



**Atlantic States Marine Fisheries Commission and  
Mid-Atlantic Fishery Management Council**

**Joint Summer Flounder, Scup, and Black Sea Bass (SFSBSB) and Bluefish (BF) Advisory  
Panels  
Webinar Meeting Summary  
May 25, 2022**

**ASMFC SFSBSB Advisory Panel Members in Attendance**

- \*Frank Blount (RI)
- Greg DiDomenico (NJ)
- Jack Conway (CT)
- Ken Neill (VA)
- \*Michael C. Plaia (CT)
- Wes Townsend (DE)

**ASMFC BF Advisory Panel Members in Attendance:**

- Peter Fallon (ME)
- John LaFountain (RI)
- \*Frank Blount (RI)

**MAFMC SFSBSB Advisory Panel Members in Attendance:**

- Katie Almeida (MA)
- \*Michael C. Plaia (CT)
- Jeff Deem (VA)
- Bob Pride (VA)
- Bonnie Brady (NY)
- \*Frank Blount (RI)
- Mike Waine (NC)
- Greg DiDomenico (NJ)
- Harvey Yenkinson (PA)
- George Topping (MD)
- James Fletcher (NC)
- Jeremy Hancher (PA)
- Victor Hartley (NJ)
- June Lewis (MD)

**MAFMC BF Advisory Panel Members in Attendance:**

- William Mandulak (NC)
- \*Michael C. Plaia (CT)
- Willy Goldsmith (DC)
- Victor Hartley (NJ)
- Eric Burnley (DE)
- Phil Simon (NJ)
- Mike Waine (NC)

\*Indicates a member of both Council and Commission APs

**Staff leads:** Dustin Coulson Leaning (ASMFC), Julia Beaty (MAFMC), Tracey Bauer (ASMFC)

**Others:** John Almeida (GARFO), Chris Batsavage (Council and Board member), Jeff Barger (Ocean Conservancy), Alan Bianchi (NCDMF), David Borden (Board member), Karson Coutre (Council staff), Kiley Dancy (Council staff), Maureen Davidson (Council member), Justin Davis (Board member), Michelle Duval (Council member), Steve Doctor (MC and TC member), Dan Farnham (Council member), Cynthia Ferrio (NMFS GARFO), Sonny Gwin (Council member),

Hannah Hart (Council Staff), Emerson Hasbrouck (Board member), Jeff Kaelin (Lund's Fisheries), Emily Keiley (NMFS GARFO), Meghan Lapp (Seafreeze Ltd.), John Maniscalco (NYSDEC), Molly Masterton (NRDC), Adam Nowalsky (Council member), Cheri Patterson (Board member), Will Poston (American Saltwater Guides Association), Paul Risi (Council member), Sam Schiano, David Stormer (Council member)

## **Meeting Summary**

The Summer Flounder, Scup, and Black Sea Bass and Bluefish Advisory Panels of the Atlantic States Marine Fisheries Commission (Commission) and the Mid-Atlantic Fishery Management Council (Council) met jointly via webinar on May 26, 2022 to review the Harvest Control Rule Draft Addenda/Framework and provide recommendations on the options.

Commission and Council staff summarized the Draft Addenda/Framework options, comments received during the addenda public comment period, the Scientific and Statistical Committee's (SSC) review of the management options, and next steps. Advisors provided the following input and recommendations to the Board and Council. Please note: Advisor comments described below are not necessarily consensus or majority statements. Additional comments submitted by email are appended at the end of this summary.

### ***Draft Addenda Section 3.1 – Management Options to Set Recreational Management Measures***

Four advisors supported Option B, the Percent Change Approach, noting it is simple to understand and accounts for uncertainty in Marine Recreational Information Program (MRIP) data. One advisor spoke against Option B, stating it is similar to the current process and the other options provide common sense solutions that address the problems within recreational fisheries management. One advisor supported Option D, the Biological Reference Point Approach. Four advisors wanted to see Options C, D, and E (the binned approaches) developed further, but without a better understanding of the measures that will likely result, they can't support any of them at this time.

Two advisors and one member of the public said if any one of the Options B-E were selected, they should be implemented on a trial basis, using black sea bass as a pilot in 2023. One advisor asked whether the Monitoring Committee or staff believed any of these options increased or decreased management uncertainty.

Three advisors and one member of the public supported Option A (No Action), stating the SSC report made it clear the other options aren't ready to implement. Other reasons given for supporting Option A included the concern that Options B-E won't constrain recreational harvest. One advisor supporting no action added that he would support changes in how the Council and Commission manage the recreational black sea bass fishery, but couldn't support the proposed changes to management considered within the Draft Addenda/Framework.

One advisor spoke against Option A (No Action). This advisor contended that the current process relies on changing recreational measures based on the difference between projected

recreational landings and the upcoming recreational harvest limit (RHL), but this is contingent upon meeting, but not exceeding the RHL. However, the SSC's analysis reports that management hasn't successfully achieved this goal for three of these four species.

This advisor also took issue with the SSC's suggestion that the harvest control rule options informed by recruitment, biomass, and biomass trend double count positive or negative trends as these metrics are already accounted for in the catch limit projections, which can lead to greater uncertainty. He said the projections may not be as precise as the SSC seems to think they are. The advisor also said that the SSC didn't seem to review all options with equal scrutiny. For example, the SSC said Option B has the potential to increase management instability by constantly under or overshooting the RHL, but the SSC didn't list this as a disadvantage for the No Action Option.

Two advisors expressed concerns about how Options B-E may not follow the Magnuson-Stevens Act (MSA) as they all allow measures to remain in place for two years. These two advisors felt this wasn't in line with the MSA, as it would not allow the Council and Commission to immediately end overfishing when it occurs. One advisor said these issues need to be resolved before implementation.

#### ***Draft Addenda Section 3.2 – Target Metric for Setting Measures***

One advisor spoke in favor of Option C, using fishing mortality as the target metric, but if Option C couldn't be used then they supported Option B, the Annual Catch Limit (ACL), noting it would require managers to analyze discards and may incentivize the collection of data on discards, which would improve management.

#### ***Draft Addenda Section 3.3 – Conservation Equivalency Options***

Four advisors spoke in favor of Option A, status quo, or in other words, continuing to allow the option for state-by-state conservation equivalency (CE). One advisor noted that selecting Option A doesn't prescribe that CE must be used, but provides the option for it to be used. The advisor felt CE allows for flexibility and could help management overcome unforeseen challenges that can arise with new management processes. One advisor spoke in favor of Option B, regional CE. Another advisor recommended standards around CE similar to recently approved Amendment 7 to the Interstate Fishery Management Plan for Atlantic Striped Bass. Amendment 7 does not allow CE to be used for most recreational striped bass fisheries when the stock is overfished. Amendment 7 also provides constraints around the use of MRIP data for CE proposals and defines the overall percent reduction/liberalization a proposal must achieve, including required uncertainty buffers.

#### ***Draft Addenda Section 3.4 – Accountability Measures Comparisons***

One advisor spoke in favor of Option B, using fishing mortality compared to an F threshold. The advisor's reasoning was that the most recent fishing mortality estimates consider more recent information than the data used to set past Acceptable Biological Catch limits (ABCs) and represent the best available science.

### ***General Comments and Concerns about the Draft Addenda***

Four advisors discussed the complexity of this action, and three spoke of the need to simplify management so the general public can better understand the process and provide comments. It was noted that the public has become frustrated, overwhelmed, and disconnected with current management. One advisor was concerned about creating further discontent in the fishing public, and how that might lead to a lack of compliance out of frustration. One advisor spoke of his concern that the SSC wasn't involved from the very beginning with this action and their feedback was provided too late to be acted upon.

Two advisors and one member of the public expressed concern that Options B-E would negatively impact the commercial sector if harvest from the recreational sector repeatedly leads to ACL overages. One member of the public questioned whether this Draft Addenda/Framework would lead to an allocation issue. She also asked if the Commission and Council would evaluate the potential impacts to the commercial sector from implementing any of these options. One advisor was concerned that there weren't more management options regarding accountability and increased reporting from the recreational fishery in the Draft Addenda/Framework. They expected a greater emphasis on holding the recreational fishery to its RHL. Another advisor also spoke of their concerns that the recreational fishery has not been held accountable to their limits.

Another advisor was concerned about the quality of data from private anglers compared to the for-hire fleet, which is required to complete Vessel Trip Reports. The advisor wanted to see the for-hire fleet managed separately from the private recreational sector, so the for-hire fleet isn't penalized for recreational overages driven by shifts in private angler effort or unreliable MRIP data.

Three advisors spoke of the importance of the development of the models to better predict the impacts of recreational management measures on harvest and discards, and specifically mentioned the Recreational Economic Demand Model as one they were interested in. One advisor noted that the options within the Draft Addenda/Framework don't specifically address angler behavior, but was encouraged by the fact that the Recreational Economic Demand Model can.

An advisor stated his preference for using the metrics stock size and biomass trend, with expected harvest as a secondary metric. He contends that using these metrics will allow us to understand the trajectory of expected harvest given the trajectory of the stock. He noted that if we don't take trends of the stock into account, then we might once again end up where we are right now, i.e., high levels of participation in the black sea bass recreational fishery and the black sea bass stock biomass showing a declining trend. Another advisor discussed similar issues related to black sea bass, noting that a larger stock means more fish will be caught, and with the current harvest rules, you're always going to exceed your limit. One advisor spoke of how stability of regulations doesn't equal stability in catch.

One advisor relayed his concerns with the recruitment metric included in Options C and D in Section 3.1. He didn't think a three-year timeframe was long enough to determine a trend in recruitment.

One advisor recommended implementing a total length retention limit regardless of size, with mandatory retention of all fish caught until the limit is reached, as well as requirements for a large hook size. Two advisors spoke against this recommendation, as it was already considered and rejected by the Summer Flounder Management Strategy Evaluation technical work group and because it is unenforceable.

One advisor relayed his concerns with MRIP data, in addition to concerns that not all saltwater anglers had registered with their respective states as required by the MSA. He said without a complete number of recreational fishermen, no MRIP data are acceptable.

***Comment Received by Email***

**From:** Steve Heins  
**To:** Beaty, Julia  
**Subject:** Webinar this AM  
**Date:** Wednesday, May 25, 2022 5:19:49 PM

Hey, Julia.

So sorry I missed the call this AM. I had a pressing issue arise last minute that I had to deal with. I appreciate all the work you put into prep for the call. While I can only guess what the advisors had to say, I find myself in agreement with commenters who say we should not adopt the HCR until the needed information and statistical models are available. Even then, I support a “test case” with the black sea bass fishery only before deciding whether to move forward with other recreational fisheries. Also, the SSC’s comments leave me feeling uncomfortable with any change right now. So I support status quo for 2023.

Steve