



Memorandum

Date: October 1, 2021
To: Mid-Atlantic Fishery Council and ASMFC Policy Board
From: Joint PDT/FMAT for Recreational Reform
Subject: Overview of work, major accomplishments, and timeline recommendations.

Since May 2021, a joint Plan Development Team (PDT) and Fishery Management Action Team (FMAT) has been working on the Recreational Harvest Control Rule Framework/Addendum as part of the Recreational Reform Initiative. A Draft Addendum document developed by the PDT/FMAT is included with the briefing materials for the Interstate Fisheries Management Program Policy Board's (Policy Board's) and Mid-Atlantic Fishery Management Council's (Council's) October 2021 meeting. The same options included in the Draft Addendum will be included in the Council's framework action and both the Council and Policy Board will approve the same final range of options and the same preferred alternative.

Through the Commission's addendum process, public comment will be collected via state hearings and a written comment period and will be presented to both the Policy Board and Council. Additional hearings will not be held through the Council process to avoid redundancy, and furthermore, hearings are not typically held for Council framework actions. For this reason, a draft framework document has not been presented. However, as previously stated, both the Council and the Policy Board will approve the same final range of options which will be included in both the Draft Addendum and the framework.

The PDT/FMAT recommendations for the management options have been incorporated into the Draft Addendum document. This memorandum summarizes additional PDT/FMAT recommendations not included in the Draft Addendum.

Postponing Approval of Final Range of Options for Draft Addendum/Framework and Approval of Draft Addendum for Public Comment to December 2021 or February 2022

The Policy Board and Council previously intended to approve a Draft Addendum for public comment and a final range of options for the framework/addendum in October 2021. The PDT/FMAT requests additional time to fully develop the options and to further develop two statistical models which can be used to inform the recreational measure setting process under the framework/addendum options.¹ These two statistical models will be critical for thorough analysis

¹ More information on the models is available here: <https://www.mafmc.org/council-events/2021/ssc-peer-review-panel-sept20>

of the options and will greatly improve the process for setting management measures under any of the options.

A sub-group of the Council's Science and Statistical Committee (SSC) recently reviewed both models. A final report is expected shortly. It will be provided to the Policy Board and Council and will be reviewed by the PDT/FMAT for consideration regarding further development of the options in the Draft Addendum/Framework. Comments made during the review indicated that additional work on both models will likely be recommended. Depending on further consideration of the SSC recommendations, and any additional work needed to improve these models, the PDT/FMAT may be in a position to present a more complete set of options for the framework/addendum and a Draft Addendum for approval for public comment in December 2021 or February 2022. A revised draft timeline for completion of the framework/addendum is presented below. This timeline is subject to change pending considerations such as the work needed to refine the statistical models, other priority actions, and constraints on staff time.

- October 2021
 - Policy Board and Council provide guidance on further development of the Draft Addendum/Framework during their October 21, 2021 meeting.
 - PDT/FMAT continues to refine the Draft Addendum/Framework options and consider next steps for using the two statistical models reviewed by the SSC.
- December 2021
 - Policy Board and Council consider approval of a final range of options for the framework/addendum and a Draft Addendum document for public hearings.
Pending further refinements of the options by the FMAT/PDT and considerations related to further refinement of the two statistical models, this may need to occur in February 2022 rather than December 2021.
- Winter 2022
 - Public hearings on the Draft Addendum.
 - Continued development of models for use in measure setting.
 - PDT/FMAT and Advisory Panel meetings to consider input received during public hearings and develop recommendations for final action on the Draft Addendum/Framework.
- Spring 2022
 - Policy Board and Council review public comments, AP input, and PDT/FMAT recommendations, and consider final action on the Addendum/Framework.
 - Completion of Northeast Fisheries Science Center (NEFSC) socioeconomic survey (see section on workshops below).
 - Development of NEPA document for Council framework.
- Summer 2022
 - Data available from NEFSC survey to inform models to begin exploring measures for 2023 based on harvest control rule option selected.
 - Federal rulemaking on Council framework, likely to extend into the fall.
- Fall/Winter 2022
 - Consider recreational management measures for 2023 with the Monitoring Committee and Advisory Panel for final approval by the Council and Policy Board.

Use of Example Measures in Addendum/Framework

The options in the Draft Addendum/Framework do not set or consider specific management measures (bag, size, and season). The options instead focus on the methodology for setting those measures. The PDT/FMAT has determined it would not be appropriate to provide example measures associated with the options in the Draft Addendum/Framework for a number of reasons. One fundamental reason is that it is simply not possible to generate example measures for all options for all species with a robust and consistent methodology at this point in time. As noted above, two statistical models are currently in development which would greatly assist in the ability to generate measures for each of the harvest control rule options. However, these models are currently being refined and are not immediately available for use.

The options in the Draft Addendum/Framework do not require a specific method for setting management measures and instead define a conceptual process. The Monitoring/Technical Committees are then able to refine the methods for developing measures without a management document. This allows for timely incorporation of new data or model updates to develop the most appropriate measures for the recreational fishery.

In addition, if states retain the ability to implement conservationally equivalent measures, there is no guarantee that example measures taken out to public hearings would be the final implemented measures.

Lastly, example measures are misleading to the public as they give the impression that the example measures are expected to be implemented, which would not necessarily be the case.

The PDT/FMAT also noted that the selection of a preferred harvest control rule approach should be based on the merits of the conceptual process of the option, not the final resulting measures.

Stakeholder Workshops

In August 2021, the Policy Board and Council considered a PDT/FMAT recommendation to conduct stakeholder workshops to gather input on preferences regarding recreational management measures. Considering the revised draft timeline presented above, the PDT/FMAT now recommends against holding these workshops as they would not provide additional information of value beyond efforts already planned for 2022 by the NEFSC. The goal of the workshops was to gather input on angler preferences for measures, separate from the options considered in the Draft Addendum/Framework. Public hearings on the options in the Draft Addendum/Framework will still occur.

Based on the draft timeline presented above, recreational measures could be set based on this Draft Addendum/Framework starting in 2023. The NEFSC plans to conduct a survey of anglers' preferences for measures for summer flounder, scup, and black sea bass in early 2022. This survey is based on accepted and statistically robust surveying methodologies that have been peer reviewed and used in this and other regions. The survey will collect similar information as was planned for the stakeholder workshops. This information will be available by late 2022 and can help inform the setting of recreational measures for 2023 for summer flounder, scup, and black sea bass. The PDT/FMAT initially recommended holding workshops in late 2021 or early 2022 to collect this information with the goal of using it to inform 2022 recreational measures. Now that it is no longer recommended to use the harvest control rule for 2022, the PDT/FMAT recommends using the planned NEFSC survey rather than additional smaller-scale workshops to

gather this information. In addition, the considerable staff time to conduct the workshops can now be dedicated to completing the Addendum/Framework and other high priority actions for these species.

The planned NEFSC survey will not address bluefish. However, the bluefish rebuilding plan will be implemented in 2022 with a target rebuild date of 2028 and the harvest control rule options are not meant to replace the rebuilding plan. If there is a desire to hold stakeholder workshops on angler preferences for bluefish, it may be appropriate to do this at a later date after additional progress with rebuilding has been made.