



March 17, 2020

Dr. Christopher Moore, Executive Director  
Mid-Atlantic Fishery Management Council  
800 North State Street, Suite 201  
Dover, DE 19901

Dear Dr. Moore,

We write to ask your consideration of the attached recreational management reform approach as an alternative way to manage the recreational fishery for summer flounder, scup and black sea bass.

Our organizations represent the recreational fishing and boating industry and our nation's anglers, and we strongly support NOAA Fisheries using management approaches for our sector other than pound-based quotas, which are best suited for commercial fisheries. Alternative methods are used by coastal states to manage marine fisheries and those methods are better suited for recreational fishing in state – or federal waters. Many of the challenges facing federal fisheries managers and the resulting frustration from anglers is rooted in management approaches designed for commercial fishing being shoe-horned and contorted to manage recreational fishing.

Recreational and commercial fishing are fundamentally different activities and should be managed differently. Yet, antiquated, one-size-fits-all federal policies have been unnecessarily limiting the public's access to our nation's abundant natural resources.

That is why we fully supported the Modern Fish Act (Public Law 115-405) signed by President Donald J. Trump on December 31, 2018. Section 102 of the Modern Fish Act authorized the regional fishery management councils to use additional management tools more appropriate for recreational fishing, many of which are successfully implemented by state fisheries agencies (e.g., extraction rates, fishing mortality targets, harvest control rules, or traditional or cultural practices of native communities).

Over many decades, states have proven the ability to balance conservation and access by managing America's millions of saltwater anglers through these approaches in state waters. An Annual Catch Limit is simply a trigger to limit fishing mortality in some form. It does not necessarily mean hard-

pound quotas only. As America's original conservationists, anglers support responsible science-based fishery management, and we want to be willing partners in that process.

We applaud the Mid-Atlantic Council for their Recreational Management Reform initiative and have developed the enclosed harvest control rule as a demonstration that our industry is ready to work collaboratively with the Councils and NOAA Fisheries to pursue management alternatives better suited for recreational fisheries. We ask the Council to continue to develop this harvest control rule as part of the management alternatives considered in the allocation amendment for summer flounder, scup and black sea bass.

Sincerely,

Glenn Hughes, President  
American Sportfishing Association

Jeff Crane, President  
Congressional Sportsmen's Foundation

Jeff Angers, President  
Center for Sportfishing Policy

Frank Hugelmeier, President  
National Marine Manufacturers Association

Patrick Murray, President  
Coastal Conservation Association

Jim Donofrio, President  
Recreational Fishing Alliance

## **Recreational Management Reform Harvest Control Rule**

Developed for scoping of the Recreational/Commercial Allocation Amendment for Summer Flounder, Scup and Black Sea Bass

**Introduction:** Recreational management reform was identified as a joint priority by the MAFMC and ASMFC at its March 2019 meeting with the intent of developing strategies to increase management flexibility while also bringing stability to jointly managed recreational fisheries (e.g., summer flounder, scup and black sea bass).<sup>1</sup> In October 2019, the MAFMC and ASMFC Summer Flounder, Scup, and Black Sea Bass Board initiated an amendment process to consider modifications to the commercial/recreational sector allocations for summer flounder, scup, and black sea bass. The intent of the allocation amendment is to bring more stability to the fishery specification process to offset the management impacts from the recalibrated MRIP catch data.<sup>2</sup> Given the shared intent of these two initiatives, we believe an opportunity exists to develop recreational management reform as part of the allocation amendment that is also consistent with the broader goals of the FMP.

**The Premise:** Allocation can be defined as access to the resource and the FMP currently defines that access through a pound-based quota for each sector. However, we propose that access (allocation) can be defined for the recreational sector as a combination of size limits, bag limits and seasons instead of a pound-based quota. This is directly relatable to commercial allocation in pounds because access can be less or more restrictive based on stock conditions through changes to quota (commercial allocation) and management measures (recreational allocation).

**Justification:** Defining access in pounds does not work for the recreational sector because recreational anglers have no control over the harvest estimates that are generated when they follow established management measures. Choosing to reallocate based on revisions to catch data has the potential to result in continuous allocation changes without bringing any true recreational management reform that the fishery needs as identified in the recreational reform initiative. Additionally, MRIP data was not intended to be used for in-season management given its survey design and uncertainty.<sup>3</sup>

From history, we know that there are a set of recreational measures and commercial quotas from least restrictive to most restrictive under which a given fish population is sustainable. The table below defines the range of access for each sector based on the extremes of stock condition.

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<sup>1</sup>[https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/5d8e385fcbfd5c1852c1d5ca/1569601632230/Tab16\\_BSB-Rec-Reform\\_2019-10.pdf](https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/5d8e385fcbfd5c1852c1d5ca/1569601632230/Tab16_BSB-Rec-Reform_2019-10.pdf)

<sup>2</sup>[https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/5e1484ee3f8ed65e2080f85e/1578403056336/SFSBSB\\_allocation\\_scoping\\_PID\\_Jan2020\\_final.pdf](https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/5e1484ee3f8ed65e2080f85e/1578403056336/SFSBSB_allocation_scoping_PID_Jan2020_final.pdf)

<sup>3</sup> <https://www.fisheries.noaa.gov/recreational-fishing-data/introduction-marine-recreational-information-program-data>

Stock Condition	Recreational	Commercial
Healthy	<ul style="list-style-type: none"> <li>• Least restrictive measures</li> <li>• Measures maximize access and participation</li> <li>• Allows for growth in the fishery</li> </ul>	<ul style="list-style-type: none"> <li>• Highest quota where market capacity is met</li> <li>• landing capacity is reached</li> <li>• Asymptotic market price</li> <li>• Allows for growth in the fishery/expansion of markets</li> </ul>
Poor	<ul style="list-style-type: none"> <li>• Most restrictive measures</li> <li>• Measures reduce participation</li> <li>• Loss of infrastructure (marinas, bait and tackle stores, etc.)</li> <li>• Loss of for-hire business because “not worth it to pay to go fishing”</li> </ul>	<ul style="list-style-type: none"> <li>• Lowest quota</li> <li>• Loss of markets due insufficient supply</li> <li>• Not enough pounds to justify trips</li> <li>• Loss of shore side processing facilities</li> </ul>

Therefore, “equal access” would have both the recreational and commercial sectors at equal ends of the range at any point in time based on the status of the resource. We can further develop this idea for the recreational fishery using a step-wise function in which recreational management measures change as a function of stock status.

### **Example Recreational Harvest Control Rule**

At a minimum there would be four steps for the harvest control rule (HCR) as follows:

STEP A:  $>1.5 B/B_{msy}$ : most access where the recreational fishery is maximized – equivalent to the healthy stock condition above.

STEP B:  $1.0 - 1.5 B/B_{msy}$ : less access than STEP A

STEP C:  $0.5 - 1.0 B/B_{msy}$ : less access than STEP B

STEP D:  $<0.5 B/B_{msy}$ : least access where the stock is not harmed by fishing – equivalent to the poor stock condition above.

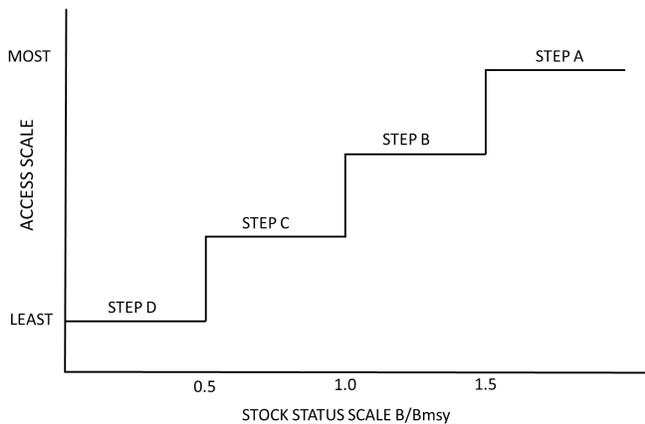


Figure 1. Conceptual diagram of the example recreational harvest control rule.

At each step (i.e., Step A through D), the recreational management measures would be predetermined for every state having already accounted for the conservation equivalency needs of that state (e.g., accommodation of stock distribution and timing). Recreational measures would consist of size limits, bag limits and seasons, but are not limited to those options. This approach simplifies the fishery specification process as measures are predetermined based on stock status bringing management and fishery stability.

### **Analysis Phase**

The following steps are a suggested approach to analyzing historical data to assist in establishing management measures for each step in the HCR.

1. Pull available management history for each species
2. Pull recreational removals data for each species
  - Note: States need to account for smoothing of wave data in most recent years when reporting removals data. It is also important to include a range of uncertainty in the removal estimates.
3. Match that management and removals history to stock status steps as described in HCR above
4. Analyze the range of management measures in each step to determine a set of measures for the HCR
5. Demonstrate how HCR would work over a couple of management cycles – show at least 2 three-year cycles

### **Uncertainty and Accountability**

Results of the analysis phase will yield a range of management measures and an associated range of recreational catch estimates for each step in the harvest control rule (i.e., STEPS A through D). We propose the use of stock condition to determine accountability measures. For example, if stock status fluctuates within a step randomly, then the measures established for that step are adequate and no accountability is triggered. However, if stock status continues to decline for a fixed period (e.g., three years) then an accountability measure could include consideration to implementing management measures in the next lowest step. We propose this as an example to acknowledge that accountability measures currently exist for summer flounder, scup and black sea bass and would need to be considered through the development of this HCR.

### **Review Timeframe**

Besides triggering review as part of accountability, the established management measures of the proposed HCR will be reviewed on a fixed timeframe (e.g., every 5 years).

## **Finalizing the HCR**

This proposed HCR represents an example approach for recreational management reform that we are submitting for consideration as part of the scoping process for the allocation amendment. We acknowledge that more development of the mechanics of this approach are needed and anticipate that changes would occur throughout the amendment development process. We propose this as a starting point for the FMAT's consideration as they pursue various management alternatives moving forward.