



Mid-Atlantic Fishery Management Council

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April 14, 2026

Honorable Howard Lutnick, Secretary
U.S. Department of Commerce
1401 Constitution Avenue, NW, Rm 5516
Washington, D.C. 20230

Mr. Eugenio Piñeiro Soler
Assistant Administrator for NOAA Fisheries
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910

Dear Secretary Lutnick and Mr. Piñeiro Soler,

I am writing to convey the Mid-Atlantic Fishery Management Council's (Council) serious concern regarding the delay in publishing the proposed and final rules for the Recreational Measures Setting Process Framework¹ and the implications this has for the 2026 recreational measures² for summer flounder and black sea bass. The Council submitted the final framework document more than eight months ago; however, a proposed rule has yet to be published. As a result, the NOAA Fisheries Greater Atlantic Regional Administrator informed the Council during its meeting last week that the agency cannot implement the 2026 recreational measures for summer flounder and black sea bass that were developed collaboratively by the Council, the Atlantic States Marine Fisheries Commission (Commission), and the states. Instead, the agency intends to enforce non-preferred coastwide measures that the recreational fishing public has no reason to expect and that will prevent a much-anticipated liberalization of measures for black sea bass. This announcement last week came as a shock to many, especially considering that the 2026 recreational fishing season opens in less than three weeks in several states.

This outcome is completely unnecessary and entirely preventable. The Council urges the Department of Commerce and NOAA Fisheries to complete the rulemaking process for the Recreational Measures Setting Process Framework as soon as possible and take immediate action to ensure that the 2026 recreational measures, as recommended by the Council, Commission, and states, are implemented prior to the start of the fishing season in all states.

Background

The Council and Commission jointly manage summer flounder and black sea bass across state and federal waters. For many years, the Council and Commission management process has allowed states the flexibility to develop recreational measures that are tailored to regional differences while still achieving the goals and objectives of the Fishery Management Plan (FMP). Under the current FMP,

¹ Framework 19 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan FMP and Framework 7 to the Bluefish FMP. This action was developed with the Atlantic States Marine Fisheries Commission.

² Recreational measures refers to the bag, size, and season limits.

the Council and Commission adopt a set of non-preferred coastwide measures for these fisheries each year. These measures are intended to be waived in favor of state waters measures if the state measures can be demonstrated to collectively constrain harvest to the appropriate coastwide target.

In 2023, NOAA Fisheries implemented the Percent Change Approach, a new process developed by the Council and Commission to provide greater year-to-year stability and predictability in measures while accounting for uncertainty in recreational catch estimates and placing greater emphasis on stock status. This approach was used to set recreational measures for summer flounder, scup, and black sea bass from 2023 through 2025.

The Council and Commission agreed that the original Percent Change Approach would sunset at the end of 2025 to allow for further evaluation and development of an improved long-term approach. After a thorough and collaborative process, both bodies approved the Recreational Measures Setting Process Framework on April 9, 2025 to maintain the Percent Change Approach indefinitely with the addition of a few improvements. The Council, Commission, and management partners worked diligently to prepare and finalize the relevant documents to support implementation of the framework. The Council submitted the draft framework document on May 30 and the final document on August 1, 2025.

During their December 2025 meeting, the Council and Commission set recreational measures for summer flounder and black sea bass based on an understanding that the Recreational Measures Setting Process Framework would be implemented in a timely manner. They agreed to leave summer flounder recreational measures unchanged in 2026 and also allow states to liberalize their black sea bass measures to achieve a 20% increase in expected harvest. The states then worked through the Commission process to modify their black sea bass measures accordingly.

However, more than eight months have elapsed since final submission of the framework, and a proposed rule has yet to be published. In comparison, NOAA Fisheries published a proposed rule within 24 days of final submission of the framework that implemented the original Percent Change Approach. The contrast with the current situation is troubling given that the prior framework made substantial changes to the FMP while the recent framework only maintains the previously implemented approach with a few improvements.

Consequences of the Delay

The non-preferred coastwide measures for summer flounder and black sea bass are intended to be waived in lieu of state waters measures if the state measures constrain harvest to the appropriate coastwide target. The 2026 measures developed by the states do achieve the appropriate target; however, the Regional Administrator has indicated that the 2025 non-preferred coastwide measures will be enforced in 2026 given that the 2026 state measures cannot be approved without the Recreational Measures Setting Process Framework in place. This will have severe consequences, including:

- **The highly anticipated 20% liberalization for black sea bass will not be realized.** The black sea bass stock has been increasing for many years and is currently more than double the target level. This is the first coastwide liberalization approved by the Council and Commission for black sea bass since 2012 and is highly anticipated by recreational anglers, for-hire businesses, and coastal communities. This liberalization would allow anglers to keep more fish, provide more fishing opportunities, potentially reduce regulatory discards, and increase revenues for for-hire businesses.

- **Measures in some states will be severely restricted.** The non-preferred coastwide measures for both summer flounder and black sea bass are not tailored to individual state needs or regional differences. As such, the non-preferred measures for both species are much more restrictive than the recommended 2026 measures for multiple states.
- **There will be widespread confusion among the recreational fishing public and increased non-compliance.** Non-preferred coastwide measures have never been implemented for these species and are therefore largely unknown to the recreational fishing public. These measures are intended as a formality as part of an administrative process used to ensure states develop measures which collectively constrain harvest to the appropriate target. Imposing these measures when anglers are expecting the same summer flounder measures as last year and liberalized black sea bass measures will generate widespread confusion, frustration, and non-compliance.

Request for Action

The Council strongly urges NOAA Fisheries to approve the Recreational Measures Setting Process Framework and the 2026 recreational measures adopted through the Council, Commission, and state process as soon as possible.

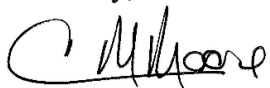
We also request that the agency reconsider its position on the 2026 measures. The delay in publishing a proposed rule for the framework should not prevent approval of the 2026 measures given that the 2026 measures keep harvest within the 2026 RHLs that were published by NOAA Fisheries this February ([91 FR 7896](#)). The original Percent Change Approach expired at the end of 2025; therefore, the management process should revert to the pre-2023 approach, which required only that measures keep harvest within the RHL. The 2026 state measures meet that standard. Enforcement of the 2025 non-preferred coastwide measures is therefore not necessary and the 2026 measures can be approved even without rulemaking on the framework.

Given that it is already mid-April and all states are planning to open their black sea bass seasons in early or mid-May, a typical rule making process for the 2026 measures, including the associated public comment periods, will result in extreme disruption to the recreational fishing season. Therefore, we also urge the agency to consider alternative ways to implement the 2026 recreational measures as soon as possible, perhaps through an interim final rule process, as the agency intends to use for Atlantic mackerel measures, or through emergency rulemaking.

Finally, although we believe the 2026 measures can be approved without implementation of the framework, it is essential to complete the rulemaking process for the framework as soon as possible to avoid further disruption to the management process for 2027 and beyond.

Thank you for your consideration and immediate attention to this critical issue. Please contact me if you have any questions.

Sincerely,



Christopher M. Moore, Ph.D.

CC: J. Cimino, S. Feller, M. Pentony, B. Beal, S. Rauch, K. Denit