



The Commonwealth of Massachusetts

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March 31, 2023

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

Mr. Robert Beal, Executive Director
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N
Arlington, VA 22201

Dear Dr. Moore and Mr. Beal,

This year's recreational harvest reduction for scup, while less than it would have been without the sector reallocations and harvest control rule, was still a difficult pill to swallow given the expected underutilization of the commercial scup quota. Recreational anglers and for-hire captains made this abundantly clear at our public hearing in Massachusetts, and I suspect elsewhere along the coast. Such mandatory fishery reductions, when not necessary for the conservation of the resource, cause our management processes to lose credibility. In turn, angler compliance and involvement in management are jeopardized and with it our ability to effect change when it is actually needed.

There is an easily discernible relief valve in the form of an inter-sector quota transfer for scup. I write to strongly encourage the Council and Commission to initiate the necessary actions to establish this mechanism within the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan for use as soon as possible (ideally 2024), particularly for scup. Encouragingly, Amendment 22 to the FMP, when it became effective on January 1 of this year, allows future FMP changes regarding annual quota transfers between sectors to be made through a framework action (Council process) and addendum (Commission process)—processes which if prioritized should be able to be concluded within the year. The Council did include this issue as a possible addition in its 2023 implementation plan, and it's becoming increasingly clear to me that the time and resources to put this tool in the toolbox need to be pledged sooner rather than later.

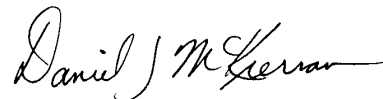
This situation for scup of recreational restraint alongside excess commercial quota arises from the mismatch between the market demand for scup and the commercial sector allocation amidst high resource abundance. The coastwide commercial scup quota has not been fully utilized since 2010, the last year of a low quota stanza (i.e., 5–10-million-pound quotas during 2007–2010). Since then, the commercial quota underage has ranged from 2.9 million pounds to an astounding 13.0 million pounds (7.4 million pounds on average, 2011–2022). While the 2023 commercial quota is notably reduced by over 30% to 14.0 million pounds largely due to the recent reallocation, commercial landings have been below this level the past five years—and the trend is one of decline. It would have been reasonable for the Council and Commission to expect that 2023 commercial landings will be similar (if not below) the 2022 landings of roughly 10.5 million pounds, enabling the transfer of sufficient quota to the recreational sector to avoid this year's reduction without hindering the commercial fishery—if such a transfer provision were in place.

In addition to reduced market demand, another substantial reason for the inability of the commercial sector to fully utilize the quotas is the modern conservation strategies in place at both state and federal levels. Since the historic high period of landings in the 1960s, there has been adopted a myriad of new conservation-based rules that (appropriately) constrains the scup catch. These include otter trawl mesh size requirements to minimize discard of target and non-target species in federal and state waters. Moreover, we have night-time fishing closures in Massachusetts state waters and a prohibition on pair trawling that make fishing in this time dramatically different than what we saw in the allocation base years of 1988–1992. Consider that the commercial landings during the more recent peak in the 2010s were only modestly above those from that largely unregulated reference period, despite the stock biomass being over 2000% greater. Simply put the commercial fishery can't (due to regulation) or won't (due to market demand) respond proportionally to quota increases above a certain level. Were scup status to decline significantly, the commercial fishery may be able to again utilize its 65% allocation, but in the meantime, temporary annual sector transfers would help achieve optimum yield and the greatest overall benefit to the Nation.

I acknowledge the challenges that Council and Commission staff identified regarding a sector transfer provision during the development of Amendment 22. These must not be considered unsurmountable though, as staff did recommend the issue be made “framework-able” and there is a comparable provision in the bluefish FMP which has been repeatably and successfully applied. Moreover, I would suggest that the transition to a model-based approach to recreational harvest projections puts less reliance on current year harvest estimates in the annual specification setting process and may alleviate some of the concerns regarding data timeliness that were discussed within the proposed transfer process. It also stands to reason that given external threats to the new approach for recreational specifications, it would be prudent to work through these challenges now and have more tools at our disposal during the specification setting process.

Thank you for bringing this letter to the attention of the Council and Commission. I hope the two management bodies will be able to address this issue collectively soon.

Regards,



Daniel J. McKiernan
Director

Cc:

MA Marine Fisheries Advisory Commission
Michael Pentony, NOAA Fisheries