



December 9, 2021

Patrick Keliher, Chair  
Atlantic States Marine Fisheries Commission (ASMFC)  
1050 North Highland Street  
Suite 200  
Arlington, VA 22201

Mike Luisi, Chair  
Mid-Atlantic Fishery Management Council (MAFMC)  
800 North State Street  
Suite 201  
Dover, DE 19901

Dear Chair Keliher and Chair Luisi:

We are writing to express our continued concerns regarding the recreational Harvest Control Rule (HCR) effort being conducted as part of the joint ASMFC-MAFMC Recreational Reform Initiative (RRI). The HCR approach seeks to fundamentally change how the recreational fisheries for black sea bass, summer flounder, scup, and bluefish are managed—namely, by relying “less on expected fishery performance” and instead using an approach that “places greater emphasis on stock status indicators and trends.”<sup>1</sup> While we recognize the continued challenges of managing recreational fisheries for these and other species, and appreciate efforts to improve management approaches, we continue to have doubts that the HCR approach in its current form will effectively prevent overfishing and maintain accountability as required by the Magnuson-Stevens Act.

In the last year, the HCR developed from an unsolicited idea to four potential alternatives today. At the June 8, 2021 Recreational Reform Initiative meeting, Dr. Paul Rago offered some thoughts on scaling risk associated with HCRs—management decisions will involve more risk when the stock nears a new step or box within an HCR framework.<sup>2</sup> And at the October 21, 2021 ASMFC meeting update, the joint ASMFC Plan Development Team (PDT) and MAFMC Fishery Management Action Team (FMAT) tasked with developing the HCR proposed four different HCR alternatives.<sup>3</sup> Initially planned for implementation for as soon as the 2022 fishing

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<sup>1</sup> MAFMC. Recreational Reform Initiative. <https://www.mafmc.org/actions/recreational-reform-initiative> .

<sup>2</sup> MAFMC. Recreational Reform Initiative Update and Discussion (Joint Meeting with the ASMFC Policy Board). June 8, 2021. <https://www.youtube.com/watch?v=smwlkWsGvGI>.

<sup>3</sup> ASMFC. ISFMP Policy Board Proceedings. October 22, 2021. <https://www.youtube.com/watch?v=PHfYxdHU6dc>.

season, the HCR initiative has since been delayed to 2023 to allow for further development of two models and more time to refine key details, such as the role Annual Catch Limits (ACLs) and Recreational Harvest Limits (RHLs) will play in the four HCR alternatives.<sup>4</sup> The PDT and FMAT have made considerable progress: at their November 30<sup>th</sup> meeting, they began explicitly considering how measures will be set, the role of ACLs and/or RHLs, how conservation equivalency will or will not be employed, and the development of “guidelines” for how the HCR should function.

Given this delay in implementation and the fact that the HCR approach represents a significant departure from how recreational fisheries for these four species have been managed to date, we believe that this is an appropriate time to be deliberate in answering some of these questions and addressing the concerns of Council members and stakeholder groups across sectors. During the October 21, 2021 Interstate Fisheries Management Program Policy Board meeting, Council members and Commissioners raised concerns that the only scientific oversight of this initiative to date has been a three-member subgroup of the Scientific and Statistical Committee (SSC) regarding the two models that will be used to set measures.<sup>5</sup> Several Council members then suggested the idea of sending the entire HCR proposal in its current form to the full SSC for review. However, the meeting concluded without any formal consideration of tasking the full SSC with reviewing these HCR approaches.

We echo the perspective of those Council members and Commissioners and request that the full SSC review each of the four proposed alternatives and confirm that they can adequately prevent overfishing prior to any further management action. Full review is even more important considering the current HCR timeline that calls for no additional review of the draft alternatives by the SSC sub-group or by the Monitoring and Technical Committees.

It is worth noting that we do have additional concerns with this HCR proposal. These include: 1) the lack of public input and involvement to date; and 2) the Council’s intention on moving forward with four species—one of which is overfished<sup>6</sup>—instead of first applying the HCR on a trial basis.<sup>7</sup> We consider a full SSC review the essential step to ensuring the scientific rigor of HCR approach in its current form, along with its compliance with the mandates of the Magnuson-Stevens Act.

Fishery managers around the country are closely monitoring the HCR’s progress, as it could serve as a model for how other Councils apply so-called alternative management measures for the recreational sector. The Council and Commission are potentially setting a precedent with these actions that will guide other councils, and the process deserves greater scrutiny, transparency, and participation—both from a scientific and stakeholder perspective—than we have observed to date. Anything less would be doing a disservice to the larger fishing

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<sup>4</sup> Joint PDT/FMAT for Recreational Reform. Overview of work, major accomplishments, and timeline recommendations. October 1, 2021. <http://www.asafc.org/files/Meetings/2021FallMeeting/ISFMPPolicyBoard.pdf>

<sup>5</sup> ASMFC. ISFMP Policy Board Proceeding Oct2021. October 22, 2021.

<https://www.youtube.com/watch?v=PHfYxdHU6dc>

<sup>6</sup> Northeast Fisheries Science Center. Operational Assessment of the Black Sea Bass, Scup, Bluefish, and Monkfish Stocks Updated Through 2018. January 2020. [http://www.asafc.org/uploads/file/61546191noaa\\_23006\\_DS1.pdf](http://www.asafc.org/uploads/file/61546191noaa_23006_DS1.pdf)

<sup>7</sup> Northeast Fisheries Science Center. Black Sea Bass Operational Assessment for 2021. July 2021. [https://apps-nefsc.fisheries.noaa.gov/saw/sasi/uploads/BSB\\_Operational\\_assessment\\_2021-iii.pdf](https://apps-nefsc.fisheries.noaa.gov/saw/sasi/uploads/BSB_Operational_assessment_2021-iii.pdf)

community. We appreciate your consideration and urge you to ensure that any efforts to better align regulations with stock status don't undermine the Council's ability to ensure long-term stock health and stability.

Thank you for the opportunity to submit our comments.

Sincerely,



Tony Friedrich  
Vice President and Policy Director  
American Saltwater Guides Association  
[tony@saltwaterguidesassociation.org](mailto:tony@saltwaterguidesassociation.org)  
(202) 744-5013



Willy Goldsmith, Ph.D.  
Executive Director  
American Saltwater Guides Association  
[willy@saltwaterguidesassociation.org](mailto:willy@saltwaterguidesassociation.org)  
(617) 763-3340