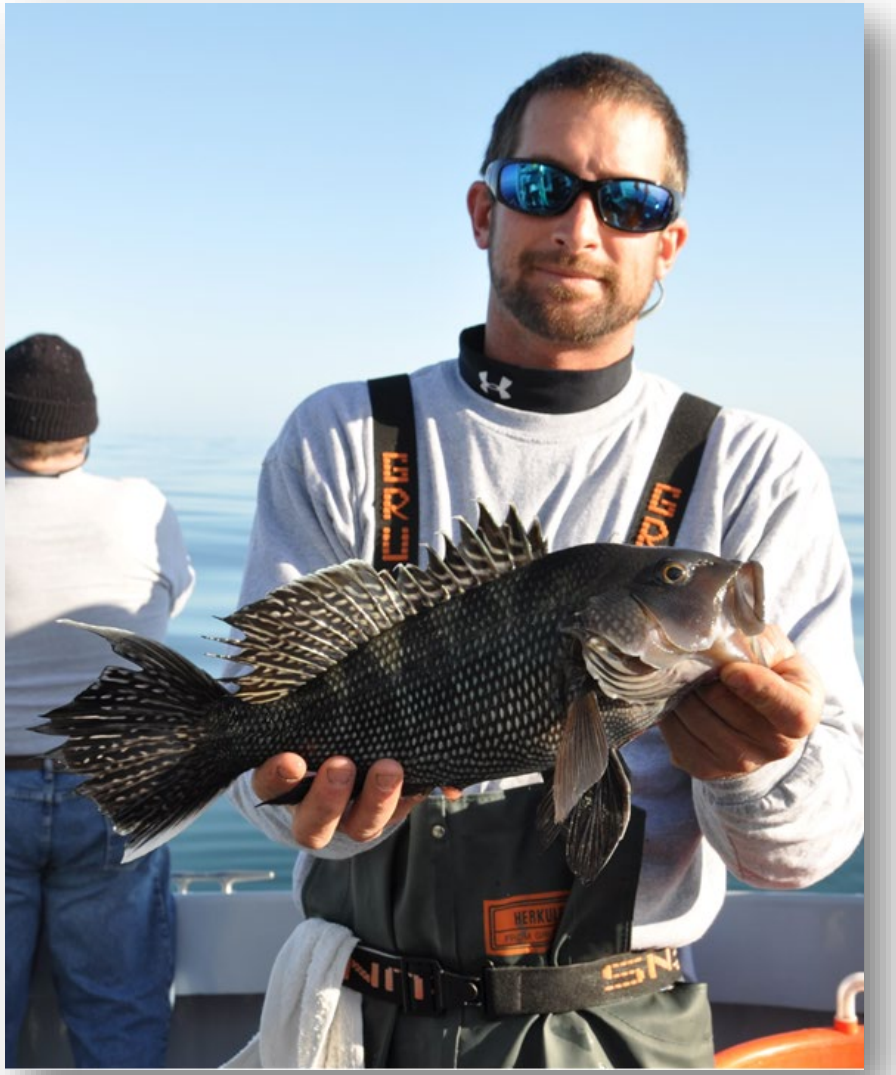
Meeting Overview

- Review
  - Background
  - Management options
  - Summary of public comments
  - FMAT/PDT meeting summary
  - Advisory Panel meeting summary
  - Council staff recommendations
- ***Objective: Consider taking final action***

Statement of the Problem

- Many challenges when setting rec. measures:
  – Uncertainty and variability in the rec. catch estimates.
  – Need to change measures frequently based on those estimates, often in a direction perceived as contrary to stock status.

- Interim approach to address these challenges (Percent Change Approach) will expire at the end of this year.



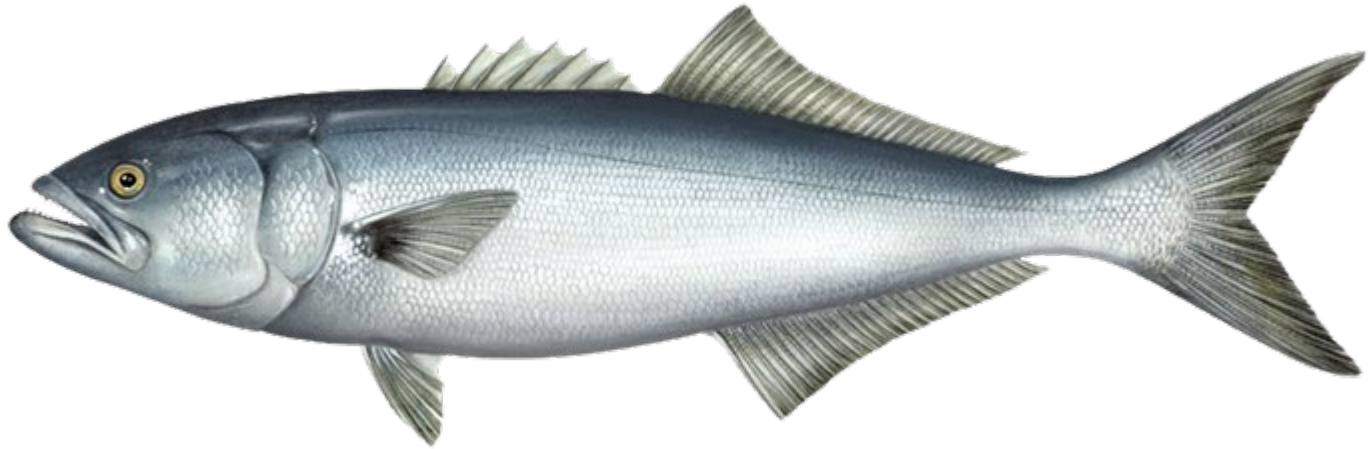
Goal of Framework/Addenda

- Consider the appropriate process for setting recreational measures for 2026 and beyond.

  –Percent Change Approach will sunset at the end of this year.

Overfished Stocks

- None of the options replace rebuilding plan measures.
- Bluefish is currently under a rebuilding plan. Any measures for bluefish must continue to comply with the rebuilding plan.



Management Options
Option A: No Action
Option B: Percent Change Approach as Currently Implemented
Option C: Modified Percent Change Approach Using the RHL and Harvest
Sub-Option C-1 (Accountability Measures)
Sub-Option C-2 (Accountability Measures)
Option D: Modified Percent Change Approach Using the ACT and Catch
Sub-Option D-1 (Accountability Measures)
Sub-Option D-2 (Accountability Measures)
Option E: Biomass and Fishing Mortality Matrix Approach

Public Comment Summary

Written Public Comment Received		
Organization Letters		9
Form Letters		204
Individual Comments		15
Total Written Comment		*228*
Public Hearings	**# Public Attendees***	**# Commenters**
Total	*98*	*20*

Management Options	Public Hearings	Organization Letters*	Form Letters	Individual Comments	Total
Option A: No Action	1	3	-	-	4
Option B: Percent Change Approach as Currently Implemented	-	-	-	-	-
Option C: Modified Percent Change Approach Using the RHL and Harvest	13	6	204	5	228
Sub-Option C-1 (Accountability Measures)	-	-	-	-	-
Sub-Option C-2 (Accountability Measures)	11	3	204	1	219
Option D: Modified Percent Change Approach Using the ACT and Catch	-	1	-	1	2
Sub-Option D-1 (Accountability Measures)	-	-	-	-	-
Sub-Option D-2 (Accountability Measures)	-	-	-	1	1
Option E: Biomass and Fishing Mortality Matrix Approach	-	-	-	1	1

Option A: No Action

- If no action taken, the Percent Change Approach will sunset and the previous FMP requirements will be used for setting 2026 measures.
  - **Measures must aim to achieve, but not exceed the RHL.**
  - **Measures are set for one year at a time.**

Public Comment: Option A

- Commercial industry is held to the quota. Shared stocks should receive equal treatment.
- Concern other options will lead to SSC assuming ABC overages, resulting in reduced commercial quota.
- Concern with continued ACL overages under the currently implemented Percent Change Approach.
- Recommend further review by SSC regarding implications of frequent overages on the specifications setting process.

Public Comment: Option A

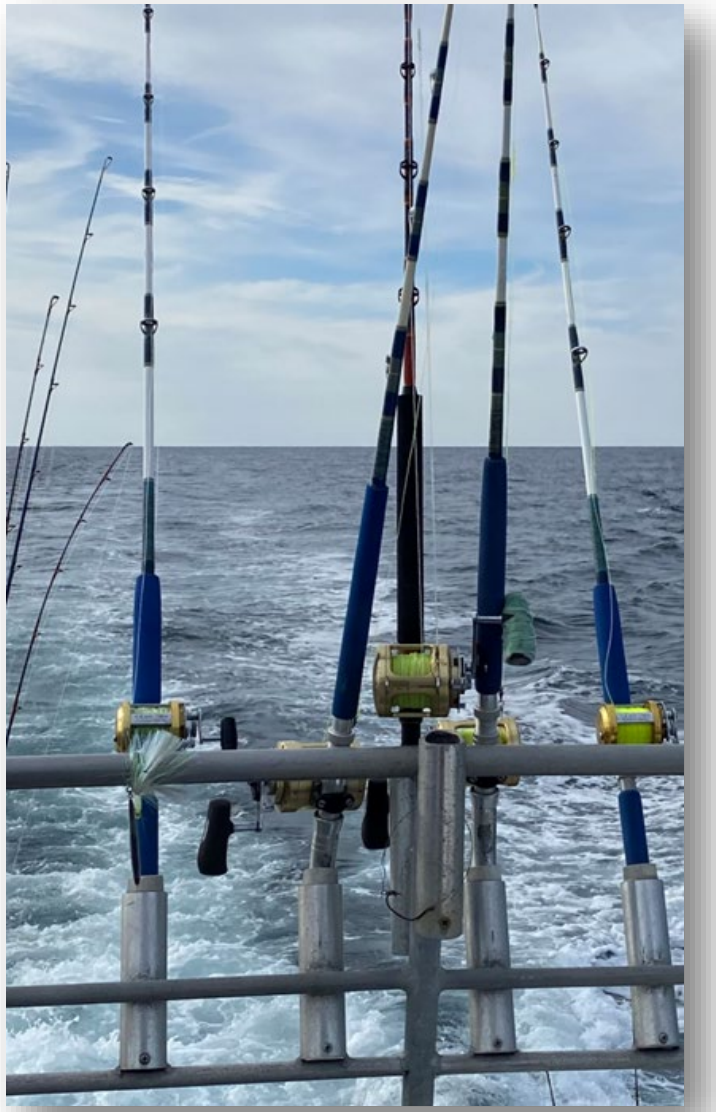
Some comments in support of Option A opposed other options in the document, but supported exploration of another interim/trial process.

Option B: Percent Change Approach

Future RHL vs estimated harvest	Biomass vs target level (SSB/SSB_{MSY})	Change in Harvest
2-yr avg RHL is **greater than** the upper bound of the harvest estimate CI (harvest expected to be lower than the RHL)	**Very high** (> 150%)	**Liberalization** % = difference between harvest estimate and 2-yr avg. RHL, **not to exceed 40%**
	High (>=100% & <=150%)	**Liberalization** % = difference between harvest estimate and 2-yr avg. RHL, **not to exceed 20%**
	Low (<100%)	**Liberalization: 10%**
2-yr avg RHL is **within** harvest estimate CI (harvest expected to be close to the RHL)	**Very high** (> 150%)	**Liberalization: 10%**
	High (>=100% & <=150%)	**No liberalization or reduction:** 0%
	Low (<100%)	**Reduction: 10%**
2-yr avg RHL is **less than** the lower bound of the harvest estimate CI (harvest expected to exceed the RHL)	**Very high** (> 150%)	**Reduction: 10%**
	High (>=100% & <=150%)	**Reduction** % = difference between harvest estimate and 2-yr avg. RHL, **not to exceed 20%**
	Low (<100%)	**Reduction** % = difference between harvest estimate and 2-yr avg. RHL, **not to exceed 40%**

Modified Percent Change Approaches

- Add an “around the target” biomass category.
- Treat overfished stocks separately.
- Add status quo outcomes.



Option C: Modified Percent Change Approach Using RHL and Harvest

Future RHL vs estimated harvest	Biomass vs. target level	Change in harvest
2-yr avg RHL is **greater than** the upper bound of harvest estimate CI (harvest expected to be lower than the RHL)	**Very High** (≥ 150%)	**Liberalization** %= difference between harvest estimate and 2-yr avg. RHL, **not to exceed 40%**
	High (≥ 110% & < 150%)	**Liberalization** %= difference between harvest estimate and 2-yr avg. RHL, **not to exceed 20%**
	Around the Target (≥ 90% & < 110%)	**Liberalization: 10%**
	Low (≥ 50% & < 90%)	**No liberalization or reduction**: 0%
2-yr avg RHL is **within** harvest estimate CI (harvest expected to be close to the RHL)	**Very High to Low** (< 50%)	**No liberalization or reduction**: 0%
2-yr avg RHL is **less than** the lower bound of harvest estimate CI (harvest is expected to exceed the RHL)	**Very High** (≥ 150%)	**No liberalization or reduction**: 0% (unless AM triggered)
	High (≥ 110% & < 150%)	**Reduction: 10%**
	Around the Target (≥ 90% & < 110%)	**Reduction** %= difference between harvest estimate and 2-yr avg. RHL, **not to exceed 20%**
	Low (≥ 50% & < 90%)	**Reduction** %= difference between harvest estimate and 2-yr avg. RHL, **not to exceed 40%**
Overfished (<50% of target)	No liberalizations allowed. Reduction %= difference between harvest estimate and 2-yr avg. RHL. To be replaced with rebuilding plan measures as soon as possible	

Option D: Modified Percent Change Approach Using ACT and Catch

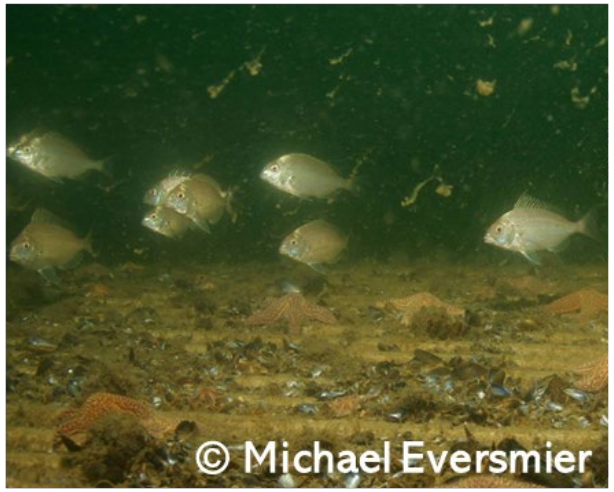
Future ACT vs estimated catch	Biomass vs. target level	Change in catch
2-yr avg ACT is **greater than** the upper bound of catch estimate CI (catch expected to be lower than the ACT)	**Very High** (≥ 150%)	**Liberalization** %= difference between catch estimate and 2-yr avg. ACT, **not to exceed 40%**
	High (≥ 110% & < 150%)	**Liberalization** %= difference between catch estimate and 2-yr avg. ACT, **not to exceed 20%**
	Around the Target (≥ 90% & < 110%)	**Liberalization: 10%**
	Low (≥ 50% & < 90%)	**No liberalization or reduction**: 0%
2-yr avg ACT is **within** catch estimate CI (catch expected to be close to the ACT)	**Very High to Low** (< 50%)	**No liberalization or reduction**: 0%
2-yr avg ACT is **less than** the lower bound of catch estimate CI (catch is expected to exceed the ACT)	**Very High** (≥ 150%)	**No liberalization or reduction**: 0% (unless AM triggered)
	High (≥ 110% & < 150%)	**Reduction: 10%**
	Around the Target (≥ 90% & < 110%)	**Reduction** %= difference between catch estimate and 2-yr avg. ACT, **not to exceed 20%**
	Low (≥ 50% & < 90%)	**Reduction** %= difference between catch estimate and 2-yr avg. ACT, **not to exceed 40%**

Overfished (<50% of target)	No liberalizations allowed. Reduction %= difference between catch estimate and 2-yr avg. ACT. To be replaced with rebuilding plan measures as soon as possible

Accountability Measures under Options C+D

Reactive accountability measures (AMs) triggered when:

- **Most recent 3 yr avg. rec. ACL exceeded**
- Bluefish exception: use single most recent ACL if a com/rec transfer occurred in most recent 3 years



Sub-Options C-1 and D-1

Biomass Level	AM Response
Overfished, under rebuilding plan, or unknown stock status	• Payback exact overage amount
At least 50% of the target, but less than **90%** ~~100%~~, and not in a rebuilding plan	• If only ACL exceeded and overfishing not occurring: Adjust rec. measures • If $F>F_{MSY}$: Scaled payback Payback amount = (overage amount) * (B_{MSY} – B) / ½ B_{MSY}
~~Above~~ **At least 90% of** the biomass target and not in a rebuilding plan	• Adjustments to rec. measures ~~will~~ **may*** be made • **If liberalization allowed, the scale of the liberalization may be reduced to account for the AM.**

*Intent of the word "may" is to allow status quo measures, if appropriate, as an AM when a liberalization is otherwise allowed.

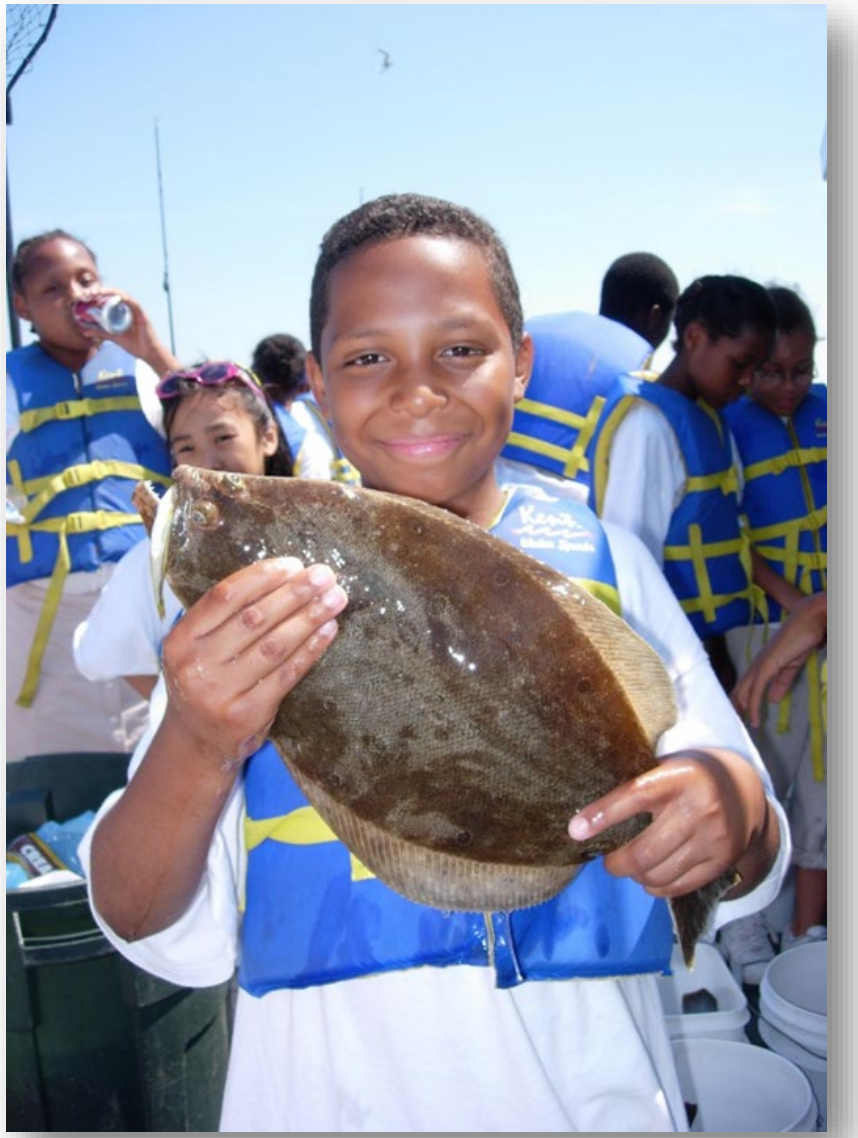
Sub-Options C-2 and D-2

Biomass Level	AM Response
Overfished, under rebuilding plan, or unknown stock status	• Payback exact overage amount
At least 50% of the target, but less than **90%** ~~100%~~, and not in a rebuilding plan	• If ACL exceeded but overfishing not occurring: ~~Adjust rec. measures~~ **No AM response needed** • If $F>F_{MSY}$: Scaled payback Payback amount = (overage amount) * (B_{MSY} – B) / ½ B_{MSY}
~~Above~~ **At least 90% of** the biomass target and not in a rebuilding plan	~~• Adjustments to rec. measures will be made~~ • **If ACL exceeded but overfishing not occurring: No AM response needed** • **If $F>F_{MSY}$: Adjustments to measures may* be made. If liberalization allowed, the scale of the liberalization may be reduced to account for the AM.**

*Intent of the word "may" is to allow status quo measures, if appropriate, as an AM when a liberalization is otherwise allowed.

Public Comment: Option C

- Most comments in favor of Option C.
- Option C makes notable improvements to Option B.
- Option C is more responsive to stock status and allows for greater stability in measures.



Public Comment: Option D

Support: Option D

- ACT and catch provides more comprehensive and stable metric than RHL.
- Accounts for release mortality.
- Shift from RHL to ACT could reduce frequent adjustments to measures.

Opposition: Option D

- Concern with use of highly uncertain rec. release data.

Public Comment: Options C and D

- One organization supported either Option C or D with one change:
  - A reduction should be required when an ACT overage is expected and a stock has very high biomass.
  - As written, these options currently allow for status quo measures in this scenario, which suggests catch limits do not matter at very high biomass.

Public Comment: Accountability Measures

Support - Sub-Options C-2 and D-2:

- Most comments supported Sub-Option C-2.
- Including F in AMs incorporates best scientific information available directly from stock assessments.
- Align AMs with biomass categories in the options.

Opposition - Sub-Options C-2 and D-2:

- AMs should not be optional when ACL overages occur, regardless of stock status .
- Requirement for AMs that are accountable to the ACL.

Option E: Biomass and Fishing Mortality Matrix Approach

<table>
<tr><th>Biomass Category</th><th>Overfishing not occurring</th><th>Overfishing occurring by up to 5%</th><th>Overfishing occurring by more than 5% & most recent Rec ACL NOT exceeded</th><th>Overfishing occurring by more than 5% and most recent Rec. ACL exceeded</th></tr>
<tr><td>Above the target
>=110%</td><td>10% liberalization</td><td colspan="2" rowspan="2">Status quo
unless an AM has been triggered</td><td><u>First time a stock falls into this bin</u>: 10% reduction
<u>If stock remains in this bin</u>:
reduce catch to achieve Rec. ACT (min. 10% reduction)</td></tr>
<tr><td>Around the target
>=90% & <110%</td><td>Status quo</td><td>Reduce catch to achieve Rec. ACT (min. 10% reduction)</td></tr>
<tr><td>Low
>=60% & <90%</td><td colspan="4">Reduce catch to achieve Rec. ACT (min. 10% reduction)
If an AM has been triggered, a scaled overage payback will be deducted from the ACT.</td></tr>
<tr><td>Near overfished
>=50% & <60%</td><td colspan="4">Reduce catch to achieve Rec. ACT (min. 20% reduction)
If an AM has been triggered, a scaled overage payback will be deducted from the ACT.</td></tr>
<tr><td>Overfished
(<50%)</td><td colspan="4">No liberalizations allowed. Reductions as needed to achieve Rec. ACT. To be replaced with rebuilding plan measures as soon as possible. If an AM has been triggered, a pound-for-pound overage payback will be deducted from the ACT.</td></tr>
</table>

Public Comment: Option E

Support: Option E

- Relies on best scientific information available from stock assessments which integrate multiple data streams, not just MRIP.
- Likely less sensitive than Options A-D to variability and uncertainty in MRIP data.

Opposition: Option E

- Challenging to understand.
- Frustration with liberalizations capped at 10%.

Other Comments

- Support for revisit provision - not a sunset - to review the selected approach every 5 years.
- Concern that this action should be pursued through an amendment, not a framework/addendum.
- Concern about the complexity of options.
- Concern with high uncertainty in current recreational harvest and discard data used in management decisions.

FMAT/PDT Summary

- Reviewed public comment summary .
- Reviewed additional analysis on catch-based targets.
  - RDM predictions of harvest vs. total removals.
  - Percentiles analysis informing 10%, 20%, 40%.

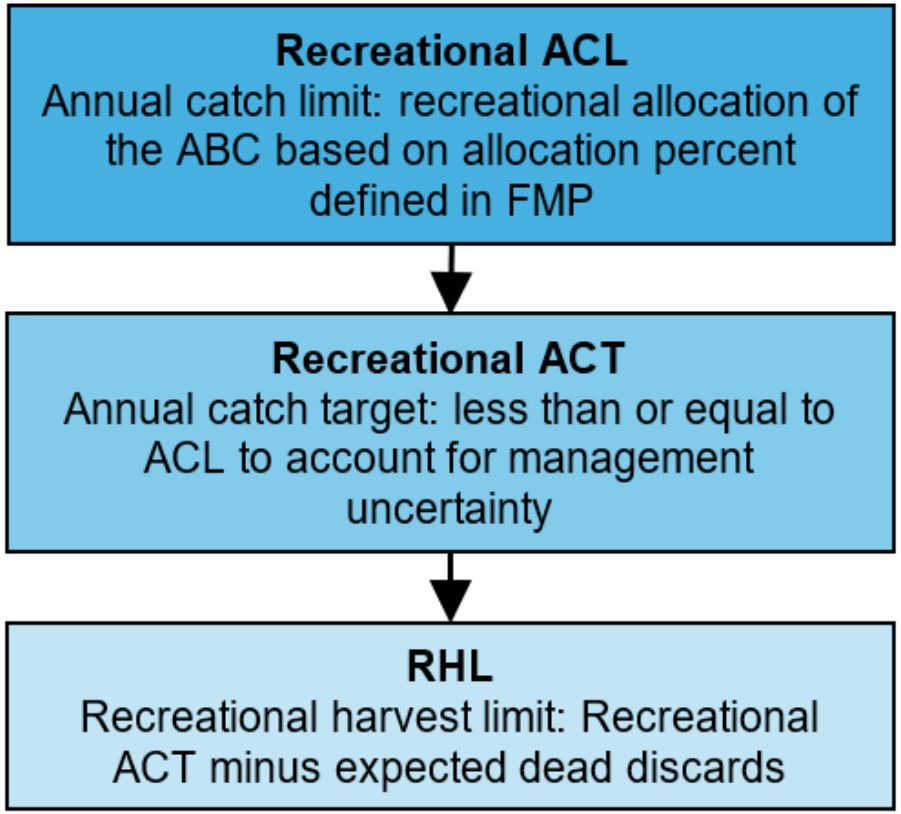
FMAT/PDT Recommendations

Option D: Modified Percent Change Approach with Catch-Based Target

- Allows for more comprehensive consideration of impacts of measures on the stock.
  - Requires consideration of impacts of measures on both harvest and discards.
- FMAT/PDT supported Option D as written, including 10/20/40% thresholds.

FMAT/PDT Discussion

- **Preferable to use ACT to define the target, rather than the RHL.**
- ACT does not require assumptions about discards prior to setting measures.
- RHL = ACT - expected discards.
- Discards will vary based on the measures.
- Assumption about discards for setting the RHL may not be accurate after measures are set.
- RHL cannot be revised after measures are set because RHL is needed to determine the measures.



Accountability Measure Sub-Options D-1 and D-2

- One FMAT/PDT member spoke in support of D-2.
  - Better aligns AMs with process used to set measures.
- One FMAT/PDT member said D-1 vs D-2 could be a policy choice.

Photo © Michael Eversmier

FMAT/PDT Discussion

- Recommended reviewing the process every 5 years.
- Strongly opposed to another sunset period.


Photo © Michael Eversmier

AP Discussion - Council and NEFSC Analysis

- Frustration with timing of new analysis - released after the public comment period.
- Analysis is too limited to make any conclusions.
  - E.g., New analysis using Rec. Demand Model did not include black sea bass or consider years besides 2024.
- Continued concern about recall bias in discard estimates.

AP Discussion

3 advisors spoke in favor of Option A (No Action)

- Concern with inaccuracy of rec data.
- Potential for commercial sector to be penalized for rec. overages.
- Frustration rec. sector not held to same standards as commercial.
- Wait on results of Rec. Sector Separation Amendment before making changes to rec. measures setting process.

AP Discussion

8 advisors spoke in favor of Option C (Modified Percent Change Approach with Harvest Target)

- Majority of public comment supports this option.

Photo © Michael Eversmier

AP Discussion

- **5 advisors spoke in favor of Option D** (Modified Percent Change Approach with Catch-Based Target)
  - Important to consider discards when setting rec. measures.
- **2 advisors spoke against Option D**
  - Concern with uncertainty of rec. discard estimates.
  - Did not believe there was enough analysis to support Option D.

AP Discussion

- **3 advisors spoke in favor of Sub-Option C-2 or D-2** (AMs with greater consideration of overfishing)

- **One advisor spoke in favor of Option E** (Biomass and Fishing Mortality Matrix)
  - No restrictions should be applied to healthy stocks.

AP Discussion - Other Comments

- 2 advisors expressed support of review of process every 5 years.
- Mgmt uncertainty buffers have not previously been applied for these species.
- Concern with timing of this action and ongoing efforts to improve the MRIP Fishing Effort Survey.

AP Discussion - Other Comments

- Priority of management should be to rebuild stocks, continued concern with summer flounder.
- Frustration with targeting of large female fish.
- Concern with survey used to inform angler behavior in Rec. Demand Model.
- Concern with Option B-E's reliance on stock assessments every two years.

AP Discussion - Public Comment

1 member of public expressed concern with all options, did not believe any would prevent overfishing.

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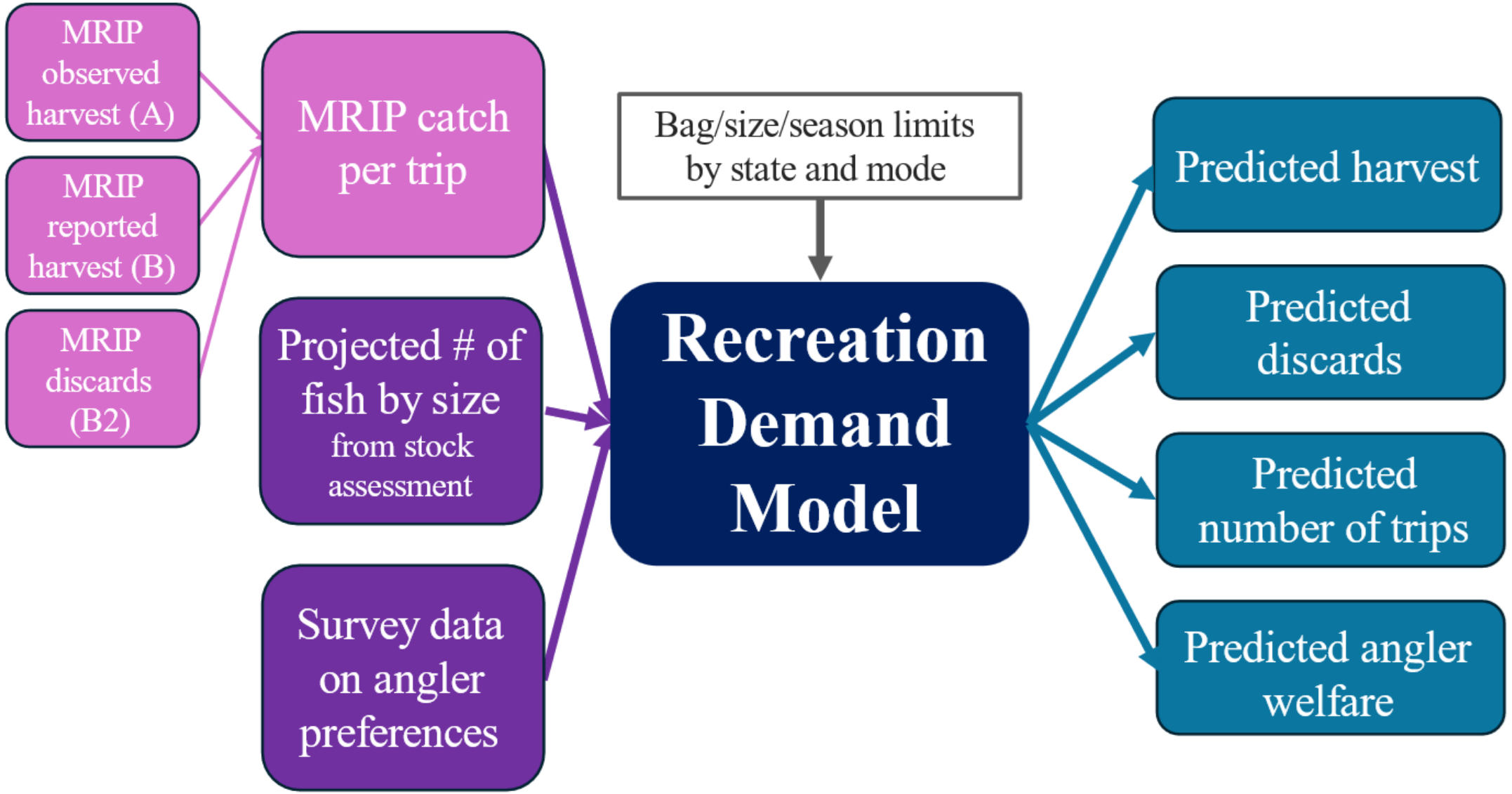
Council Staff Recommendations

Option D (Modified Percent Change Approach Using ACT & Catch)

- More comprehensively considers impacts of measures.
  - Requires consideration of how measures impact both harvest and dead discards.
- Discards are an important component of total removals and an important aspect of the angling experience.
- Considering discards when setting measures would better align with other aspects of mgmt. (E.g., stock assessments, triggering AMs).

RDM Data Considerations

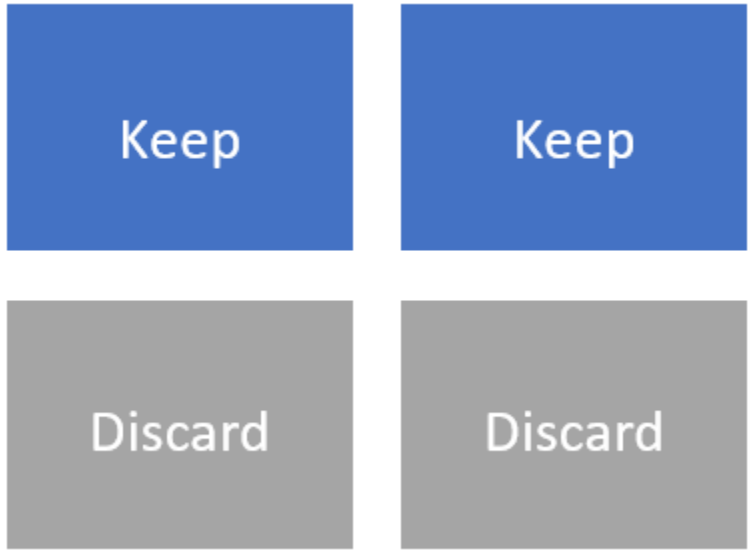


Council Staff Recommendations

- Options C and D both allow more status quo outcomes than the current process.
- However, when changes needed, Option D could require more drastic changes in measures than C.
  - Not because of uncertainty in the discard estimates.
  - Because most discarded fish survive.

Simple Example

Baseline



Simple Example

Baseline

- Harvest = 2 fish
- Dead catch = 2.2 fish

Simple Example

Baseline

- Harvest = 2 fish
- Dead catch = 2.2 fish

Restriction

- Harvest = 1 fish
  - 50% decrease from baseline
- Dead catch = 1.3 fish
  - 41% decrease from baseline

Simple Example

Baseline

- Harvest = 2 fish
- Dead catch = 2.2 fish

Restriction

- Harvest = 1 fish
  - 50% decrease from baseline
- Dead catch = 1.3 fish
  - 41% decrease from baseline

Liberalization

- Harvest = 3 fish
  - 50% increase from baseline
- Dead catch = 3.1 fish
  - 40% increase from baseline

Simple Example

To achieve the same % change in expected harvest vs. dead catch…

- Bag/size/season limits would need to be even more restrictive under a catch-based target than a harvest-based target when a restriction is needed.

- But could be even more liberal under a catch-based target when a liberalization is needed.

Council Staff Recommendations

	Option C	Option D
Pros	• Familiarity with harvest-based targets. • May result in more moderate changes in measures than Option D when changes are needed (more stability in measures).	• Requires consideration of how measures impact both harvest and discards. • Does not require an assumption that discards are unchanged by measures when setting the catch-based target.
Cons	• Would not require consideration of how measures impact discards. • Requires an assumption that discards are unchanged by measures when setting the harvest-based target.	• Less familiarity with catch-based targets. • May result in greater changes in measures than Option C when changes are needed (less stability in measures).

Council Staff Recommendations

Sub-Option D-2 for AMs

Biomass Level	AM Response
Overfished, under rebuilding plan, or unknown stock status	• Payback exact overage amount
At least 50% of the target, but less than 90%, and not in a rebuilding plan	• If ACL exceeded but overfishing not occurring: No AM response needed • If $F>F_{MSY}$: Scaled payback Payback amount = (overage amount) * (B_{MSY} – B) / ½ B_{MSY}
At least 90% of the biomass target and not in a rebuilding plan	• If ACL exceeded but overfishing not occurring: No AM response needed • If $F>F_{MSY}$: Adjustments to measures may* be made. If liberalization allowed, the scale of the liberalization may be reduced to account for the AM.

*Intent of the word "may" is to allow status quo measures, if appropriate, as an AM when a liberalization is otherwise allowed.

Council Staff Recommendations

Sub-Option D-2 for AMs

- Virtually the same level of conservation as current AMs when stocks are overfished, in a rebuilding plan, or overfishing.
  - Pound for pound paybacks when overfished or under a rebuilding plan.
  - Scaled payback or consideration of changes to measures when not overfished or under a rebuilding plan, but overfishing occurred.
- AM response not required when ACL overages did not contribute to overfishing and stock is not overfished or under a rebuilding plan.

Council Staff Recommendation

Interaction of AMs with process for setting measures.

Future ACT vs estimated catch	Biomass vs. target level	Change in catch
2-yr avg ACT is **less than** the lower bound of catch estimate CI (catch is expected to exceed the ACT)	**Very High** (≥ 150%)	**No liberalization or reduction**: 0% (unless AM triggered)
	High (≥ 110% & < 150%)	**Reduction: 10%**
	Around the Target (≥ 90% & < 110%)	**Reduction** %= difference between catch estimate and 2-yr avg. ACT, **not to exceed 20%**
	Low (≥ 50% & < 90%)	**Reduction** %= difference between catch estimate and 2-yr avg. ACT, **not to exceed 40%**

Is overfishing occurring based on the most recent information?

Yes: Measures need to be adjusted due to AM.

No: Measures can remain unchanged until circumstances change.

- If continued overages lead to overfishing, AMs would require a change.
- If biomass falls below 150% of target, Percent Change Approach would require restrictions.

Council Staff Recommendation

Interaction of AMs with process for setting measures.

- Under all options, “the Board and Council may choose to implement more restrictive measures than would otherwise be required to address management uncertainty or concerns about the long-term sustainability of the stock.”

- This allows the flexibility to consider the specific circumstances and determine if more caution is warranted.

Council Staff Recommendation

Delayed effective date of changes to the process for bluefish

- Effective date of 2028.
- 2026-2027 measures set based on No Action Option, including rebuilding plan if still applicable.
- Allow more time to develop methods for predicting impacts of bluefish measures on harvest and discards.

Council Staff Recommendations

- **Review 5 years after implementation.**
  - Not a sunset.
  - Consider initiating a new management action after considering results of review.

Council Staff Recommendations

- **Option D** (Modified Percent Change Approach Using the ACT and Catch)
- **Sub-Option D-2** (Recreational AMs with Modified Biomass Categories and Greater Consideration of Overfishing)
- **Delayed effective date for bluefish** (2028)
- **Review 5 years after implementation**

Additional Comments

NJ Marine Fisheries Council

- Supports Option C - improves upon current process
  - Opposes Option D - “no trials have been conducted to determine how this option performed”
  - Opposes Option E - very conservative management choices

Additional Comments

American Sportfishing Association

- Supports Option C.
- Option D would require greater magnitude of changes.
  - Less stability in measures compared to C, contrary to Rec. Reform Initiative goal.
- Assumptions about discards under C do not mean discards are disregarded.
- Current process for accounting for discards and using the RHL has had positive biological outcomes and was upheld through legal action in 2024.
- Can reassess catch vs harvest-based targets in the future after more analysis.

Discussion

Decision points:

- Select from range of options for final action
- Consider a delayed effective date for bluefish
- Consider a review 5 years after implementation