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Dear Mr. Colson Leaning and Ms. Beaty:

Thank you for the opportunity to comment on the Harvest Control Rule (HCR) Framework/Addenda, a joint action that is a part of the Mid-Atlantic Fishery Management Council's (Council) and the Atlantic States Marine Fisheries Commission's (Commission) Recreational Reform Initiative. The American Saltwater Guides Association (ASGA) represents conservation-minded fishing guides, charter boat captains, small fishing-related businesses, and anglers, many of whom participate in fisheries impacted by this action. We have followed the development of this initiative for more than a year, recognizing the challenges presented by the current approach to managing recreational fisheries for several species jointly managed by the Council and Commission. While we commend the Council and Commission for their progress to date and do have feedback on specific aspects of the draft document, we continue to be concerned with the complexity of the alternatives provided for public feedback, an issue further exacerbated by the lack of Council Scientific and Statistical Committee (SSC) review prior to the solicitation of public comments.

While we appreciate the urgency of the task at hand, we are cautious of hastily implementing an untested management approach for four species without all of the necessary information and resources to avoid another challenging specifications cycle—all the while potentially increasing the risks of overfishing. Additionally, the larger process surrounding this effort continues to cause concern. The Commission is soliciting public comment while key aspects of this highly

complex document remain undeveloped—including the “critical”¹ Recreational Economic Model and the Recreational Fleet Dynamics Model²—and while the SSC is in the process of developing a report on the risks and uncertainties associated with the HCR approaches.³ Asking the public to comment on these options without an understanding of the relative risks and benefits of each HCR approach—or the potential concrete measures that could result—limits the ability to provide constructive comment. Moreover, this process could potentially (further) undermine public faith in the fishery management process should a preferred alternative lead to an unanticipated and undesirable on-the-water regulatory outcome.

Until the SSC releases its report, we are not in a position to comment on a preferred alternative for Section 3.1 of the Framework/Addenda, Management Options to Set Recreational Management Measures. We do plan on submitting a more detailed public comment in the subsequent SSC HCR Report public comment period, which will be guided by our desire for the long-term sustainability of these stocks while also acknowledging the challenging reality that the black sea bass and scup stock biomasses are at 200 percent of the target, yet sizeable reductions continue to be required and implemented.⁴ We hope this effort can find the correct balance for managing these healthy stocks within the confines of the Magnuson-Stevens Act (i.e., holding sectors accountable to science-based limits).

For Section 3.2, Target Measure for Setting Measures, ASGA recommends Option B, Annual Catch Limit. Setting measures to achieve a level of total dead catch (harvest and discards) would be an improvement for management and inject additional considerations into the measure-setting process. For example, accounting for discards would possibly encourage managers to make more explicit optimum yield considerations within a fishery. Option B does, however, contain a concerning sentence that we believe deserves additional clarification: “For this reason, the target level of catch for each bin may not always be equivalent to the recreational ACL under the no action alternative as a range of ACLs could fall under the same bin.”⁵ We understand that by design three of these HCR approaches will have predetermined measures for a range of stock conditions; therefore, each bin will be expected to produce a range of catch. However, additional information and specific guidelines are necessary regarding the intention to adhere to the Recreational ACL and set a range of catch for each bin that will not lead to overfishing.

¹ Mid-Atlantic Fishery Management Council. Overview of work, major accomplishments, and timeline recommendations. October 1, 2021.

<https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/616712674e13667ceb57b591/1634145031712/>

² Mid-Atlantic Fishery Management Council. Recreational Harvest Control Rule Framework/Addenda. January 26, 2022.

https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/61f44ea1cbe85135c3b669cc/1643400867886/T ab04_Rec-HCR-FW_2022-02.pdf

³ Mid-Atlantic Fishery Management Council. February Meeting Motions. February 8-9, 2022.

https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/620569fcbba00808ea528741/1644521980583/2022-02_MAFMC-Motions.pdf

⁴ Atlantic States Marine Fisheries Commission. Draft Addendum XXXIV To The Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan and Addendum II to the Bluefish Fishery Management Plan for Public Comment. February 2022.

http://www.asmfc.org/files/PublicInput/HCR_DraftAddenda_PublicComment_March2022.pdf

⁵ Ibid.

For Section 3.3, Conservation Equivalency (CE), we support Option B, Regional Conservation Equivalency. On the one hand, given that the HCR is an untested approach to managing recreational fisheries, we have significant concerns about applying CE at all given the additional uncertainty that it could bring to bear on management outcomes. On the other hand, we are cognizant of how diverse these fisheries are across their geographic ranges and understand that regulations for one region may not be effective or appropriate in another. Therefore, we support the regional use of conservation equivalency. One potential benefit for employing a regional approach for CE would be reduced staff workload. This possible extra bandwidth will be important to devoting all the necessary resources towards potentially implementing one of these HCR approaches.

We look forward to providing additional comments following our review of the SSC's findings, and appreciate your consideration of our views at this time.

Sincerely,



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