



Summer Flounder, Scup, Black Sea Bass, and Bluefish Recreational Measures Setting Process Framework/Addenda

Advisory Panels Webinar Meeting Summary March 13, 2025

The Mid-Atlantic Fishery Management Council's (Council's) Summer Flounder, Scup, and Black Sea Bass and Bluefish Advisory Panels (APs) met jointly with the Atlantic States Marine Fisheries Commission's (Commission's) Summer Flounder, Scup, and Black Sea Bass and Bluefish APs on March 13, 2025 to review public comment, review a summary of the recent Fishery Management Action Team/Plan Development Team (FMAT/PDT) meeting, and to provide input as advisors on the Recreational Measures Setting Process Framework/Draft Addenda. This report summarizes input from advisors regarding the options presented in the Framework/Draft Addenda and will be considered by the Council and the Commission's Interstate Fisheries Management Program Policy Board (Policy Board) when taking final action on the Framework/Draft Addenda in April 2025.

Please note: Advisor comments are not necessarily consensus or majority statements.

Council Advisors Present: Katie Almeida, Joseph Beneventine, Carl Bensen, Joan Berko, Frank Blount*, Eleanor Bochenek, Howard Bogan, Bonnie Brady, Eric Burnley, Jeff Deem, Gregory Didomenico*, James Dopkin, James Fletcher, Jameson Gregg, Jeremy Hancher, Victor Hartley, Steve Heins, TJ Karbowski*, William Mandulak, John Mannix, Bryan Mindte, Michael Pirri, Will Poston, Bob Pride, Matthew Seeley, Philip Simon, Mark Sterling, George Topping, Michael Waine, Kyle White, Charles Witek, Steven Witthuhn, Harvey Yenkinson

Commission Advisors Present: Frank Blount*, Scot Calitri, Jack Conway, Greg Didomenico*, Peter Fallon, Ray Jarvis, TJ Karbowski*, Ken Neill

Other Attendees: Chris Batsavage, Tracey Bauer, Julia Beaty, Lou Carr-Harris, Mike Celestino, Kiley Dancy, Laura Deighan, Michelle Duval, Corrin Flora, Travis Ford, Alexa Galvan, Hannah Hart, Jesse Hornstein, Raymond Kane, Elise Koob, Meghan Lapp, Nichola Meserve, José Montañez, Adam Nowalsky, Kenneth Ochse, Scott Steinback, Kristen Thiebault, Chelsea Tuohy, Kate Wilke

*Members of both Commission and Council Advisory Panels

Summary

As described in more detail below, of the advisors who spoke during the meeting, three Advisors spoke in favor of Option A, eight advisors spoke in favor of Option C, three advisors spoke in favor of Option D, two advisors spoke in support of Sub-Option D-2, and one advisor spoke in support of Option E.

Multiple advisors provided written input after the meeting (see appendix). Based on these additional written comments, two additional advisors expressed support for Option D, one

additional advisor expressed support for Sub-Option D-2, one additional advisor expressed support for Sub-Option C-1, and one additional advisor expressed support for Sub-Option C-2.

Option	Advisors expressing support during the meeting or via email
A	3
B	0
C	8
C-1	1
C-2	1
D	5
D-1	0
D-2	3
E	1

The following sections summarize the comments provided during the meeting. The email comments are included in the appendix but are not summarized in the sections below.

Questions

One advisor asked how recreational catch and discards are calculated without the number of recreational fishermen along the Atlantic coast. This advisor sought additional information about how recreational catch and discards are estimated and used in management and expressed distrust in the numbers.

One advisor asked if the Recreation Demand Model could be used in the process of setting the recreational harvest limit (RHL) in the future, and specifically asked if it could be used to inform the prediction of dead discards that is used to derive the RHL from the recreational annual catch target (ACT). This advisor asked if this could be done even if Option D were not selected for implementation. Staff noted this could be considered. However, it would not address the FMAT/PDT's concerns about the RHL assuming a specified amount of discards which is unchanged regardless of the bag, size, and season limits that are later set in part based on that RHL.

AP Discussion of Council Staff and Northeast Fisheries Science Center Analysis

One advisor expressed frustration with the timing of the additional analysis of catch-based targets by Council staff and Northeast Fisheries Science Center (NEFSC) staff. This analysis was discussed as part of the FMAT/PDT meeting summary. This advisor said the process feels rushed and there hasn't been enough time to review the analysis. In addition, the analysis should have considered more years than just 2024 and should have included black sea bass. This advisor believes the analysis does not provide support for catch-based options just because the variances are not different.

Another advisor supported these comments and added that the analysis was limited and challenging to understand. This advisor did not disagree with the use of catch-based options, but wanted to see additional analysis, and be more comfortable with the analysis before selecting these approaches for use in management.

One advisor said the additional information provided on the variance of the Recreation Demand Model estimates of harvest vs. total removals did not sufficiently address the public comments about uncertainty in the discard estimates. This advisor remained concerned about the issue of recall bias that is more prevalent for the discard estimates than the harvest estimates.

AP Discussion of Option A - No Action

Three advisors expressed support for Option A, the no action option. These advisors expressed support for going back to the previous method of setting recreation measures due to concerns with recreational data not being as accurate as commercial data and concerns about the commercial sector being penalized for potential recreational overages. One advisor expressed frustration that the commercial sector is held to the commercial quota and pound for pound paybacks are required when overages occur while the recreational sector is not held to the same standard. One of these advisors also suggested waiting to make changes to the process for setting recreational measures until after it has been decided through a separate ongoing amendment if the for-hire sector will be managed separately from the private recreational sector.

AP Discussion of Option C - Modified Percent Change Approach Using the RHL and Harvest

Eight advisors expressed support for Option C, the modified Percent Change Approach using the RHL and harvest, with one advisor also supporting Sub-Option C-2 for accountability measures. Three advisors believed there was not enough information and/or analysis to support Option D. Additionally, one advisor noted a large majority of the public comment received was in favor of Option C.

Some advisors in support of Option C were concerned that the new Council staff and NEFSC staff analysis did not include black sea bass. Additionally, while favoring Option C, one advisor expressed support for any option that provides the Commission, Council, and NOAA Fisheries with flexibility when setting recreational management measures each specifications cycle.

AP Discussion of Option D - Modified Percent Change Approach Using the ACT and Catch

Three advisors expressed support for Option D, the modified Percent Change Approach using the ACT and catch, with two of those three also supporting Sub-Option D-2 for accountability measures. One advisor emphasized it is important to consider discards when setting recreational management measures because discard mortality can be substantial in these fisheries given the current recreational management measures. Another advisor echoed this comment and supported including consideration of discards in the recreational measures setting process due to discard mortality rates and mishandling of fish.

One advisor opposed using discards in management approaches for setting recreational measures under Options D and E due to the high degree of uncertainty, specifically recall bias, that exists when estimating recreational discards. Another advisor agreed.

AP Discussion of Option E - Biomass and Fishing Mortality Matrix Approach

One advisor supported Option E, the Biomass and Fishing Mortality Matrix Approach, and thought no restrictions should be applied to healthy stocks.

Other Comments

Two advisors expressed support for the recommendation expressed in some public comments to review the process for setting recreational measures every five years.

One advisor pointed out that management uncertainty buffers have not been applied in the past for these species. This is relevant for how the ACTs and RHLs are set.

Another advisor expressed concern regarding the timing of this action and the ongoing efforts to improve the Marine Recreational Information Program (MRIP) Fishing Effort Survey (FES). This advisor expressed a distrust in the MRIP estimates, was frustrated with current black sea bass management, and thought greater liberalizations should be allowed due to the stock being over 200% of the biomass target level. This advisor stated a mistrust in the management process, except for the stock assessment process which he believes is reflective of what is seen on the water. This advisor expressed support for the Commission's and Council's ongoing efforts to address recreational sector separation and data collection. This advisor said fisheries management is making it very hard for for-hire vessels to stay in business.

One advisor noted the first priority of management should be to rebuild stocks, specifically noting the current status of summer flounder. This advisor believed the status of the summer flounder stock needs to be immediately addressed, and discards in the recreational summer flounder fishery should be reduced and could be done through returning to a 13-inch minimum size limit.

Another advisor noted frustration with how management measures result in targeting large female fish and expressed support for targeting smaller fish and letting the larger, older fish survive and reproduce.

An advisor expressed concern with the configuration of the Recreation Demand Model used in the process for setting recreational management measures. This advisor specifically noted concern with the survey that is used to inform angler behavior and how the results are used in the model to estimate angler preference and welfare. The advisor thought this survey showed similar concerns to the FES in terms of recall bias and thought the questions in the survey were not a realistic representation of the decisions anglers consider when deciding to take a fishing trip or not. This advisor supported exploring the accuracy of estimates, not just the precision.

Another advisor expressed hesitation with Options B-E's reliance on timely stock assessments every two years, especially after the black sea bass research track stock assessment was delayed in 2023. This advisor also noted that recent cut backs in various federal agencies could pose challenges for the stock assessments in the future.

Public Comment

A member of the public asked about the 5% overfishing buffer used for stocks above 90% of the target biomass level in Option E. This individual expressed concern with allowing status quo management measures in situations where overfishing is occurring and thought this is contrary to the Magnuson Stevens Act's requirements to prevent overfishing. Additionally, this individual thought none of the options would prevent overfishing.

Appendix: Written Comments from AP members received by March 26

Joseph Beneventine additional comments provided via email – 03/13/2025

Hi Julia,

I saw my email - attached below - was already included in the Public comment Summary - but here it is again for inclusion with AP member input.

I'm a little bit confused about the sequence of the meetings and calls.

The FMAT/PDT considers Public Comment and then reaches a final recommendation before the AP member's call and consideration of AP member input ? Are the AP members in some way supposed to take into consideration the FMAT/PDT's final recommendation ?

It seems as if the FMAT/PDT is interested in general Public comment they make their decision and then the AP comments are considered by the Council and Board together with the FMAT/PDT's final recommendation. Is that how it works ?

I would think the FMAT/PDT's input and recommendation to the Council and Board has more influence than our AP member input.

So anyway, I'm glad I submitted my comments so that the FMAT/PDT may have had a chance to consider my remarks.

P.S. I second everything Charles Witek and Ray Jarvis said on today's call. And I disagree with what some had to say about needing several years of data and needing data on every species - including BSB - to know that we need to include dead discards 'the catch' in the model. Especially since BSB are even more impacted by release mortality than SF and SCUP.

On Jan 26, 2025, at 2:35 PM, Joseph beneventine <joseph.beneventine@verizon.net> wrote:

To Whom It May Concern,

After careful consideration of the proposed options, I wish to express my support for Option D: Modified Percent Change Approach Using the Recreational ACT and Catch sub option D-2.

Option D offers a forward-looking, adaptive, and sustainable framework that directly addresses the problems identified in Section 2 of the draft Addenda.

Key Reasons for Supporting Option D:

- **Addressing Uncertainty and Variability in Recreational Catch Estimates**
Option D incorporates the Annual Catch Target (ACT) and total recreational catch (harvest + dead releases), which provides a more comprehensive and stable metric than relying solely on the Recreational Harvest Limit (RHL). This framework reduces the impact of variability and uncertainty in MRIP data, which has historically made management reactive and unpredictable. By accounting for release mortality, Option D

addresses the full scope of recreational fishing impacts, ensuring that data uncertainties do not undermine sustainable management.

- **Reducing the Issue of “Chasing the RHL”**
Shifting focus from the RHL to the ACT mitigates the challenges associated with frequent adjustments to meet RHL-based limits. By considering broader metrics of total mortality Option D reduces regulatory instability and enhances the predictability of recreational measures.
- **Incorporating ACT and total catch** Option D ensures a holistic management approach, addressing uncertainties in recreational data while maintaining alignment with stock health.

How the Current System Results in ‘Chasing the RHL’:

- **Reactive Adjustments Based on MRIP Data Variability:** The current system heavily relies on Marine Recreational Information Program (MRIP) data to estimate harvest. However, MRIP data is often subject to significant variability and uncertainty. Year-to-year fluctuations in these estimates can lead to sudden and frequent changes to management measures (e a.. bag limits, size limits, and season lengths). Managers are effectively reacting to these swings, trying to bring harvest levels back in line with the RHL. This reactive approach can result in a cycle of overcorrection-tightening regulations one year and loosening them the next, depending on whether harvest exceeds or falls short of the RHL.
- **Disconnect Between RHL and Total Mortality:** The RHL focuses solely on harvest, excluding dead releases (release mortality). This narrow scope creates an incomplete picture of total fishing impact. When release mortality increases (e.g., due to stricter size limits, unlimited ‘catch & release’ fishing - even allowing targeting of fish out of season - and longer fishing seasons), total removals may still exceed sustainable levels even if harvest is within the RHL. This disconnect forces managers to continually adjust measures to stay within the RHL, without fully addressing total fishing mortality. The result is a feedback loop where measures are adjusted without resolving the root causes of overages.
- **Regulatory Instability for Stakeholders:** For anglers and other stakeholders, the constant shifts in regulations tied to RHL adherence create unpredictability. This regulatory instability undermines stakeholder confidence in the management system and reduces compliance and support for conservation measures.

By moving away from an RHL-centric system to one like Option D, which incorporates both the ACT and total catch (harvest + dead releases), management becomes more proactive and stable. This approach reduces the likelihood of ‘chasing the RHL’ because it addresses the broader picture of total removals reducing the need for reactive adjustments.

Conclusion:

As stated above, Option D offers a forward-looking, adaptive, and sustainable framework that directly addresses the problems identified in Section 2 of the draft Addenda. Its integration of ACT and total catch ensures that management measures are ecologically sound, data-driven, and responsive to stock conditions. This approach also promotes regulatory stability and aligns with

the long-term goals of conserving fisheries while maintaining equitable access for recreational stakeholders.

I urge the Council and the Atlantic States Marine Fisheries Commission to adopt Option D (sub option D-2) as the preferred management framework for 2026 and beyond. This approach provides the best pathway to achieving sustainable, predictable, and effective fisheries management for summer flounder, scup, black sea bass, and bluefish. Recognizing its ability to balance conservation goals with practical management needs.

Thank you for considering my comments.

Joseph Beneventine

(MAFMC AP SFSBSB - NY Recreational)

Scot Calitri additional comments provided via email – 3/18/2025

Hi Chelsea and thank you for what you do!

In general, the key for me and my constituents is that we conserve as aggressively as possible. This means trusting science, overages have penalties, no kicking the can down the road and our best chance for success is taking conservative action now. Almost every species that we collectively help manage is in trouble. Almost zero true success stories. Winter flounder is not a success as they “moved the goalposts”.

We need to change our approach. There is no penalty for abundance (which we’re far from) and a recreational fish derives way more economic value than a commercial fish.

Thanks!

James Fletcher additional comments provided via email – 3/19/2025

WHY DID ADVISORS NOT DISCUSS IN DEPTH TOTAL LENGTH RETENTION NO RECREATIONAL DISCARDS?

WHY DID ADVISORS NOT DISCUSS *****RECREATIONAL SALTWATER REGISTRY AS IN MAGNUSON FISHERIES ACT ?***** IF YOU OR ANY STAFF CAN FIND A STATE THAT A SALTWATER REGISTRY CAN BE PRODUCE A DEFINITE NUMBER FOR PERSONS FISHING IN EEZ ***PLEASE PLEASE FORWARD***** Time has come for a definite number for recreational fishers in EEZ and EACH STATE!
AKA Bluefin Data APP!

Jameson Gregg additional comments provided via email – 3/25/2025

Good afternoon Julia,

I apologize for the later comments, but I wanted to get these into the meeting summary.

I have to echo the support for Option D and the sub-option for the accountability measures. Discard mortality is extremely important to consider. While we are "stuck" with MRIP as the best available data, discards are critical to a data set that might be widely ignored in the recreational sector, whether that is intentional (cheating, high grading, etc) or truly recall bias. While this may create uncertainty, supporting Option D coupled with sector separation could hold the recreational anglers more accountable, just as commercial fishers and head boat VTR monitoring. The only way to tighten recreational uncertainty is to hold all participants accountable, including mandatory reporting.

Thank you,

Jameson

Jameson Gregg
Marine Scientist Senior | Multispecies Research Group
William & Mary's Batten School for Coastal & Marine Sciences & VIMS

Bill Mandulak additional comments provided via email – 3/14/2025

Julia, I am sorry I had to leave the call early. As a member of the Bluefish AP, I vote for having all four species on the same measures and framework for setting catch / harvest limits. Explaining how this is done to the general public will be a challenge though. I found all the options with their associated charts to be difficult to keep straight given the multiple questions about setting RHLs and AMs. However, as best I could sort through all the options, I vote for option C1.

Bill Mandulak

Mike Waine additional comments provided via email – 3/18/2025

Hi Julia,

Did you have me down for supporting C2 in addition to C? I think I forgot to mention that, but maybe not. Also, I don't understand this sentence "However, it would not address the FMAT/PDT's concerns about the RHL assuming a specified amount of discards which is unchanged regardless of the bag, size, and season limits that are later set in part based on that RHL." Can you clarify?

Thanks,
MW