



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

Michael P. Luisi, Chairman | P. Weston Townsend, Vice Chairman

Christopher M. Moore, Ph.D., Executive Director

M E M O R A N D U M

Date: September 25, 2020
To: Chris Moore, Executive Director
From: Julia Beaty, staff
Subject: Recreational Management Reform Initiative

During their October 2020 joint meeting, the Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission’s Policy Board (Board) will discuss next steps for the Recreational Reform Initiative. This initiative addresses all four jointly managed recreational species (i.e., summer flounder, scup, black sea bass, and bluefish).

The following topics have been considered for potential inclusion in this initiative. These topics are described in more detail in the briefing materials behind this tab. The Council and Board should discuss which topics are the highest priority for further development and should consider initiating a framework/addendum or amendment to address the highest priority topics.

Council staff recommend prioritization of topics 1, 2, 3, and 5 below for development through a joint framework/addendum. Other topics may require more extensive consideration and analysis and could be pursued through a longer-term management action.

Potential Topics for the Recreational Reform Initiative

- 1) Better incorporate MRIP uncertainty into management (see document 1 below)
- 2) Develop guidelines for maintaining status quo measures (see document 1 below)
- 3) Develop a process for setting multi-year measures (see document 1 below)
- 4) Consider improvements to process used to make changes to state and federal waters management measures (see document 1 below)
- 5) Consider changes to the timing of federal waters measures recommendations (see document 1 below)
- 6) Recreational sector separation (see document 2 below)
- 7) Recreational catch accounting (see document 2 below)
- 8) Recreational accountability (see document 2 below)
- 9) Harvest control rule proposed by 6 recreational organizations (see document 2 below)

Items Behind This Tab

- 1) Draft outline of the Recreational Reform Initiative developed by the Recreational Reform Steering Committee

- 2) Staff memo dated September 25, 2020 on topics removed from other amendments which may be considered through the Recreational Reform Initiative
- 3) Staff memo dated July 27, 2020 on which potential options currently under consideration could likely be pursued through an FMP framework/addendum and which would likely require an FMP amendment
- 4) Summary of July 14, 2020 Recreational Reform Steering Committee call
- 5) Summary of May 28, 2020 Monitoring Committee discussion of the Recreational Reform Initiative
- 6) Additional comments on Harvest Control Rule from Adam Nowalsky

Recreational Management Reform

Joint initiative of the Mid-Atlantic Fishery Management Council (MAFMC), Atlantic States Marine Fisheries Commission (ASMFC), and the NOAA Fisheries Greater Atlantic Regional Fisheries Office (GARFO) addressing recreational management of black sea bass, summer flounder, scup, and bluefish

Draft initiative outline developed by the Recreational Management Reform Steering Committee
This document is intended for discussion purposes by the Monitoring and Technical Committees.
It has not been approved by the MAFMC and ASMFC for other purposes.

4/27/2020

Goal/Vision

- **Stability** in recreational management measures (bag/size/season)
- **Flexibility** in the management process
- **Accessibility** aligned with availability/stock status*

* This component of the goal/vision is meant to address the perception from some stakeholders that management measures are not aligned with stock status (e.g., restrictive black sea bass measures when spawning stock biomass is more than double the target level). The intent is not to circumvent the requirement to constrain recreational catch to the annual catch limit, nor is the intent to change the current method for deriving catch and landings limits as defined in the fishery management plans (FMPs).

Objective 1: Better incorporate uncertainty in the MRIP data into the management process

- This is not a standalone objective. Everything listed below could be used in conjunction with all other objectives.
- Adopt a process for **identifying and smoothing outlier estimates**, to be applied to both high and low outlier estimates as appropriate. Develop a standard, repeatable process to be used each year. The Monitoring and Technical Committees would maintain the discretion to deviate from this process if they provide justification for doing so. The process currently used by the Monitoring and Technical Committees is not codified in the FMPs; therefore, it is not anticipated that a change to this method would require an FMP framework/addendum or amendment. However, it would be beneficial to include an approved process in a technical statement of organization, practices, and procedures (SOPPs) document for the development of recreational measures.
 - *Status*: Starting in 2018, the Summer Flounder, Scup, Black Sea Bass Technical Committee recommended using the Modified Thompson's Tau approach to identify outlier MRIP estimates. They used two different approaches to smooth two black sea bass outlier estimates (i.e., New York 2016 wave 6 for all modes and New Jersey 2017 wave 3 private/rental mode only). They agreed that the appropriate smoothing method may vary on a case by case basis.
 - *Potential next steps*: Establish a process to be used for all four species to identify and smooth outlier MRIP estimates, as appropriate. The process described above

for black sea bass could be used for this purpose. Discuss whether smoothed estimates should be used in other parts of the process, in addition to determining if changes to recreational management measures are needed (e.g., ACL evaluation and discards, should low estimates also be smoothed). Guidelines for how these smoothed estimates will be used should also be established. Monitoring/Technical Committee input would be beneficial.

- *Suggested immediate next step*: Task the Monitoring/Technical Committees with developing a draft process for identifying and smoothing outlier MRIP estimates for all four species.
- Use an **envelope of uncertainty approach** when determining if changes in recreational management measures are needed. Under this approach, a certain range above and below the projected harvest estimate (e.g., based on percent standard error) would be defined to be compared against the upcoming year's RHL. If the RHL falls within the pre-defined range above and below the projected harvest estimate, then no changes would be made to management measures. The intent is to develop a standard, repeatable, and transparent process to be used each year. The Monitoring and Technical Committees would maintain the discretion to deviate from this process if they saw sufficient justification to do so. The process currently used by the Monitoring and Technical Committees to determine if changes are needed to recreational management measures is not codified in the FMPs; therefore, a change to this method may not require an FMP framework/addendum or amendment. However, it would be beneficial to include an approved process in a technical SOPPs document for the development of recreational measures.
- *Status*: The 2013 Omnibus Recreational Accountability Measures Amendment considered a similar approach using confidence intervals around catch estimates to determine if the recreational ACL had been exceeded; however, that amendment proposed using only the lower bound of the confidence interval, rather than the upper and lower bounds. For this reason, that portion of the amendment was disapproved by NOAA Fisheries. In some recent years, the Monitoring and Technical Committees have made arguments for maintaining *status quo* measures for black sea bass and summer flounder based on percent standard error (PSE) values associated with MRIP estimates.
 - *Potential next steps*: Work with the Monitoring/Technical Committee to define the most appropriate confidence interval around the projected harvest estimate for comparison against the upcoming year's RHL (e.g., +/- 1 PSE). Technical analysis (e.g., simulations) may also be needed to evaluate the impacts of maintaining *status quo* recreational management measures when small to moderate restrictions or liberalizations would otherwise be required or allowed.
 - *Suggested immediate next step*: Task the Monitoring/Technical Committee with developing recommendations for this approach.
- **Evaluate the pros and cons of using preliminary current year data** combined with data from a single previous year, or multiple previous years, to project harvest for comparison against the upcoming year's RHL. The FMPs do not currently prescribe which data should be used to develop recreational management measures, beyond requiring use of the best scientific information available. If the Council and Board wish to provide guidance to the Monitoring and Technical Committees on which data to use, or if they wish to place restrictions on the use of certain types of data (e.g., preliminary

current year data), then a technical SOPPS document or an FMP framework/addendum or amendment may be necessary

- *Status:* Each year MAFMC staff develop initial projections of recreational harvest of summer flounder, scup, and black sea bass in the current year to compare against the upcoming year's RHL. These projections combine preliminary current year harvest estimates through wave 4 with the proportion of harvest by wave in one or more past years. The Monitoring Committee provides recommendations on the appropriate methodology in any given year and the data used (e.g., one or multiple previous years) varies on a case by case basis. A different process is used for bluefish. Historically, expected bluefish recreational harvest has been evaluated when considering a recreational to commercial transfer. Expected bluefish harvest was typically based on the previous year or a multiple year average and did not account for preliminary current year data. These different methodologies were developed based on Monitoring Committee guidance and are not prescribed in the FMP. The Recreational Reform Steering Committee has suggested that consideration should be given to the appropriateness of using preliminary current year data and data from one or multiple previous years. No progress has been made on this topic beyond preliminary discussions at the steering committee level.
- *Potential next steps:* Evaluate the various methodologies that have been used to project recreational harvest of the four species in the past and how this intersects with other changes under consideration (e.g., setting measures for two years at a time, objective 3). Discuss if changes should be considered and if analysis is needed.
- *Suggested immediate next step:* Seek Monitoring/Technical Committee input on whether changes to the current process for calculating expected recreational harvest are needed.

Objective 2: Develop guidelines for maintaining *status quo* measures

- This is not a standalone objective. It could be used in conjunction with objectives 1, 3 (with the exception of the interim year, as described under objective 3), and 5.
- Develop a process for considering both recreational harvest data (all considerations under objective 1 could apply) and multiple stock status metrics (biomass, fishing mortality, recruitment) when deciding if measures should remain unchanged. For example, poor or declining stock status indicators could require changes when *status quo* would otherwise be preferred. Depending on the specific changes under consideration, an FMP framework/addendum or amendment may be necessary, or a technical SOPPS document could be developed.
 - *Status:* The steering committee drafted a preliminary example which was discussed at the [October 2019 joint Council/Board meeting](#).
 - *Potential next steps:* Recommend draft guidelines for maintaining *status quo* measures and consider which, if any, types of technical analysis are needed to consider the potential impacts. Consider if socioeconomic factors (e.g., trends in fishing effort) should also be included in these guidelines.
 - *Suggested immediate next step:* Seek Monitoring/Technical Committee input on the initial draft guidelines developed by the steering committee.

Objective 3: Develop process for setting multi-year recreational management measures

- This is not a standalone objective. It could be used in conjunction with objectives 1, 2, and 5.
- Develop a process for setting recreational management measures for two years at a time with a commitment to making no changes in the interim year. This would include not reacting to new data that would otherwise allow for liberalizations or require restrictions. Objective 2 (control rules for maintaining *status quo* measures) would not apply in the interim year. Everything under objective 1 (incorporate uncertainty in the MRIP data) could also apply here. An FMP framework/addendum may be needed to make this change. For example, changes to the current accountability measure regulations may be needed. Additional discussions with GARFO are needed regarding Magnuson-Stevens Act requirements.
 - *Status:* The steering committee drafted a preliminary example process which was discussed at the [October 2019 joint Council/Board meeting](#). Previous steering committee discussions indicated that this is a high priority topic and it is central to the draft mission statement previously proposed by the steering committee (i.e., 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.)
 - *Potential next steps:* Consider if changes are needed to the draft timeline included in the [October 2019 joint meeting briefing materials](#). Further evaluate how the Magnuson-Stevens Act requirement for annual evaluation of annual catch limit overages and accountability would factor into this approach.
 - *Suggested immediate next step:* Work with GARFO to determine if there are major impediments to this potential change based on Magnuson-Stevens Act requirements.

Objective 4: Consider improvements to the process used to make changes to state and federal recreational management measures

- This is not a standalone objective. It could be used in conjunction with objectives 1, 3 (with the exception of the interim year, as described under objective 3), and 5.
- The steering committee has discussed various considerations related to maintaining *status quo* management measures; however, they have not discussed the process that should be used when changes are needed. In recent years, federal waters measures have been adjusted at the coastwide level and state waters measures have been adjusted at the state/region and wave level. Improvements to various aspects of the current process for changing measures may warrant consideration. Topics which could be addressed could include state by state versus regional management measures, the federal conservation equivalency process, guidelines for using MRIP data at coastwide/regional/state/wave/mode levels, using data sources other than MRIP, and other topics. Depending on the specific changes desired, this may require an FMP framework/addendum or amendment.
 - *Status:* Not currently identified as a priority by the steering committee.

- *Suggested immediate next step*: Clarify if this is a priority for the Council and Board and which specific topics should be addressed.

Objective 5: Consider making recommendations for federal waters recreational management measures earlier in the year

- This is not a standalone objective. Everything listed below could be used in conjunction with all other objectives.
- The steering committee has discussed the idea of recommending federal waters recreational management measures in August or October rather than December of each year (or every other year, see objective 3). The current process of recommending federal waters measures for the upcoming year in December can pose challenges for implementing needed changes in both federal and state waters in a timely and coordinated manner. It also limits how far in advance for-hire businesses can plan their trips for the upcoming year. In recent years, changes to the federal recreational measures for summer flounder, scup, and/or black sea bass have not been implemented until May-July of the year in which the changes are needed. Adopting recommendations for federal waters measures in August or October could allow for changes to be implemented earlier in the year; however, fewer data on current year fishery performance would be available for consideration. If there is a significant change in the process to establish measures, an FMP framework/addendum or amendment may be necessary.
 - *Status*: Has been identified by steering committee as a potential priority, but the pros and cons have not yet been given thorough consideration.
 - *Potential next steps*: Evaluate the pros and cons of this change and how it would intersect with other changes under consideration (e.g., setting measures for two years at a time, objective 3). Discuss if analysis is needed. Monitoring/Technical Committee input could be beneficial, especially regarding implications related to the timing of data availability.
 - *Suggested immediate next step*: Seek Monitoring/Technical Committee input on the pros and cons of recommending federal waters recreational management measures for the following year in August, October, or December of the current year.

Steering Committee membership (in alphabetical order):

Julia Beaty (MAFMC staff)
 Joe Cimino (MAFMC Summer Flounder, Scup, Black Sea Bass Committee Vice Chair)
 Justin Davis (ASMFC Summer Flounder, Scup, Black Sea Bass Management Board Vice Chair)
 Tony DiLernia (MAFMC Summer Flounder, Scup, Black Sea Bass Committee Chair)
 Emily Keiley (GARFO staff)
 Toni Kerns (ASMFC staff)
 Mike Luisi (MAFMC chair)
 Adam Nowalsky (ASMFC Summer Flounder, Scup, Black Sea Bass Management Board Chair)
 Mike Ruccio (GARFO staff)
 Caitlin Starks (ASMFC staff)



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

Michael P. Luisi, Chairman | P. Weston Townsend, Vice Chairman

Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: September 25, 2020
To: Chris Moore, Executive Director
From: Julia Beaty, staff
Subject: Topics Removed from Other Amendments Which May Be Considered Through the Recreational Reform Initiative

The Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission's (Commission's) Summer, Flounder, Scup, and Black Sea Bass Management Board and Bluefish Management Board (Boards) are developing two Fishery Management Plan (FMP) amendments to consider revising the allocations of total allowable catch or landings between the commercial and recreational sectors for summer flounder, scup, black sea bass, and bluefish. The Council and Boards agreed to remove four topics from further development through these amendments but expressed a desire to potentially further develop them through the Recreational Reform Initiative. These topics include recreational sector separation, a harvest control rule proposed by six recreational organizations, recreational accountability, and recreational catch accounting. This document briefly summarizes those four topics and relevant input from the Fishery Management Action Teams (FMAT) and Recreational management Reform Steering Committee.

1. Recreational Sector Separation

Recreational sector separation would entail managing the for-hire components of the recreational fisheries separately from anglers fishing on private or rental boats and from shore. The Council and Boards agreed that this topic should not be further considered through the ongoing amendments for summer flounder, scup, black sea bass, and bluefish and instead should be considered separately in a comprehensive manner for all four species.

Recreational sector separation could be considered through either separate allocations to the for-hire sector and private anglers (including anglers fishing from private or rental boats and from shore), or as separate management measures for the two recreational sectors without a fully separate allocation, as summarized below.

1.1 Separate sub-allocation of the recreational annual catch limit or recreational harvest limit to for-hire sector and private anglers

This option would specify within the FMP a separate percentage allocation to the for-hire recreational sector of either the ABC, the recreational ACL, or the RHL. There are several potential ways in which a separate allocation could be created for the for-hire sector as described

below and illustrated in **Figure 1**. The differences between some options are nuanced, and the pros and cons of each approach should be further explored.

- A. Current FMPs:** The ABC is divided into the recreational ACL and the commercial ACL for summer flounder, scup, and black sea bass and the recreational ACT and commercial ACT for bluefish. Projected recreational discards are removed from the recreational ACL/ACT to derive the RHL. Both the private and for-hire recreational sectors are held to a single combined ACL/ACT and RHL, and performance evaluation and AMs are applied to both fisheries together.
- B. Separate ACLs:** The ABC would be allocated three ways: into a private recreational ACL, a for-hire recreational ACL, and a commercial ACL. This method would require development of these three allocations, as well as separate AMs for the private recreational and for-hire sectors.
- C. Recreational Sub-ACLs:** The ABC would remain divided into the recreational ACL and commercial ACL based on the allocation approach defined in the FMPs. The recreational ACL would be further allocated into private and for-hire sub-ACLs. This method would also require development of separate AMs for the private recreational and for-hire sectors.
- D. Separate RHLs:** The private recreational and for-hire sectors would remain managed under a single recreational ACL. Separate RHLs could be developed for each sector for the purposes of determining management measures. Accountability under this option would likely be partially at the RHL level (in the sense that performance to the RHL would likely be evaluated for each recreational sector for the purposes of adjusting future management measures to constrain harvest to the RHL) and partially at the ACL level (in the sense that AMs must be established at the ACL level to trigger a response if the entire recreational ACL is exceeded). This approach includes separate management of harvest only; dead discards are not included in RHLs and would be accounted for at the ACL level.

Note that any approach creating separate ACLs or sub-ACLs would require the development of corresponding separate AMs.

In addition to determining where sector separation occurs, consideration should be given to which data sources and methods to use for sector allocation, including:

- How to use MRIP and/or VTR data in the allocations;
- Whether to allocate using catch (landings and dead discards) or harvest (related to the question of whether to allocate at the ACL or RHL level);
- Whether to allocate in numbers of fish or pounds;
- The base years or other method of evaluating this recreational sector data.

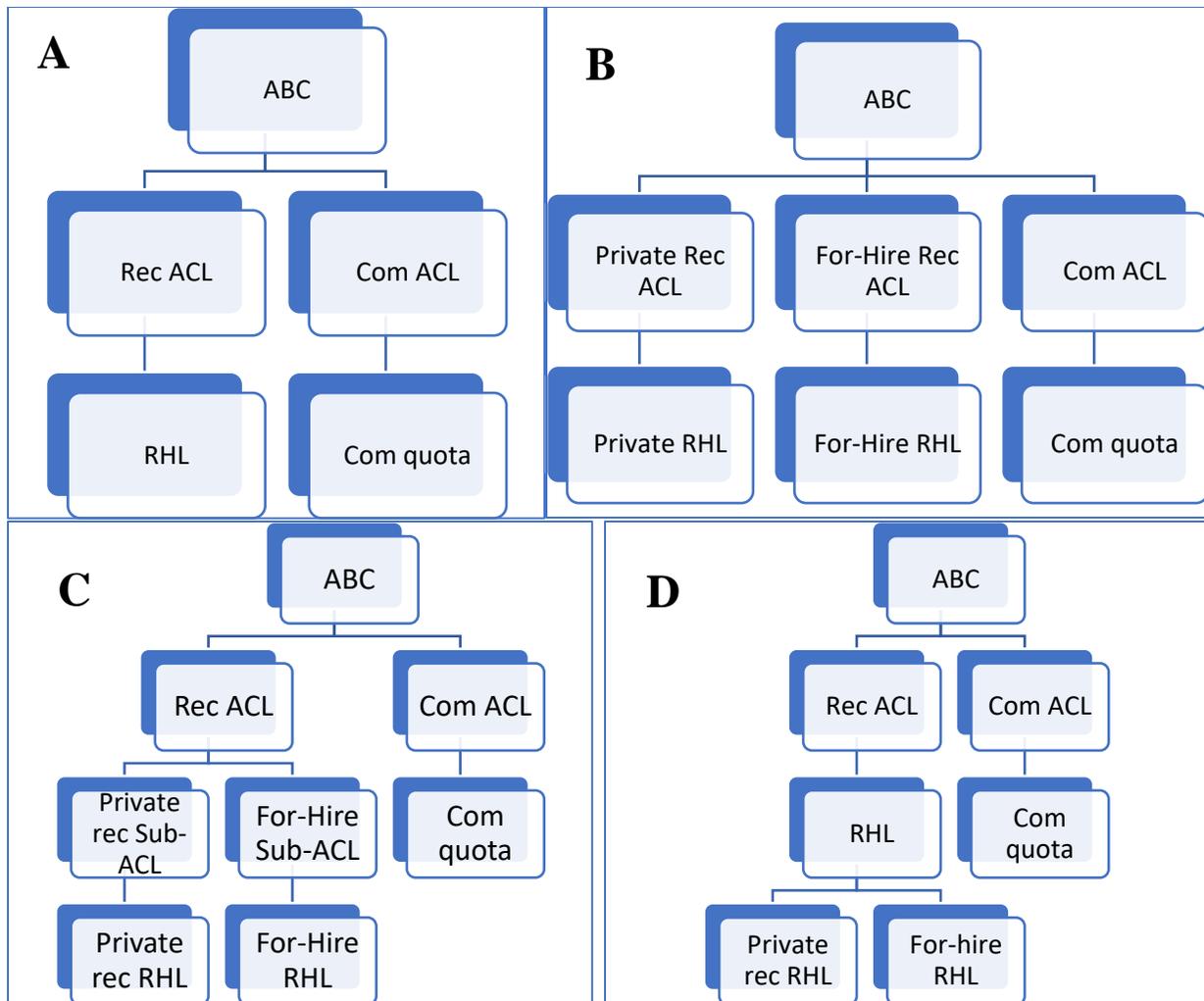


Figure 1: Conceptual flowcharts of potential recreational sector separation configurations including A) status quo, B) separate ACL allocations, C) Sub-ACL allocations, and D) separate RHLs. Note that this figure is based on the current management program for summer flounder, scup, and black sea bass. As noted above, the commercial/recreational allocation for bluefish currently occurs at the ACT level.

Many scoping comments expressed an interest in sector separation to better make use of for-hire VTR data, which some stakeholders perceive as being more accurate due to for-hire reporting requirements. However, there are also some concerns about the accuracy of self-reported VTR data. VTR data also include only estimates of numbers of fish, not weight, so incorporating VTR data into allocations would require either establishing allocations based on numbers of fish, developing a method to estimate weights of harvested and discarded fish from the numbers reported on VTRs, or adding a required data field for weight to VTRs. It is important to note that most states do not require that state-only permitted vessels are not required to submit VTRs and data from these groups would be missing if VTRs were used to determine for-hire allocations.

On average, for-hire VTR harvest is lower than the MRIP for-hire estimates since 1995 (**Figure 2**).

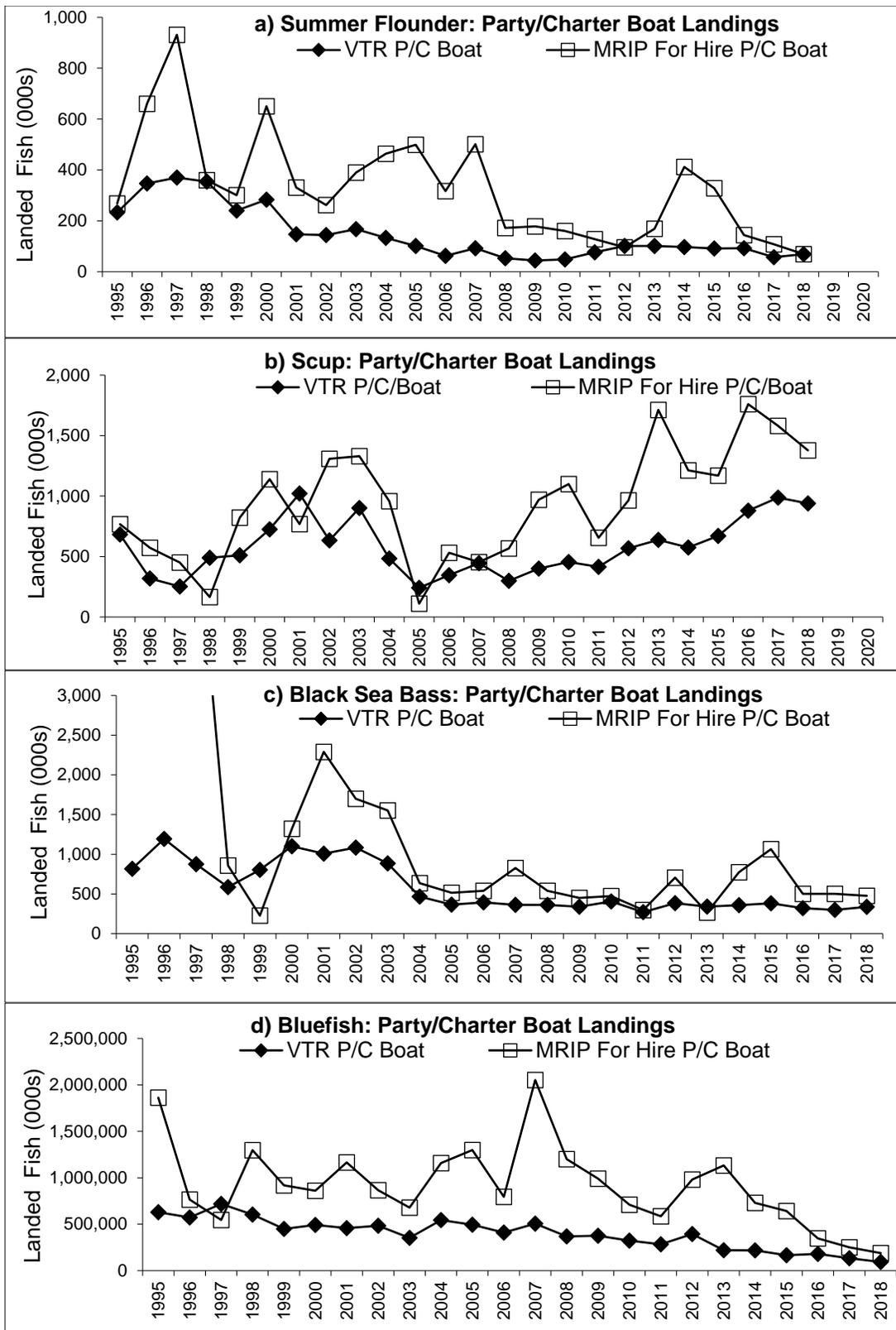


Figure 2: Comparison of federal party/charter vessel VTR estimates of landed fish vs. MRIP estimated for-hire landed fish, 1995-2018, for a) summer flounder, b) scup, c) black sea bass, and d) bluefish.

The FMAT for the Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment noted that there is currently some "borrowing" of data between the private angler and for-hire fisheries in the estimation process. There are two separate effort surveys for each recreational sector that go into MRIP. For-hire estimation by MRIP incorporates some information from VTRs. While separate estimates for each recreational sector could serve as a basis for managing them separately, if the sectors were split completely, improvements would likely be needed in the sampling efforts for both sectors. Currently, much of the for-hire sampling for summer flounder, scup, and black sea bass is focused on discards, which provides information on the length frequency distribution of discarded fish that contributes to the discard estimates for the entire recreational fishery. For landings, many of the measurements come from private anglers, which influences the mean weight of landed fish used to generate recreational harvest estimates. Private angler and for-hire data streams may both need additional biological sampling under sector separation.

Separate dead discard estimates in weight are not currently available by recreational sector. Technically it would be possible to generate these estimates, but it may not be entirely defensible. Calculation of sub-allocation options at this stage could use total dead catch in numbers of fish (for catch-based allocations for separate ACLs or sub-ACLs), or total harvest in numbers of fish or pounds (for harvest-based allocations for separate RHLs). Example allocations based on harvest in numbers of fish are shown in **Table 1**.

The existing commercial/recreational allocation base years from the 1980s and 1990s may not be appropriate given the changes in for-hire and private recreational effort and catch since that time. Since sector-separation has never been in place for these species, recent data is likely more appropriate to determine the allocations between these fisheries.

Table 1: Example approaches for calculating separate sub-allocations to private and for-hire sectors, based on harvest in numbers of fish.

Species	Approach	Years	Private	For-Hire
Summer Flounder	5 most recent years through 2018	2014-2018	94%	6%
	10 most recent years through 2018	2009-2018	95%	5%
	15 most recent years through 2018	2004-2018	95%	5%
Scup	5 most recent years through 2018	2014-2018	89%	11%
	10 most recent years through 2018	2009-2018	88%	12%
	15 most recent years through 2018	2004-2018	88%	12%
Black Sea Bass	5 most recent years through 2018	2014-2018	86%	14%
	10 most recent years through 2018	2009-2018	87%	13%
	15 most recent years through 2018	2004-2018	82%	18%
Bluefish	5 most recent years through 2018	2014-2018	97%	3%
	10 most recent years through 2018	2009-2018	96%	4%
	15 most recent years through 2018	2004-2018	95%	5%

The Summer Flounder, Scup, Black Sea Bass Commercial/Recreational Allocation FMAT recommends consideration of the sub-ACL approach to recreational sector separation. Sector separation at the catch limit level (vs. landings limit level) is consistent with the FMAT's support for moving toward catch-based allocations. The FMAT noted that separation at the RHL level allows for separate management measures but does not represent full separation and would need to include joint accountability to a combined recreational ACL, which could be problematic if one sector contributes more to an overage than the other. Separation at the catch limit level allows for consideration of different discard trends by sector and for the full separation of accountability for overages.

The FMAT recommended the sub-ACL approach over ACL separation, first because it would allow the commercial/recreational allocation to be determined separately from the for-hire/private allocation, rather than creating a three-way allocation that would complicate the other decisions in this document. In addition, it maintains a structure which acknowledges that both the for-hire and private/shore modes are recreational fisheries and still may require shared management strategies at some level, as reflected in many scoping comments. It also maintains a greater separation between the commercial and recreational fisheries than separation at the ACL level.

The FMAT noted that the uncertainty in the recreational data by mode is an important consideration when determining if separate management by recreational sector is appropriate. Because the uncertainty in the MRIP data increases as it is broken down by wave, state, and mode, the Council and Board will need to consider whether the benefits of sector separation outweigh the drawback of increased uncertainty when using mode-specific data to set and evaluate catch limits and recreational measures.

MRIP percent standard errors (PSEs) were queried for the North and Mid-Atlantic regions (Maine through Virginia) for all for-hire modes combined and private/rental/shore modes combined. Table 2 demonstrates that the PSEs do increase for the for-hire mode when separated from the combined mode data. PSEs for the private/shore modes combined are slightly higher than those for all modes combined, but there is less of a difference from the combined modes PSEs given that private and shore estimates account for most of the harvest for these three species. PSEs also vary by species, with summer flounder having the lowest PSEs, followed by black sea bass and scup.

The FMAT considered the possible use of VTR data in these options (see the allocation options discussion below), but ultimately recommended against incorporating VTR data into these alternatives. The FMAT notes that there are not comparable estimates of uncertainty for VTR data because these data are not an expanded estimate associated with sampling uncertainty.

Table 2: MRIP PSEs for total catch in numbers of fish, North and Mid-Atlantic (Maine through Virginia) for summer flounder, scup, and black sea bass by mode, 2004-2019.

Year	Summer Flounder			Scup			Black Sea Bass		
	All For-Hire	Private/Shore	All modes	All For-Hire	Private/Shore	All modes	All For-Hire	Private/Shore	All modes
2004	13.8	5.9	5.7	28.4	15.4	14.4	19.7	16.3	14.2
2005	11.3	7.4	7.1	27.1	19.6	19.1	16.9	12.4	11
2006	16.8	8	7.7	18.1	16.1	15.4	15.3	11.1	9.8
2007	10.9	6.7	6.4	16.5	15.3	14.3	10.4	10.9	9.2
2008	10.1	6.5	6.3	16.8	11.6	10.5	9.5	15.7	14.4
2009	10.1	5.8	5.7	15.1	11.5	10.6	10.3	10.2	9.3
2010	12.6	6.8	6.7	24.8	10.4	9.8	12.0	23.2	21.8
2011	9.3	6.6	6.5	18.8	15.2	14.5	12.4	10.5	9.7
2012	9.9	11.3	11.1	16.4	12.3	11.3	10.1	9.7	9.1
2013	12.9	8.2	8.0	7.9	11.7	10.6	6.8	9	8.5
2014	18.2	8.6	8.2	17.8	10.5	9.7	13.5	8.4	7.6
2015	12.2	8	7.7	14.0	15.6	14.8	12.0	10.2	9.1
2016	8.5	8	7.8	10.6	10.5	10.0	7.1	8.5	7.9
2017	13.5	10.7	10.4	8.0	13.5	12.7	6.6	11.8	11.1
2018	8.7	6.6	6.4	9.2	8.6	8.1	9.6	6.3	5.7
2019	12.6	8.8	8.6	10.7	6.7	6.1	8.7	6.5	5.9
AVG	11.9	7.7	7.4	16.6	13.2	12.4	11.5	11.6	10.6

1.2 Create policy for development of separate management measures for for-hire vs. private rental (without separate allocation of ACL or RHL)

Rather than creating a separate allocation for the for-hire sector, a degree of sector separation could be achieved by setting different management measures to account for the differing priorities of and data sets for-hire vs. private anglers.

Separate management measures by recreational sector are currently used in the bluefish fishery in federal and state waters and in a limited manner in state waters for scup and black sea bass. In the states of New York and north, there are different scup possession limits to the for-hire sector at certain times of year. For black sea bass, Connecticut has a different possession limit for for-hire vessels during a certain time of the year.

It would be beneficial to develop a policy on how sector-specific measures should be developed, how accountability should be evaluated, and how adjustments are applied to both recreational sectors. Creating a framework for future sector-specific adjustments would reduce confusion when future adjustments are necessary for one or both recreational sectors, and would clarify the process for stakeholders and managers, reducing process uncertainty and increasing transparency when setting recreational measures each year.

Creating a policy for separate measures for for-hire vs private anglers does not require an amendment. This could possibly be done through specifications, or if not, through a framework/addendum process. If separate allocations were created as described under section 1.1, describing the process for setting separate recreational measures would be an inherent part of that option.

2. Harvest Control Rule

Six recreational organizations submitted a proposal called a Harvest Control Rule through the scoping period for the Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment.¹ This was originally put forward as an allocation proposal; however, after considering the advice of the FMAT and the Recreational Reform Steering Committee, the Council and Board agreed that the allocation aspects of this proposal are not feasible under the current requirements of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). They expressed an interest in further considering the aspects of the proposal which address the setting of recreational management measures, considered independently from the commercial/recreational allocation aspects of the proposal. Specifically, the Recreational Reform Steering Committee agreed that the proposal's recommendation for pre-determined recreational management measure "steps" associated with different biomass levels warrants further consideration and could be feasible under current MSA and FMP requirements.

The conceptual idea behind this part of the proposal is to determine a range of pre-defined management measures which would be used at different biomass levels. The upper and lower bounds of these management measure "steps" would be informed by input from recreational stakeholders. The proposal states that the most liberal step would include the most liberal set of measures preferred by anglers when biomass is high. The proposal suggests that beyond a certain level, anglers do not "need" a smaller minimum fish size, higher bag limit, or longer open season. The most conservative step would include the most restrictive measures which could be tolerated without major loss of businesses such as bait and tackle shops and party/charter businesses. The proposal also suggests that there is a point at which making measures more restrictive no longer has a conservation benefit. These ideas are largely conceptual at this stage and have not been fully developed or analyzed. Fully developing these concepts would require extensive stakeholder input to meet the intent of the proposal.

The FMAT discussed that the MSA requires that ACLs be set each year in pounds or numbers of fish, and that each ACL have associated AMs to prevent exceeding the ACL and to trigger a management response if an ACL is exceeded. The FMP must define a way to measure total removals (total dead catch) and to evaluate performance relative to an ACL set in numbers of fish or pounds. This does not mean it's impossible to start with preferred measures and translate those into catch, but managers are still required to demonstrate that catch associated with the measures is not expected to exceed the ACL. Ultimately, managers must demonstrate that measures are expected to prevent overfishing.

To comply with these MSA requirements, each set of recreational measures should be clearly associated with projected catch levels. One concern with this approach is the feasibility of accurately predicting catch levels at each of the management measure steps. Even when recreational measures have remained similar across years, the resulting MRIP estimates can vary significantly. Total dead catch can vary substantially with external factors such as changing total and regional availability, recruitment events, or changing effort based on factors other than management measures. For these reasons, the Recreational Reform Steering Committee emphasized that the pre-determined management measure steps, especially the upper and lower bounds, would be a starting point for consideration and would need to be regularly re-evaluated.

¹ The full proposal can be found on pages 147-152 of this document: https://www.mafmc.org/s/Tab02_SFSBSB-ComRec-Allocation-Amd_2020-05.pdf.

The Council and Board could not commit to maintaining recreational management measures within a pre-determined range; however, the range could be put forward as a target.

The proposal suggests that higher levels of biomass correspond to higher levels of access, which could allow for liberalization of recreational measures. However, under current recreational fishery capacity, effort and catch can scale with biomass and availability, in some cases even under highly restrictive recreational measures. This complicates the assumption that recreational measures can liberalize when biomass increases. In addition, changes in the recreational fishery over time (e.g., general effort increases, species-specific effort changes, legal/policy constraints, and improved technology for targeting fish) further complicate the assumption that past recreational measures can be used to estimate expected future catch.

The FMAT for the Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment and the Recreational Management Reform Steering Committee agreed that there are benefits to the transparency provided by a tiered management approach with clearly defined measures at each level. Additional exploration of the relationship between the effectiveness of recreational management measures and estimated biomass would also be worthwhile.

While some suggestions have been made for how to analyze and determine optimal recreational access levels and associated management measures at each biomass threshold, expertise outside of the FMAT and Council/Board would likely be required.

3. Recreational Accountability

The theme of increased recreational accountability was prominent in many scoping comments for the Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment. For example, some comments suggested more frequent recreational overage paybacks and bringing back recreational in-season closures.

At their June joint meeting, the Council and Board discussed this issue and agreed to remove it from the Commercial/Recreational Allocation Amendment. However, they also passed a motion to “consider initiating an action by the end of 2020 to develop a recreational accountability and accounting joint action.”

Current Recreational Accountability Measures

The following section summarizes the current recreational AMs for summer flounder, scup, and black sea bass. The bluefish AMs are similar but contain additional provisions for when the ACL was exceeded and a recreational to commercial transfer occurred.

Federal regulations include proactive AMs to prevent the recreational ACL from being exceeded and reactive AMs to respond when an ACL is exceeded. Proactive recreational accountability measures include **adjusting management measures (bag limits, size limits, and season) for the upcoming fishing year** that are designed to prevent the RHL and ACL from being exceeded. The NMFS Regional Administrator no longer has in-season closure authority for the recreational fishery if the RHL or ACL is expected to be exceeded. For reactive AMs, **paybacks of ACL overages may be required in a subsequent fishing year, depending on stock status and the magnitude of the overage**, as described below. ACL overages in the recreational fishery are evaluated by comparing the most recent 3-year average recreational ACL against the most recent 3-year average of recreational dead catch (i.e., landings and dead discards). If average catch exceeds the average ACL, then the appropriate AM is determined based on the following criteria:

1. If the stock is overfished ($B < \frac{1}{2} B_{MSY}$), under a rebuilding plan, or the stock status is unknown: The exact amount, in pounds, by which the most recent year's recreational ACL has been exceeded, will be deducted in the following fishing year, or as soon as possible once catch data are available.
2. If biomass is above the threshold, but below the target ($\frac{1}{2} B_{MSY} < B < B_{MSY}$), and the stock is not under a rebuilding plan:
 - If only the recreational ACL has been exceeded, then adjustments to the recreational management measures (bag, size, and seasonal limits) would be made in the following year, or as soon as possible once catch data are available. These adjustments would take into account the performance of the measures and the conditions that precipitated the overage.
 - If the Acceptable Biological Catch ($ABC = \text{recreational ACL} + \text{commercial ACL}$) is exceeded in addition to the recreational ACL, then a single year deduction will be made as a payback, scaled based on stock biomass. The calculation for the payback amount in this case is: $(\text{overage amount}) * (B_{msy} - B) / \frac{1}{2} B_{msy}$.
3. If biomass is above the target ($B > B_{MSY}$): Adjustments to the recreational management measures (bag, size, and seasonal limits) would be considered for the following year, or as soon as possible once catch data are available. These adjustments would take into account the performance of the measures and the conditions that precipitated the overage.

The current AMs were established through the Omnibus Recreational Accountability Amendment (adopted in 2013). This amendment removed the in-season closure authority held by the NMFS regional administrator, which allowed for coastwide closures of the recreational fisheries if they were projected to exceed the RHL based on preliminary data. This amendment also increased the flexibility in evaluation and response to recreational overages given the uncertainty associated with the MRIP data and tied overage responses to stock status as described above. Much of the rationale for the changes made through this amendment remains valid. For example, the timing of recreational data availability and the potential for revisions between preliminary and final estimates still pose challenges for in-season closures.

4. Recreational catch accounting alternatives

The theme of improved recreational catch accounting was prominent in many scoping comments for the Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment. Examples of changes to recreational catch accounting recommended through scoping are listed below. The intent behind these recommendations is to reduce uncertainty in the recreational data. It is worth noting that MRIP is currently considered the best scientific information available for the recreational fisheries and will continue to be used for stock assessments and catch limit evaluations for the foreseeable future. MRIP is a national-level program and the Council and Commission have a very limited ability to influence changes to the MRIP estimates.

At their June joint meeting, the Council and Board discussed this issue and agreed to remove it from the Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment. However, they also passed a motion to “consider initiating an action by the end of 2020 to develop a recreational accountability and accounting joint action.”

- **Mandatory private angler reporting:** Private angler reporting through smart phone apps has been explored in specific fisheries in other regions, and as of August 2020 is now required in this region for blueline tilefish. Consideration could be given to the feasibility of private angler reporting for summer flounder, scup, black sea bass, and bluefish given that these fisheries take place in state and federal waters, from shore and from private and for-hire vessels, and that there are millions of directed trips per year for each species (e.g., an estimated 8.7 angler trips for which summer flounder was the primary target, 2.7 million for which scup was the primary target, 1.4 million for which black sea bass was the primary target, and 5.3 million for which bluefish was the primary target in 2019). Given the scale of these recreational fisheries, mandatory private angler reporting may be a challenge to implement. Thorough consideration should be given to the potential levels of non-compliance and how this may impact the resulting data.
- **Tagging programs:** A few scoping comments suggested that anglers be issued tags for a specific number of fish each year. Tagging programs are used in some recreational fisheries, but they may be more appropriate for species with much lower harvest levels than summer flounder, scup, black sea bass, and bluefish. Consideration should be given to the pros and cons of moving forward with this approach compared to a traditional possession limit, especially considering the millions of participating anglers in the fisheries for these species. Ensuring that the program is fair and equitable is a challenge. For example, consideration would need to be given to who receives tags, how they are distributed, and how the program is administered.
- **Mandatory tournament reporting:** A few scoping comments recommended mandatory catch reporting for recreational fishing tournaments. During the May 2020 joint meeting, one Council/Board member questioned the value of mandatory reporting for tournaments given that tournament catch likely constitutes a very small percentage of total catch. An evaluation of summer flounder, scup, black sea bass, and bluefish catch in tournaments has not been performed and may not be possible given that there does not seem to be a central list of non-HMS tournaments. Recreational catch from tournaments for summer flounder, scup, black sea bass, and bluefish should be included in MRIP estimates but is not specifically designated as tournament catch.
- **Enhanced VTR requirements:** A few scoping comments recommended additional VTR requirements, such as requiring VTRs for for-hire vessels that do not have federal permits and reinstating “did not fish” reports for federal permit holders to better understand fishing effort.



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
Michael P. Luisi, Chairman | G. Warren Elliott, Vice Chairman
Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: July 27, 2020
To: Chris Moore, Executive Director
From: Julia Beaty, staff
Subject: Recreational Reform Initiative - Topics Requiring an FMP Amendment vs. Framework/Addendum

During their June 2020 joint meeting, the Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Management Board (Board) asked for clarification on which topics currently under consideration through the Recreational Reform Initiative, as well as topics removed from the Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment could be pursued through an FMP framework/addendum and which would require a full FMP amendment.

The federal regulations describe the framework process and list the types of management changes which may be pursued through a framework action. The associated regulations for summer flounder are found at 50 CFR § 648.110 and are also included in the briefing materials for the August 6, 2020 joint meeting of the Council and the Board. The corresponding regulations for scup, black sea bass, and bluefish are very similar. These regulations list the types of management changes which may be considered through a framework as opposed to a full FMP amendment. Of note for the Recreational Reform Initiative and related discussions, the list of frameworkable items includes introduction of new accountability measures, permitting restrictions, recreational possession limits, recreational seasons, recreational harvest limits (RHLs), specifications quota setting process, any other recreational management measures, and any other measures currently included in the FMP.

It is important to emphasize that a framework may not always be appropriate even if the type of change falls within a category listed in the framework regulations. If the specific proposed action represents a significant departure from previously contemplated measures or otherwise introduces new concepts, an amendment may be more appropriate than a framework. This is expressly stated in the framework regulations for summer flounder, black sea bass, and bluefish.

The federal regulations and discussions with the NOAA Fisheries Greater Atlantic Regional Fisheries Office (GARFO) staff suggest that the following topics discussed through the Recreational Reform Initiative and/or the Commercial/Recreational Allocation Amendment

could potentially be considered through a joint FMP framework/addendum, depending on the details of the specific change considered:

- Everything listed in the Recreational Reform Initiative outline developed by the Steering Committee, including:¹
 - Adopting a standardized process for identifying and smoothing outlier MRIP estimates.
 - Using an “envelope of uncertainty” approach when determining if changes in recreational management measures are needed (i.e., if next year’s RHL falls within a pre-defined range above and below the projected harvest estimate, then no changes would be made to management measures).
 - Evaluating the pros and cons of using preliminary current year MRIP data.
 - Developing guidelines for maintaining status quo measures.
 - Setting recreational management measures for two years at a time with a commitment to making no changes in the interim year unless required due to poor stock status.
 - Considering improvements to the process used to make changes to state and federal recreational management measures.
 - Changing the timing of the recommendation for federal waters recreational management measures from December of the previous year to October or August.
- Changes to recreational accountability measures, such as changes to requirements for payback of overages and in-season closures (a topic removed from the Commercial/Recreational Allocation Amendment).
- The pre-determined management measure step approach described in the Harvest Control Rule proposal put forward by 6 recreational fishing organizations through scoping for the Commercial/Recreational Allocation Amendment.²
- Changes to the data reported through VTRs (depending on the specifics of the change), assuming no changes are made to who is required to submit VTRs.

The following topics discussed through the Recreational Reform Initiative and/or the Commercial/Recreational Allocation Amendment would likely require an FMP Amendment:

- Private angler reporting - This has not been previously contemplated through the FMPs for summer flounder, scup, black sea bass, and bluefish. In addition, if private angler reporting for these species were to be managed at the federal level, it would require private anglers to obtain federal permits.
- Tagging programs for the recreational fisheries - This would likely require an amendment for similar reasons to those described above for private angler reporting.
- Mandatory tournament reporting - This would likely require an amendment for similar reasons to those described above for private angler reporting.

¹ Some items in the Steering Committee outline may not require an FMP change, but could be pursued through an FMP framework/addendum if desired by the Council and Board. See the Steering Committee outline for more details (https://www.mafmc.org/s/2Rec_reform_outline_v6.pdf).

² See the summary of July 14, 2020 Steering Committee meeting for more information (available in the [briefing materials](#) for the August 6, 2020 joint meeting of the Council and Board).

- Requiring additional entities to submit federal VTRs. For example, requiring private anglers and/or for-hire vessels which only operate in state waters to submit VTRs under the joint FMP would likely require an amendment as this has not been previously contemplated through the FMP and it would represent a notable change from current reporting requirements.



Recreational Management Reform Initiative Steering Committee Meeting Summary

July 14, 2020

Steering Committee Attendees (in alphabetical order): Julia Beaty (MAFMC staff), Joe Cimino (MAFMC Summer Flounder, Scup, and Black Sea Bass Committee Vice Chair), Tony DiLernia (MAFMC Summer Flounder, Scup, and Black Sea Bass Committee Chair), Toni Kerns (ASMFC staff), Mike Luisi (MAFMC Chair), Adam Nowalsky (ASMFC Summer Flounder, Scup, and Black Sea Bass Board Chair), Mike Ruccio (GARFO staff), Caitlin Starks (ASMFC staff)

Background

The Recreational Management Reform Steering Committee met via teleconference to discuss next steps for the Recreational Management Reform Initiative. More information on this initiative is available at: <https://www.mafmc.org/actions/recreational-reform-initiative>.

Identifying and Smoothing Outlier MRIP Estimates

The Steering Committee briefly discussed their previous recommendation to develop a standardized process to identify and, if necessary, adjust (or “smooth”) outlier estimates from the Marine Recreational Information Program (MRIP).¹ They agreed that it would be appropriate for the Monitoring and Technical Committees to build off their past work and move forward with further developing this approach.

Harvest Control Rule Proposal

The Steering Committee discussed a proposal put forward by six recreational organizations through scoping for the Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment (see pages 147-152 of [this document](#) for the full proposal). This proposal, referred to as a “harvest control rule,” recommended defining recreational “allocation” not as a set percentage of a total catch limit, but as a specific combination of bag/size/season limits preferred by recreational fishermen in each state, which would become more restrictive when estimated biomass declines below the target level. The restrictions would occur in a pre-determined, stepwise manner. The commercial “allocation” would be the commercial quota preferred by the commercial industry when biomass is high and it would be reduced as biomass declines below the target level in proportion with the restrictions on the recreational fishery. This approach is largely conceptual at this stage and is not yet associated with specific proposed measures.

Based on the recommendations of the Fishery Management Action Team (FMAT), the Council and Board agreed not to further consider this proposal through the Commercial/Recreational

¹ See the draft initiative outline developed by the Steering Committee in April 2020 for more information: https://www.mafmc.org/s/2Rec_reform_outline_v6.pdf

Allocation Amendment; however, they expressed a desire to further evaluate certain aspects of it through other avenues. They agreed that the allocation aspects of the proposal are not feasible given current Magnuson-Stevens Act requirements. For example, the Magnuson-Stevens Act requires the use of annual catch limits set in pounds or numbers of fish. Management measures must be expected to prevent those limits from being exceeded. In addition, it is not clear how this approach would ensure that overfishing does not occur or how it would function if a specific fishing mortality target had to be achieved in a rebuilding scenario. For these reasons, it is not possible to define a recreational allocation as a preferred set of management measures independent from an annual catch limit.

The Recreational Reform Steering Committee agreed that the proposal's recommendation for pre-determined recreational management measure "steps" associated with different biomass levels warrants further consideration and could be feasible under current Magnuson-Stevens Act and FMP requirements. A few Steering Committee members asked if the management measure step approach would be desired by stakeholders if separated from the allocation aspects of the original proposal. The group generally agreed that pre-defined management measures at different biomass levels would provide an additional level of predictability to the management process, which would be beneficial to recreational fishery stakeholders.

One Steering Committee member suggested comparing past management measures to harvest as a starting point for determining which measures might be appropriate at each biomass level "step." Other Steering Committee members cautioned that harvest is impacted by many factors in addition to management measures, such as availability and fishing effort. As past experience managing these recreational fisheries has shown, it can be very difficult to predict future harvest under a given set of management measures even when focused only on the upcoming year. The intent of this approach is to provide stability and predictability by pre-determining management measures which could be used beyond just the upcoming year. One Steering Committee member also noted that, in addition to changes in biomass levels, the distribution of the stocks has changed over time, which would pose additional challenges for predicting future harvest based on the past performance of management measures, depending on the time frame of past measures examined. For these reasons, the Steering Committee agreed that any pre-determined measures would be a starting point for consideration and must be regularly re-evaluated.

The Steering Committee agreed that the proposal's suggestion of pre-defined upper and lower bounds for the most liberal and most restrictive measures could be retained; however, like the management measure steps, they would be a starting point for consideration and the Council and Board may have to use measures outside of those bounds in any given year. They agreed that extensive input from the recreational fishing community is needed to help define the preferred upper and lower bounds of management measures. As described by one Steering Committee member, the upper bound would represent the highest desired level of access and any liberalizations beyond that would not be beneficial to or "needed" by the recreational community. On the other hand, as described by this Steering Committee member, the most restrictive set of potential measures would be so restrictive that there may not be a conservation benefit to making them even more restrictive. They would also represent the most extreme restriction which could be tolerated without causing severe negative economic impacts such as widespread loss of businesses (e.g., for-hire vessels and bait and tackle shops). It is important to note that the desired

potential upper and lower bounds have not yet been determined or evaluated. It has not been determined if this concept will be feasible in practice.

All Steering Committee members agreed that further analysis should be done to evaluate the potential management measures which could be used at different biomass levels. This analysis may suggest that it is not appropriate to associate a predicted harvest level in years beyond the upcoming year with a given set of management measures. However, even if this is the case, it would still be beneficial to do the analysis to evaluate our ability (or inability) to predict future harvest.

Other Topics Removed from Commercial/Recreational Allocation Amendment

During their June 2020 joint meeting, the Council and Board passed a motion to “consider initiating an action by the end of 2020 to develop a recreational accountability and accounting joint action.”

The Steering Committee briefly discussed recreational accountability and accounting in relation to the Recreational Reform Initiative. They did not discuss these topics in detail as they felt that they are outside the formal mission and charge of this group.

Multiple Steering Committee members recommended that the Council and Board gain a better understanding of private angler reporting efforts in other regions before initiating an action to consider improvements to recreational catch accounting in this region. They agreed that it would be important to understand what has worked well in these other efforts, as well as the challenges and levels of compliance. In addition, the Council and Board have discussed if this topic may be more appropriately considered for all Council and Commission managed recreational species, rather than just a few species.

A few Steering Committee members said past discussions of recreational catch accounting and recreational accountability have sometimes confused the two subjects. A better understanding of the intent of the recommendations for considering changes to accountability measures (e.g., in-season closures, more frequent repayments of RHL overages) would be beneficial.

Role of Steering Committee

The Steering Committee agreed that they have fulfilled their mission and should disband. Further discussions of this action should occur at the level of the Board and the full Council or the Council’s committees. They recommended that the Council and Board initiate a management action such as a framework/addendum to further develop priority approaches considered through the Recreational Reform Initiative. Further development would follow the standard process with involvement by a technical group (e.g., an FMAT, the Monitoring and Technical Committees, or a different group), Council committees or the full Council and Board, as appropriate.

Next Steps

In summary, the Steering Committee recommended that the Council and Board initiate a management action to pursue priority topics and that a technical group (e.g., the Monitoring/Technical Committee or a separate group) move forward with further developing and

analyzing topics such as identifying and smoothing outlier MRIP estimates and the stepped approach to recreational management measures proposed through the Harvest Control Rule.



**Summer Flounder, Scup, and Black Sea Bass Monitoring Committee
Webinar Meeting
May 28, 2020
Partial Meeting Summary (Recreational Reform Initiative Only)**

Monitoring Committee Attendees: Julia Beaty (MAFMC staff), Peter Clarke (NJ DEP), Dustin Colson Leaning (ASMFC staff), Karson Coutré (MAFMC staff), Kiley Dancy (MAFMC staff), Steve Doctor (MD DNR), Emily Keiley (GARFO), Alexa Kretsch (VMRC), John Maniscalco (NY DEC), Lee Paramore (NC DMF), Caitlin Starks (ASFMC staff), Rachel Sysak (NY DEC), Mark Terceiro (NEFSC), Corinne Truesdale (RI DEM), Sam Truesdell (MA DMF), Greg Wojcik (CT DEP), Rich Wong (DNREC), Tony Wood (NEFSC)

Additional Attendees: Annie, Steve Cannizzo (NY RFFA), Mike Celestino (NJ DEP, Bluefish MC), Nicole Lengyel Costa (RI DEM, Bluefish MC), Maureen Davidson (NY DEC, Council/Board member), Greg DiDomenico (Lund's Fisheries), Tony DiLernia (Council member), Cynthia Ferrio (GARFO, Bluefish MC), James Fletcher (United National Fishermen's Association), Jeff Kaelin (Lund's Fisheries), Joseph Munyandorero (FL FWC, Bluefish MC), Adam Nowalsky (Council/Board member), Eric Reid (Council member), SRW, Mike Waine (ASA), Kate Wilke (Council member), Amy Zimney (SC DNR, Bluefish MC)

Meeting Summary

The Summer Flounder, Scup, and Black Sea Bass Monitoring Committee met via webinar on Thursday May 28, 2020 to discuss several topics. The Bluefish Monitoring Committee was invited to participate in the discussion of the Recreational Reform Initiative as this initiative also addresses bluefish.

Briefing materials considered by the Monitoring Committee are available at:
<https://www.mafmc.org/council-events/2020/sfsbsb-mc-may28>.

Note: This document summarizes only the Monitoring Committee's discussion of the Recreational Reform Initiative. A more complete summary addressing all topics discussed by the Monitoring Committee will be compiled at a later date.

Recreational Reform Initiative

Council staff summarized a draft outline of the Recreational Reform Initiative developed by the Recreational Reform Steering Committee. The Monitoring Committee was generally supportive of continued development of all approaches in the Steering Committee outline. Comments on each objective in the outline are summarized below.

Objective 1: Better incorporate uncertainty in the MRIP data into the management process

Objective 1 in the Steering Committee outline contains three specific suggestions for better considering uncertainty in the MRIP data. The first suggestion is to adopt a standardized process for identifying and smoothing outlier MRIP estimates to be applied to both high and low outliers. The Monitoring Committee agreed that it would be very beneficial to adopt such a process.

The group agreed that outliers could be identified using the Modified Thompson Tau approach used in the past for some black sea bass outliers, or other methods. One Monitoring Committee member said there are multiple potentially appropriate methods for identifying outliers and consideration should be given to which methods are most appropriate for different circumstances. For example, a multi-faceted approach could be considered. Another Monitoring Committee member said consideration should be given to the appropriate level at which the estimates are examined for outliers, for example, at the state/wave/mode/year level or the coastwide annual level.

MRIP estimates are used in many parts of the management process, including in the stock assessment, development of annual catch and landings limits, comparison of catch to the annual catch limit (ACL) to determine if accountability measures are triggered, and development of recreational management measures. To date, smoothed outliers have only been used in a few instances to develop recreational management measures for black sea bass. They have not been used for other purposes for summer flounder, scup, and black sea bass. For example, the smoothed black sea bass estimates for 2016 and 2017 were not used in the 2019 operational stock assessment due to concerns about the appropriateness of smoothing only two high estimates in recent years without examining the entire time series for both high and low outliers. Several Monitoring Committee members noted that this creates a potentially problematic disconnect with other parts of the management process. The group agreed that adoption of a standardized method for identifying and smoothing both high and low outliers would increase the likelihood of being able to use smoothed estimates in all parts of the management process. The group agreed that it would be very important to identify and smooth both high and low outliers and to have a standardized process.

One Monitoring Committee member noted that even if smoothed estimates are used in management, no change would be made to the official MRIP estimates. The group agreed that it could be beneficial to have MRIP staff provide feedback on the process to identify and smooth outliers to help increase buy-in for using smoothed estimates in multiple parts of the management process. The intent would not be to have MRIP staff approve the smoothed estimates, but rather to provide feedback on the appropriateness of any methods developed.

The second specific suggestion under objective 1 is to use an “envelope of uncertainty” approach to determine if changes to recreational management measures are needed. Under this approach, a certain range above and below the projected harvest estimate (e.g., based on percent standard error) would be defined for comparison against the upcoming year’s recreational harvest limit (RHL). If the RHL falls within the pre-defined range above and below the projected harvest estimate, then no changes would be made to management measures. The Monitoring Committee agreed that this is worth pursuing and that further discussion is needed on defining the appropriate envelope. One Monitoring Committee member noted that the group has struggled to define similar metrics in the past and asked if the Council and Board would determine how to define the envelope or if it would be a Monitoring Committee decision. One Monitoring

Committee member said that, given their technical expertise, it may be more appropriate for the Monitoring Committee to recommend the appropriate envelope, rather than the Council and Board.

The third specific suggestion under objective 1 is to consider the appropriateness of using preliminary current year MRIP data in the management process. The Monitoring Committee agreed that this may warrant further consideration. One member noted that MRIP has changed the timing of when they incorporate for-hire data into their estimates. In the past, preliminary estimates were sometimes released without the incorporation of for-hire vessel trip report (VTR) data. VTR data were incorporated into the final estimates. Under the current process, VTRs are incorporated into the preliminary estimates, so the differences between the preliminary and final estimates may not be as great as they were in the past. He recommended an evaluation of the scale of the change from preliminary to final estimates under the current MRIP estimation methodology. He also noted that final data may be appropriate for longer-term decisions including development of management measures that are intended to be in place for multiple years. However, he cautioned that if only final data are used for annual adjustments to measures, there will be a greater disconnect between the data used and current operating conditions than if preliminary current year data were also considered. A few Monitoring Committee members agreed that there are certain situations in which it is beneficial to use preliminary current year data, including making annual adjustments to measures and considering how variation in harvest might be influenced by factors such as year class strength.

One Steering Committee member said the Steering Committee's intent for all three suggestions under objective 1 was not to ask the Monitoring Committee to second-guess and revise the MRIP estimates, but rather to think about the impact outliers can have on recreational management. For example, outlier estimates can lead to significant changes in management measures from year to year which may not be reflective of a true conservation need.

Objective 2: Develop guidelines for maintaining status quo measures

The second objective in the Steering Committee outline is to develop a process for considering both recreational harvest data (all considerations under objective 1 could apply) and multiple stock status metrics (biomass, fishing mortality, recruitment) when deciding if measures should remain unchanged. The Monitoring Committee was generally supportive of this approach.

One Monitoring Committee member said it would be helpful to give greater consideration to how expected catch (i.e., landings and dead discards) compares to the ACL, rather than focusing on the RHL as the primary management target when setting management measures for the following year. She questioned whether the Fishery Management Plan would need to be modified to provide more flexibility in this regard.

Another Monitoring Committee member said the group tends to be most comfortable with estimates of expected landings and dead discards when they are based on assessment data. He thought it could be helpful to give stock status metrics from the assessments greater consideration in the process of determining how to change management measures. For example, he feels more confident in the need for more restrictive measures in response to a stock assessment rather than in response to recreational harvest estimates alone, which can be quite variable.

Objective 3: Develop process for setting multi-year recreational management measures

The third objective in the Steering Committee outline is to develop a process for setting recreational management measures for two years at a time with a commitment to making no changes in the interim year. This would include not reacting to new data that would otherwise allow for liberalizations or require restrictions. The Monitoring Committee was very supportive of this approach.

The Monitoring Committee agreed that this approach could lead to compounding overages or underages of catch and harvest limits. However, this could represent just as much of a conservation benefit as a conservation risk.

Multiple Monitoring Committee members said maintaining the same measures for at least two years can allow for better evaluation of the effectiveness of the measures at constraining harvest. The group discussed how harvest can fluctuate widely under constant management measures. Having more years of constant measures would allow for a better understanding of the variations in harvest.

One member clarified that the proposal was for two years and not a longer time period because it is anticipated that updated stock assessment information will be available every two years. This would allow management to react to updated stock assessment information.

One Monitoring Committee member said this approach could pull together many aspects of the other approaches in the Steering Committee outline and it could be a good way to move forward with the goal of stability in management measures. For example, it could allow for use of final MRIP estimates (see objective 1), would allow for consideration of the timing of the management measures recommendation (see objective 5), would allow for changes to be considered in response to updated stock assessment information, and would allow for year-to-year stability in recreational management measures.

Another Monitoring Committee member said this approach would work best if the RHL is the same across the two years.

The group discussed how state conservation equivalency could work under this approach. There was a general consensus that the approach would work best with a strong commitment to no changes at the federal or state level during the two years, including no changes made through conservation equivalency.

One Monitoring Committee member noted that it could be difficult to explain to stakeholders why they may have to forego potential liberalizations in the interim year under this approach. She recommended that this approach be evaluated from a socioeconomic perspective. Another Monitoring Committee member recommended consideration of the benefits of this approach in terms of compliance with and enforcement of the management measures.

Objective 4: Consider improvements to the process used to make changes to state and federal recreational management measures

The fourth objective in the Steering Committee outline relates to improvements to the process used to make changes to state and federal waters recreational management measures. The Steering Committee has not discussed this objective in great detail.

A few Monitoring Committee members said it would be beneficial to have guidelines on how to best use MRIP data at the state/mode/wave levels. The group agreed that additional analysis is

needed to better understand the limitations of the MRIP data for any given species before recommendations can be made for how to best use the MRIP data. For example, one Monitoring Committee member said it may be challenging to develop robust guidelines that could be applied uniformly across all states as MRIP sampling is not consistent across states and states with more frequent intercepts of the species in question may be put at an advantage. Other Monitoring Committee members agreed.

One bluefish Monitoring Committee member said regional measures, especially for shared water bodies, are worth considering and can help address concerns about using MRIP data at too fine of a scale.

Objective 5: Consider making recommendations for federal waters recreational management measures earlier in the year

The Steering Committee has discussed the idea of recommending federal waters recreational management measures in August or October rather than December of each year. The Monitoring Committee supported further consideration of this approach. Many members noted that it has been challenging for states to develop measures and for the Technical Committee to review proposals under the tight deadlines that are needed under the current process. Moving some of the decision making to earlier in the year could allow more time for robust review of proposals. However, the group also noted that earlier decision making would not allow for consideration of preliminary current year data when developing recreational management measures for the following year. This may be acceptable when measures are intended to be in place for multiple years (e.g., see objective 3).

General comments on the Recreational Reform outline

The group noted that the Council and Board may wish to include additional topics in the Recreational Reform Initiative after discussing the ongoing commercial/recreational allocation amendment during their next meeting.

Several Monitoring Committee members supported consideration of an additional approach that would more explicitly tie changes in management measures to the stock assessment, for example by considering changes only when new stock assessment information is available. This may be feasible under the anticipated every other year timeline for stock assessment updates in the future.

One member of the public asked how the Recreational Reform Initiative complies with the recent executive order to produce seafood. One Steering Committee member emphasized that the initiative relates to recreational fishing only and not commercial fishing. Another Steering Committee member said the initiative would help ensure a supply of seafood by maintaining harvest at sustainable levels.

Additional comments from Adam Nowalsky on the Harvest Control Rule Proposal
Emailed 7/24/2020

1) Regarding the question about how to establish what the measures would be at each step in the HCR, here are two ways to attempt this -

- Pull the management history and look at the state specific measures under various stock conditions as explained in the HCR write up.
- Reach out to the states to ask for assistance. State directors could request input from their TC/MC members with whom the HCR concept has been shared so that they understand the context of trying to recommend measures across the spectrum (i.e., least restrictive to most restrictive based on stock condition).

2) Translate measures from step 1 into predicted coastwide harvest based on past performance and other analysis. Input from the Regional Office/Science Center staff on how best to approach this is welcome, but the idea at a high level is to develop a set of measures that has a predictive amount of catch (the state TC/MC members may even be able to provide estimates especially considering their experience with the CE process). That catch does not have to be a point estimate, it can be a range. Steps 3, 4, and 5 are intended to be used to help satisfy MSA requirements.

3) A multi-year average with static measures to generate a "rolling" annual catch estimate could be used. If this rolling estimate is outside of the range of catch associated with step 2 then perhaps there is a management response (just as an example).

4) Use F as a sign post to guide performance. For example, if the rolling annual catch estimates from step 3 is outside of the range of catch in step 2, and F is above its target then management action must be considered. If F is below its target, no management action is necessary.

5) Moving forward on a fixed timeframe (every 5 years?) the performance of measures would be reviewed relative to expected harvest and consider modification to measures if needed.