



## Mid-Atlantic Fishery Management Council

800 North State Street, Suite 201, Dover, DE 19901  
Phone: 302-674-2331 | FAX: 302-674-5399 | [www.mafmc.org](http://www.mafmc.org)  
Michael P. Luisi, Chairman | P. Weston Townsend, Vice Chairman  
Christopher M. Moore, Ph.D., Executive Director

February 1, 2023

Mr. Michael Pentony  
Regional Administrator  
National Marine Fisheries Service  
Greater Atlantic Region  
55 Great Republic Drive  
Gloucester, MA 01930

Dear Mr. Pentony:

I am writing to follow up on concerns raised during the December 2022 Council Meeting about the timing and rationale for your advice regarding the 2023 recreational management measures for summer flounder, scup, and black sea bass.

As you are aware, this was our first time setting recreational measures using the new Percent Change Approach approved by the Council and the Atlantic States Marine Fisheries Commission (Commission) in June 2022. This was also the first year we were able to use two newly available statistical modeling tools – the Recreational Demand Model (RDM), developed by economists at the Northeast Fisheries Science Center (NEFSC), and the Recreational Fleet Dynamics Model (RFDM), developed by scientists with the Rhode Island Department of Environmental Management (RI DEM). During their meeting on December 13, the Council and Commission’s Board planned to review input from the Monitoring Committee and Advisory Panels before determining their preferred model for each species, the required percent change in harvest, and associated recreational measures for 2023.

A significant amount of time and effort was invested in the development, review, and refinement of the new models. Staff from the Greater Atlantic Regional Fisheries Office (GARFO) were regularly updated and given opportunities to provide advice throughout this process, so it came as a surprise when we received your letter on December 8, 2022, stating that you consider the RDM to be the best available science for all three species and would not approve any measures based on the RFDM.<sup>1</sup> The timing of this advice – just 2.5 working days before the Council and the Commission’s Summer Flounder, Scup, and Black Sea Bass Board were scheduled to meet – resulted in confusion, frustration, and wasted effort, and it essentially invalidated the role of the advisory bodies.

Your letter largely relied on a September 2021 report from a subset of the Council’s Scientific and Statistical Committee (SSC).<sup>2</sup> The review did not result in a definitive conclusion about model preference, though some reviewers suggested a strong preference for the RDM. There was no indication that either model would not be a viable option for setting 2023 measures. Both models were subsequently improved as a result of this review; however, neither model was reviewed a second time. This meant we could not rely solely on the conclusions of the September 2021 review to determine a preferred model. As such, we asked the Monitoring Committee to consider each model in detail and provide recommendations for the most appropriate model for each species for setting 2023 measures.

---

<sup>1</sup> [https://www.mafmc.org/s/GARFO-to-MAFMC\\_2023-Rec-Measures\\_Signed.pdf](https://www.mafmc.org/s/GARFO-to-MAFMC_2023-Rec-Measures_Signed.pdf)

<sup>2</sup> [https://www.mafmc.org/s/05\\_Rec-Model-Peer-Review-Reports.pdf](https://www.mafmc.org/s/05_Rec-Model-Peer-Review-Reports.pdf)

On October 26, 2022, the Monitoring Committee met to review the two models, ask questions of the modelers, and suggest improvements. Council staff then worked with the modelers to develop specific recommendations regarding use of the models under the Percent Change Approach to consider during the next Monitoring Committee meeting. These recommendations and model results were made available to the Monitoring Committee the week before their second meeting on November 15, 2022. During the November meeting, the Monitoring Committee was tasked with recommending a preferred model for each species, and, based on their preferred model, developing recommended measures for each species. After considering factors such as model performance when predicting past harvest, ease of use of both models, and, in the case of summer flounder, the ability to model slot limits, the Monitoring Committee recommended the RFDM for scup and black sea bass and the RDM for summer flounder for setting 2023 measures. The Advisory Panels then met on November 30, 2022, to consider the recommendations of the Monitoring Committee and provide their own input.

During these two Monitoring Committee meetings, the GARFO representative on the Monitoring Committee expressed a general preference for the RDM over the RFDM, but they gave no indication that the agency had concerns about the RFDM from a best available science/National Standard 2 perspective. This suggests that GARFO did not have these concerns until after the November meeting when the Monitoring Committee recommended the RDM for summer flounder and the RFDM for scup and black sea bass.

As expressed during the December Council/Board meeting, a tremendous amount of staff time, especially on the part of RI DEM staff, but also Council and Commission staff, went into improving the RFDM after the September 2021 review. For example, Commission staff and the RFDM modelers met every other week for an extended period of time to work on the model. We agree with comments made during the Council/Board meeting that if GARFO had such strong concerns based on the September 2021 review, those concerns should have been communicated earlier to avoid wasting staff time in the following months.

As you know, development of fishery management measures is a complex process requiring coordination among all involved and adherence to agreed-upon processes and timelines. We hope that for the next round of recreational specifications setting, GARFO can communicate the agency's concerns at a more appropriate point in the process, especially during the relevant Monitoring Committee meetings. In addition, we will work closely with our Monitoring Committee and the Commission's Technical Committee to discuss lessons learned from the recent process and recommend improvements for the next cycle. We look forward to engaging your staff in those discussions.

Thank you for your consideration of these comments. Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Luisi", written in a cursive style.

Michael Luisi  
Chairman, Mid-Atlantic Fishery Management Council

CC: C. Moore, W. Townsend, B. Beal, J. Hare, E. Gilbert