



May 6, 2022

The Honorable Gina Raimondo
Secretary of Commerce
U.S. Department of Commerce
1401 Constitution Avenue NW
Washington, DC 20230

Dear Secretary Raimondo:

We the undersigned, represent heads of the U.S. East Coast Natural Resources/Fishery management agencies (NH, MA, RI, CT, NY, NJ, DE, MD, PRFC, and VA) and are writing in opposition to new restrictions being imposed upon the recreational black sea bass and scup fisheries, as detailed in NOAA Fisheries proposed rule released on April 18, 2022.

We very much appreciate the flexibility and discretion that NOAA has shown in the last few years in response to changing catch estimates, slow-moving and complicated management, and the COVID-19 pandemic. Flexibility is needed in the proposed rule, and we question the imposition of these unnecessary fishery restrictions on healthy, abundant stocks when a comprehensive solution in the form of the Harvest Control Rule (HCR) Addendum is less than six months away.

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) mandates that we prevent overfishing using the best scientific information available. The 2021 assessments conducted for black sea bass and scup found that in 2019 the stocks were approximately 200% of their biomass targets and that overfishing was not occurring for either species. These results are the best available science and show that joint management of these two stocks by the MAFMC and ASMFC is fulfilling the requirements of the MSA. The recreational fishery cuts proposed by NOAA under Part 648 of the Code of Federal Regulations, requiring accountability measures for both fisheries, are based upon significantly less data and much cruder consideration of estimate uncertainties than the most recent assessment results.

The last decade of fisheries management for these species has been difficult, complicated by explosive biomass growth, unprecedented availability to anglers, catch limits not informed by a successful stock assessment, and/or the transformation of Marine Recreational Information Program (MRIP) effort estimation. While the stocks grew to over twice the biomass target, black

sea bass recreational regulations grew more restrictive yet failed to control landings and commercial scup fisheries have not fully utilized their quota. As NOAA, MAFMC, and ASMFC struggle to manage fisheries on extremely abundant stocks using new MRIP estimates, anglers and the businesses that depend upon them have suffered.

Recreational catch estimates have been problematic for decades. Recent significant changes in estimates of effort and catch have still not been fully assimilated into management. The HCR Addendum/Framework, which will come before the ASMFC and MAFMC for approval in June of this year with implementation in 2023, seeks to base management decisions upon assessment outputs and not MRIP estimates alone. The HCR process could provide a solution for 2022 management, but the federal implementation process prevents us from using it until 2023.

Given the abundance of both stocks and the solution on the horizon in the form of the HCR, there is ample reason for NOAA to continue to exercise management discretion and flexibility and not impose the restrictions in their proposed rule. This is an opportunity to move recreational fisheries management forward, without first taking unnecessary steps back. Prior to the pandemic in 2019, almost 2.8 million anglers from the north and mid-Atlantic states spent over 2 billion dollars on saltwater recreational fishing and took 3.2 million and 2.4 million trips targeting scup and black sea bass, respectively. These millions of anglers and the industries that surround them are vital to the coastal community economies emerging from the COVID pandemic. It is illogical to impose these reductions now when necessary change is so near. Therefore, we are requesting your intervention to maintain status quo measures for scup and black sea bass for 2022.

We thank you for your consideration and attention to this matter and we look forward to your prompt response.

Respectfully,

U.S. East Coast Natural Resources Commissioners/Directors



Basil Seggos, Commissioner
New York State Department of
Environmental Conservation



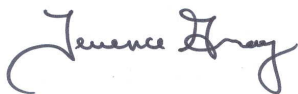
Shawn LaTourette, Commissioner
New Jersey Department of Environmental
Protection



Katie Scharf Dykes, Commissioner
Connecticut Department of
Environment & Energy



Ron Amidon, Commissioner
Massachusetts Department of
Fish and Game



Terrence Gray, Acting Director
Rhode Island Department of
Environmental Management



Scott Mason, Executive Director,
New Hampshire Fish and Game
Department



Michael Luisi, Acting Director
Fisheries and Boating Services
Maryland Department of
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Chairman - MAFMC



David Saveikis, Director
Delaware Division of Fish & Wildlife



Patrick Geer, Chief of Fisheries
Management
Virginia Marine Resources Commission



Marty Gary
Executive Director
Potomac River Fisheries Commission

cc. Rick Spinrad,
Janet Coit
Mike Pentony