



Mid-Atlantic Fishery Management Council
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MEMORANDUM

Date: September 27, 2019
To: Council and Board
From: Julia Beaty, staff
Subject: Recreational Reform Initiative

Summary

In March 2019, the Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission's (ASMFC's) Summer Flounder, Scup, and Black Sea Bass Management Board (Board) established a joint initiative to develop strategies to increase management flexibility and stability for jointly managed recreational fisheries. The initiative is currently focused on black sea bass, but also considers implications for summer flounder, scup, and bluefish.

A steering committee was formed and has met several times. Steering committee membership includes staff from the Council, ASMFC, and NOAA Fisheries, as well as the Council chair, the Council's Demersal Committee chair and vice chair, and the Board chair and vice chair. To date, the steering committee has focused on the concept of pre-determined guidelines to determine when recreational measures (i.e., possession limits, minimum fish sizes, and open and closed seasons) should remain unchanged and potential alternative timelines for annual decision making. Both topics are described in more detail below.

The steering committee recommended the following draft mission statement:

Allow for more regulatory stability and flexibility in the recreational management programs for summer flounder, scup, black sea bass, and bluefish by revising the current annual timeframe for evaluating fishery performance and setting recreational specifications to a new multi-year process.

At their October 2019 joint meeting, the Council and Board will be asked to provide feedback on the concepts developed by the steering committee.

Guidelines for Maintaining *Status Quo* Management Measures

In recent years, *status quo* recreational measures despite projected harvest exceeding the recreational harvest limit (RHL) have been justified on an *ad hoc* basis. The steering committee is exploring development of pre-determined guidelines that could be followed to determine if measures could remain *status quo* in the future. These guidelines would involve consideration of

available data on stock status and recreational harvest. For example, biomass above the target level, fishing mortality below the target, and/or above average or increasing recruitment could suggest that negative impacts on the stock may not result from maintaining *status quo* management measures when a moderate reduction in harvest would otherwise appear to be needed. Maintaining *status quo* may not be appropriate when available data suggest that notable reductions in harvest are needed to prevent RHL overages, when poor stock health is indicated, or if stock rebuilding is required. In years when updated biomass, fishing mortality, and recruitment estimates are not available, other data sources such as state and federal trawl survey indices could be used to evaluate potential changes in stock status; however, the limitations of these data sets should be carefully considered.

In addition, the working group wants to explore and test guidelines that would define the process used to compare projected harvest to the RHL to determine if harvest should be reduced, should remain unchanged, or can be liberalized. The steering committee agreed that guidelines for incorporating uncertainty in the recreational harvest data should be developed. This could include greater consideration of the percent standard error values associated with the recreational estimates and smoothing of outlier estimates as developed by the Monitoring and Technical Committees. In addition, further consideration should be given to the benefits and challenges associated with using preliminary and/or projected recreational data for the current year in this process.

The working group intends to test how harvest projections within a pre-defined percentage of the RHL after accounting for uncertainty (e.g., smoothing outliers) would perform if *status quo* management measures were maintained. This approach would need to be adopted both when restrictions would otherwise be required and when liberalizations would otherwise be allowed. The objective is to develop a standard, repeatable methodology that can be applied to the recreational data each year.

The steering committee agreed that these guidelines should only be applied when stock status is positive (i.e., not overfished and overfishing not occurring). This type of flexibility may not be appropriate for stocks under a rebuilding plan or stocks that are experiencing overfishing.

Two Year Specifications Cycle

The steering committee also discussed the potential of using a two-year specifications cycle to provide greater stability in recreational management measures. The Council and Board currently have the ability to set specifications for multiple years at a time; however, the approach discussed by the steering committee involves setting specifications for two years with a commitment to make no changes in interim years if stock status remains positive (i.e., not overfished and overfishing not occurring). This approach is likely not appropriate if the stock is overfished or experiencing overfishing.

An example timeline for a two-year specifications cycle, with or without conservation equivalency, is shown below. This timeline aligns with the new stock assessment process in the northeast. Under the new process, the Council and Board will receive a black sea bass management track assessment, including estimates of spawning stock biomass, fishing mortality, and recruitment, every other year starting in 2021.

- August of year 0
 - Consider assessment information, Scientific and Statistical Committee, Monitoring Committee, and Advisory Panel recommendations.
 - Adopt RHLs for years 1 and 2.
- November of year 0
 - NOAA Fisheries publishes proposed rule for the RHL in years 1 and 2.
- December of year 0
 - NOAA Fisheries publishes final rule for the RHL in years 1 and 2.
 - Council and Board consider the RHL in years 1 and 2, as well as the pre-defined guidelines described on pages 1-2 to determine if federal and state waters recreational management measures should remain *status quo* or should be modified.
 - Council and Board decide if federal waters recreational measures should be waived in favor of state waters measures through conservation equivalency during years 1 and 2. If conservation equivalency is recommended, then non-preferred coastwide and precautionary default measures for years 1 and 2 should also be recommended. If conservation equivalency is not recommended, then federal recreational management measures for years 1 and 2 should be recommended.
- February of year 1
 - Board approves state management measures and certifies that the suite of measures is expected to constrain harvest to the RHL. Unlike the current process, the Board would not respond to preliminary wave 5-6 or final wave 1-6 data for year 0.
 - Council staff submits federal recreational measure package to NOAA Fisheries. If conservation equivalency is recommended, the package includes the non-preferred coastwide and precautionary default measures for years 1 and 2. If conservation equivalency is not recommended, the package includes the federal waters recreational possession limit, minimum fish size, and open season for years 1 and 2.
- March/April of year 1
 - NOAA Fisheries publishes proposed rule for year 1 and 2 recreational measures.
- April/May of year 1
 - NOAA Fisheries publishes proposed rule for year 1 and 2 recreational measures.
- Summer of year 1
 - Northeast Fisheries Science Center (NEFSC) provides catch and landings information for year 0 (i.e., a data update). This information is used to determine if an annual catch limit (ACL) overage occurred and if a response is needed.
- January of year 2
 - Year 2 RHL and recreational management measures as previously approved would remain in place.
- Summer of year 2
 - NEFSC provides a management track assessment which is used to develop specifications for years 3 and 4 following the process described above for years 1 and 2.

Further consideration is needed regarding how accountability measures will factor into this process, including the appropriate response to an ACL overage identified in an interim year and if changes to the current ACL overage evaluation methodology are needed.

Next Steps

It is anticipated that a technical working group will be formed at a later date to carry out technical and policy analyses of any potential strategies supported by the Council and Board. Depending on the changes recommended for consideration, a joint amendment or framework action may be required.