February 2022 Council Meeting

Tuesday, February 8 – Wednesday, February 9, 2022

Meeting by Webinar: https://mafmc.org/briefing/february-2022

Agenda

Tuesday, February 8th

10:00 a.m. – 11:00 a.m. **Atlantic Sturgeon Bycatch Working Group (Tab 1)**
(Spencer Talmage; Greater Atlantic Regional Fisheries Office)
- Presentation on the formation and planned activities of the Atlantic Sturgeon Bycatch Working Group and request for public input

11:00 a.m. – 12:00 p.m. **Recusal Briefing (Tab 2)** (John Almeida; NOAA General Counsel)

-------- Lunch 12:00 p.m. – 1:00 p.m. --------

1:00 p.m. – 2:00 p.m. **2022 Recreational Management Measures for Summer Flounder, Scup, and Black Sea Bass (Tab 3)**
- Review action taken by ASMFC Summer Flounder, Scup, and Black Sea Bass Management Board regarding 2022 recreational management measures
- Consider revising Council recommendation for 2022 recreational management measures if needed in response to Board action

Council Meeting with the Atlantic States Marine Fisheries Commission's (ASMFC) ISFMP Policy Board

2:00 p.m. – 5:00 p.m. **Recreational Harvest Control Rule Framework / Addenda for Summer Flounder, Scup, Black Sea Bass, and Bluefish (Tab 4)**
- Review draft range of alternatives
- Consider splitting range of alternatives into multiple actions
- Approve final range of alternatives for framework/addenda
- Approve draft addenda for public hearings

5:00 p.m. ***Council and ASMFC ISFMP Policy Board adjourn***

Wednesday, February 9th

9:00 a.m. – 1:00 p.m. **Business Session**

Committee Reports (Tab 5) – SSC, RSC

Executive Director's Report (Tab 6) (Dr. Chris Moore)
- Review and reappoint SSC membership
- 2022 Planned Meeting Topics

Organization Reports – NMFS Greater Atlantic Regional Office, NMFS Northeast Fisheries Science Center, NOAA Office of General Counsel, NOAA Office of Law Enforcement, US Coast Guard

Liaison Reports (Tab 7) – New England Council, South Atlantic Council

Other Business and General Public Comment

This meeting will be recorded. Consistent with 16 USC 1852, a copy of the recording is available upon request.

The above agenda items may not be taken in the order in which they appear and are subject to change, as necessary. Other items may be added, but the Council cannot take action on such items even if the item requires emergency action without additional public notice. Non-emergency matters not contained in this agenda may come before the Council and / or its Committees for discussion, but these matters may not be the subject of formal Council or Committee action during this meeting. Council and Committee actions will be restricted to the issues specifically listed in this agenda. Any issues requiring emergency action under section 305(c) of the Magnuson-Stevens Act that arise after publication of the Federal Register Notice for this meeting may be acted upon provided that the public has been notified of the Council's intent to take final action to address the emergency. The meeting may be closed to discuss employment or other internal administrative matters.

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

Stock Status of MAFMC-Managed Species

(as of 1/28/22)

SPECIES	STATUS DETERMINATION CRITERIA		Stock Status	Most Recent Assessment
	Overfishing $F_{threshold}$	Overfished ½ B_{MSY}		
Summer Flounder 	$F35\%_{MSP}$=0.422	60.87 million lbs	No overfishing Not overfished	Most recent management track assessment was 2021.
Scup 	$F40\%_{MSP}$=0.200	99.23 million lbs	No overfishing Not overfished	Most recent management track assessment was 2021.
Black Sea Bass 	$F40\%_{MSP}$=0.46	15.92 million lbs	No overfishing Not overfished	Most recent management track assessment was 2021.
Bluefish 	$F_{35\%SPR}$=0.181	222.37 million lbs	No overfishing Overfished	Most recent management track assessment was 2021.
***Illex* Squid (short finned)** 	Unknown	Unknown	Unknown Unknown	Most recent benchmark assessment was 2006; not able to determine current exploitation rates or stock biomass.
Longfin Squid 	Unknown	46.7 million lbs	Unknown Not overfished	Most recent assessment update was 2020; not able to determine current exploitation rates.
Atlantic Mackerel 	$F_{40\%}$=0.22	199.6 million pounds	Overfishing Overfished	Most recent management track assessment was 2021.
Butterfish 	F_{Proxy}=2/3M =0.81	50.3 million lbs	No overfishing Not overfished	Most recent management track assessment was 2020.
Chub Mackerel 	At least 3,026 MT of catch per year	At least 3,026 MT of catch three years in a row	No overfishing Not overfished	No stock assessment.

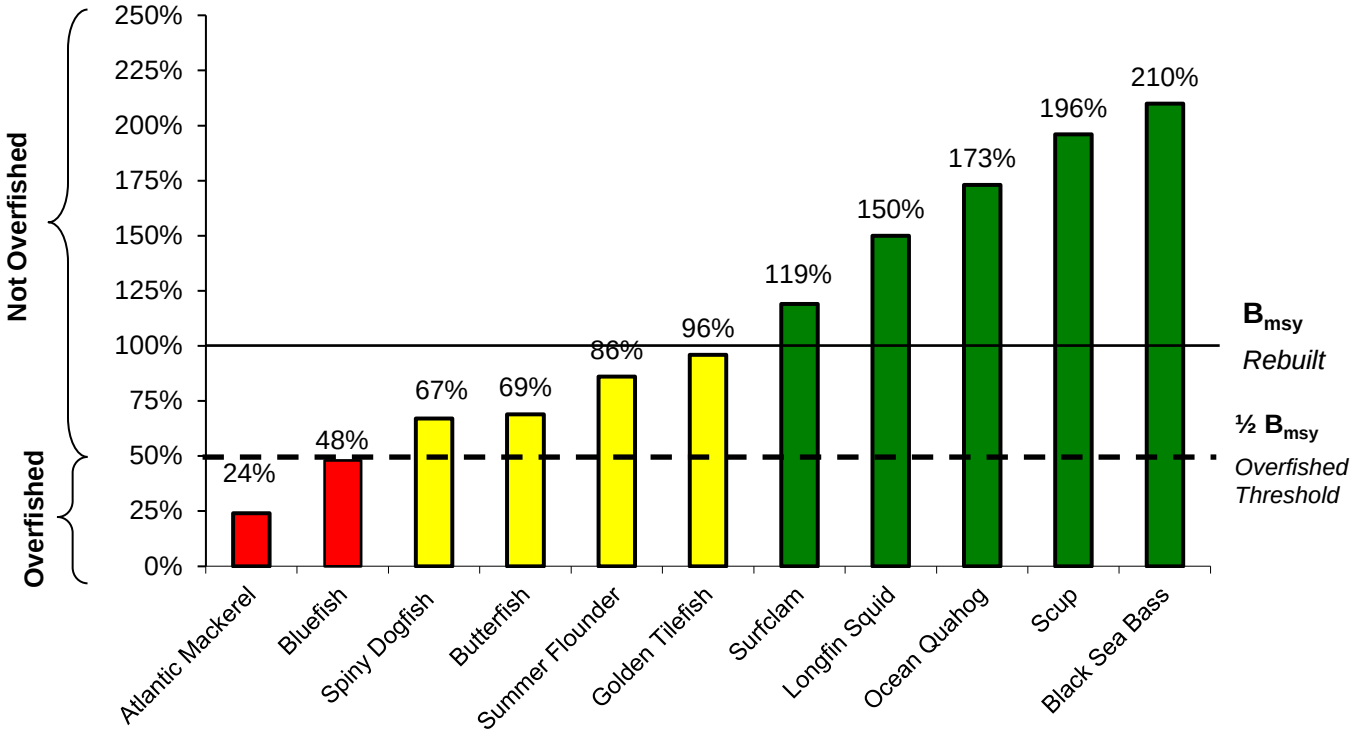
SPECIES	STATUS DETERMINATION CRITERIA		Stock Status	Most Recent Assessment
	Overfishing $F_{threshold}$	**Overfished** ½ B_{MSY}		
Surfclam 	$F/F_{threshold} = 1$ [a]	$SSB/SSB_{threshold} = 1$ [b]	No overfishing Not overfished	Most recent management track assessment was 2020
Ocean Quahog 	$F/F_{threshold} = 1$ [c]	$SSB/SSB_{threshold} = 1$ [d]	No overfishing Not overfished	Most recent management track assessment was 2020.
Golden Tilefish 	$F_{40\%MSP}$=0.261	12.12 million lbs	No overfishing Not overfished	Most recent management track assessment was 2021.
Blueline Tilefish 	Unknown	Unknown	South of Cape Hatteras: No overfishing Not overfished North of Cape Hatteras: Unknown Unknown	Most recent benchmark assessment was 2017.
Spiny Dogfish (Joint mgmt with NEFMC) 	F_{MSY}=0.2439	175.6 million lbs Female SSB	No overfishing Not overfished	Most recent assessment update was 2018.
Monkfish (Joint mgmt with NEFMC) 	NFMA & SFMA F_{MAX}=0.2	NFMA - 1.25 kg/tow SFMA - 0.93 kg/tow (autumn trawl survey)	Unknown Unknown	Recent benchmark failed peer review and invalidated previous 2010 benchmark assessment results. Operational assessment in 2019 used survey data to scale earlier ABC.

SOURCES: Office of Sustainable Fisheries - Status Report of U.S. Fisheries; SAW/SARC, SEDAR, and TRAC Assessment Reports.

[a] $F_{threshold}$ is calculated as 4.136 times the mean F during 1982 – 2015.
[b] $SSB_{threshold}$ is calculated as $SSB_0/4$.
[c] $F_{threshold}$ is 0.019.
[d] $SSB_{threshold}$ is calculated as $0.4*SSB_0$.

Stock Size Relative to Biological Reference Points

(as of 1/28/22)



Notes:

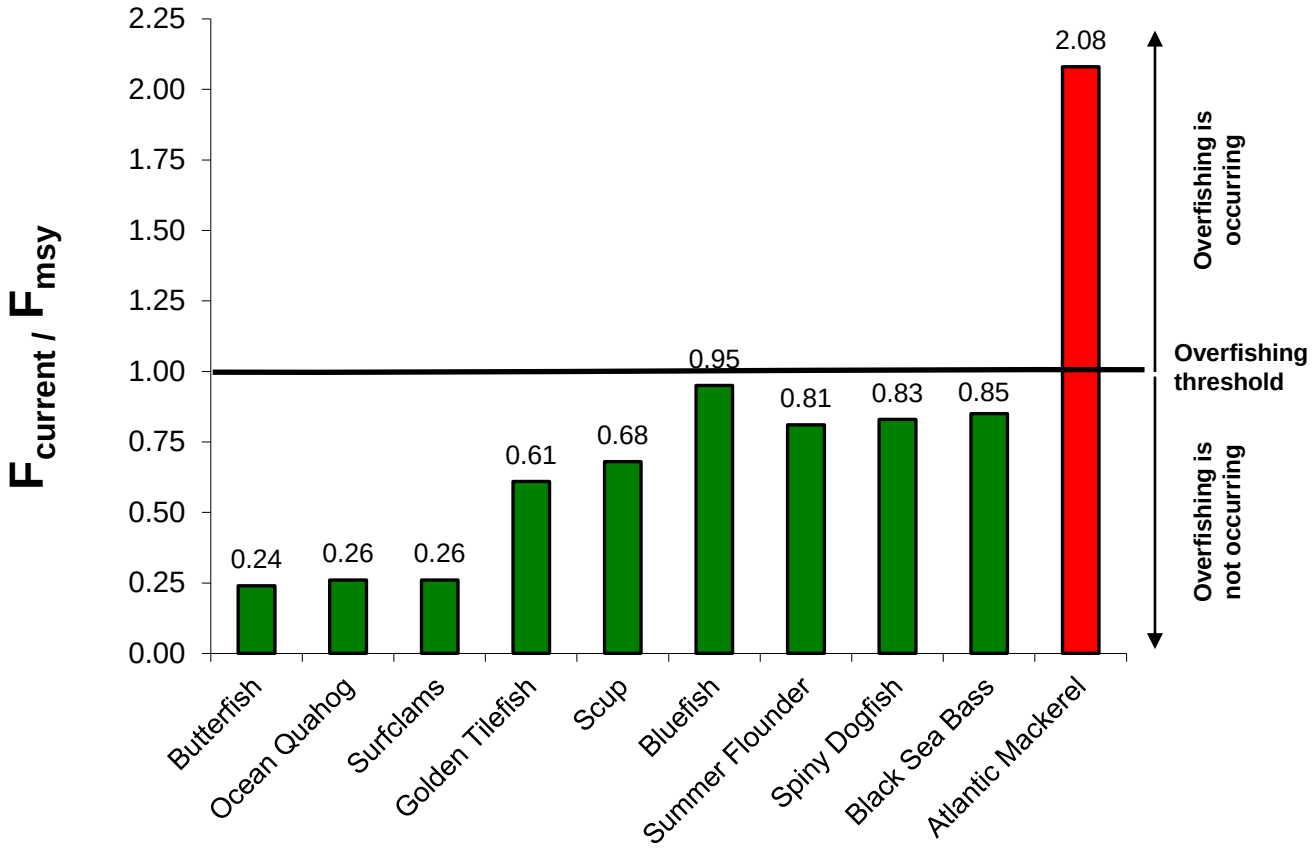
- Unknown B_{msy} - *Illex* squid, monkfish (NFMA & SFMA), blueline tilefish (North of Cape Hatteras), and chub mackerel.
- Of the 15 species managed by the Council, 5 are above B_{msy}, 6 are below B_{msy}, and 4 are unknown.

Year of data used to determine stock size	
Atlantic Mackerel	2019
Black Sea Bass	2019
Bluefish	2019
Butterfish	2019
Golden Tilefish	2020
Longfin Squid	2018-2019 (average)
Ocean Quahog	2019
Spiny Dogfish	2018
Surfclam	2019
Scup	2019
Summer Flounder	2019

MID-ATLANTIC
FISHERY MANAGEMENT COUNCIL

Fishing Mortality Ratios for MAFMC-Managed Species

(as of 1/28/22)



Year of data used to determine fishing mortality	
Atlantic Mackerel	2019
Black Sea Bass	2019
Bluefish	2019
Butterfish	2019
Golden Tilefish	2020
Ocean Quahog	2019
Spiny Dogfish	2017
Surfclam	2019
Scup	2019
Summer Flounder	2019

Notes:

- Unknown fishing mortality: *Illex* squid, Longfin squid, monkfish (NFMA and SFMA), blueline tilefish (North of Cape Hatteras), and chub mackerel.
- Of the 15 species managed by the Council, 9 are above F_{msy}, 1 is above, and 5 are unknown.

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: January 25, 2022

To: Chris Moore, Executive Director

From: Karson Coutre, Staff

Subject: Atlantic Sturgeon Bycatch

On Tuesday, February 8th, NOAA Fisheries staff will provide an update and solicit feedback on the formation and planned activities of the Atlantic Sturgeon Bycatch Working Group. This group is being formed as a result of the NMFS issued 2021 Biological Opinion which includes a requirement that NMFS convene a working group to address Atlantic sturgeon bycatch in the Federal large mesh gillnet fisheries. The letter from Mr. Pentony to Dr. Moore dated January 19, 2022 is provided behind this tab for the Council's discussion of this agenda item.

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGIONAL FISHERIES OFFICE
55 Great Republic Drive
Gloucester, MA 01930

January 19, 2022

Dr. Christopher Moore
Executive Director
Mid-Atlantic Fishery Management Council
800 North State Street
Suite 201
Dover, DE 19901

Dear Chris:

On May 27, 2021, NOAA's National Marine Fisheries Service (NMFS) issued a Biological Opinion that considered the effects on ESA-listed species and designated critical habitat of our authorization of fisheries managed pursuant to eight fishery management plans (FMPs) and two interstate fishery management plans (ISFMPs), the North Atlantic Right Whale Conservation Framework, and the New England Fishery Management Council's (NEFMC) Omnibus Essential Fish Habitat Amendment 2. The fisheries are: (1) American Lobster; (2) Atlantic Bluefish; (3) Atlantic Deep-sea Red Crab; (4) Mackerel, Squid, and Butterfish; (5) Monkfish; (6) Northeast Multispecies; (7) Northeast Skate Complex; (8) Spiny Dogfish; (9) Summer Flounder, Scup, and Black Sea Bass; and (10) Jonah Crab FMPs.

The Opinion includes an incidental take statement with reasonable and prudent measures and their implementing terms and conditions, which were determined to be necessary or appropriate to minimize impacts of the incidental take in the fisheries assessed. The terms and conditions include a requirement that NMFS convene a working group to address Atlantic sturgeon bycatch in the Federal large-mesh gillnet (≥ 7 inches stretched) fisheries. The working group must review all available information on Atlantic sturgeon bycatch in these fisheries and complete an action plan by May 27, 2022, the results of which would reduce Atlantic sturgeon bycatch in these fisheries by 2024.

In the summer of 2021, we began work to establish the Atlantic Sturgeon Bycatch Working Group (ASBWG) to meet the requirements of the Opinion. We originally envisioned that the working group would comprise of a diverse group of stakeholders, including Council staff, researchers, and industry members. However, we determined that the provisions of the Federal Advisory Committee Act (FACA) would impose a number of requirements that the Agency would need to follow prior to and during the commencement of ASBWG activities. These include:

- A formal request for the formation of the group, which must include rationale as to why the group is essential to the performance of a duty or responsibility conveyed upon the executive branch by law or the Office of the President;

- Approval of this request by high level officials within NMFS;
- The preparation of a charter which would outline the committee's mission and duties, which must be reviewed by the General Services Administration's Committee Management Secretariat; and
- Completion of a required notification period, including publication of notices in the *Federal Register*.

Given the complexities of these requirements, the time that would be needed for compliance, and the deadline for completion of the ASBWG's activities, we decided that formation of a group which would not be subject to FACA was a preferable and necessary course of action. As a result, the ASBWG is currently comprised of Greater Atlantic Regional Fisheries Office and Northeast Fisheries Science Center staff with expertise relevant to the Federal large-mesh gillnet fisheries and Atlantic sturgeon bycatch.

To compensate for lack of direct public membership in the ASBWG, we developed a public participation plan. The plan includes publication of an article in the *NOAA Navigator*, outreach presentations at meetings of the New England and Mid-Atlantic Fishery Management Councils, and publication of a notice in the *Federal Register*.

Both the New England and Mid-Atlantic Fishery Management Councils have recommended that we utilize an exemption that allows state employees to participate in a fisheries advisory group without triggering the requirements of FACA. These recommendations were made in recognition that the inclusion of state employees ensures that the ASBWG possesses the necessary expertise to develop an effective action plan with sufficient connection to the fisheries management process.

I am now soliciting participation from state agencies from North Carolina to Maine. This is a wider solicitation than you recommended, but representation from New Hampshire and Maine will ensure that the group is as inclusive as possible. I expect this to cause some delay to the activity of the ASBWG, but agree that involving state employees will result in a better outcome and increased confidence from the public and industry.

I thank you for your recommendation and the addition of an ASBWG presentation to the upcoming MAFMC Agenda. Please contact Spencer Talmage via email at Spencer.Talmage@noaa.gov or phone at (978) 281-9232 with any questions or concerns.

Sincerely,

Michael Pentony
Regional Administrator

NATIONAL MARINE FISHERIES SERVICE PROCEDURE 01-116-01
Effective on: October 4, 2021

To be reviewed on: October 4, 2026

Fisheries Management
Fishery Management Council Financial Disclosures and Recusal, NMFSPD 01-116-01

PROCEDURES FOR REVIEW OF FISHERY MANAGEMENT COUNCIL FINANCIAL DISCLOSURES AND RECUSAL DETERMINATIONS

NOTICE: This publication is available at: https://www.fisheries.noaa.gov/national/laws-and-policies/fisheries-management-policy-directives

Author name: Morgan Corey
Office: F/SF3

Certified by: Kelly Denit
Office: F/SF

Type of Issuance: Revision

SUMMARY OF REVISIONS:

NMFS 01-116-01, initially effective on September 25, 2014, is revised to provide additional guidance on preparing recusal determinations and the development of regional recusal determination procedure handbooks.

Signed DENIT.KELLY.L.1365842074 Digitally signed by DENIT.KELLY.L.1365842074 Date: 2021.10.05 13:01:44 -04'00'

Kelly Denit Date
Director, Office of Sustainable Fisheries

I. Introduction

As outlined in Policy Directive 01-116, it is the policy of the National Oceanic and Atmospheric Administration's (NOAA's) National Marine Fisheries Service (NMFS) to provide an effective and transparent process to carry out the responsibilities of the Secretary pursuant to Section 302(j) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and implementing regulations at 50 CFR 600.235. Section 302(j) (16 U.S.C. 1852(j)) and implementing regulations require nominees and appointed Fishery Management Council (Council) members to disclose any financial interest in harvesting, processing, lobbying, advocacy, or marketing activity that is being, or will be, undertaken within any fishery over which the Council concerned has jurisdiction. Section 302(j) and implementing regulations also require the voting recusal of an appointed Council member when a Council decision would have a significant and

predictable effect on the member's financial interests. This procedural directive provides the guidance necessary to:

(1) ensure a successful and thorough vetting process to review the completeness and accuracy of information in financial disclosure forms submitted by Council nominees and members;
(2) provide formulas for partially attributing fishing activity in the calculation of a Council member's financial interests relative to the regulatory thresholds for recusal; and
(3) establish a process for issuing and modifying regional recusal determination procedure handbooks.

This procedural directive initially was prepared in consideration of the Department of Commerce (DOC) Office of Inspector General (OIG) January 16, 2013, audit report (OIG report). The OIG report, in part, provided three recommendations for NOAA that would assist in strengthening agency guidance on financial disclosures by Council voting members, with an emphasis on how NOAA intends to handle specific consequences for conflicts of interest or potential conflicts of interest it identifies. The OIG report recommended that NOAA:

(1) strengthen policy guidance on financial disclosure by Council voting members;
(2) strengthen processes for formal reviews of financial interest disclosures; and
(3) strengthen criteria for identifying conflicts of interest and processes to follow up on any conflicts that are identified.

NMFS, in consultation with the NOAA Office of General Counsel (GC), the Council Coordination Committee (16 U.S.C. 1852(l)), and the DOC General Counsel (GC) Ethics Law and Programs Division, reviewed its existing policies and procedures regarding financial disclosure by nominees and Council members and recusal of Council members due to a conflict of interest in light of the OIG's recommendations. To address the OIG report's recommendations, NMFS revised NOAA's Statement of Financial Interest Form (NOAA Form 88-195) to more closely follow the regulatory disclosure requirements and to provide a question and answer format to assist Council members in identifying all of the financial interests that must be disclosed. NMFS also developed this procedural directive, initially issued in September 2014, to strengthen processes for formal reviews of financial disclosures, increase the transparency provided by financial disclosures, and assist Council members in avoiding conflicts between their personal financial interests and the official work of the Councils.

In August 2015, the Councils requested that NMFS provide additional guidance on the process followed by the agency in preparing and issuing recusal determinations, including guidance on how the agency calculates financial interests for comparison with the regulatory recusal thresholds. NMFS agreed and modified regulations at 50 CFR 600.235 to address various aspects of recusal determinations, thereby increasing the

predictability and transparency of the recusal determination process and further advancing the OIG report's third recommendation. The final rule implementing the new regulations was published in the *Federal Register* on September 11, 2020 (85 Fed. Reg. 56,177). Section III of this procedural directive has been modified to include formulas for partially attributing fishing activity and additional guidance on the process for issuing and modifying regional recusal determination procedure handbooks.

II. Objective

This procedural directive outlines specific guidance for NMFS and relevant parties in the Council process to comply with financial disclosure and recusal requirements. It is the policy of NMFS, in order to carry out the responsibilities of the Secretary pursuant to Sections 302(g) and (j) of the MSA and implementing regulations, to provide an effective and transparent process for submission and review of financial disclosure forms and for identifying and resolving any conflicts of interest by Council members. The process should ensure Council appointments are made using complete and accurate financial information from nominees, and financial disclosure forms submitted by SSC and Council members are complete and available to the public. The process also should ensure Council members and the public are aware of the information and methods used in determining whether recusal of a Council member is required due to a conflict of interest, and the procedures followed in issuing recusal determinations. In accordance with the MSA and 50 CFR 600.235(i), it is unlawful for an affected individual to knowingly and willfully fail to disclose, or to falsely disclose, any financial interest as required by the MSA, or to knowingly vote on a Council decision in violation of the MSA.

III. Guidance

NMFS has established a vetting process to review the completeness and accuracy of information in Council nominees' and members' financial disclosure forms. The procedures outlined in the Recusal Determinations and Regional Recusal Determination Procedure Handbooks sections serve to document the vetting process and ensure consistency in the process for each NMFS Region and Council.

Financial Disclosure Form Vetting for Nominees for Council Membership

- Regulations at 50 CFR 600.235 require each nominee for Council membership (including current members nominated for re-appointment) to submit a completed financial disclosure form with the NMFS Assistant Administrator by April 15 or, if nominated after March 15, within one month after nomination by a Governor.

- NMFS Office of Sustainable Fisheries (OSF) will perform an initial review of the submitted forms for completeness as a part of the nomination process. NMFS OSF will provide NMFS

Regional Offices with copies of the submitted forms for all nominees under their jurisdiction and NMFS Regional Offices will have the opportunity to review these forms and provide comments on the submitted forms to NMFS OSF. During its review, NMFS OSF may ask nominees to revise and re-submit their financial disclosure forms.

- After completing its review, NMFS OSF will forward the submitted forms from nominees with reported financial interests to the NMFS Office of Law Enforcement (OLE) for review, to determine and verify any connections to fishing vessels or other interests (per 50 CFR 600 et. seq.). During this review, nominees may be asked to revise and re-submit their financial disclosure forms.

- When the submitted forms have been vetted by NMFS OSF and NMFS OLE, they will be considered properly reviewed. No further revisions to information in the forms will be required unless the nominee notifies NMFS of a change in his or her financial interests.

- For each nominee appointed by the Secretary to serve as a Council member, NMFS OSF will forward the vetted financial disclosure form to the Executive Director of the corresponding Council.

Financial Disclosure Form Vetting for Appointed Council Members

- Regulations at 50 C.F.R. 600.235 require appointed Council members to submit a completed financial disclosure form with their Council Executive Directors: (1) within 45 days of taking office (including re-appointed members); (2) within 30 days of the time any such financial interest is acquired or substantially changed; and (3) by February 1 of each year regardless of whether any financial information has changed.

- For the annual financial disclosure requirement, Council Executive Directors should distribute new financial disclosure forms to Council members and collect completed forms in a timely manner.

- Council Executive Directors should review annual and supplemental financial disclosure forms submitted by Council members to ensure each form is fully completed, and is signed and dated, following up with the member as necessary. During this review, Council members may be asked to revise and re-submit their financial disclosure forms.

- Council Executive Directors will then forward the submitted forms to the appropriate NMFS Regional Office, copying NMFS OSF.

- Upon receipt, NMFS Regional Offices should review and verify the information on the submitted forms against readily available information, checking back with the Council

Executive Director and member as necessary to confirm the information. The NMFS Regional Office should consult with its NOAA GC Regional Section on any legal questions that may arise with a submitted form. During this review, Council members may be asked to revise and re-submit their financial disclosure forms.

- When the submitted forms have been vetted by the NMFS Regional Office, they will be considered properly reviewed. The NMFS Regional Office should notify its corresponding Council Executive Director(s) that it has completed the vetting process, coordinate with Council Executive Directors on any financial information changes or clarifications made during the vetting process, and ensure that the Council has copies of the submitted forms that have been vetted.

- Each Council Executive Director will make the appointed Council members' forms publicly available and post them to the corresponding Council's website in a prominent manner.

- NMFS Regional Offices are to: (1) maintain a file of submitted financial disclosure forms for the region's Council(s), keeping each form for a Council member in accordance with the regulations at 50 CFR 600.235(b)(5) and (2) make the forms available to the Regional Administrator and NOAA GC to aid in any conflict of interest or recusal determination.

Recusal Determinations

Section 302(j) of the MSA prohibits an appointed Council member from voting on a Council decision that would have a significant and predictable effect on the Council member's financial interests. Regulations implementing this recusal requirement are located at 50 CFR 600.235. Many aspects of recusal determinations are now addressed in the regulations (see 85 FR 56177; September 11, 2020).

NMFS and NOAA GC determined that additional guidance on the formulas for partially attributing fishing activity and vessel ownership, and the process for issuing and modifying regional recusal determination procedure handbooks is necessary to ensure consistent application across the regions and Councils. The Recusal Determinations Section sets forth guidance on the formulas for partially attributing fishing activity and vessel ownership for directly and indirectly owned financial interests. The Regional Recusal Determination Procedure Handbooks Section provides guidance on the process for issuing and modifying regional recusal determination procedure handbooks.

NMFS policy directive 01-116, this procedural directive, and the Regional Recusal Determination Procedure Handbooks supplement the recusal regulations at 50 CFR 600.235. The recusal regulations at 50 CFR 600.235, together with the guidance in the policy and procedural directives and the Regional Recusal Determination Procedure Handbooks, will provide NMFS, NOAA GC, the Councils, and the public with a thorough understanding of, and process for, the preparation and issuance of recusal determinations, thereby improving the transparency and

predictability of recusal determinations.

Guidance on Partially Attributing Financial Interests

For certain financial interests, regulations at 50 CFR 600.235(c)(6) require designated officials to attribute to an appointed Council member fishery harvesting, processing, and marketing activity, and vessel ownership, commensurate with the percentage of ownership of the financial interest. This attribution is necessary to determine whether the appointed Council member has a significant financial interest in the fishery or sector of the fishery affected by the Council decision. Designated officials will attribute all financial interests of an appointed Council member.

The following hypothetical situations demonstrate how financial interests are to be partially attributed:

> In 2021, a Regional Fishery Management Council is considering an action that would change the regulations governing a commercial fishery managed by the Council. In 2020, thirty vessels participated in this commercial fishery and the total harvest was 100,000 pounds of fish. Given these facts and applying the regulations at 50 CFR 600.235, harvest greater than 10,000 pounds represents a significant financial interest and recusal would be required. Additionally, vessel ownership greater than 3 vessels represents a significant financial interest and recusal would be required.
>
> Situation #1: Council member Jones owns 75% of Fishing Company A, which owns and operates three catcher vessels in the commercial fishery under consideration. In 2020, Fishing Company A's vessels together harvested a combined 7% of the total harvest (7,000 pounds).
>
> Situation #2: Same as #1, but additionally, Fishing Company A owns 50% of Fishing Company B, a fishing company that owns and operates two catcher vessels in the same commercial fishery. In 2020, Fishing Company B's vessels together harvested a combined 5% of the total harvest (5,000 pounds).
>
> Situation #3: Same as #2, but additionally, Fishing Company B owns 60% of Fishing Company C, a fishing company that owns and operates one catcher vessel in the same commercial fishery. In 2020, Fishing Company C's vessel harvested 8% of the total harvest (8,000 pounds).

In all of these Situations, Council member Jones has direct ownership of Fishing Company A; in Situations #2 and #3, Council member Jones also has indirect ownership of both Fishing Company B and C.

Partially Attributing Fishing Activity

In Situation #1, a total of 5,250 pounds of fish would be attributed to Council member Jones as follows:

75% x 7,000 pounds = 5,250 pounds attributable to Council member Jones

In Situation #2, a total of 7,125 pounds of fish would be attributable to Council member Jones as follows:

50% x 5,000 pounds = 2,500 pounds of Fishing Company B harvest attributable to Fishing Company A
2,500 pounds + 7,000 pounds = 9,500 pounds of harvest attributable to Fishing Company A
75% x 9,500 pounds = 7,125 pounds attributable to Council member Jones

In Situation #3, a total of 8,925 pounds of fish would be attributable to Council member Jones as follows:

60% x 8,000 pounds = 4,800 pounds of Fishing Company C harvest attributable to Fishing Company B
4,800 pounds + 5,000 pounds = 9,800 pounds of harvest attributable to Fishing Company B
50% x 9,800 pounds = 4,900 pounds of Fishing Company B harvest attributable to Fishing Company A
4,900 pounds + 7,000 pounds = 11,900 pounds of harvest attributable to Fishing Company A
75% x 11,900 pounds = 8,925 pounds attributable to Council member Jones

Council member Jones would not be required to recuse herself in any Situation based on the harvest threshold because the amount of the total harvest attributable to her is not greater than 10,000 pounds and; therefore, does not represent a significant financial interest.

Partially Attributing Fishing Vessels

In Situation #1, a total of 2.25 vessels would be attributed to Council member Jones as follows:

0.75 vessel (75% x Fishing Company A vessel #1)
0.75 vessel (75% x Fishing Company A vessel #2)
+ 0.75 vessel (75% x Fishing Company A vessel #3)
2.25 vessels attributable to Council member Jones

In Situation #2, a total of 3 vessels would be attributable to Council member Jones as follows:

0.75 vessel (75% of Fishing Company A vessel #1)
0.75 vessel (75% of Fishing Company A vessel #2)
0.75 vessel (75% of Fishing Company A vessel #3)
0.375 vessel (75% of 50% (or 37.5%) of Fishing Company B vessel #1)
+ 0.375 vessel (75% of 50% (or 37.5%) of Fishing Company B vessel #2)
3.00 vessels attributable to Council member Jones

In Situation #3, a total of 3.225 vessels would be attributable to Council member Jones as follows:

0.75 vessel (75% of Fishing Company A vessel #1)
0.75 vessel (75% of Fishing Company A vessel #2)
0.75 vessel (75% of Fishing Company A vessel #3)
0.375 vessel (75% of 50% (or 37.5%) of Fishing Company B vessel #1)
0.375 vessel (75% of 50% (or 37.5%) of Fishing Company B vessel #2)
+ 0.225 vessel (75% of 50% of 60% (or 22.5%) of Fishing Company C vessel #1)

3.225 vessels attributable to Council member Jones

In Situations #1 and #2, Council member Jones would not be required to recuse herself based on the vessel ownership threshold because the number of vessels attributable to her is not greater than 3 vessels and therefore does not represent a significant financial interest. However, in Situation #3, Council member Jones would be required to recuse herself based on the vessel ownership threshold because the number of vessels attributable to her is greater than 3 vessels and; therefore, does represent a significant financial interest.

Regional Recusal Determination Procedure Handbooks

Regulations at 50 CFR 600.235(f) require each NMFS Regional Office, in conjunction with the NOAA General Counsel Regional Section, to develop a Regional Recusal Determination Procedure Handbook(s). Regional Recusal Determination Procedure Handbooks explain the process and procedure typically followed by the region in preparing and issuing recusal determinations. The regulations at 50 CFR 600.235(f) state what must be included in the Handbook(s), but this procedural directive provides the process to be followed for issuing and modifying the Handbooks.

Issuance of Regional Recusal Determination Procedure Handbooks

- After the NMFS Regional Office and the NOAA GC Regional Section develop a proposed Regional Recusal Determination Procedure Handbook in accordance with 50 CFR 600.235(f), each NOAA GC Regional Section should provide NMFS OSF and NOAA GC Fisheries and Protected Resources Section with an opportunity to review and comment on the proposed Regional Recusal Determination Procedure Handbook. Agency review should be completed before the proposed Regional Recusal Determination Procedure Handbooks are provided to the Council(s) for review.

- Proposed Regional Recusal Determinations Procedure Handbooks should be ready for Council review within two years from the effective date of this procedural directive and as soon as possible during this period of time.

- When the proposed Regional Recusal Determination Procedure Handbook is ready for Council review, each NOAA GC Regional Section should provide a copy of the proposed Regional Recusal Determination Procedure Handbook to the Executive Director(s) of the Council(s) in the region for Council review and comment. The period of time provided to a Council to review and comment on the proposed Regional Recusal Determination Procedure Handbook should include at least one Council meeting at which discussion of the proposed Regional Recusal Determination Procedure Handbook could be included on the Council's agenda.

- After providing the Council(s) in the region with a reasonable period of time to review and

comment on the proposed Regional Recusal Determination Procedure Handbook, the NOAA GC Regional Section, NMFS Regional Office, and NMFS OSF should consider the comments received from the Council(s) and prepare the final Regional Recusal Determination Procedure Handbook.

- When finalized, each NOAA GC Regional Section will provide NMFS OSF, the NMFS Regional Office, NOAA GC Fisheries and Protected Resources Section, and the Executive Director(s) of the Council(s) with copies of the final Regional Recusal Determination Procedure Handbook(s).

Modifications to Regional Recusal Determination Procedure Handbooks

- Regional Recusal Determination Procedure Handbooks should be modified as necessary to stay current with the process and procedures that are typically followed by the region in preparing and issuing recusal determinations.

- Each NOAA GC Regional Section should provide NMFS OSF, its NMFS Regional Office, and NOAA GC Fisheries and Protected Resources Section with an opportunity to review and comment on all proposed modifications to the Regional Recusal Determination Procedure Handbook before the proposed modifications are provided to the Council(s).

- When agency review of the proposed modifications is completed, each NOAA GC Regional Section should provide a copy of the Regional Recusal Determination Procedure Handbook with the proposed modifications clearly identified to the Executive Director(s) of the Council(s) in the region for Council review and comment. The period of time provided to a Council to review and comment on proposed modifications should include at least one Council meeting at which discussion of the proposed modifications could be included on the Council's agenda.

- After providing the Council(s) in the region with a reasonable period of time to review and comment on the proposed modifications, the NOAA GC Regional Section, NMFS Regional Office, and NMFS OSF should consider the comments received from the Council(s).

- If, based on comments from the Council(s) or further agency review, the agency determines that the proposed modifications are not necessary, the NOAA GC Regional Section will notify the Council(s) that no modifications will be made to the Regional Recusal Determination Procedure Handbook. Otherwise, each NOAA GC Regional Section will provide the NMFS OSF, NMFS Regional Office, NOAA GC Fisheries and Protected Resources Section, and Executive Director(s) of the Council(s) with copies of the final Regional Recusal Determination Procedure Handbook as modified.

Post-Council Meeting Action

- Council Executive Directors should record incidences of recusals or discussions surrounding conflicts of interest by members, as required for inclusion in NMFS' annual Report to Congress, subsequent to each Council meeting. Council Executive Directors should submit these records to NMFS Regional Offices in a timely manner.

- Council Executive Directors and the NMFS Regional Offices are required to compile this data by the end of the calendar year for inclusion in the annual Report to Congress on the Disclosure of Financial Interest and Recusal Requirements for Councils and Scientific and Statistical Committees.

Briefing of Councils on Financial Disclosure and Recusal Requirements

Both NMFS and the Councils want to ensure that Council members are well aware of their responsibilities for financial disclosure and recusal, and that disclosure of their financial interests allows them to fully participate in Council activities unless recused. For these reasons, and in the interest of transparency and public understanding, NMFS and NOAA GC will continue to communicate the existing policies and procedures concerning financial disclosure and recusal to all NMFS employees, Council members, Council staff, and the public. Consistent with this, NOAA GC will conduct an annual briefing for the Councils on financial disclosure and recusal requirements. Any briefings or trainings, either coordinated by NOAA GC or OSF, will address completing financial disclosure forms, the recusal process, and discuss penalties.

Public Online Access to Regional Recusal Determination Procedure Handbooks and Recusal Determinations

In coordination with each NOAA GC Regional Section, each NMFS Regional Office will create a place on the NMFS Regional Office webpage where the public can access the region's Regional Recusal Determination Procedure Handbook(s), any written recusal determinations, and any appeals of recusal determinations. Following the effective date of this procedural directive, each NOAA GC Regional Section should provide its NMFS Regional Office web administrator with all written recusal determinations and appeal decisions, and electronic copies of the Regional Recusal Determination Procedure Handbook(s), as they become available. As time and resources permit, any written recusal determinations and appeal decisions issued prior to the effective date of this procedural directive should be added to the NMFS Regional Office webpage. All written recusal determinations and appeal decisions made publicly available will protect from disclosure all confidential and protected information. NMFS OSF will maintain a place on its webpage that provides links to all of the NMFS Regional Office webpages and serves as a central source for locating all Regional Recusal Determination Procedure Handbooks, any written recusal determinations, and any appeal decisions.

Supplemental Information

The current Statement of Financial Interests form 88-195 (OMB No. 0648-0192) is available at: https://www.fisheries.noaa.gov/national/partners/financial-disclosure-statements.

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: January 28, 2022

To: Council

From: Julia Beaty, staff

Subject: 2022 Recreational Management Measures for Summer Flounder, Scup, and Black Sea Bass

Background and Meeting Objective

In December 2021, 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 (Board) jointly adopted recommendations for 2022 recreational management measures for summer flounder, scup, and black sea bass. Their recommendations for each species are briefly summarized in the following sections.

On January 25, 2022, the Commission's Summer Flounder, Scup, and Black Sea Bass Management Board (Board) met to consider the approach for setting state/regional management measures in 2022. The Council could not meet jointly with the Board during this meeting as there was not sufficient time to submit a meeting agenda to the Federal Register 23 days in advance, as required.

As described in more detail below, the Board's January 2022 recommendation for black sea bass differs from that approved jointly with the Council in December 2021. Therefore, on February 8, 2022, the Council will consider revising their previous recommendation for black sea bass to allow for consistency in the approach for state and federal waters. Revisions to the Council's previous recommendations for summer flounder and scup are not necessary as the Board does not intend to deviate from the previously approved approach for those species.

Black Sea Bass

In December 2021, the Council and the Board jointly approved a 28% reduction in coastwide black sea bass harvest compared to average 2018-2021 harvest. This reduction was deemed necessary to prevent exceeding the 2022 recreational harvest limit (RHL). They also jointly agreed to use the conservation equivalency process to waive federal waters measures and allow states to work together as regions to develop measures to collectively reduce harvest to prevent an overage of the 2022 RHL.

As part of approving conservation equivalency for 2022, the Council and Board also approved non-preferred coastwide measures consisting of a 14-inch minimum size limit, a 5 fish possession limit, and an open season of May 15-September 21. These measures are intended to be waived in favor of regional measures which would collectively prevent an RHL overage. The

Council and Board also agreed to precautionary default measures consisting of a 16-inch minimum size, a 3 fish possession limit, and an open season of June 24-December 31. These measures are intended to be implemented in any state or region that does not put forward a proposal that can be approved by the Board through the conservation equivalency process.

The Commission's Summer Flounder, Scup, and Black Sea Bass Technical Committee (TC) met several times in January 2022 to develop an agreed upon methodology for states to use when developing regional proposals for recreational black sea bass measures. The TC considered methodologies for identifying and smoothing outlier harvest estimates. They identified over 30 outliers at the state, wave, mode, and year level for black sea bass during 2018-2021. The TC is having ongoing conversations on the most appropriate method for smoothing those outliers. Depending on the final method recommended by the TC, the resulting percentage reduction to prevent an RHL overage may be less than the 28% recommended by the Council and Board in December 2021. The 28% reduction was based on 2018-2021 average harvest, with no adjustments for outliers and with the 2021 value projected at the coastwide level based on preliminary wave 1-4 harvest.

On January 25, 2022, the Board passed the following motion:

> *Move to rescind the December 2021 black sea bass recreational management motion and move to adopt conservation equivalency for 2022 black sea bass recreational management, with a reduction in harvest specified to achieve the coastwide 2022 RHL. A 28 percent reduction will be required unless additional analyses conducted by the Technical Committee examining the MRIP data, including an outlier analysis and incorporation of the updated 2021 data as presented today, result in a modified percentage. Non-preferred coastwide measures are: 14-inch minimum size, 5 fish possession limit, and open season of May 15-September 21. Precautionary default measures are: 16-inch minimum size, 3 fish possession limit, and open season of June 24-December 31. If the percent reduction is changed the precautionary default and coastwide measures will be adjusted to be consistent with the required adjustment.*

The Board tasked the TC with continuing to develop the methodology to smooth outlier harvest estimates. The TC will provide additional recommendations to the Board in early February. After reviewing these recommendations, the Board will vote over email on the final percent reduction in black sea bass harvest needed for 2022. The timing of the Board vote has not been determined but it is anticipated to occur prior to the February 8, 2022 Council meeting. This will allow the Council to determine the appropriate action to allow for consistency in the approach in state and federal waters in 2022. Additional information on the final TC and Board recommendations will be provided during the February 8, 2022 Council meeting.

Scup

In December 2021, the Council and Board jointly agreed to increase the scup recreational minimum size limit by one inch in state and federal waters in 2022. In federal waters, this results in a 10-inch minimum size. In state waters, this one-inch increase would be applied to each state's measures, which vary by state and mode. Collectively, this change in state and federal waters was expected to achieve an approximate 33% reduction in harvest compared to the 2019-2021 average. The Council and Board acknowledged that this is less than the estimated 56% reduction needed to fully constrain harvest to the 2022 RHL; however, they agreed that 33% was

an appropriate level of reduction given the negative socioeconomic impacts of the full 56% reduction and the current high biomass level. The 56% reduction was based on a comparison of the 2022 RHL to 2019-2021 average harvest, with the 2021 value projected at the coastwide level based on preliminary wave 1-4 estimated harvest. The 2019-2021 average harvest for Massachusetts wave 1- 4 was used in place of the 2021 wave 1-4 preliminary estimate due to anomalously high harvest values largely influenced by a single intercept.

NOAA Fisheries indicated that because the one-inch size limit increase is not expected to prevent an RHL overage, they may be required to close federal waters to recreational scup fishing in 2022. A federal waters closure would be expected to have a very small impact on total recreational scup harvest given the low contribution of federal waters to total recreational scup harvest (e.g., 6% on average during 2016-2020).

During their January 25, 2022 meeting, the Board did not modify their previous recommendation for a one-inch minimum size increase in all states. However, they tasked the TC with performing a similar outlier identification and smoothing analysis for scup as the TC is undertaking for black sea bass. The goal is to determine if an outlier analysis could provide justification for leaving federal waters open to recreational scup fishing in 2022, while maintaining the one-inch increase in the minimum size limit in state and federal waters.

No additional Council action is needed regarding 2022 recreational management measures for scup.

Summer Flounder

In December 2021, the Council and Board jointly agreed to continue using regional conservation equivalency for summer flounder in 2022 to achieve, but not exceed, the 2022 RHL. The Council and Board recommended allowing for up to a 16.5% liberalization of state or regional measures. They also approved non-preferred coastwide measures consisting of a 4-fish possession limit, an 18.5-inch total length minimum size, and an open season of May 15 – September 15. These measures will be waived in favor of state regulations if conservation equivalency is approved by NOAA Fisheries. The Council and Board made no changes to the current precautionary default measures (i.e., a 2-fish possession limit, a 20-inch total length minimum size, and an open season of July 1 – August 31) which would be implemented in any state or region that does not adopt measures consistent with the conservation equivalency guidelines.

On January 25, 2022, the Board approved the TC's recommended methodology for regions to use when developing summer flounder conservation equivalency proposals. The approved approach does not conflict with the December 2021 Council and Board decision; therefore, no additional Council action is needed for 2022 recreational summer flounder measures.

Mid-Atlantic Fishery Management Council
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Michael P. Luisi, Chairman | P. Weston Townsend, Vice Chairman
Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: January 28, 2022

To: Chris Moore, Executive Director

From: Julia Beaty, staff

Subject: Recreational Harvest Control Rule Framework/Addenda

Documents Behind This Tab

- Draft Omnibus Addendum to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan and Bluefish Fishery Management Plan.

  This document incorporates the recommendations of the Fishery Management Action Team (FMAT)/Plan Development Team (PDT).

  The Council's framework action will consider the same set of alternatives as the Draft Addenda.

- Public comments received through January 26, 2022.

Meeting Objective

On February 8, 2022, the Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission's (Commission's) Interstate Fishery Management Program Policy Board (Policy Board) will review a draft range of alternatives developed by the FMAT/PDT for the Recreational Harvest Control Rule Framework/Addenda. The Council and Policy Board may consider prioritizing a subset of alternatives for shorter term implementation while further developing the remaining alternatives through a separate, longer-term management action. They will also consider approving a final range of alternatives for the framework/addenda and will consider approving the Draft Addenda for public comment.

Council Staff Recommendation for Next Steps

Council staff recommend that the Council and Policy Board approve a range of alternatives for this this action, with modifications as desired, and approve the Draft Addendum for public hearings. If the Council and Policy Board are not ready to take these steps on February 8, 2022, they should provide direction to the FMAT/PDT on how to improve the range of alternatives and the draft document. Staff do not anticipate additional major changes to the alternatives or the document without specific guidance from the Council and Policy Board.

In addition, Council staff recommend that the range of alternatives not be split into multiple actions with different timelines. The FMAT/PDT has not determined that some alternatives are strongly preferred over others; therefore, it would be inappropriate to place a higher priority on

further development of a small subset of the alternatives while delaying further development of the remaining alternatives.

Draft Timeline for Next Steps

The draft timeline below assumes the alternatives currently under consideration in the framework/addenda are not split into multiple management actions.

- Council/Policy consider approval of final range of alternatives and draft addenda for public comment *(February 8, 2022)*
- Public hearings on Draft Addenda *(March - April 2022)*
- FMAT/PDT and Advisory Panels meet to consider recommendations for final action *(May 2022)*
- Council/Policy Board take **final action** on framework/addenda ***(June 2022)***
- Development of NEPA document for framework and federal rulemaking *(June 2022 – late 2022)*
- Monitoring Committee and Advisory Panel meetings to provide input on 2023 measures, considering preferred Harvest Control Rule alternative selected by Council and Policy Board in June 2022 *(fall 2022)*
- Board, Council set 2023 recreational management measures based on Harvest Control Rule option selected *(Dec 2022)*
- Federal implantation of Harvest Control Rule preferred alternative *(late 2022 or early 2023)*

The Council and Commission have supported development of two statistical models known as the Recreational Economic Demand Model and the Recreational Fleet Dynamics Model.[1] Both models could be used to inform the setting of recreational management measures under any of the Harvest Control Rule Framework/Addenda alternatives. However, it is not anticipated that these models will be complete and available for use for most species until the fall of 2022 or later. The exception is the Recreational Economic Demand Model for summer flounder, which is expected to be completed by June 2022 as part of the ongoing summer flounder management strategy evaluation.[2]

[1] More information on these models is available at https://www.mafmc.org/council-events/2021/ssc-peer-review-panel-sept20.
[2] https://www.mafmc.org/actions/summer-flounder-mse

Draft for Board Review; Not for Public Comment

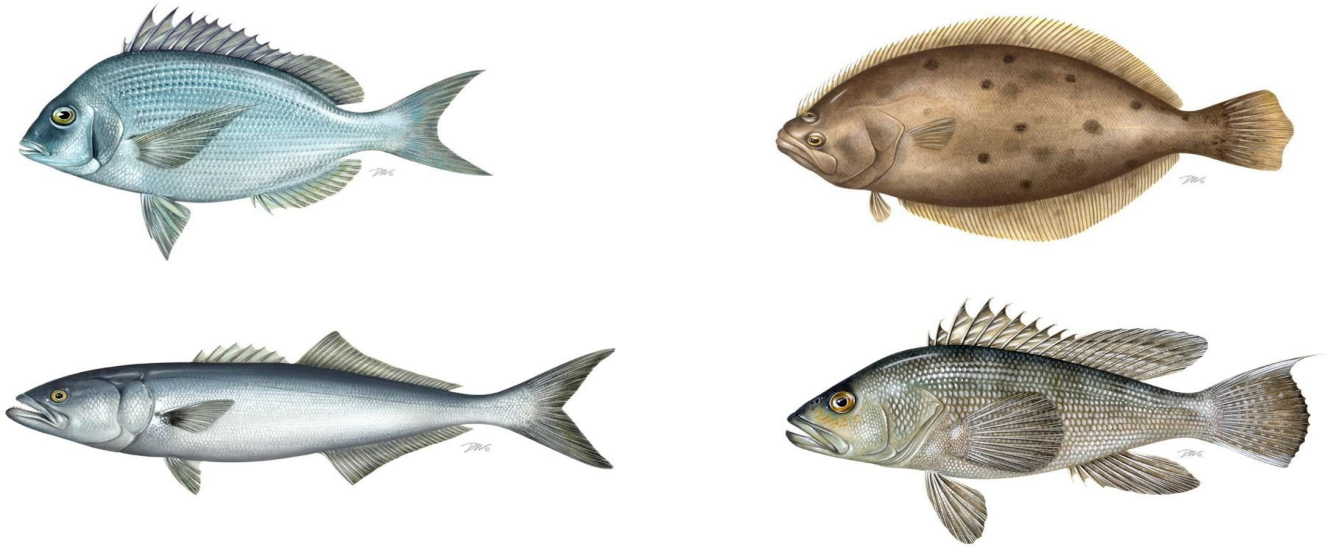
Atlantic States Marine Fisheries Commission

DRAFT OMNIBUS ADDENDUM TO THE SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS FISHERY MANAGEMENT PLAN AND BLUEFISH FISHERY MANAGEMENT PLAN

FOR PUBLIC COMMENT

Harvest Control Rule for Recreational Management

This action is being developed with the Mid-Atlantic Fishery Management Council.



This draft document was developed for Policy Board review and discussion. This document is not intended to solicit public comments. Comments on this draft document may be given at the appropriate time on the agenda during the scheduled Policy Board and Council meeting. If approved, a public comment period will be established to solicit input on the issues contained in the document.

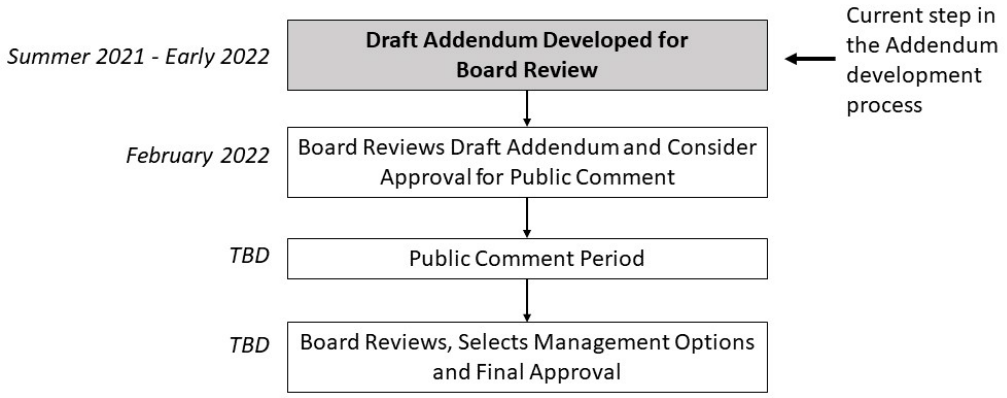
February 2022

Sustainable and Cooperative Management of Atlantic Coastal Fisheries

Draft for Board Review; Not for Public Comment

Public Comment Process and Proposed Timeline

In October 2020, the Atlantic States Marine Fisheries Commission's (Commission's) Summer Flounder, Scup, and Black Sea Bass Management Board (Board) and the Mid-Atlantic Fishery Management Council (Council) initiated a draft addendum (for the Commission) and framework action (for the Council) to address management of the recreational summer flounder, scup, black sea bass, and bluefish fisheries. This Draft Addendum and the Council's framework consider modifications to the process for setting recreational bag, size, and season limits (i.e., "recreational measures") for all four species. The Draft Addendum and the Council's framework action consider an identical set of options and the Commission's Interstate Fisheries Management Policy Board (Policy Board) and Council will select the same management options for implementation. This document presents background on recreational management for these species and a range of options to set recreational measures for public consideration and comment. The addendum process and expected timeline are below.



The public is encouraged to submit comments regarding this document at any time during the public comment period. The final date comments will be accepted is DATE TBD at 11:59 p.m. Comments may be submitted at state public hearings or by mail, email, or fax. If you have any questions or would like to submit a comment, please use the contact information below. **All comments will be made available to both the Commission and Council for consideration; duplicate comments do not need to be submitted to both bodies.**

Tips for Providing Public Comment

We value your input. To be most effective, please include specific details as to why you support or oppose a particular proposed management option. Specifically, please address the following:

- Which proposed options do you support, and which options do you oppose?
- Why do you support or oppose the option(s)?
- Is there any additional information you think should be considered?

Mail: Dustin Colson Leaning, FMP Coordinator
Atlantic States Marine Fisheries Commission
1050 North Highland Street, Suite 200 A-N
Arlington, VA 22201

Email: comments@asmfc.org
(Subject: Draft Addendum XXXIV)
Phone: 703.842.0740
FAX: 703.842.0741

Table of Contents

1.0 Introduction

Summer flounder, scup, black sea bass, and bluefish fisheries are managed cooperatively by the Commission in state waters (0-3 miles), and by the Council and NOAA Fisheries in federal waters (3-200 miles). The management unit for summer flounder in U.S. waters is the western Atlantic Ocean from the southern border of North Carolina northward to the U.S.-Canadian border. The management unit for scup and black sea bass in US waters is the western Atlantic Ocean from Cape Hatteras, North Carolina north to the Canadian border. Bluefish are managed in U.S. waters along the entire eastern US coast, from Maine to Florida.

The Council and Commission jointly agree to recreational annual catch limits (ACLs) and recreational harvest limits (RHLs) for all four species, which apply throughout the management units. They also jointly agreed to the overall approach to setting recreational bag, size, and season limits (i.e., recreational measures). Recreational measures in state waters are determined through the Commission process. The current process for setting recreational measures in state waters for summer flounder and black sea bass was established in 2018 through Addendum XXXII and for scup was established in 2004 through Addendum XI. Amendment 1 to the Bluefish Fishery Management Plan (FMP) established a process for setting recreational measures for bluefish.

In October 2020, the Commission's Policy Board and the Mid-Atlantic Fishery Management Council approved the following motion:

> *Move to initiate a joint framework/addendum to address the following topics for summer flounder, scup, black sea bass, and bluefish, as discussed today:*
>
> - *Better incorporate MRIP uncertainty into management*
> - *Develop guidelines for maintaining status quo measures*
> - *Develop a process for setting multi-year measures*
> - *Consider changes to the timing of federal waters measures recommendations*
> - *Harvest control rule*
>
> *and to also initiate an amendment to address recreational sector separation and recreational catch accounting such that scoping for the amendment would be conducted during the development of the framework/addendum.*

During their February 2021 meeting, the Council and Policy Board prioritized development of the harvest control rule referenced in the motion above prior to further development of the other topics. This Draft Addendum and the complementary Council framework address only the harvest control rule; however, as described in more detail in later sections of this document, considerations related to uncertainty in the Marine Recreational Information Program (MRIP) data, guidelines for status quo measures, and multi-year measures are incorporated into many of the options.

The goal of this Draft Addendum and the Council's framework is to establish a process for setting recreational bag, size, and season limits for summer flounder, scup, black sea bass, and bluefish such that measures aim to prevent overfishing, are reflective of stock status, appropriately account for uncertainty in the recreational data, take into consideration angler preferences, and provide an appropriate level of stability and predictability in changes from year to year.

2.0 Overview

2.1 Statement of Problem

As described in more detail in section 2.2, the Commission and Council face a number of challenges setting recreational management measures for summer flounder, scup, black sea bass, and bluefish, including concerns related to uncertainty and variability in the recreational fishery data, the need to change measures (sometimes annually) based on those data, as well as the perception that measures are not reflective of current stock status. In addition, management measures have not always had their intended effect on overall harvest.

The purpose of this document is to consider a management approach called a harvest control rule to establish a process for setting recreational bag, size, and season limits for summer flounder, scup, black sea bass, and bluefish such that measures aim to prevent overfishing, are reflective of stock status, appropriately account for uncertainty in the recreational data, take into consideration angler preferences, and provide an appropriate level of stability and predictability in changes from year to year. The management options aim to rely less on expected fishery performance and instead uses a more holistic approach with greater emphasis on traditional and non-traditional stock status indicators and trends.

Addendum XXXII established an interim management approach for summer flounder and black sea bass that addressed several key management objectives and served as a foundation for broad-based, long-term management reform. The Policy Board and Council are addressing ongoing management challenges and objectives via comprehensive, long-term management reforms over the next several years starting with this document. Those actions will draw upon improved recreational fishery data,[1] updated stock assessments, and innovative management tools.

2.2 Background

For all four species, recreational ACLs are set jointly by the species management board and the Council. ACLs account for landings and dead discards. An RHL for each species is set equal to the ACL minus expected dead discards. Recreational measures (i.e., bag, size, and season limits)

[1] MRIP is an evolving program with ongoing improvements to its methods. Several recent advancements including the transition from a telephone survey to a mail survey to estimate fishing effort have resulted in revisions to the recreational catch and harvest estimates.

are set with the goal of preventing RHL overages. In preventing RHL overages, these measures also aim to prevent ACL overages and to prevent overfishing.

The ACLs and RHLs are revised when new stock assessment information becomes available. They are based on stock assessment projections, considerations related to scientific uncertainty, and commercial/recreational allocations. The RHLs incorporate assumptions about dead discards and can be further reduced to account for management uncertainty.

The methods used to determine which measures will prevent RHL overages are not specified in the FMPs and may be modified based on annual recommendations from the Council's Monitoring Committees and the Commission's Technical Committees. MRIP harvest data from one or more recent years are typically used to predict the impacts of changes in bag, size, or season limits on harvest when setting recreational measures. This process typically relies on the assumption that if the recreational measures remain unchanged, next year's harvest will be similar to harvest in the current year or a recent multi-year average. If unchanged measures are expected to result in harvest notably above or below the RHL, then the measures are adjusted to achieve a desired percent liberalization or reduction in harvest based on an analysis of trends shown in recent years' MRIP data.

To allow for consideration of preliminary, current year MRIP data, the Commission's species management board and Council typically determine the overall approach for the upcoming year's recreational measures (e.g., status quo or an overall percentage liberalization or reduction) in December of the current year. They also agree to the federal waters measures in December with the approach for developing state waters measures typically approved by the board in February of the following year.

Of these four species, those that tend to harvest close to or more than their RHL (primarily summer flounder and black sea bass) have required frequent changes to the recreational bag, size, and season limits to prevent future RHL overages. In some cases, the required changes in measures appear to have responded to variability and uncertainty in the MRIP data rather than a clear conservation need. This challenge has been referred to as "chasing the RHL." In addition, many recreational stakeholders expressed frustration that the black sea bass measures did not seem reflective of stock status as they have generally been more restrictive in recent years compared to when the stock was under a rebuilding plan, despite the stock currently being more than double the target level and highly available to anglers.

The bluefish stock was declared overfished in 2019, triggering the development of a rebuilding plan and a need for more restrictive management measures than had previously been in place. This addendum includes special considerations for stocks in a rebuilding plan. The options in this document are not meant to replace the bluefish rebuilding measures. Any measures implemented for bluefish must comply with the rebuilding plan.

2.3 Status of the Stocks

2.3.1 Summer Flounder

The most recent summer flounder management track stock assessment was completed in June 2021, using data through 2019 (NEFSC 2021a). The assessment approach is a complex statistical catch-at-age model incorporating a broad array of fishery and survey data. Results from the 2021 assessment indicate that the summer flounder stock was not overfished, but was 14% below the biomass target, and overfishing was not occurring, in 2019 (Figure 1). Fishing mortality was 20% below the threshold level defining overfishing. More detail on the assessment can be found here.

The 2021 management track stock assessment provided the basis for setting fishery specifications for 2022–2023.

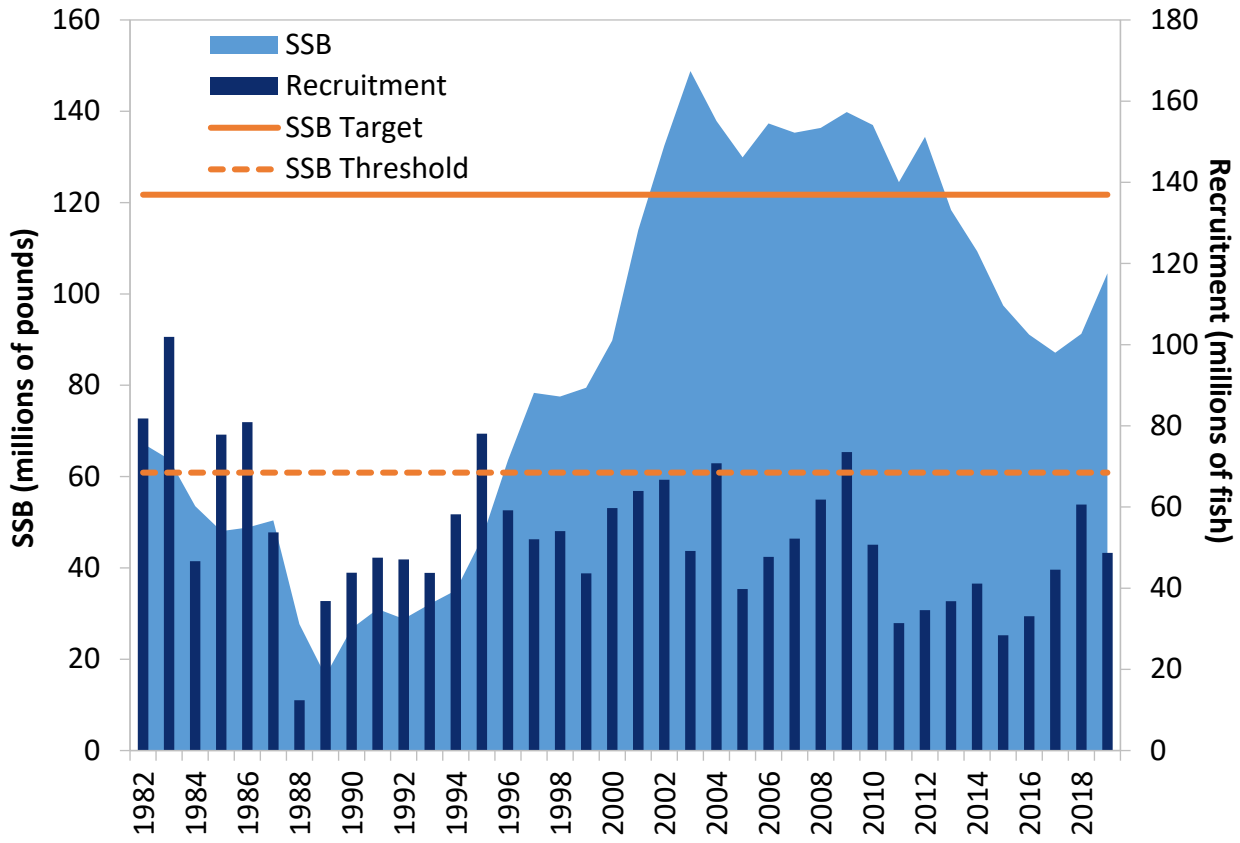


Figure 1. Summer flounder spawning stock biomass and recruitment. Source: 2021 Operational Assessment Prepublication Report, Northeast Fisheries Science Center.

2.3.2 Scup

The most recent scup management track stock assessment was completed in June 2021, using data through 2019 (NEFSC 2021b). The assessment approach is a complex statistical catch-at-age model incorporating a broad array of fishery and survey data. Results from the 2021 assessment indicate that the scup stock was not overfished and was about two times the biomass target, and overfishing was not occurring, in 2019 (Figure 2). Fishing mortality was 32% below the threshold level defining overfishing. More detail on the assessment can be found here.

The 2021 management track stock assessment provided the basis for setting fishery specifications for 2022–2023.

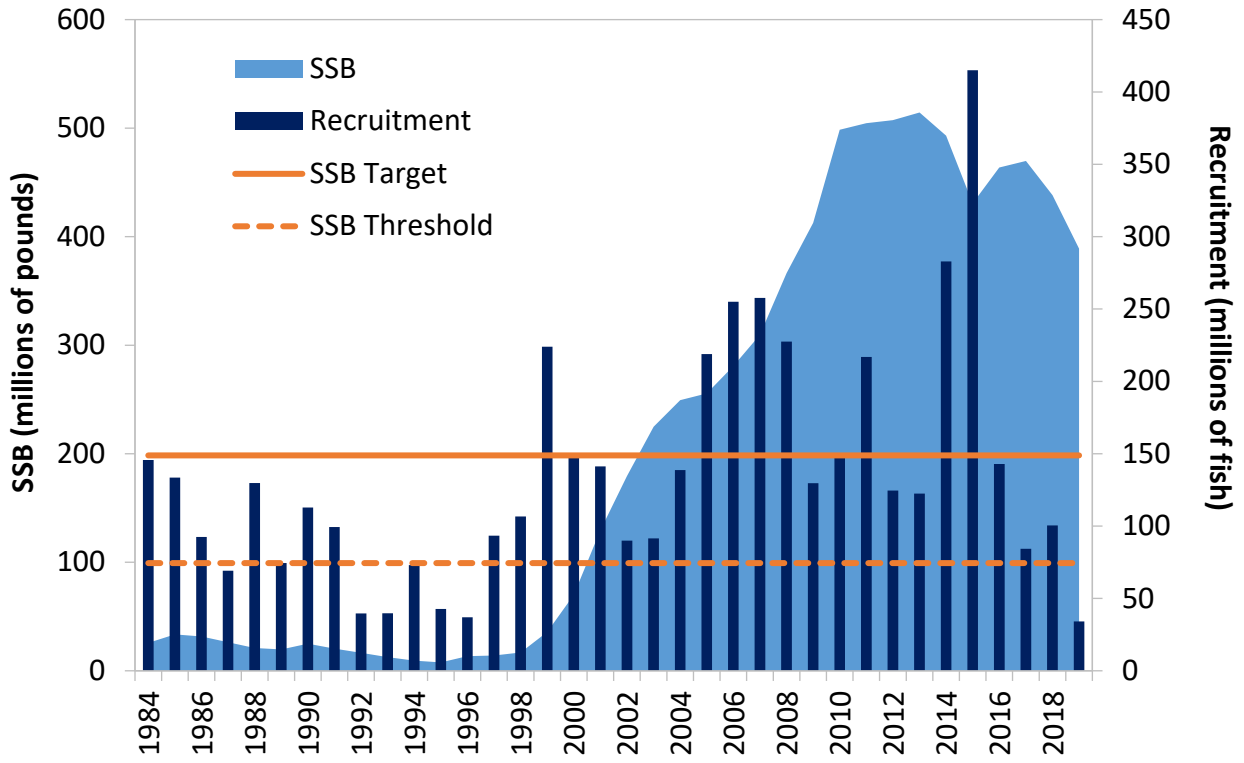


Figure 2. Scup spawning stock biomass and recruitment. Source: 2021 Operational Assessment Prepublication Report, Northeast Fisheries Science Center.

2.3.3 Black Sea Bass

The most recent black sea bass stock assessment update was completed in July 2021, using data through 2019 (NEFSC 2021c). The assessment used a combined-sex, age-structured assessment model. The assessment modeled black sea bass as two separate sub-units (North and South) divided approximately at Hudson Canyon, from which results were combined for the coastwide stock status determination. Results from the 2021 assessment indicate that the black sea bass stock was not overfished and was about 2.2 times the target level, nor was overfishing occurring, in 2019 (Figure 3). Fishing mortality was 15% below the threshold level defining overfishing. The assessment required an adjustment to account for the significant retrospective pattern. This adjustment was only applied to the terminal year of the assessment and the adjusted values are used for management. Of the four species considered in this action, only black sea bass required a retrospective adjustment in the assessment. More detail can be found here.

The 2021 management track stock assessment provided the basis for setting fishery specifications for 2022–2023.

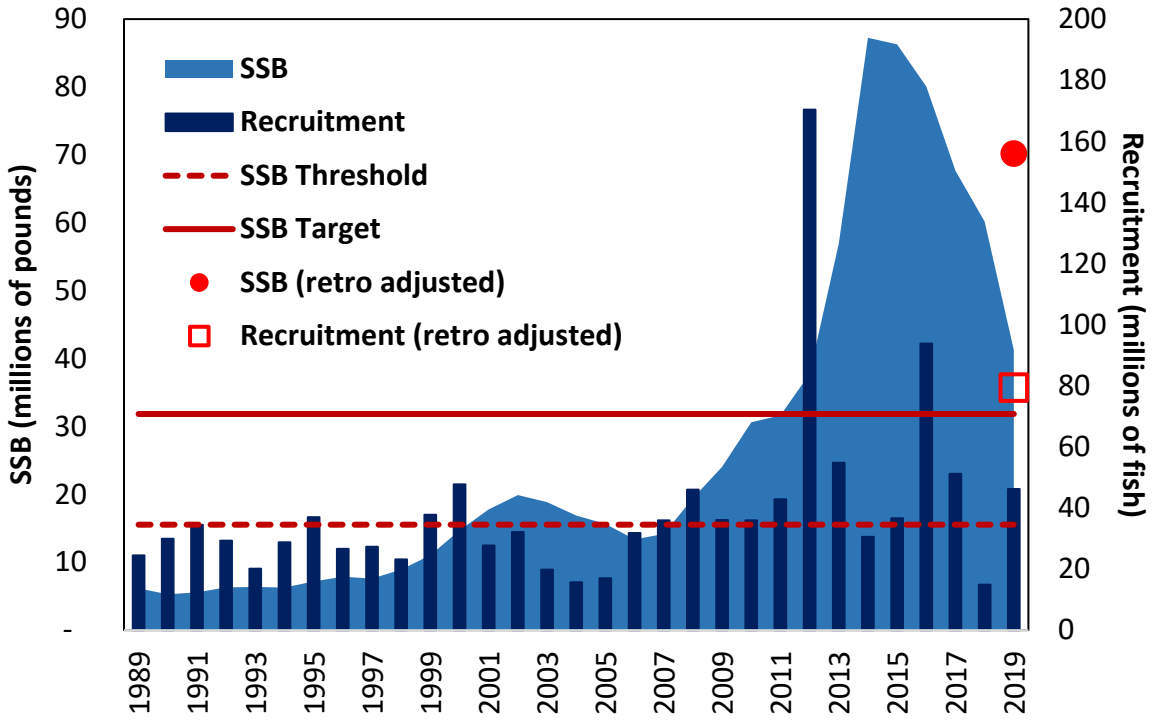


Figure 3. Black sea bass spawning stock biomass and recruitment with retrospective adjusted values. Source: 2021 Operational Assessment Prepublication Report, Northeast Fisheries Science Center.

2.3.4 Bluefish

The most recent bluefish management track stock assessment was completed in June 2021, using data through 2019 (NEFSC 2021d). The assessment approach is a complex statistical catch-at-age model incorporating a broad array of fishery and survey data. Results from the 2021 assessment indicate that the bluefish stock was overfished and was 5% below the overfished threshold, but overfishing was not occurring in 2019 (Figure 4). Fishing mortality was 5% below the threshold level defining overfishing. More detail on the assessment can be found here.

The 2021 management track stock assessment along with the preferred rebuilding plan selected jointly by the Board and Council at their June 2021 meeting provided the basis for setting fishery specifications for 2022–2023.

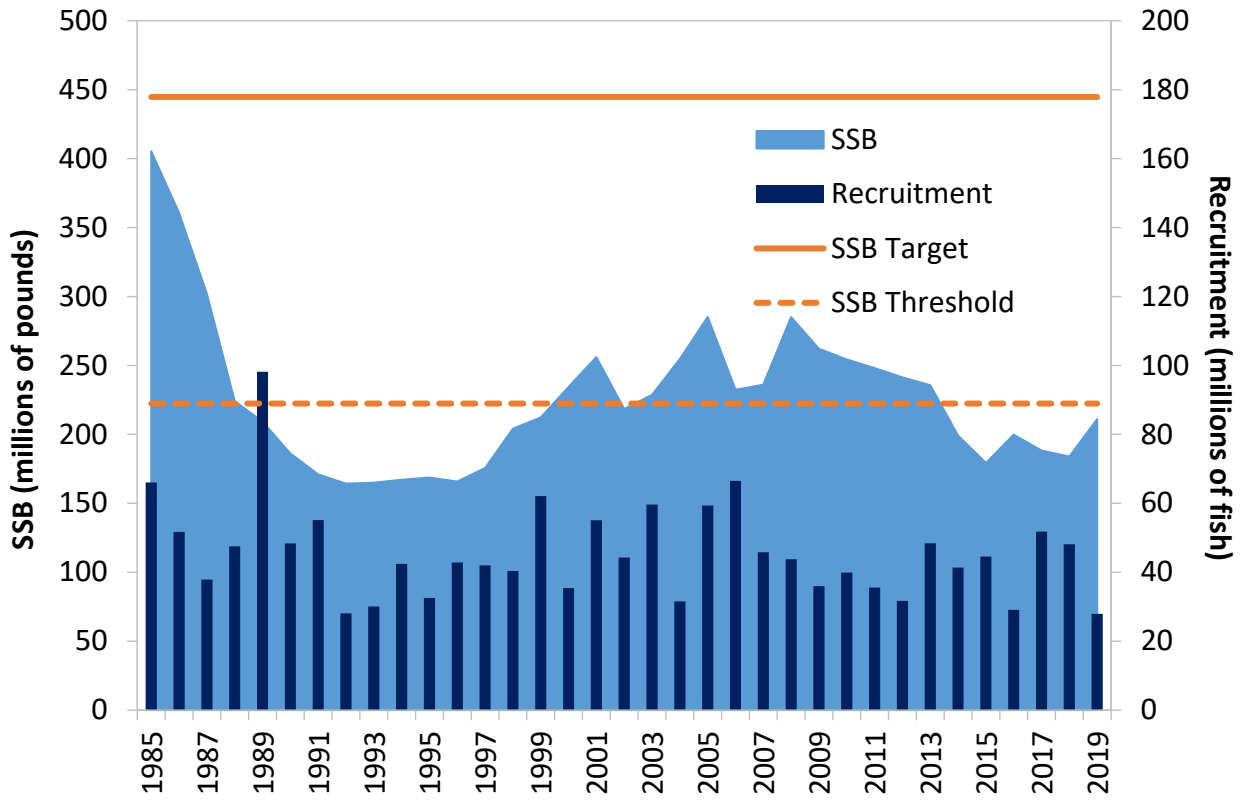


Figure 4. Bluefish spawning stock biomass and recruitment. Source: 2021 Operational Assessment Prepublication Report, Northeast Fisheries Science Center.

2.4 Status of the Fishery

2.4.1 Summer Flounder

Recreational harvest peaked in 1983 at 36.74 million pounds, and declined to a time series low of 5.66 million pounds in 1989. A more recent review of recreational fishery performance from 2011 to present reveals an average of 12.59 million pounds with a high of 19.41 million pounds in 2013 and a low of 7.60 million pounds in 2018. Recreational harvest in 2020 was 10.06 million pounds, a 29% increase from the prior year's harvest of 7.80 million pounds. The total recreational catch (harvest plus live and dead releases) of summer flounder in 2020 was 33.32 million fish, slightly lower than the time series average of 34.46 million fish. The assumed discard mortality rate in the recreational fishery is 10%. In 2020, an estimated 80% of the harvest (in numbers of fish) originated from private/rental boats, while shore-based anglers and party/charter boats accounted for an average of 18% and 2% of the harvest, respectively. In addition, 61% of summer flounder harvested by recreational fishermen (in numbers of fish) were caught in state waters and about 39% in federal waters.

2.4.2 Scup

Most recreational scup catches are taken in states of Massachusetts through New York. From 2011 to 2020, recreational harvest has ranged from 8.27 million pounds in 2012 to 14.12 million pounds in 2019. In 2020, recreational harvest was 12.91 million pounds. The total catch (harvest plus releases) of scup in 2020 were 27.27 million fish, slightly higher than the ten year average of 27.07 million fish. The assumed discard mortality rate in the recreational fishery is 15%. In 2020, an estimated 62% of the harvest (in numbers of fish) originated from private/rental boats, while shore-based anglers and party/charter boats accounted for an average of 28% and 10% of the harvest, respectively. In addition, 90% of scup harvested by recreational fishermen (in numbers of fish) were caught in state waters and about 10% in federal waters.

2.4.3 Black Sea Bass

After a drastic peak in 1986 at 11.19 million pounds, recreational harvest averaged 5.02 million pounds annually from 1987 to 1997. Recreational harvest limits were put in place in 1998 and harvest generally increased from 1.92 million pounds in 1998 to 9.06 million pounds in 2015. In 2016 and 2017 harvest jumped up to 12.05 and 11.48 million pounds, respectively; however the 2016 and 2017 estimates are regarded as implausibly high outliers by the Technical Committee. In 2020, recreational harvest was estimated at 9.12 million pounds with recreational live discards from Maine to Virginia estimated to be 29.79 million fish. Assuming 15% hook and release mortality, estimated recreational dead discards are 4.47 million fish, equal to 51% of the total recreational removals (harvest plus dead discards).

2.4.4 Bluefish

From 2011-2020, recreational catch (harvest plus fish caught and released) of bluefish in U.S. waters of the Atlantic coast averaged 44.46 million fish annually. In 2020, recreational catch was estimated at 30.68 million fish. In 2020, recreational anglers harvested an estimated 9.34

million fish weighing 13.58 million pounds (6,160 metric tons). Harvest during 2018-2020 was exceptionally low compared to the ten year average of 25.69 million lbs. The 2020 average weight of landed fish is 1.45 pounds, which is also lower than the ten year average of 1.65 pounds. This lower average weight is due to the regional distribution of state landings in 2020. The majority of the recreational harvest (pounds) came from Florida (42%), North Carolina (16%), New Jersey (13%), and New York (11%). Fish from southern states (NC-FL) made up 59% of the landings and are typically smaller on average than fish caught in northern states (ME-VA). In 2020, recreational dead releases (15% of released alive fish) were estimated at 3.20 million fish.

3.0 Proposed Management Program

The Policy Board and Council are considering changes to the process of setting recreational management measures for summer flounder, scup, black sea bass, and bluefish. As such, both bodies are seeking public comment on each of the options below. As previously stated, the Council is considering the same options through a framework action.

These management changes are considered through the management programs of the Commission and the Council. The Council is bound by the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), including requirements for ACLs, accountability measures, and prevention of overfishing. NOAA Fisheries, which has final approval authority for Council management documents, will not approve measures that are inconsistent with the MSA. NOAA Fisheries provides guidance throughout development of Council actions to ensure that the preferred options selected for implementation are consistent with the MSA and other applicable laws.

As proposed, the same options would be selected for all four species. It is not intended that one harvest control rule option would be used for some species and a different option for others. However, depending on considerations such as ongoing development of statistical models to predict recreational harvest, the Policy Board and Council may consider approving different implementation dates by species for any change to the FMPs. All harvest control rule approaches involve various combinations of input metrics, flexibilities, and accountability measures with the goal of standardizing management measure setting and providing stability to these recreational fisheries. A table for comparison across all options can be found in Appendix 1.

Stocks under an approved rebuilding plan are subject to the measures of that rebuilding plan, which may differ from the measures under the options below. None of the options in this document are meant to replace rebuilding plan measures. In some instances, measures implemented through the options below may be used as temporary measures until a rebuilding plan is implemented, which can take up to two years after the stock is declared overfished.

3.1 Management Options to Set Recreational Management Measures

A. No Action (Current Recreational Measures Setting Process)

Section 2.2 describes the process used in recent years to set recreational measures. The details of this process are not defined in the FMPs and can be modified without an addendum or other change to the FMPs. The following sections summarize the language currently in the Commission's FMPs regarding recreational measures for each species. Under the no action option, these sections of the FMPs could remain unchanged.[2]

1. Summer Flounder

As outlined in section 3.1 of Addendum XXXII, management measures are set annually through a specification process. The process involves the following steps:

- At the joint meeting with the Council typically in December, the Board and Council will decide whether to specify coastwide measures to achieve the coastwide RHL or conservation equivalent management measures using guidelines agreed upon by both management authorities. If the latter, the Board will then be responsible for establishing recreational measures to constrain harvest to the RHL.

- The Technical Committee (TC) will continue to evaluate harvest estimates as they are released, and project how suites of possession limits, size limits and seasons might impact recreational landings in each region. In recommending adjustments to measures (reductions, liberalizations or no change), the TC will examine several factors and suggest a set of regional regulations, which when combined, would not exceed the RHL. These factors could include but are not limited to stock status, resource availability (based on survey and assessment data), and fishery performance (harvest, discards, effort, estimate uncertainty, inter-annual variability), as well as the standards and guiding principles set forth below. The Board will use information provided by the TC to approve a methodology for the states to use in developing regional proposals, typically at the Commission's Winter Meeting.

- The states will collaborate to develop regional proposals for the current year's recreational measures that include possession limits, size limits and season length pursuant to the Board-approved methodology. These

[2] Under the no action option, predicted harvest under any combination of measures could continue to rely on the methods described above, or alternative methods could be used if deemed appropriate. For example, the Council and Commission are supporting the development of statistical models for predicting harvest based on management measures and other factors. These models could be used under the no action option.

proposals will be reviewed by the TC to ensure the data and analysis are technically sound.

- The Board will review state proposals, TC recommendations, and establish final measures at a Summer Flounder, Scup, and Black Sea Bass Board meeting following the release of wave 6 MRIP estimates from the previous year.

- Once the Board has approved the measures and the states have promulgated them, the Commission will send a letter to the Regional Administrator certifying the Board approved measures, in combination, will achieve but not exceed the RHL.

The Board also uses a set of standards and guiding principles to structure the development of measures during specification setting (Addendum XXXII Section 3.1.1).

2. Scup

Addendum XI provides the ability for the Board and Council to establish management measures annually through a specification process. The process involves the following steps:

- At the joint meeting with the Council typically in December, the Board and Council will determine whether to maintain status quo measures or a liberalization or reduction in measures are needed to achieve the coastwide RHL.

- States will then proceed to develop proposals, typically the states MA-NY, but other states could have adjustments, for the upcoming year's recreational measures that include possession limits, size limits and season length. These proposals will be reviewed by the TC to ensure the data and analysis are technically sound.

- The Board will review state proposals, TC recommendations, and establish final measures at the Commission's winter meeting.

3. Black Sea Bass

As outlined in section 3.2 of Addendum XXXII, management measures are set annually through a specification process. The process involves the following steps:

- At the joint meeting with the Council typically in December, the Board and Council will decide whether to adopt coastwide measures or if the states will implement measures to constrain harvest to the RHL. If the latter, the Board

will then be responsible for establishing recreational measures to be implemented in state waters to constrain harvest to the RHL.

- The TC will continue to evaluate harvest estimates as they are released, and project how suites of possession limits, size limits and seasons might impact recreational landings in each region. In recommending adjustments to measures (reductions, liberalizations or no change), the TC will examine several factors and suggest a set of regulations for regions, which when combined, would not exceed the RHL. These factors can include but are not limited to stock status, resource availability (based on survey and assessment data), and fishery performance (harvest, discards, effort, estimate uncertainty, inter-annual variability), as well as the standards and guiding principles set forth below. The Board will use information provided by the TC to approve a methodology for the states to use in developing regional proposals, typically at the Commission's Winter Meeting.

- The states will collaborate to develop regional proposals for the current year's recreational measures that include possession limits, size limits and season length pursuant to the Board-approved methodology. These proposals will be reviewed by the TC to ensure the data and analysis are technically sound

- The Board will review state proposals, TC recommendations, and establish final measures at a Summer Flounder, Scup, and Black Sea Bass Board meeting following the release of wave 6 MRIP estimates from the previous year.

- Once the Board has approved the measures and the states have promulgated them, the Commission will send a letter to the Regional Administrator certifying the Board approved measures in combination will achieve but not exceed the RHL.

The Board also uses a set of standards and guiding principles to structure the development of measures during specification setting (Addendum XXXII Section 3.2.1).

4. Bluefish

As outlined in section 5.1.4.1.3 of Amendment 1, management measures are set annually through a specifications process. The process typically involves the following steps:

- At the joint meeting with the Council typically in December, the Board will determine whether to maintain status quo coastwide measures or a

liberalization or reduction in measures are needed to achieve the coastwide RHL.

- In order to achieve the annual RHL, recreational fisheries will be constrained by a coastwide regime of coastwide size limits, bag limits, and seasons. Once a basic regime for these limits is established, typically at the joint meeting with the Council in December, states will be given the opportunity to vary these measures in accordance with the Commission's Conservation Equivalency process[3].

- A state may submit a proposal for a change to its regulatory program to the Commission. Such changes shall be submitted to the ASMFC staff, which will distribute the proposal to the Management Board, the Plan Review Team, the Technical Committee, the Stock Assessment Subcommittee, and the Advisory Panel.
- States must submit proposals at least two weeks prior to a planned meeting of the Technical Committee.
- The ASMFC staff is responsible for gathering the comments of the Technical Committee, the Stock Assessment Subcommittee, and the Advisory Panel and presenting these comments to the Management Board at the Commission's winter meeting.
- The Management Board will decide whether to approve the state proposal for an option management program if it determines that it is consistent with the harvest target and the goals and objectives of the FMP.

5. Current Accountability Measures for Summer Flounder, Scup, Black Sea Bass, and Bluefish

The MSA requires Council FMPs to contain provisions for ACLs and "measures to ensure accountability." The National Standards Guidelines state that accountability measures (AMs) "are management controls to prevent ACLs, including sector-ACLs, from being exceeded, and to correct or mitigate overages of the ACL if they occur. AMs should address and minimize both the frequency and magnitude of overages and correct the problems that caused the overage in as short a time as possible." (50 CFR 600.310 (g)).

The current recreational AMs for these species were implemented through an omnibus amendment in 2013 (Amendment 19 to the Summer Flounder, Scup, and Black Sea Bass FMP and Amendment 4 to the Bluefish FMP). The AMs are included in the Council's FMP. They are not included in the Commission's FMP; however, any changes to the AMs considered through this action will be considered by both the Council and Commission.

[3] http://www.asmfc.org/files/pub/ConservationEquivalencyGuidance_2016.pdf

Proactive AMs include adjustments to the management measures for the upcoming fishing year (as described in previous sections), if necessary, to prevent the RHL and ACL from being exceeded. Measures to prevent the RHL from being exceeded are ultimately intended to also prevent ACL overages, which in turn prevents overfishing.

Given the timing of MRIP data availability, the regulations do not allow for in-season closure of the recreational fishery if the RHL or ACL is expected to be exceeded. Therefore, measures must be set in a manner that is reasonably expected to constrain harvest to the RHL.

Reactive recreational AMs include a set of possible responses to exceeding the recreational ACL, depending on stock status and which limits are exceeded. Paybacks of ACL overages may be required in a subsequent fishing year, depending on stock status and the scale of the overage, as described below. ACL overages in the summer flounder, scup, and black sea bass recreational fisheries are evaluated by comparing the most recent 3-year average recreational ACL against the most recent 3-year average of recreational 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 ($B < ½ B_{MSY}$), 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 ($½ B_{MSY} < B < B_{MSY}$), and the stock is not under a rebuilding plan:

   a. 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 conditions that precipitated the overage.

   b. If the ABC 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 is: *(overage amount) * $(B_{MSY}-B)/½ B_{MSY}$*.

3. If biomass is above the target ($B > B_{MSY}$):

   Adjustments to the recreational management measures (bag, size, and seasonal limits) will be made 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 conditions that precipitated the overage.

Reactive recreational AMs for the bluefish recreational fishery are very similar to the process described above with a few key differences. First, ACL overages are evaluated on a 1-year basis as opposed to a 3-year average. Second, if a transfer between the commercial and recreational sectors caused the transferring sector to register an ACL overage, then instead of applying an overage payback to the transferring sector, a transfer in a subsequent year would be reduced by the amount of the ACL overage.

B. Percent Change Approach

This option differs from the no action option in that it includes additional consideration of biomass compared to the target level (B/B_{MSY}) when determining if the recreational management measures should be liberalized, restricted, or remain unchanged. The amount of change varies based on the magnitude of the difference between a confidence interval (CI)[4] around an estimate of expected harvest and the average RHL for the upcoming two years, as well as considerations related to biomass compared to the target level (B/B_{MSY}).

Specifically, the first step in determining the overall percent change in harvest would be to compare the average RHL for the upcoming two years to the CI[5] of the most recent two years of MRIP estimates, or to a CI around an alternative predictor of harvest based on a robust statistical methodology approved by the Technical and Monitoring Committees. The MRIP estimates (or approved alternative estimates) are intended as a proxy for expected harvest in the upcoming years under status quo measures, similar to the current process. Depending on whether the average RHL is above the upper bound of the CI, within the CI, or below the lower bound of the CI around the estimate of expected harvest, the management responses are narrowed down to those illustrated in rows A, B, and C in Table 1 (p. 13), respectively.

The second step narrows down the suite of management responses further by taking into consideration the B/B_{MSY} ratio. The third column in Table 1 displays the resulting percent change in measures required for the upcoming two years. A range of sub-options is under consideration for the resulting percent change when the RHL is above or below the bounds of the CI, as described below. Regardless of the sub-options chosen, when the RHL is within the CI, no change in measures would be made if the B/B_{MSY} ratio is between 1 and 1.5 (i.e., the stock is between the target biomass level and 150% of the target level). A 10% liberalization in harvest would be allowed when the B/B_{MSY} ratio exceeds 1.5 (i.e., the stock

[4] A confidence interval provides an upper and lower bound around a point estimate to indicate the range of possible true parameter values in accordance with a specific confidence level. In this case, it represents a range of potential harvest estimates that can be reasonably expected to encompass the true harvest value.

[5] Specifically, an 80% joint distribution CI has been suggested as this method takes into consideration the percent standard error (PSE) of each individual years' MRIP estimate and the variability of the estimates between years.

is greater than 150% of the target biomass level). A 10% reduction in harvest would be required when the B/B_{MSY} ratio is less than 1 (i.e., biomass is below the target level).

It is important to note that this option considers changes from a starting point. If the current measures have resulted in notable differences between harvest and the RHL in recent years, then they may not be an appropriate starting point under this option and an alternative starting point may be required.

Under this option, the Council and Board would consider adjusting the recreational management measures in sync with the setting of catch and landings limits in response to updated stock assessment information. It is anticipated that updated stock assessments will be available every other year. In interim years, the Council and Board would review the catch and landings limits compared to the measures. They may revise the measures in interim years if new data such as a research track stock assessment or other technical reports suggest that the measures are not performing as expected or if a change is needed for other reasons. The intent would be to only change the measures in interim years if new information suggests strong concerns with the current measures.

Sub-Options for Percent Change When the RHL is Outside the Bounds of the Expected Harvest Estimate CI

If the Policy Board and Council adopt the percent change approach, they must also select either sub-option B-1A or B-1B. In addition, they must also select either sub-option B-2A or B-2B.

Sub-Option B-1A: Percent Change Capped at Difference Between 2 Year Average RHL and Harvest Estimate

If selected, this sub-option would be used in the following two situations: 1) the average two-year RHL is above the upper bound of the harvest estimate CI (Row A in Table 1) and biomass is at or above the target (B/B_{MSY} is at least 1), or 2) the average two-year RHL is below the lower bound of the harvest estimate CI (Row C in Table 1) and biomass is at or below 150% of the target (B/B_{MSY} is less than or equal to 1.5). Other situations either do not have sub-options (RHL is within the CI; Row B in Table 1) or are covered by sub-options B-2A and B-2B, below.

Under this sub-option, the percent liberalization or reduction in harvest would be defined as the percent difference between the two-year average RHL and a point value harvest estimate. The point value harvest estimate would be either a two-year average of recent MRIP harvest estimates or an alternative estimate based on a robust statistical methodology approved by the Monitoring/Technical Committees. The intent behind this sub-option is to scale liberalizations or reductions proportionately when there are large differences between the harvest estimate and the RHL. For example, if there is a 15% difference between the two-year average RHL and the point value harvest estimate,

then the reduction would be 15%. The outcome of this sub-option could be very similar to the no action option (section 3.1.A).

Sub-Option B-1B: 20% or 40% Change (Depending on B/B_{MSY})

Under this sub-option, management measures would aim to achieve the following percentage liberalizations or reductions in overall harvest, as illustrated in Table 1:

- **40% liberalization** when the average two-year RHL is above the upper bound of the harvest estimate CI (Row A in Table 1) and biomass is more than 150% of the target level (B/B_{MSY} greater than 1.5).
- **20% liberalization** when the average two-year RHL is above the upper bound of the harvest estimate CI (Row A in Table 1) and biomass is above the target level but less than 150% of the target level (B/B_{MSY} of 1 - 1.5).
- **20% reduction** when the average two-year RHL is below the lower bound of the harvest estimate CI (Row C in Table 1) and biomass is above the target level but less than 150% of the target level (B/B_{MSY} of 1 - 1.5).
- **40% reduction** when the average two-year RHL is below the lower bound of the harvest estimate CI (Row C in Table 1) and biomass is below the target level (B/B_{MSY} less than 1).

Other situations either do not have sub-options (RHL is within the CI) or are covered by sub-options B-2A and B-2B, below.

The intent of this sub-option is to provide predictable changes in harvest based on the percentage amount applied historically in management.

Sub-Options for Percent Change When the RHL is Below the Lower Bound of the CI And B/B_{MSY} exceeds 1.5.

Sub-Option B-2A: 10% Reduction

Under this sub-option, when the upcoming 2-year average RHL is below the lower bound of the CI around the harvest estimate (i.e., an RHL overage is expected), measures would be modified such that expected harvest is reduced by 10%, regardless of the scale of the expected overage. The rationale behind this alternative is that a reduction is needed to ensure that continued overages do not contribute to overfishing as required by the MSA; however, the assumption is that the reduction need not be greater than 10% per cycle given that biomass is very high compared to the target level. An analysis of potential impacts on stock status under this, as with all other options in this document, has not been performed.

Sub-Option B-2B: No Change in Measures

Under this sub-option, when the upcoming 2 year average RHL is below the lower bound of the CI around the harvest estimate (meaning an RHL overage is expected under status quo measures), no change in the measures would be made, regardless of the scale of the expected overage. The assumption behind this alternative is that

reductions are not needed because biomass is very high compared to the target level. However, it should be noted that harvest overages can contribute to overfishing, even at high biomass levels, and, as previously stated, in order to comply with the MSA, any adopted options must prevent overfishing. An analysis of potential impacts on stock status under this, as will all other options in this document, has not been performed.

Table 1. Process for determining the appropriate percent change in harvest when developing management measures under the percent change approach.

Row	Future RHL vs Harvest Estimate[6]	B/B_{MSY}[7]	Change in Harvest	
A	Future 2-year avg. RHL greater than upper bound of harvest estimate CI	> 1.5	Sub-Option B-1A: Liberalization percent equivalent to difference between harvest estimate and 2-year avg. RHL	Sub-Option B-1B: 40% Liberalization
		1 - 1.5	Sub-Option B-1A: Liberalization percent equivalent to difference between harvest estimate and 2-year avg. RHL	Sub-Option B-1B: 20% Liberalization
		< 1	Sub-Option B-2A: 10% Liberalization	Sub-Option B-2B: 0%
B	Future 2-YR avg. RHL within CI of harvest estimate	> 1.5	10% Liberalization	
		1-1.5	0%	
		< 1	10% Reduction	
C	Future 2-YR avg. RHL less than lower bound of harvest estimate CI	> 1.5	Sub-Option B-2A: 10% Reduction	Sub-Option B-2B: 0%
		1-1.5	Sub-Option B-1A: Reduction percent equivalent to difference between harvest estimate and 2-year avg. RHL	Sub-Option B-1B: 20% Reduction
		< 1	Sub-Option B-1A: Reduction percent equivalent to difference between harvest estimate and 2-year avg. RHL	Sub-Option B-1B: 40% Reduction

Accountability Measures under the Percent Change Approach

Background information on AMs is provided in section 3.1-A-5. Under the Percent Change Approach, measures would be more restrictive when stock status is poor and more liberal when stock status is good. In addition, when RHL overages are expected

[6] The two year average MRIP estimate with associated CI is intended as a predictor of future harvest under status quo measures. This may be replaced with statistical model based approaches for predicting harvest.

[7] The proposed B/B_{MSY} inflection points are based on the Council's Risk Policy. Future changes to the Council risk policy may warrant reconsideration of this proposed process.

(based on the CI comparison described above), measures would be proactively reduced by a predetermined percent when the stock is less than 150% of the target level. Reductions would also be taken if the stock is below the target even when the RHL is within the CI, helping to rebuild the stock back to the target. These aspects of this option could all be considered proactive AMs.

This option requires minimal changes from the current reactive AMs described in section 3.1-A-5. The current reactive AMs would be modified such that when paybacks are required, the payback could be spread evenly across two years to help facilitate the use of constant measures across two years. When a payback is applied, the percent change would be determined based on the reduced ACL.

Consideration could also be given to options A and B listed in section 3.4. These options consider modifications to the metrics considered when biomass is above the threshold but below the target and a scaled payback of a past overage may be needed.

C. Fishery Score Approach

The fishery score is a formulaic method that combines multiple metrics into one value which is used to determine the appropriate management measures. Based on the score, the stock would be placed into one of four bins with corresponding management measures. The fishery score would be based on four metrics: biomass (B) relative to the target (B_{MSY}), recruitment (R), fishing mortality (F), and fishery performance, as described in more detail below and in Appendix 3. Each metric has a weight assigned to it, determined by the Technical/Monitoring Committees such that metrics with a stronger relationship to harvest would have more weight in the fishery score while still accounting for metrics that impact harvest but may not drive harvest. Additional metrics may be added and weighting schemes adjusted as more data become, based on the recommendations of the Monitoring/ Technical Committees.

The fishery score would be calculated using the following formula:

$$B/B_{MSY}(W_B) + F/F_{MSY}(W_F) + R\ (W_R) + \text{Fishery performance}\ (W_{FP}) = \text{Fishery Score}$$

Where W refers to the weight of each factor. The fishery score value corresponds to a predetermined bin. The fishery score would range from 1 to 5 and the bins are defined as displayed in Table 2.

Weights would have a minimum of 0.1 and maximum of 0.5 to prevent any one metric from being weighed too heavily in relation to the others. The intent is to allow the Monitoring/Technical Committees to recommend changes to the weights through the specifications process based on their expert judgement and empirical methods when possible. Changes should be limited to provide stability in comparisons over time.

Table 2. Fishery score bins and the associated level of concern, stock status, and measures that are associated with each bin.

Bin	Fishery Score	Stock Status and Fishery Performance Outlook	Measures
1	4-5	Good	Most Liberal
2	3-3.99	Moderate	Liberal
3	2-2.99	Poor	Restrictive
4	1-1.99	Very Poor	Most Restrictive

A declining fishery score over time could indicate negative trends in stock status and an examination of the individual fishery score metrics can provide insight into why the overall score is declining. This can also serve as an early warning of the need to use more restrictive measures in the future if the trend continues.

Measures associated with each of the four bins would aim to achieve a target level of harvest, catch, or fishing mortality, depending on the option selected from section 3.2. The target would be a point value, but the measures in each bin would be anticipated to produce a range of possible harvest, catch or fishing mortality, given uncertainty and variability in the data. Considerations related to confidence intervals and other statistical metrics and models could be used to determine the appropriate measures for each bin.

Although the fishery score would be calculated based on multiple factors, the management measures associated with each bin could be defined based on four categories of biomass. For example, the most liberal bin (Bin 1, fishery score of 4-5) could have measures based on a target level of harvest, catch, or fishing mortality (depending on the option selected from section 3.2) which is appropriate for biomass that is double the target level. The next most liberal bin (Bin 2, fishery score of 3-3.99) could have measures that are appropriate for biomass at 125% of the target. The next lowest bin (Bin 3, fishery score of 2-2.99) could have measures that are appropriate for biomass at 75% of the target level. The most restrictive bin (Bin 4, fishery score less than 2) could have measures that are appropriate for biomass at 25% of the target level (however; if the stock is under a rebuilding plan, the most restrictive fishery score measures may be temporary until replaced by rebuilding plan measures).

While the measures associated with each bin would be based on biomass compared to the target, placement of a year's measures within one of the four bins would be driven by multiple factors. For example, if the recruitment and fishery performance metrics have low scores, then the stock may be placed in a more restrictive bin with more restrictive

measures than would occur based on biomass considerations alone. The opposite could occur if multiple metrics have high scores. In this way, the measures would be reflective of a combination of biomass relative to the target and assumed future conditions (e.g., high recruitment assumed to result in higher biomass in the future, allowing for more liberal measures).

Under this option, the Council and Board would consider adjusting the recreational management measures in sync with the setting of catch and landings limits in response to updated assessment information. It is anticipated that updated stock assessments will be available every other year. In interim years, the Council and Board would review the catch and landings limits and the measures. As part of this review, the fishery score could be re-calculated with updated fishery performance data; however, updated estimates for the other fishery score metrics would not be available. The Council and Board may revise the measures in interim years if new data, such as a research track assessment or other technical reports, suggest that the measures are not performing as expected or if a change is needed for other reasons. The intent would be to only change the measures in interim years if new information suggests strong concerns with the current measures.

Sub-Options for Accountability Measures under the Fishery Score Approach

Background information on AMs is provided in section 3.1-A-5. For both sub-options in this section, measures are set based on a variety of factors such that they are more restrictive when stock status is poor and more liberal when stock status is healthy. In addition, as described above, this method can provide an early warning of deteriorating stock conditions which can inform the setting of measures. The measures for all bins will be regularly reviewed to ensure that they remain appropriate and prevent overfishing. These aspects of this approach can be considered proactive AMs.

Sub-Option C-1: Reactive AMs Similar to Current AMs

As under this sub-option, ACL overages would be evaluated by comparing the most recent 3-year average recreational ACL against the most recent 3-year average of recreational 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 ($B < ½ B_{MSY}$), under a rebuilding plan, or the stock status is unknown:

    a. The stock is placed in the most restrictive bin. These may be temporary measures until replaced by measures required by a rebuilding plan, which can take up to two years to implement.

    b. If the stock was already in the most restrictive bin or the measures in the most restrictive bin are otherwise expected to continue to result in overages, then those measures must be modified as soon as possible following the

determination of the overage such that they are reasonably expected to prevent future overages.

2. If biomass is above the threshold, but below the target (½ B_{MSY} < B < B_{MSY}), and the stock is not under a rebuilding plan:

a. If only the recreational ACL has been exceeded, then the stock would remain in its current bin, but the measures associated with that bin and all other bins, will be re-evaluated with the goal of preventing future ACL overages.

b. If the ABC or F_{MSY} (as determined through section 3.4) is exceeded in addition to the recreational ACL, and the stock has not already moved to a more restrictive bin due to a decrease in the fishery score, then the measures associated with the next more restrictive bin would be implemented. In addition, measures in all bins would be re-evaluated and revised as appropriate. If the stock moves to a more restrictive bin based on a decrease in the fishery score, then an additional AM is not needed as the negative impacts on stock status have already been accounted for in the movement to the more restrictive bin.

3. If biomass is above the target (B > B_{MSY}):

The management measures associated with each bin will be adjusted, taking into account the performance of the measures and the conditions that precipitated the overage.

Sub-Option C-2: Reactive AMs Based on Overfishing Status to Evaluate Measures

If overfishing is occurring (F is greater than F_{MSY}), even if a change in bin was not triggered through re-calculation of the fishery score as described above, the management measures for all bins will be re-evaluated and modified as needed to appropriately constrain recreational catch and end overfishing.

D. Biological Reference Point Approach

Under this option, the primary metrics of terminal year B/B_{MSY} and F/F_{MSY} from the most recent stock assessment would be used to guide selection of management measures. Management measures would be grouped into seven bins, as illustrated in Table 3. Each bin would have a set of default measures which would be implemented the first time the stock is placed in that bin.

To define the bins under this option, fishing mortality (F) would be considered in two states: overfishing (F greater than F_{MSY}) or not overfishing (F equal to or below F_{MSY}). B/B_{MSY} would be further divided to provide more responsive levels of access based on the following:

- Biomass is greater than or equal to 150% of the target.
- Biomass is greater than or equal to the target but less than 150% of the target.

- Biomass is less than the target, but greater than or equal to the threshold (the threshold is ½ the target).
- Biomass is less than the threshold (the stock is overfished).

Recruitment and trends in biomass are secondary metrics under this option which are used to fine tune default measures only when stock conditions (F/F_{MSY} and B/B_{MSY}) relative to the categories above have not changed between the prior and most recent assessments. In this case, biomass trend and a recruitment metric, describe in Appendix 3, can be used to further relax, restrict, or re-evaluate measures. As such, biomass trends and recruitment would impact the management measures, but to a lesser extent than F/F_{MSY} and B/B_{MSY}.

Changes to the measures would be considered based on the following process when updated stock assessment information is available (anticipated to be every other year). The first time a stock is in a new bin, the fishery would be subject to the default measures. If the bin remains unchanged after a subsequent stock assessment update, then recruitment and biomass trend would be considered to determine if measures remain unchanged or if limited liberalizations or reductions can be permitted. As described below, liberalizations within a bin are only allowed in Bins 1 and 2, which are associated with a healthy stock status. Restrictions and/or re-evaluation within a bin can be required based on secondary metrics for Bins 3-6. This allows for relative stability if stock status is unchanged, but also room for tuning of measures if warranted based on biomass trend and/or recruitment. It is intended that the changes within a bin would be based on predetermined guidelines. However, the Council and Board may revise the measures in interim years if new data, such as a research track assessment or other technical reports, suggest that the measures are not performing as expected or if a change is needed for other reasons. The intent would be to only change the measures in interim years if new information suggests strong concerns with the current measures.

Liberalizations within a bin are not permitted when biomass is below the target level or when F exceeds F_{MSY}. For example, if a stock in Bin 2 (F below F_{MSY} and biomass above B_{MSY}, but below 150% of B_{MSY}) remains in Bin 2 based on an updated stock assessment, then measures may be liberalized to preset measures if recruitment and/or biomass trends show positive signs (see Appendix 3). If either of those metrics shown negative signs, then measures would stay status quo. If the updated stock assessment information indicates biomass exceeds 150% of B_{MSY}, then the stock would move into Bin 1, triggering a new set of default measures more liberal than those from Bin 2. Alternatively, if biomass is below the target, then the stock would move to a more restrictive bin (Bins 3-6).

Stocks in Bin 3 are not subject to overfishing and are not overfished but are below their target biomass level. Stocks in Bins 4-6 are experiencing overfishing. The goal of the management measures in Bins 3-6 is to improve stock status by ending overfishing and/or increasing biomass. If the initial default measures do not accomplish this, but the primary metrics of F/F_{MSY} and B/B_{MSY} do not change, then secondary measures can inform how to better adjust regulations to reach the target through additional restrictions. This differs

from stocks in Bins 1-2, where measures would not be adjusted in this circumstance. Additionally, when a stock is in Bins 4-6 (F exceeds F_{MSY}) and the current measures produce catch or harvest that exceed the ACL or RHL (e.g., based on a multi-year average), then the default measures should be re-evaluated.

Any overfished stock (biomass below ½ B/B_{MSY}) would automatically fall into Bin 7 until an approved rebuilding plan is implemented. Stocks under a rebuilding plan must comply with the requirements of the rebuilding plan, and the rebuilding plan measures may differ from the pre-defined measures in this option.

Measures for Bins 1-7 would aim to achieve a target level of harvest, catch, or fishing mortality, depending on the option selected from section 3.2. Although placement in Bins 1-7 would be based on a combination of biomass and fishing mortality, the recreational management measures associated with each bin could be defined based on six categories of biomass and the target level of harvest, catch, or fishing mortality deemed appropriate for that biomass level. The following biomass levels are provided as examples which may be further refined. These examples were constructed such that more risk is allowed when stock status is good compared to when stock status is poor.

- **Bin 1** (biomass greater than or equal to 150% of the target and F below F_{MSY}): default measures are based on biomass that is double the target level.
- **Bin 2** (biomass above the target level but less than 150% of the target and F below F_{MSY}): default measures based on biomass that is 140% of the target level.
- **Bin 3** (biomass between the target and threshold and F below F_{MSY}): default measures based on biomass that is 75% of the target level.
- **Bin 4** (biomass greater than or equal to 150% of the target and F above F_{MSY}): default measures based on a biomass that is at the target level.
- **Bin 5** (biomass above the target level but less than 150% of the target and F above F_{MSY}): default measures based on biomass that is at the target level.
- **Bin 6** (biomass between the target and threshold and F above F_{MSY}): default measures based on biomass that is 60% of the target level.
- **Bin 7** (biomass below the threshold): default measures based on biomass that is 25% of the target level, until replaced by rebuilding plan measures.

The measures in each bin would be anticipated to produce a range of possible harvest, catch, or fishing mortality, given uncertainty and variability in the data. Considerations related to confidence intervals and other statistical metrics and models could be used to define the measures associated with each bin. Measures within each bin would take into consideration small changes to allow for liberalizations or reduction to allow for the flexibility to fine tune measures based on both recruitment and biomass trends in addition to the current biomass and fishing mortality levels.

Table 3. Summary of the biological reference point option illustrating bins of measures associated with different combinations of stock conditions.

	F ≤ Fmsy	F > Fmsy
B >= 150% Btarget	R↑ R↓ B↑ liberal liberal B↓ default default **1**	R↑ R↓ MRIP ≤ RHL/ACL B↑ default restrictive B↓ restrictive restrictive MRIP > RHL/ACL B↑ B↓ restrictive & re-evaluate measures **4**
Btarget ≤ B < 150% Btarget	R↑ R↓ B↑ liberal liberal B↓ default default **2**	R↑ R↓ MRIP ≤ RHL/ACL B↑ default restrictive B↓ restrictive restrictive MRIP > RHL/ACL B↑ B↓ restrictive & re-evaluate measures **5**
Bthreshold ≤ B < Btarget	R↑ R↓ B↑ default restrictive B↓ restrictive restrictive **3**	R↑ R↓ MRIP ≤ RHL/ACL B↑ default restrictive B↓ restrictive restrictive MRIP > RHL/ACL B↑ B↓ restrictive & re-evaluate measures **6**
B < Bthreshold	**MOST RESTRICTIVE/REBUILDING PLAN** **7**	

Accountability Measures under the Biological Reference Point Approach

Background information on AMs is provided in section 3.1-A-5. Under the Biological Reference Point approach, measures are set based on a variety of factors such that they are more restrictive when stock status is poor and more liberal when stock status is healthy. Each bin has two sets of measures: a default set and either a more liberal or more restrictive set of measures. The measures for all bins will be regularly reviewed to ensure that they remain appropriate and prevent overfishing. These aspects of this approach can be considered proactive AMs.

The Biological Reference Point option is unique in that it includes reactive AMs built into the bins to respond to declining stock status (i.e., more restrictive measures implemented when biomass is below the target or F exceeds F_{MSY} and biomass trend and/or recruitment show negative signs or recreational overages have occurred; Bins 3-6). Therefore, no additional reactive AMs are needed under this approach.

E. Biomass Based Matrix Approach

This option uses a matrix to set recreational measures based on two factors: B/B_{MSY} and the most recent trend in biomass (increasing, stable, or decreasing) described in Appendix 3. Using these two factors and four parameters for each, as described below, provides a three-by-four matrix to determine the appropriate management measure bin. Bin A represents the optimal conditions, while Bin F represents the worst conditions. Certain pairs of conditions (e.g., a healthy stock that is increasing or an abundant stock with any biomass trend) are treated as equivalent to reduce the number of bins to six.

The specific combination of management measures that are appropriate for each bin will be species specific. However, the conditions that drive the bins can be the same across all species.

Definitions:

- Abundant = Stock is at least 150% of the target level (B_{MSY})
- Healthy = Stock is above the target, but less than 150% of the target
- Below Target = Stock is below the target, but above the threshold (the threshold is half of the target and defines an overfished condition)
- Overfished = The stock is below the threshold

When biomass exceeds 150% of the target level, regardless of the biomass trend, Bin A measures are selected. This is aimed at providing an opportunity to keep recreational management measures aligned with stock status, which in this case, is significantly above the target. When a stock is fished at F_{MSY} it is expected that stock size will decrease towards the biomass target unless above average recruitment events occur. Thus, it is not necessarily a negative sign if the stock at such high biomass levels experiences a declining trend.

Measures associated with each of the six bins (A-F) would aim to achieve a target level of harvest, catch, or fishing mortality, depending on the option selected from section 3.2. The measures in each bin would be anticipated to produce a range of possible harvest, catch, or fishing mortality, given uncertainty and variability in the data. Considerations related to confidence intervals and other statistical metrics and models could be used to define the measures associated with each bin.

Although placement in Bins A-F would be based on a combination of B/B_{MSY} and biomass trend, the management measures associated with each bin could be defined based on six categories of biomass and the target level of harvest, catch, or fishing mortality deemed appropriate for that biomass level. The following biomass levels are provided as examples which may be further refined. These examples were constructed such that more risk is allowed when stock status is good compared to when stock status is poor.

- **Bin A** (biomass greater than or equal to 150% of target level or biomass above target but less than 150% of target with increasing trend): measures are based on biomass that is 150% of the target level.
- **Bin B** (biomass above the target level but less than 150% of the target with stable or decreasing trend): measures based on biomass that is at the target level.
- **Bin C** (biomass between the target and threshold and increasing trend): measures based on biomass that is 75% of the target level.
- **Bin D** (biomass between the target and threshold and stable or decreasing trend): measures based on biomass that is 60% of the target level.
- **Bin E** (biomass below the threshold and increasing trend): measures based on biomass that is 40% of the target level.
- **Bin F** (biomass below the threshold and stable or decreasing trend): measures based on biomass that is 20% of the target level.

Table 4. Recreational management measure matrix under the Biomass Based Matrix approach.

Stock Status	**Biomass Trend**		
	Increasing	**Stable**	**Decreasing**
Abundant At least 150% of target	Bin A		
Healthy Above target, but less than 150% of target	Bin A	Bin B	
Below Target but above threshold	Bin C	Bin D	
Overfished Below threshold	Bin E	Bin F	

Sub-Options for Accountability Measures Under the Biomass Based Matrix

Background information on AMs is provided in section 3.1-A-5. For both sub-options below, measures are set based on a variety of factors such that they are more restrictive when stock status is poor and more liberal when stock status is healthy. The measures for all bins will be regularly reviewed to ensure that they remain appropriate and prevent overfishing. These aspects of this approach can be considered proactive AMs.

Sub-Option E-1: Reactive AMs Similar to Current AMs

As under this sub-option, ACL overages would be evaluated by comparing the most recent 3-year average recreational ACL against the most recent 3-year average of

recreational 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 ($B < ½ B_{MSY}$), under a rebuilding plan, or the stock status is unknown:

   a. The most restrictive measures (Bin F) would be implemented. These may be temporary measures until replaced by measures required by a rebuilding plan, which can take up to two years to implement.

   b. If the most restrictive measures were already in place or are otherwise expected to continue to result in overages, then those measures must be modified for the upcoming fishing year such that they are reasonably expected to prevent future overages.

2. If biomass is above the threshold, but below the target ($½ B_{MSY} < B < B_{MSY}$), and the stock is not under a rebuilding plan:

   a. If only the recreational ACL has been exceeded, then the stock would remain in its current bin, but the measures associated with that bin and all other bins, will be re-evaluated with the goal of preventing future ACL overages.

   b. If the ABC or F_{MSY} (as determined through section 3.4) is exceeded in addition to the recreational ACL, and the stock has not already moved to a more restrictive bin due to a decrease in biomass, then measures associated with the next more restrictive bin would be implemented. In addition, measures in all bins would be re-evaluated and revised as appropriate. If the stock moves to a more restrictive bin based on a decrease in biomass, then an additional AM is not needed as the negative impacts on stock status have already been accounted for in the movement to the more restrictive bin.

3. If biomass is above the target ($B > B_{MSY}$):

   The management measures associated with all bins will be adjusted, taking into account the performance of the measures and the conditions that precipitated the overage.

Sub-Option E-2: Reactive AMs with a Trigger Based on Overfishing Status to Evaluate Measures

Under this sub-option, if overfishing is occurring (F is greater than F_{MSY}), even if a change between bins was not triggered through an updated comparison of the Biomass Based Matrix metrics as described above, the management measures for all bins will be re-

evaluated and modified as needed to appropriately constrain recreational catch and end overfishing.

3.2 Target Metric for Setting Measures

The options in this section define the target metric which would be used when setting measures appropriate for the set of stock conditions that define the bin under options C-E in section 3.1. The options in section 3.2 do not apply if either options A or B in section 3.1 are selected. While the PDT/FMAT has not come to a consensus on which method was preferable, they did agree that if option C is selected, a secondary option should also be selected if the primary option cannot be calculated for any reason.

A. Recreational Harvest Limit

Under this option, the measures associated with each bin in options C-E under section 3.1 would aim to achieve but not exceed a target level of harvest which is informed by the RHL. Options C-E in section 3.1 use a binned approach to setting recreational management measures, with each bin representing a range of stock conditions. For this reason, the target level of harvest for each bin may not always be equivalent to the RHL under the no action alternative as a range of RHLs could fall under the same bin.

The RHL is calculated by removing projected dead discards from the Recreational ACL. Both the RHL and ACL are based on stock assessment projections, considerations related to scientific uncertainty, and commercial/recreational allocations. The RHLs can also be adjusted to account for management uncertainty.

B. Annual Catch Limit

Under this option, the measures associated with each bin in options C-E under section 3.1 would aim to achieve but not exceed a target level of dead catch (i.e., harvest and dead discards) which is informed by the recreational ACL. Options C-E in section 3.1 use a binned approach to setting recreational management measures, with each bin representing a range of stock conditions. For this reason, the target level of catch for each bin may not always be equivalent to the recreational ACL under the no action alternative as a range of ACLs could fall under the same bin.

The ACL is based on stock assessment projections, considerations related to scientific uncertainty, and commercial/recreational allocations.

C. Recreational Fishing Mortality Target

Under this option, the measures associated with each bin in options C-E under section 3.1 would aim to achieve but not exceed a target level of fishing mortality (F) for the recreational fishery. It remains to be determined how a recreational fishing mortality target would be calculated. The stock assessments for each species calculate a fishing mortality reference point (F_{MSY}) for the commercial and recreational fisheries combined. Overfishing occurs at the stock level when fishing mortality exceeds this reference point.

There are no fishing mortality reference points specific to the recreational fisheries. Furthermore, although the current stock assessment models for summer flounder, scup, and bluefish generate estimates of recreational fishing mortality, the current stock assessment model for black sea bass does not model the recreational fishery separately from the commercial fishery. Therefore, unless the model structure changes, it would not be possible to generate a fishing mortality estimate for black sea bass to compare against a recreational fishing mortality target. For these reasons, if this sub-option is selected as preferred by the Policy Board and Council, a secondarily preferred sub-option may also be selected for use in the event that a recreational fishery F target or F estimate cannot be generated.

3.3 Conservation Equivalency Options

The options in this section consider how the Commission's conservation equivalency policy would apply to the management options listed under section 3.1. The options in this section may only be considered if a harvest control rule management option other than Option A (No Action) in section 3.1 is selected.

A. No Action (States Retain Ability to Propose Conservation Equivalent Measures)

This option maintains the ability for states to submit proposals for alternative recreational management measures that are expected to achieve an equivalent level of recreational harvest, catch, or F (as determined by the sub-options in section 3.2). If a state submits a proposal outside of an implementation plan process, it must provide the proposal two months in advance of the next Board meeting to allow committees sufficient time to review the proposal and to allow states to respond to any requests for additional data or analyses. Further details describing the process and procedures can be found in the Commission's conservation equivalency policy noted above.

B. Regional Conservation Equivalency

This option allows for regions, as defined by the pre-determined species regions in Appendix 4, to submit proposals for alternative recreational management measures which are expected to achieve an equivalent level of recreational harvest, catch, or fishing mortality (depending on the option chosen from section 3.2) as the pre-defined measures of the bin. If a region is submitting a proposal, it must provide the proposal two months in advance of the next Board meeting to allow committees sufficient time to review the proposal and to allow the regions to respond to any requests for additional data or analyses.

C. Conservation Equivalency is Disallowed

Under this option, conservation equivalency under the Commission process will not be permitted for any of the four species on a state or regional level. This would reduce the flexibility afforded to states/regions compared to the previous two options, but would help achieve the goals of stability and predictability in measures. Several of the options

proposed in this document have mechanisms in place to allow for the revision of management measures at different bins if they are not working as intended.

3.4 Accountability Measures Comparisons

The options in this section consider a change to one component of the reactive AMs under options A, B, C-1, and E-1 in section 3.1. Specifically, they address situations when a reactive AM has been triggered and biomass is above the threshold but below the target level. All other components of the AMs are summarized along with options A-E in section 3.1. These changes are only considered for the recreational AMs. No changes to the commercial AMs are considered through this action. Regardless of option chosen, AMs should be regularly revaluated following the provisions of the MSA.

A. Catch compared to the ABC

Under this sub-option, when a reactive AM has been triggered by a recreational ACL overage and the most recent biomass estimate is between the target and the threshold, catch relative to the ABC would also be considered. The response to the overage would be stricter if the ABC was also exceeded (e.g., a payback would be required or the stock would be placed in a more restrictive bin, depending on the option). If only the recreational ACL was exceeded, the response to the overage would be less strict (e.g., measures would be revised but a payback would not be required or the stock would remain in its current bin, depending on the option).

B. Fishing mortality compared to an F threshold

This sub-option maintains ACL evaluations within the AMs, but rather than considering if the ABC was also exceeded (see previous section), consideration would be given to if the fishing mortality threshold (F_{MSY}) was also exceeded. The intent behind this option is that it considers if total fishery removals negatively impacted the stock based on the most recent information. For example, catch in a past year may have exceeded the recreational ACL, but a subsequent stock assessment update may indicate that the stock did not suffer notable negative impacts if the fishing mortality threshold was not exceeded. The most recent fishing mortality estimate considers more recent information than the information used to set a previous year's ACL. To set the ACL and ABC, projections must be made that make assumptions about how the fishery may perform. This approach using a fishing mortality comparison would look at data that represents what transpired in the fishery or stock during the time being evaluated, according to the most recent stock assessment. If regularly updated estimates of total fishing mortality compared to the threshold are not available, then this comparison would default to the ABC comparison described above.

4.0 Compliance

TBD

5.0 Literature Cited

NEFSC. 2021a. Summer Flounder Management Track Assessment Report.

NEFSC. 2021b. Scup Management Track Assessment for 2021. Prepublication copies prepared for use by Fishery Management Council staff and SSC. Available at https://www.mafmc.org/ssc-meetings/2021/july21-23.

NEFSC. 2021c. Black Sea Bass Management Track Assessment for 2021. Prepublication copies prepared for use by Fishery Management Council staff and SSC. Available at https://www.mafmc.org/ssc-meetings/2021/july21-23.

NEFSC. 2021d. Atlantic Bluefish Management Track Assessment for 2021. Prepublication copies prepared for use by Fishery Management Council staff and SSC. Available at https://www.mafmc.org/ssc-meetings/2021/july21-23.

4.0 APPENDICES

Appendix 1. Comparison of Options and Current Stock Status

The following table summarizes metrics considered when setting recreational measures under each option in this Draft Addendum/Framework. Primary metrics determine in the appropriate bin (see section 3.1 for more details); secondary metrics are only used if, through the evaluation of the primary metrics, the stock stays in the current bin. Metrics considered through accountability measures may differ from those shown below. See section 3.1 for more details on the options.

Option	Metrics used to set measures					Measures are pre-determined	Expected number of sets pre-determined measures	Measures specified for 1 or 2 years
	Expected harvest*	Biomass compared to target level (B/B_{MSY})	Fishing mortality compared to threshold level (F/F_{MSY})	Recent recruitment	Biomass trend			
No action	Primary					No	N/A	1
Percent change	Primary	Primary				No	N/A	2
Fishery score	Primary**	Primary**	Primary**	Primary**		Yes	4	2
Biological reference point	Only when $F>F_{MSY}$	Primary	Primary	Secondary	Secondary	Yes	13	2
Biomass based matrix		Primary			Primary	Yes	6	2

*Expected harvest refers to expected harvest under status quo measures compared to the upcoming year(s)' RHL and could be based on past MRIP estimates, including consideration of confidence intervals for those estimates, or a model-based estimate of harvest, including considerations related to uncertainty in that estimate.

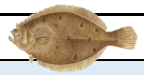
**As described in section 3.1-C, the fishery score metrics may not be weighted evenly. The Monitoring/Technical Committees will recommend the appropriate weight for each metric. These weights can be modified through the specifications process.

Appendix 2. Placement of Each Species in Each Option with Current Data

Option B: Percent Change Approach

As illustrated in the figure below, for summer flounder, the 2022 RHL is within the CI of the 2019-2020 MRIP harvest estimates and the most recent B/B_{MSY} ratio is 0.85. Therefore, a 10% reduction would be needed under the Percent Change Approach.

For black sea bass and scup, the 2022 RHL is below the CI of the 2019-2020 MRIP harvest estimates and the most recent B/B_{MSY} ratio exceeds 1.5. Therefore, depending on sub-option selected, either a 10% reduction would be needed or no change in measures would be made under the Percent Change Approach.

Row	Future RHL vs Harvest Estimate	$B/_{BMSY}$	Change in Harvest	
A	Future 2-year avg. RHL greater than upper bound of harvest estimate CI	> 1.5	Sub-Option B-1A: Liberalization percent equivalent to difference between harvest estimate and 2-year avg. RHL	Sub-Option B-1B: 40% Liberalization
		1 - 1.5	Sub-Option B-1A: Liberalization percent equivalent to difference between harvest estimate and 2-year avg. RHL	Sub-Option B-1B: 20% Liberalization
		< 1	Sub-Option B-2A: 10% Liberalization	Sub-Option B-2B: 0%
B	Future 2-YR avg. RHL within CI of harvest estimate	> 1.5	10% Liberalization	
		1-1.5	0%	
		< 1	 10% Reduction	
C	Future 2-YR avg. RHL less than lower bound of harvest estimate CI	> 1.5	Sub-Option B-2A: 10% Reduction 	Sub-Option B-2B: 0% 
		1-1.5	Sub-Option B-1A: Reduction percent equivalent to difference between harvest estimate and 2-year avg. RHL	Sub-Option B-1B: 20% Reduction
		< 1	Sub-Option B-1A: Reduction percent equivalent to difference between harvest estimate and 2-year avg. RHL	Sub-Option B-1B: 40% Reduction

Option C: Fishery Score Approach

The Monitoring/Technical Committees will recommend the appropriate weight for each metric within the fishery score approach. These weights can be modified through the specifications process. In this example the weighting for each metric was assigned as follows:

B/B_{MSY} = 40% F/F_{MSY} = 20% Recruitment = 20% Fishery Performance = 20%

Summer Flounder

Using the results of the 2021 management track assessment for summer flounder we calculated the current fishery score as follows, assuming the weighting described above:

- B/B_{MSY} = 47,397/55,217 = 0.85 (FS=3)
- F/F_{MSY} = 0.340/0.422 = 0.81 (FS=5)
- Recruitment Percentile: 81-100% (FS=5)
- Landings: 2019-2020 avg. RHL within CI (FS=3)

3(.4) +5(.2) + 5(.2) + 3(.2) = 3.8

Given a fishery score of 3.8, summer would be considered at medium risk with a moderate stock status and the corresponding management measures would be liberal.

Fishery Score	Level of Concern	Stock Status	Measures
1-1.99	Highest Risk	Very Poor	Most Restrictive
2-2.99	High Risk	Poor	Restrictive
3-3.99	Medium Risk	Moderate	Liberal
4-5	Low Risk	Healthy	Most Liberal

Scup

Using the results of the 2021 management track assessment for scup we calculated the current fishery score as follows, assuming the weighting described above:

- B/Bmsy=176,404/90,019 = 1.95 (FS=5)
- F/Fmsy = 0.136/0.200 = .68 (FS=5);
- Recruitment Percentile: <20% (FS= 1)
- Landings: 2019-2020 avg. RHL below lower bound of CI (FS=1)

5(.4) +5(.2) + 1(.2) + 1(.2) = 3.4

Given a fishery score of 3.4, scup would be considered at medium risk with a moderate stock status and the corresponding management measures would be liberal.

Fishery Score	Level of Concern	Stock Status	Measures
1-1.99	Highest Risk	Very Poor	Most Restrictive
2-2.99	High Risk	Poor	Restrictive
3-3.99	Medium Risk	Moderate	Liberal
4-5	Low Risk	Healthy	Most Liberal

Black Sea Bass

Using the results of the 2021 management track assessment for black sea bass we calculated the current fishery score as follows, assuming the weighting described above:

- B/Bmsy= 30,774/14,441 = 2.1 (FS=5)
- F/Fmsy =.5 (FS=5)
- Recruitment Percentile: 61-80% (FS= 4)
- Landings: 2019-2020 avg. RHL below lower bound of CI (FS=1)

5(.4) +5(.2) + 4(.2) + 1(.2) = 4

Given a fishery score of 4, black sea bass would be considered at low risk with a healthy stock status and the corresponding management measures would be the most liberal.

Fishery Score	Level of Concern	Stock Status	Measures
1-1.99	Highest Risk	Very Poor	Most Restrictive
2-2.99	High Risk	Poor	Restrictive
3-3.99	Medium Risk	Moderate	Liberal
4-5	Low Risk	Healthy	Most Liberal

Bluefish

Using the results of the 2021 management track assessment for bluefish we calculated the current fishery score as follows, assuming the weighting described above:

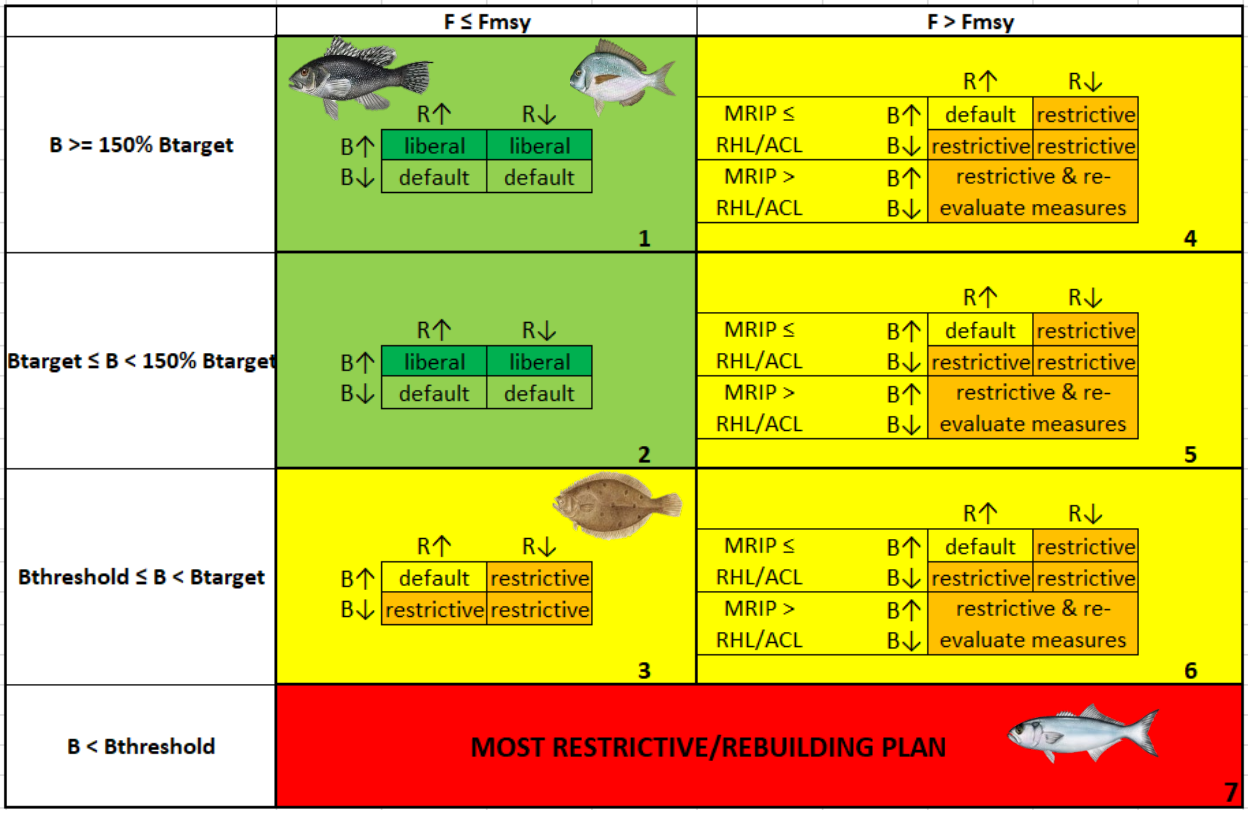
- B/Bmsy= 95,742 /201,729 = 0.47 (FS=1)
- F/Fmsy =.95 (FS=3)
- Recruitment Percentile: 41-60% (FS= 3)
- Landings: 2019-2020 avg. RHL below lower bound of CI (FS=1)

1(.4) +3(.2) + 3(.2) + 1(.2) = 1.8

Given a fishery score of 1.8, bluefish would be considered at the highest risk with a very poor stock status and the corresponding management measures would be the most restrictive.

Fishery Score	Level of Concern	Stock Status	Measures
1-1.99	Highest Risk	Very Poor	Most Restrictive
2-2.99	High Risk	Poor	Restrictive
3-3.99	Medium Risk	Moderate	Liberal
4-5	Low Risk	Healthy	Most Liberal

Option D: Biological Reference Point Approach

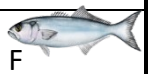


As illustrated in the figure above, under the Biological Reference Point option, each stock under consideration is shown in the respective bin based on the most recent stock assessment results (summarized under the fishery score alternative)

- Both scup and black sea bass would be in Bin 1, with the default measures. If the 2023 stock assessment update indicates that both recruitment and biomass have increasing trends with no change to biomass or fishing mortality, then measures would be liberalized.
- For summer flounder, the stock is placed in Bin 3. This bin indicates a low biomass without overfishing occurring, and measures would be the default measures of this bin. If in the 2023 stock assessment, biomass and fishing mortality show stable trends but either recruitment or biomass showed a decline, measures would be restricted. If biomass improves, then the stock will move from Bin 3 to Bin 2 – as long as overfishing isn't occurring.
- For bluefish, the stock is under a rebuilding plan and defaults to Bin 7. The stock will remain here until the Board/Council determine if can once again enter into the harvest control rule.

Option E: Biomass Based Matrix Approach

According to the most recent stock assessment information, both scup and black sea bass have biomass levels that are over 150% of the target with a decreasing biomass trend. This places them in Bin A under the Biomass Based Matrix Option. Summer flounder has a biomass below the target and an increasing biomass trend. Therefore, the stock is in Bin C. Bluefish is in Bin F because it is in a rebuilding plan.

<table>
<tr><th rowspan="2">Stock Status</th><th colspan="3">Biomass Trend</th></tr>
<tr><th>Increasing</th><th>Stable</th><th>Decreasing</th></tr>
<tr><td>Abundant
At least 150% of target</td><td colspan="3">Bin A  </td></tr>
<tr><td>Healthy
Above target, but less than 150% of target</td><td>Bin A</td><td colspan="2">Bin B</td></tr>
<tr><td>Below Target
but above threshold</td><td>Bin C  </td><td colspan="2">Bin D</td></tr>
<tr><td>Overfished
Below threshold</td><td>Bin E</td><td colspan="2">Bin F  </td></tr>
</table>

Appendix 3. Determining Metrics for Each Option

Confidence Intervals for MRIP Comparison

For options that incorporate comparison of harvest to recent MRIP estimates, the FMAT/PDT recommends using an 80% confidence interval (CI) around the most recent two years of MRIP harvest estimates. An 80% CI balances concerns related to certainty (higher CI %) and precaution when reductions might be needed or economic opportunity when liberalizations could be allowed (lower CI %). As described in section 3.1, the intent of this CI is to serve as a proxy for expected future harvest under status quo measures. This proxy could be replaced by an alternative estimate and associated CI generated from a robust statistical methodology approved by the Monitoring/Technical Committees.

Option C: Fishery Score Approach

Determining Metric Values for the Fishery Score

The following section provides an example of how the metrics listed above could be used to generate a fishery score value ranging from 1 to 5.

$$B/B_{MSY}(W_B)$$

Biomass from the most recent stock assessment would be given a value of 1-5 based on the following criteria, which are loosely based on other aspects of the management program (e.g., the Council's risk policy).

- 5: Biomass is equal to or greater than 150% of the target
- 4: Biomass is less than 150% of the target, and equal to or greater than the target
- 3: Biomass is below the target, and equal to or greater than 75% of the target
- 2: Biomass is below 75% of the target, and equal to or above the threshold (which is ½ the target and defines an overfished state)
- 1: Biomass is below the threshold

$$F/F_{MSY}(W_F)$$

Fishing mortality could be scored based on whether the most recent fishing mortality estimate is at, above, or below the threshold level. Only three increments were selected for fishing mortality as other aspects of the management program consider only

whether F is at, above, or below the target. This scoring methodology may be revised based on further analysis and additional stock assessment considerations.[8]

- 5: F/F_{MSY} is at least 5% less than 1
- 3: F/F_{MSY} within 5% of 1
- 1: F/F_{MSY} is at least 5% greater than 1

Recruitment(W_R)

To determine the recruitment metric, the most recent three year average estimate of recruitment will be compared to the 20th, 40th, 60th, 80th, and 100th percentiles of the distribution of the time series of recruitment used in stock projections. This percentile categorization of the relative strength of an incoming year class was deemed more informative than measuring trends in recruitment, especially given the highly variable nature of recruitment from year to year. Assessing where recruitment fell in the percentile distribution was determined a more appropriate measure of recruitment's impact on future levels of biomass.

- 5: terminal year R in the 81-100 percentile
- 4: terminal year R in the 61-80 percentile
- 3: terminal year R in the 41-60 percentile
- 2: terminal year R in the 21-40 percentile
- 1: terminal year R is in the 0-20 percentile

Fishery performance (W_{FP})

Fishery performance is evaluated by comparing the confidence interval derived from the most recent two years of MRIP harvest estimates to the two-year average RHL. The score is determined by where the average RHL appears in relation to the 2 year MRIP CI.[9] The following three categories are used for this metric:

[8] An alternative scoring method which may be further developed by the FMAT/PDT is to consider the probability that the terminal year fishing mortality estimate (F) from the most recent stock assessment exceeds the threshold level defining overfishing (F_{MSY}). The following four categories are provided as examples.

- 5: 0-24% probability that terminal year F exceeds F_{MSY}
- 4: 25-49% probability that terminal year F exceeds F_{MSY}
- 2: 50-74% probability that terminal year F exceeds F_{MSY}
- 1: 75-100% probability that terminal year F exceeds F_{MSY}

[9] When developing a CI from two years of MRIP data, the PDT/FMAT recommends the use of a joint distribution 80% confidence interval that takes into consideration the PSE of each individual years' MRIP estimate and the variability of the estimates between years. This recommendation is based on an analysis of several years of MRIP

- 5: 2-yr avg. RHL above upper bound of CI
- 3: 2-yr avg. RHL within CI
- 1: 2-yr avg. RHL below lower bound of CI

Option D and E: Biological Reference Point and Biomass Based Matrix

Evaluating B/Bmsy and F/Fmsy

Fishing Mortality (F)

- F ≤ Fmsy - *Fishing mortality is less than or equal to the target.*
- F > Fmsy - *Fishing mortality is greater than the target (overfishing is occurring)*

Biomass (B)

- 150% B_{MSY} target ≤ B - *Biomass is greater than or equal to 1.5x the target*
- B_{MSY} target ≤ B < 150%B_{MSY} target - *Biomass is greater than or equal to the target but less than 1.5x the target*
- B_{MSY} threshold ≤ B < B_{MSY} target - *Biomass is less than the target but greater than or equal to the threshold*
- B < B_{MSY} threshold – *Biomass is less than the threshold (Overfished), a management response (Rebuilding Plan) is required under the MSA. See Accountability Measures for more information.*

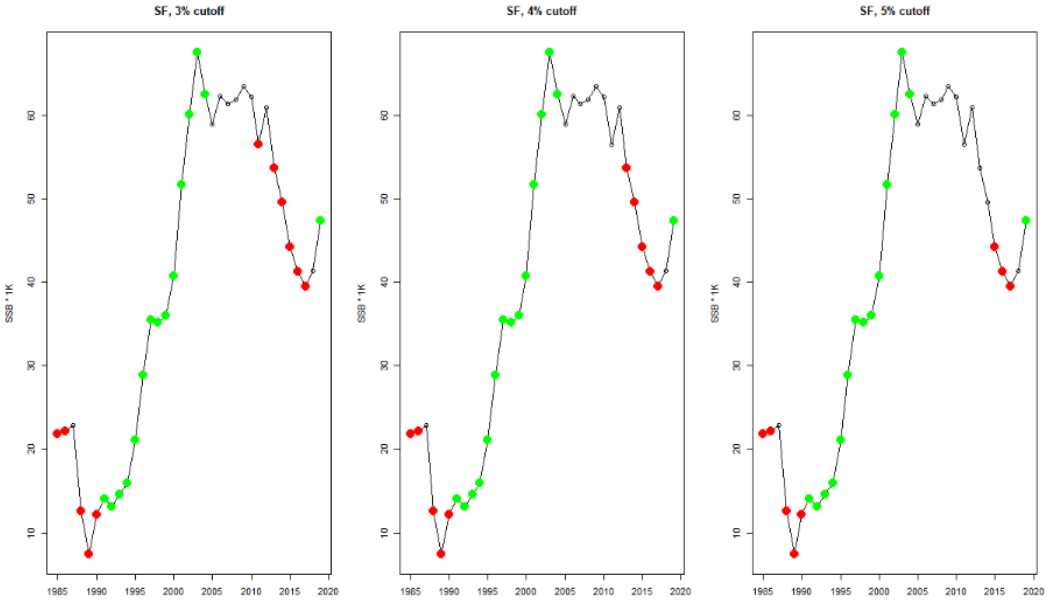
Evaluating Biomass Trends

Evaluating biomass trends can be accomplished using a variety of statistical methods. The PDT/FMAT is working on a number of potential options.

One possible approach would use the average percent change in biomass (or spawning stock biomass) from the three most recent years in the assessment. The average percent change would then be compared to a pre-defined breakpoint. In the figure below we have tested three potential breakpoints 3, 4, and 5 percent. For a 3 percent breakpoint a biomass trend would be considered stable if the percent change was between -3 percent and 3 percent change; considered increasing if the percent change was greater than 3 percent; and, decreasing if the percent change was greater than -3 percent. The number of years in the average, and the breakpoint selected will influence the resulting trend.

data for each species. The use of MRIP data in this context is intended as a proxy for expected future harvest under status quo measures. This may be replaced with statistical modelling approaches for predicting harvest, with associated CIs, if such approaches are available in the future.

Summer flounder Trend Sensitivity Analysis



An alternative approach to derive a biomass trend would combine survey indices into a biomass index that could be used to determine the trend. The approach was designed to combine multiple indices and generate a single value to use as a catch-multiplier to provide catch advice in plan-B assessment approaches. We could use a similar approach to combine information from multiple indices and get a single quantitative metric to judge biomass trends. The following steps would be followed: 1) Create an average biomass index from one or more surveys; 2) apply a LOESS smooth to average; 3) fit log linear model to the most recent three years of smoothed data; and 4) transform slope back to normal scale to get a value. This approach may also be considered a back-up approach if an analytical model with biomass estimates is unavailable.

Recruitment Trend and Harvest Performance

Recruitment will be evaluated as the median or the average over the most recent three years. For harvest performance, a comparison of multi-year MRIP recreational catch and/or harvest (w/ CI) under current default measures relative to the appropriate catch specifications.

- This secondary metric comes into play when overfishing is occurring ($F > F_{MSY}$)
- If current measures are producing catch and/or harvest greater than the specified limit, then default measures must be re-evaluated for the combination of F/F_{MSY} and B/B_{MSY} conditions.

Appendix 4: Regions for Each Stock

Under Addendum XXXII, summer flounder and black sea bass were divided into the following regions:

Summer Flounder: Section 3.1.1

Measures will be developed using a six-region approach, where the regions are defined as: 1) Massachusetts, 2) Rhode Island, 3) Connecticut-New York, 4) New Jersey, 5) Delaware-Virginia, and 6) North Carolina.

Black Sea Bass: Section 3.2.1

Measures will be developed using a three-region approach, where the regions are defined as Massachusetts through New York; New Jersey; and Delaware through North Carolina (north of Cape Hatteras).

Regions have not been established for management of the recreational scup and bluefish fisheries. The Board and Council can develop regions for these species during final action on this addendum or through a separate action.

AMERICAN SALTWATER GUIDES ASSOCIATION
BETTER BUSINESS THROUGH CONSERVATION

December 9, 2021

Patrick Keliher, Chair
Atlantic States Marine Fisheries Commission (ASMFC)
1050 North Highland Street
Suite 200
Arlington, VA 22201

Mike Luisi, Chair
Mid-Atlantic Fishery Management Council (MAFMC)
800 North State Street
Suite 201
Dover, DE 19901

Dear Chair Keliher and Chair Luisi:

We are writing to express our continued concerns regarding the recreational Harvest Control Rule (HCR) effort being conducted as part of the joint ASMFC-MAFMC Recreational Reform Initiative (RRI). The HCR approach seeks to fundamentally change how the recreational fisheries for black sea bass, summer flounder, scup, and bluefish are managed—namely, by relying "less on expected fishery performance" and instead using an approach that "places greater emphasis on stock status indicators and trends."[1] While we recognize the continued challenges of managing recreational fisheries for these and other species, and appreciate efforts to improve management approaches, we continue to have doubts that the HCR approach in its current form will effectively prevent overfishing and maintain accountability as required by the Magnuson-Stevens Act.

In the last year, the HCR developed from an unsolicited idea to four potential alternatives today. At the June 8, 2021 Recreational Reform Initiative meeting, Dr. Paul Rago offered some thoughts on scaling risk associated with HCRs—management decisions will involve more risk when the stock nears a new step or box within an HCR framework.[2] And at the October 21, 2021 ASMFC meeting update, the joint ASMFC Plan Development Team (PDT) and MAFMC Fishery Management Action Team (FMAT) tasked with developing the HCR proposed four different HCR alternatives.[3] Initially planned for implementation for as soon as the 2022 fishing

[1] MAFMC. Recreational Reform Initiative. https://www.mafmc.org/actions/recreational-reform-initiative .
[2] MAFMC. Recreational Reform Initiative Update and Discussion (Joint Meeting with the ASMFC Policy Board). June 8, 2021. https://www.youtube.com/watch?v=smwlkWsGvGI.
[3] ASMFC. ISFMP Policy Board Proceedings. October 22, 2021. https://www.youtube.com/watch?v=PHfYxdHU6dc.

season, the HCR initiative has since been delayed to 2023 to allow for further development of two models and more time to refine key details, such as the role Annual Catch Limits (ACLs) and Recreational Harvest Limits (RHLs) will play in the four HCR alternatives.[4] The PDT and FMAT have made considerable progress: at their November 30th meeting, they began explicitly considering how measures will be set, the role of ACLs and/or RHLs, how conservation equivalency will or will not be employed, and the development of "guidelines" for how the HCR should function.

Given this delay in implementation and the fact that the HCR approach represents a significant departure from how recreational fisheries for these four species have been managed to date, we believe that this is an appropriate time to be deliberate in answering some of these questions and addressing the concerns of Council members and stakeholder groups across sectors. During the October 21, 2021 Interstate Fisheries Management Program Policy Board meeting, Council members and Commissioners raised concerns that the only scientific oversight of this initiative to date has been a three-member subgroup of the Scientific and Statistical Committee (SSC) regarding the two models that will be used to set measures.[5] Several Council members then suggested the idea of sending the entire HCR proposal in its current form to the full SSC for review. However, the meeting concluded without any formal consideration of tasking the full SSC with reviewing these HCR approaches.

We echo the perspective of those Council members and Commissioners and request that the full SSC review each of the four proposed alternatives and confirm that they can adequately prevent overfishing prior to any further management action. Full review is even more important considering the current HCR timeline that calls for no additional review of the draft alternatives by the SSC sub-group or by the Monitoring and Technical Committees.

It is worth noting that we do have additional concerns with this HCR proposal. These include: 1) the lack of public input and involvement to date; and 2) the Council's intention on moving forward with four species—one of which is overfished[6]—instead of first applying the HCR on a trial basis.[7] We consider a full SSC review the essential step to ensuring the scientific rigor of HCR approach in its current form, along with its compliance with the mandates of the Magnuson-Stevens Act.

Fishery managers around the country are closely monitoring the HCR's progress, as it could serve as a model for how other Councils apply so-called alternative management measures for the recreational sector. The Council and Commission are potentially setting a precedent with these actions that will guide other councils, and the process deserves greater scrutiny, transparency, and participation—both from a scientific and stakeholder perspective—than we have observed to date. Anything less would be doing a disservice to the larger fishing

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[4] Joint PDT/FMAT for Recreational Reform. Overview of work, major accomplishments, and timeline recommendations. October 1, 2021. http://www.asmfc.org/files/Meetings/2021FallMeeting/ISFMPPolicyBoard.pdf
[5] ASMFC. ISFMP Policy Board Proceeding Oct2021. October 22, 2021. https://www.youtube.com/watch?v=PHfYxdHU6dc
[6] Northeast Fisheries Science Center. Operational Assessment of the Black Sea Bass, Scup, Bluefish, and Monkfish Stocks Updated Through 2018. January 2020. http://www.asmfc.org/uploads/file/61546191noaa_23006_DS1.pdf
[7] Northeast Fisheries Science Center. Black Sea Bass Operational Assessment for 2021. July 2021. https://apps-nefsc.fisheries.noaa.gov/saw/sasi/uploads/BSB_Operational_assessment_2021-iii.pdf

community. We appreciate your consideration and urge you to ensure that any efforts to better align regulations with stock status don't undermine the Council's ability to ensure long-term stock health and stability.

Thank you for the opportunity to submit our comments.

Sincerely,

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Research Steering Committee

January 18, 2022
Webinar Meeting Summary

The Mid-Atlantic Fishery Management Council's (Council) Research Steering Committee met on Tuesday, January 18, 2022 from 9:00 a.m. to 12:30 p.m. The purpose of the meeting was to review and provide feedback on the draft goals and objectives and a decision-tree document detailing critical questions and issues to be considered regarding a potential redevelopment of the Council's Research Set-Aside (RSA) program. The Committee also continued to develop the topics and agenda for a fourth, and final, RSA redevelopment workshop in February.

Research Steering Committee Attendees: M. Duval (Committee Chair), A. Nowalsky (Committee Vice-Chair), C. Batsavage, P. Risi, K. Wilke, P. Geer, B. Beal

Other Attendees: A. Loftus, L. Anderson, M. Holliday, Y. Jiao, J. Holzer, G. DePiper, B. Muffley, P. Rago, E. Hasbrouck, J. Sherman, J. Fletcher, A. Bianchi

Dr. Michelle Duval, Committee chair, started with a review of the agenda and planned approach for the meeting and stressed that the decisions made by the Committee during the meeting are all draft and meant to serve as a starting point and help focus the discussion and feedback at the February workshop. Staff then provided an overview of the outcomes from the November 16, 2021 Research Steering Committee (Committee) meeting[1] and the work and products developed by Committee leadership and Scientific and Statistical Committee (SSC) Economic Work Group since the November meeting in preparation for the January Committee meeting and February workshop.

Draft Goals and Objectives:

The Committee then began a discussion about the draft strawman goals and objectives for the RSA program, should the Council agree to move forward with its redevelopment. These draft goals and objectives help identify priority considerations and outline how a program might be structured to achieve the desired outcomes for the program. The draft goals and objectives were initially developed by the Committee during the November meeting and were further refined and updated to account for feedback received by the Committee and consider the potential implications for alternatives identified in the decision tree document (discussed more below).

SSC Economic Work Group memo

Dr. Geret DePiper, NEFSC and SSC Economic Work Group chair, gave a presentation summarizing a memo developed by the Economic Work Group that outlines how the goals for an

[1] The November 16, 2021 Research Steering Committee meeting summary and all meeting materials can be found on the meeting page at: https://www.mafmc.org/council-events/2021/research-steering-committee-nov16

RSA program might guide and help inform the Committee in addressing high priority questions identified in the decision tree. Given the inherent linkages between the different program goals and objectives, the memo emphasizes the need to prioritize the draft goals to simplify the decision tree process by identifying which goals are most critical to achieve. Prioritization also allows the Committee to evaluate and understand the trade-offs associated with a particular decision and how those collective decisions may enhance or degrade the ability to achieve a desired goal (e.g., decisions to achieve/maximize success of one goal may impact the ability to achieve the desired outcomes for a different goal).

The Committee supported using the structured decision process as a helpful way to address the RSA issues and considerations and thanked the Economic Work Group for helping develop the decision tree tables and outlining the process and the implications.

Refinement and Prioritization

Given the guidance from the Economic Work Group, the Committee proceeded with prioritizing the RSA program goals and the objectives associated with each goal. Below is the draft priority order, including the Committee rationale and justification, of the RSA program goals and objectives:

Goal 1: Produce quality, peer-reviewed research that maximizes benefits to the Council and public and enhances the Council's understanding of its managed resources (Research)

Objectives:

- Support more applied, management-focused research activities
- Place a higher priority on proposed RSA projects whose anticipated results would likely have immediate application to species management
- Discourage commitments to longer-term monitoring projects
- Ensure all data collected (funding and research) through the RSA program is open access

Rationale/justification: The Committee noted that conducting high quality research that is informative and improves management should the primary foundation of an any RSA program (e.g., designed as a grant program to support research). This area was considered one of the key failings of the previous RSA program and should be a high priority focus to effectively address with a potential new program.

The Committee also made some modifications to the priority order and suggested language of the objectives associated with Goal 1. For example, the objective to ensure all data collected through the RSA program is open access, while important, is not as critical as ensuring the research is relevant to management priorities and was moved to the bottom of the list. In addition, the Committee agreed to change "Avoid commitments to longer-term monitoring projects" to "Discourage commitments to…." to provide the Council with flexibility in the types of projects it might support in the future but recognizing the long-term projects would be a lower priority.

Goal 2: Ensure effective monitoring, accountability, and enforcement of RSA quota (Enforcement and Administration)

Objectives:

- Minimize law enforcement and administrative (agency and researcher) burdens
- Improve enforceability to revoke RSA fishing privileges
- Provide support for administrative and law enforcement activities
- Apply enhanced, adaptive, and consistent enforcement standards and controls
- Increase state-federal science, enforcement, and administration collaboration and cooperation
- Ensure compliance with the reporting and use of the RSA quota

Rationale/justification: The inability to effectively enforce and monitor RSA related fishing activities and the increased administrative burden incurred by the states was another failing and, in large part, led to the suspension of the previous RSA program. The Committee noted that successfully addressing this goal will have positive outcomes in achieving other goals (e.g., fostering trust between scientific and fishing communities and the public) and the program should not sacrifice or compromise achieving this goal in pursuit of achieving other goals. Enhancing enforcement capabilities and appropriately addressing the administrative and monitoring needs will be critically important if a future program is to be successful.

The Committee did discuss initial guidance received from federal grants legal office (FALD) that indicated using RSA proceeds to support enforcement activities or administrative needs would be outside the scope of the programs authority and would not be allowed. While disappointing guidance, the Committee noted that enforcement and administrative support is more holistic and goes beyond funding. Greater up-front planning and coordination with the state partners and developing a program that is fairly standardized and uncomplicated can also help support these efforts. It was also suggested to continue to pursue the ability to use RSA proceeds for enforcement and administrative needs with FALD and General Counsel.

The Committee did not make any changes to the language or order of the objectives associated with Goal 2.

Goal 3: Generate resources to fund research projects that align with the priorities of the Council (Funding)

Objectives:

- Maximize revenues from RSA quota
- Provide equitable opportunity to fund research across all Council-managed species
- Increase scientific and industry partnerships
- Evaluate fairness in fishing community access to RSA quota

Rationale/justification: The Committee spent a lot of time discussing the merits of Goal 3 (Funding) and Goal 4 (Collaboration and Trust) and which might be the higher priority. Some Committee members felt placing a higher priority on building trust and collaboration between the scientific and fishing communities would lead to improved research outcomes and benefits to the Council, the highest priority goal. Others noted that the funding goal was more logistical and operational in nature and would support the other goals and should be a lower priority. However, other Committee members noted that funding related issues were a stumbling block in the previous program and setting up a process to ensure enough funds are available for research

across all Council-managed species is more critical to the program. Ultimately, the Committee agreed the funding goal was the third highest priority goal, followed by the collaboration and trust goal.

There are a number of common objectives between these two goals and the Committee discussed these objectives at length, particularly the objective regarding fairness in access to RSA quota. Fairness is difficult to define, is likely different for different people, and it will be necessary to limit some aspects of participation to ensure the program is effective and enforceable. Members of the Economic Work Group indicated this issue will be part of the trade-off considerations where the Committee will need to consider the willingness to sacrifice some level of participation to increase administration support and enforceability. This issue has implications in a number of different areas within a re-designed program and this topic will be an area of focus for the February workshop. Given these likely trade-off considerations, the Committee recommended a wording change to the fairness objective and replace "Ensure fairness in fishing community access to RSA quota" with "Evaluate fairness in……".

Goal 4: Foster collaboration and trust between scientific and fishing communities and the general public

Objectives:

- Ensure all data collected (funding and research) through the RSA program is open access
- Ensure an open, accountable, and transparent process through all steps (funding and research) of the RSA program
- Increase scientific and industry partnerships
- Evaluate fairness in fishing community access to RSA quota

Rationale/justification: See the discussion under Goal 3 above for details regarding the rationale for prioritizing as Goal 4 and comments regarding the objectives.

Public comment

There was support for the Committee ranking order of the draft program goals and support for the suggested language changes to the objectives. In addition, it was noted that a new program won't be able to allow for everyone to participate and will need some limits to be successful.

Decision Tree Discussion:

With the RSA program goals and objectives prioritized, the Committee then stepped through each high priority question identified in the decision tree document. The decision tree questions were grouped to be mutually exclusive decisions which, together, would shape the form and function of a potentially redeveloped RSA program. Below are the draft selections identified by the Committee for each of the decisions for each topic[2]. Given time constraints, the Committee only addressed the top tier/highest priority questions and did not address the secondary tier

[2] For details on all decision options considered by the Committee, see the decision tree tables at: https://www.mafmc.org/s/6_Decision-Tree-Tables_01_2022.pdf

questions. A short summary of the Committee discussion and rationale for each selection is also provided.

Topic 1 – Who is involved in the RSA program?

- Question Alternatives 1A – 1C
    - Draft Committee selection: **1B and 1C**

The Committee supported RSA program participation by both the commercial and for-hire sectors and making the RSA quota allocation separate for each sector. These options would allow for greater participation, greater flexibility in how the Council may/may not assign RSA quota in a given year and opens up the types of research the program can support. However, the Economic Work Group noted that by separating the quota by sector, it is expected that revenue generation would be lower than if RSA quota was pooled across sectors and additional information regarding the value of commercial and recreational fisheries which could have been collected and used in other management considerations is lost.

- Question Alternatives 2A – 2C
    - Draft Committee selection: **2A**

This alternative would establish different percentages of the ABC for RSA quota. While the Committee felt this option may be more burdensome, it allows for considerations by stock and FMP and provides for greater role of ASMFC for jointly managed species.

- Question Alternatives 3A – 3C
    - Draft Committee selection: **3B** (with reporting considerations and potential phase-in option)

This alternative would allow for participation by both federal and state permitted vessels. Allowing state permitted vessels increases the administrative burden, increases complexity, and potentially some reporting/monitoring issues. However, the Committee supported this alternative to provide for greater participation, particularly for jointly managed species, provided an appropriate reporting process was in place for all vessels. The Committee also suggested this alternative could include a phase-in option to allow the program to get up and running with federally permitted vessels first and then phase in state vessels once ready.

- Question Alternative 4 – state opting out
    - Draft Committee selection: **4**

The Committee supported this alternative which would allow states to opt out of participating in the RSA program but also supported an alternative where states would need to opt in to participate (e.g., like the Wave 1 recreational fishery for black sea bass). Opting in might be more appropriate approach since it's unclear if the Council/NMFS would have the authority to force a state to participate if a state indicates they have limitations (regs, staff, funds etc.).

- Question Alternatives 5A – 5Ai
    - Draft Committee selection: **None selected**

These alternatives would cap the number of vessels allowed to participate. The Committee felt this decision should be left to states and they decide what level of participation they could appropriately enforcement and monitor.

- Question Alternatives 6A – 6B
    - Draft Committee selection: **6B** (with additional information needed)

The Committee supported some sort of "electronic monitoring" (i.e., VMS or AIS) component to the program to support enforcement, although the scope of what this technology should be used for is uncertain. For example, would this be used to help law enforcement track vessels as they get closer to port and offload RSA quota or should it be used by enforcement to monitor finer scale details and patterns of an RSA trip. The scope of need for this technology will determine the type of technology and function needed. More technology information will be provided at the February workshop. The Committee also agreed to modify the language for both alternatives and change the word "Require" to Allow" in having observers on RSA trips and having VMS/AIS on RSA vessels. Lastly, the Committee expressed concerns about the costs and implications of having observers on RSA trips (e.g., state staff demands, allocation for other observer programs) and did not support this alternative.

Topic 2 – How would you allocate/divide the RSA quota?

- Question Alternatives1A – 1B
    - Draft Committee selection: **1A**

These alternatives would consider which Council-managed fisheries the RSA program would apply to, and the Committee supported the option that RSA would apply to all fisheries/FMPs. This option would allow the Council (and ASMFC for jointly managed species) to decide each year whether or not to allocate any RSA quota given a variety of considerations (e.g., stock conditions, changes in the ABC, other management actions etc.).

- Question Alternatives 2A – 2B
    - Draft Committee selection: **2A**

These alternatives consider if revenue generated from one species could support research for another species or only the species for which the revenue was generated. The draft Committee selection would allow for funds raised to be used to support research for any species. This option provides the Council will greater flexibility and with the recognition that some species will not be able to generate enough funds to support research and that only a few Council-managed species generated the majority of RSA funds.

- Question Alternatives 3A – 3B
    - Draft Committee selection: **3A and 3Ai**

These alternatives consider funding mechanisms (bilateral agreements or 3rd party auctions) available for researchers. It was noted that researchers have the ability to use whatever mechanism they want to monetize the RSA quota but NMFS/Council do not have the ability to run an auction. The Committee felt option 3A provides for the greatest flexibility to generate

funds but did express some concern for greater access between researchers and participating vessels and the potential for double mortality associated with selling catch and mortality of discards observed during research. The Committee agreed that periodic review of how any funding mechanism is working is needed.

Topic 3 – What does an RSA trip look like?

- Question Alternatives 1A – 1B
    - Draft Committee selection: **1C** (new alternative)

These alternatives consider if/when vessels participating in compensation fishing would also be allowed to participate in RSA funded research activities (the extent to which decoupling of these vessel activities should occur). The Committee felt an alternative was missing that was in between the alternatives provided – one in which compensation fishing could occur at the same time on the same vessel conducting a research trip, provided the vessel has an RSA quota allocation. This alternative would provide for some increased flexibility for researchers to find willing vessels, may help support Goal 4 of building trust and collaboration, and may help address the double mortality concern of discards occurring during RSA compensation fishing and under RSA conducted research. The Committee recognized that different types of research projects may have different funding process needs (e.g., research conducted at a desk/lab versus research testing a new net mesh).

Therefore, the new alternative (1C) developed and supported by the Committee states "Where feasible, compensation harvest is coupled with research activity".

- Question Alternatives 2A – 2B
    - Draft Committee selection: **2A**

These alternatives consider whether RSA trips/landings can be conducted in conjunction with non-RSA (i.e., typical/traditional) fishing trips. The Committee supporting keeping these trips separate and would increase enforceability and monitoring of activities and landings associated with the RSA program.

- Question Alternatives 3A – 3B
    - Draft Committee selection: **3B**

These alternatives consider where and to whom RSA landings are offloaded. The Committee generally felt these decisions should be up to the states to determine but did support offering some guidance and that landing at the same port as that specified on the pre-trip notification seemed reasonable.

- Question Alternative 4
    - Draft Committee selection: **None selected**

This alternative would specify a specific timeframe in which RSA offloads could occur. The Committee felt this should be specified by the states given the nuances and differences in fisheries and operations between the states. However, while the Committee supported giving

states making this determination, they also believe there does need to be some limitations as to when offloads can occur to help with enforcement demands.

- Question Alternatives 5A – 5B
    - Draft Committee selection: **5A**

These alternatives consider pre-trip and pre-landing notification requirements. The Committee supported a pre-trip notification requirement given its importance to administrative and enforcement planning and recommended adding the ability to also cancel a pre-trip notification (e.g., weather blows up a few hours prior to a planned trip). The Committee noted the pre-landing notification may not be administratively feasible, at least with a 6-hour notification, since some trips don't require that much steaming to port and may need additional consideration.

- Question Alternatives 6A – 6C
    - Draft Committee selection: **6C**

These alternatives consider RSA trip exemptions (e.g., trips limits, seasons). While allowing these exemptions may add to enforcement complexity, the Committee felt these exemptions provided important flexibilities needed for the program as to when trips can occur and hopefully other considerations supported by the Committee will alleviate enforcement concerns.

Consideration for the February Workshop Agenda:

The Committee briefly discussed some initial considerations for the February 16th workshop. The draft decisions made during the meeting will be used to inform the workshop topics and the agenda will likely be structured by the three topics outlined in the decision tree tables. The Committee also noted the need to review and refresh workshop participants about all the previous information but to ensure we don't rehash old topics and issues during the workshop. Committee leadership, Andy Loftus, and staff will work to over the next couple of weeks to develop a final workshop agenda and meeting materials.

Public comment

One member of the public asked if a revised RSA program could be used to reduce regulatory discards and indicated their dissatisfaction with where the Committee discussion was headed with a new program. Another member of the public commended the Committee on their approach and decisions made throughout the meeting.

Mid-Atlantic Fishery Management Council
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Michael P. Luisi, Chairman | P. Weston Townsend, Vice Chairman
Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: January 28, 2022

To: Council

From: Chris Moore, Executive Director

Subject: Executive Director's Report

The following materials are enclosed for review during the Executive Director's Report at the February 2022 Council Meeting:

1. 2022 Planned Council Meetings Topics
2. Status of Council Actions Under Development
3. Timeline and Status of Completed Council Actions and Specifications
4. SSC Membership Reappointments
5. Hudson Canyon National Marine Sanctuary Review – Public Comment and Staff Memo
6. Press Release: Climate Change Scenario Planning Webinars
7. NEFMC Letter to MAFMC: Dogfish Trip Limit Priority
8. Great South Channel Habitat Management Area (GSCHMA) and Atlantic Surfclam Fishery Access – January 12 Meeting Summary
9. Offshore Wind Updates

2022 Planned Council Meeting Topics

February 8-9, 2022 Council Meeting (Webinar)

- Atlantic Sturgeon Bycatch Working Group: Update
- 2022 Recreational Management Measures for Summer Flounder, Scup, and Black Sea Bass: Review and Consider Revisions to Previous Recommendations
- Recreational Harvest Control Rule Framework / Addenda: Review and Approve Alternatives (Joint with ASMFC Policy Board)

April 5-7, 2022 Council Meeting - Galloway, NJ

- 2023 Golden Tilefish Specifications: Review
- 2023 Blueline Tilefish Specifications: Review
- 2022 Illex Specifications: Review
- Atlantic Mackerel Rebuilding 2.0 Amendment: Approve Alternatives for Public Hearing Document
- Review River Herring and Shad Spatial/Temporal Analyses
- Climate Change Scenario Planning: Update
- 2022 Mid-Atlantic State of the Ecosystem Report
- 2022 EAFM Risk Assessment Update
- Research Set-Aside Redevelopment Workshop: Update
- Atlantic Surfclam Genetics Project: Presentation
- Offshore Wind Updates
- Sea Turtle Bycatch in MAFMC Trawl Fisheries: Update and Feedback

June 7-9, 2022 Council Meeting - Riverhead, NY

- Recreational Harvest Control Rule Framework/Addenda: Final Action (Joint with ASMFC Policy Board)
- 2023-2025 Chub Mackerel Specifications: Approve
- Mackerel Rebuilding 2.0 Amendment (includes RH/S cap and 2023-2025 Mackerel Specifications): Final Action
- 2023 Longfin Squid Specifications: Review
- 2023 Atlantic Surfclam and Ocean Quahog Specifications: Review
- Aquaculture Policy: Review and Approve
- Research Set-Aside Program Redevelopment: Review Committee Recommendations and Consider Council Action
- Habitat Activities Update (including aquaculture and a preview of Northeast Regional Habitat Assessment products)
- Unmanaged Commercial Landings Report
- Atlantic Large Whale Take Reduction Plan Phase II: Update and Feedback

August 8-11, 2022 Council Meeting - Philadelphia, PA

- 2023 Summer Flounder, Scup, and Black Sea Bass Specifications and Commercial Measures: Review (Joint with ASMFC SFSBSB Board)
- 2023 Bluefish Specifications and Recreational Management Measures: Review (Joint with ASMFC Bluefish Board)
- EAFM Summer Flounder Management Strategy Evaluation: Final Results and Recommendations (Joint with ASMFC SFSBSB Board)
- Evaluation of Commercial Scup Discards and Gear Restricted Areas: Review
- Recreational Reform Initiative Technical Guidance Document: Discuss Next Steps (Joint with ASMFC Policy Board)
- Recreational Sector Separation and Catch Accounting Amendment: Discuss Next Steps (Joint with ASMFC Policy Board)
- 2023 Illex Specifications: Approve
- 2023-2024 Butterfish Specifications: Approve
- Offshore Wind Updates
- Climate Change Scenario Planning: Update

October 4-6, 2022 Council Meeting - Dewey Beach, DE

- 2023 Implementation Plan: Review Draft (Executive Committee)
- Atlantic Surfclam and Ocean Quahog Species Separation Requirements Amendment: Approve Alternatives for Public Hearing Document
- Ocean City Video Project: Review Results
- Private Recreational Tilefish Permitting and Reporting: Review Performance
- Joint Council-SSC Meeting
- Essential Fish Habitat Redo: Initiate Amendment

December 12-15, 2022 Council Meeting - Annapolis, MD

- 2023 Implementation Plan: Approve
- 2023-2026 Spiny Dogfish Specifications: Approve
- Spiny Dogfish Trip Limit White Paper: Review
- 2023 Recreational Management Measures for Summer Flounder, Scup, and Black Sea Bass: Approve (Joint with ASMFC SFSBSB Board)
- Recreational Reform Initiative Technical Guidance Document: Review Draft (Joint with ASMFC Policy Board)
- Recreational Sector Separation and Catch Accounting Amendment: Approve Scoping Document (Joint with ASMFC Policy Board)
- Atlantic Surfclam and Ocean Quahog Species Separation Requirements Amendment: Final Action
- EAFM Risk Assessment Comprehensive Review: Update
- Habitat Activities Update (Including Aquaculture)
- Offshore Wind Updates

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

2022 Council Meeting Topics At-a-Glance

	February	April	June	August	October	December
Mackerel, Squid, Butterfish *and* **River Herring and Shad (RH/S)**		• 2022 Illex Specs Review • RH/S Spatial/ Temporal Analyses • Mackerel Rebuilding 2.0 Amd: Approve Alternatives	• 2023-2025 Chub Mackerel Specs • 2023 Longfin Squid Specs • Mackerel Rebuilding 2.0 Amd: Final Action	• 2023 Illex Specs Review • 2023-2024 Butterfish Specs		
Recreational Reform	• Rec HCR FW/ Addenda: Approve Alternatives		• Rec HCR FW/ Addenda: Final Action	• Rec Reform Technical Guidance Doc: Discuss • Rec Sector Separation and Catch Accounting Amd: Discuss		• Rec Reform Technical Guidance Doc: Review Draft • Rec Sector Separation and Catch Accounting Amd: Approve Scoping Doc
Summer Flounder, Scup, Black Sea Bass (SF/S/BSB)	• 2022 SF/S/BSB Rec Measures: Reconsider			• SF/S/BSB 2023 Specs Review • Commercial Scup Discards and GRAs: Review		• SF/S/BSB 2023 Rec Mgmt Measures
Bluefish				• Bluefish 2023 Specs and Rec Mgmt Measures Review		
Tilefish		• 2023 Golden Tilefish Specs Review • 2023 Blueline Tilefish Specs Review			• Private Tilefish Permitting/ Reporting Update	
Atlantic Surfclam and Ocean Quahog (SC/OQ)		• Surfclam Genetics Project Presentation	• SC/OQ 2023 Specs Review		• SC/OQ Species Separation Amd: Approve Public Hearing Doc	• SC/OQ Species Separation Amd: Final Action
Spiny Dogfish						• 2023-2026 Dogfish Specs • Dogfish Trip Limit White Paper
Science Issues		• RSA Workshop: Update	• RSA Redevelopment: Final Action		• Joint Council-SSC Meeting • Ocean City Video Project: Review Results	
EAFM		• 2022 State of the Ecosystem Report • 2022 EAFM Risk Assessment		• EAFM Summer Flounder MSE: Review Final Results		• EAFM Risk Assessment Comprehensive Review: Update

	February	April	June	August	October	December
Habitat, Aquaculture, Wind		• Offshore Wind Update	• Habitat Update • Aquaculture Policy: Approve	• Offshore Wind Update	• EFH Redo Amd: Initiate	• Habitat Update • Offshore Wind Update
Protected Resources	• Atlantic Sturgeon Bycatch Working Group: Update	• Sea Turtle Bycatch: Update	• Atlantic Large Whale Take Reduction Plan Phase II			
Other		• Climate Change Scenario Planning Update	• Unmanaged Commercial Landings Report	• Climate Change Scenario Planning Update	• Draft 2023 Implementation Plan	• 2023 Implementation Plan: Approve

Acronyms/Abbreviations

Amd	Amendment
EAFM	Ecosystem Approach to Fisheries Management
FW	Framework
GRAs	Gear Restricted Areas
HCR	Harvest Control Rule
Mgmt	Management
MSB	Mackerel, Squid, Butterfish
MSE	Management Strategy Evaluation
Rec	Recreational
RH/S	River Herring and Shad
SC/OQ	Atlantic Surfclam and Ocean Quahog
SF/S/BSB	Summer Flounder, Scup, Black Sea Bass
Specs	Specifications
SSC	Scientific and Statistical Committee

Actions Referenced in this Document

- **Mackerel Rebuilding 2.0 Amd:** Atlantic Mackerel Rebuilding 2.0 Amendment
- **Rec HCR FW/ Addenda:** Recreational Harvest Control Rule Framework/Addenda
- **Rec Reform Technical Guidance Doc**: Recreational Reform Initiative Technical Guidance Document
- **Rec Sector Separation and Catch Accounting Amd:** Recreational Sector Separation and Catch Accounting Amendment
- **SC/OQ Species Separation Amendment:** Atlantic Surfclam and Ocean Quahog Species Separation Requirements Amendment

Status of Council Actions Under Development

AS OF 1/25/22

FMP	Action	Description	Status	Staff Lead
Summer Flounder, Scup, Black Sea Bass *and* Bluefish	Recreational Harvest Control Rule Framework/Addenda	The goal of this action is to establish a process for setting recreational bag, size, and season limits for summer flounder, scup, black sea bass, and bluefish such that measures aim to prevent overfishing, are reflective of stock status, appropriately account for uncertainty in the recreational data, take into consideration angler preferences, and provide an appropriate level of stability and predictability in changes from year to year. https://www.mafmc.org/actions/recreational-reform-initiative	The Council and Policy Board may approve a final range of alternatives for public hearings in February 2022. Public hearings will be held through the Commission process for addenda.	Beaty
	Recreational Reform Initiative Technical Guidance Document	The Council and Policy Board agreed to develop a technical guidance document to address the following topics: (1) identifying and smoothing MRIP outlier estimates, (2) use of preliminary current year MRIP data, and (3) maintaining status quo recreational measures. Some of these topics have been partially developed through the Harvest Control Rule Framework/Addenda. No additional progress has been made on a technical guidance document due to prioritization of the Harvest Control Rule. https://www.mafmc.org/actions/recreational-reform-initiative	Further progress is not expected until after final action on the Harvest Control Rule Framework/Addenda.	Beaty
	Recreational Sector Separation and Catch Accounting Amendment	This joint MAFMC/ASMFC amendment considers (1) options for managing for-hire recreational fisheries separately from other recreational fishing modes and (2) options related to recreational catch accounting, such as private angler reporting and enhanced vessel trip report requirements for for-hire vessels. https://www.mafmc.org/actions/recreational-reform-initiative	The Council and Policy Board initiated this action in October 2020. No additional progress has been made due to prioritization of the Harvest Control Rule Framework/ Addenda. The Council and Policy Board may consider approval of a scoping document for this amendment by the end of 2022.	Dancy

FMP	Action	Description	Status	Staff Lead
Surfclam and Ocean Quahog	Surfclam and Ocean Quahog Species Separation Requirements Amendment	As surfclams have shifted toward deeper water in recent years, catches including both surfclams and ocean quahogs have become more common. Current regulations do not allow surfclams and ocean quahogs to be landed on the same trip or in the same tagged cage. The Council is developing and Amendment to modify species separation requirements in these fisheries in the short-term. In addition, staff/NEFSC will explore longer term solutions for monitoring (such as electronic monitoring testing on the clam survey). https://www.mafmc.org/actions/scoq-species-separation	In December 2021 the Council reviewed a white paper and decided to initiate an Amendment. The Council also requested that the staff/NEFSC explore the feasibility of longer-term solutions. Letters to form an FMAT were sent 1/25.	Coakley/ Montañez
Mackerel, Squid, Butterfish	Mackerel Rebuilding 2.0 Amendment	This action will re-set Atlantic mackerel rebuilding and consider related management measures, including the river herring and shad cap.	In December 2021 the Council decided to complete the revised rebuilding plan through an FMP amendment instead of a framework action, as had been previously planned. This decision will allow for additional public comment opportunities and more thorough engagement of stakeholders who may be affected. Two public information webinars were held on January 11 and 12.	Didden
Omnibus	Omnibus Amendment for Data Modernization	This action will address any regulatory changes needed to fully implement the Agency's Fishery-Dependent Data Initiative (FDDI).	The Council last received an update at the October 2018 meeting. In 2019 the Council took final action on the Commercial eVTR Omnibus Framework jointly with the NEFMC in support of FDDI.	GARFO/NEFSC

Timeline and Status of Recent MAFMC Actions and Amendments/Frameworks Under Review

As of 1/25/2022

The table below summarizes the status of actions after they have been approved by the Council. For information about the status of Council actions under development, please see the document titled "Status of Council Actions Under Development."

Title	Action Number	Council Approval	Initial Submission	Final Submission	NOA Published	Proposed Rule Published	Approval/ Disapproval Letter	Final Rule Published	Regs Effective	Notes
Excessive Shares Amendment	SCOQ Amd 20	12/9/19	4/24/20	9/25/20						
MSB FMP Goals/Objectives and Illex Permits Amendment	MSB Amd 22	7/16/20	3/15/21							EA edits & letter received 10/8/21 - staff working on edits.
Black Sea Bass Commercial State Allocation Amendment	TBD	8/4/21	11/19/21							Council/Board took final action in Feb 2021 and then revised their final action on 8/4/21 based on a remand from the ASMFC Policy Board.
Bluefish Allocation and Rebuilding Amendment	Bluefish Amd 7	6/8/21	7/19/21	9/2/21	9/1/21	9/13/21	11/22/21	11/24/21	1/1/22	
Tilefish Multi-Year Specifications Framework	Tilefish FW 6	8/11/21	7/10/21	10/7/21						
Summer Flounder, Scup, Black Sea Bass Commercial/Recreational Allocation Amendment	TBD	12/14/21								EA currently in development. Implementation expected 1/1/2023.

Timeline and Status of Current and Upcoming Specifications for MAFMC Fisheries

As of 1/25/22

Current Specifications	Year(s)	Council Approval	Initial Submission	Final Submission	Proposed Rule	Final Rule	Regs Effective	Notes
Golden Tilefish	2022-2024	8/11/21	10/7/21					Submitted under the Tilefish Multi-Year Specifications Framework 6
Blueline Tilefish	2022-2024	4/7/21	10/20/21					
Surfclam and Ocean Quahog	2021-2026	8/12/20	9/2/20	2/24/21	2/17/21	5/13/21	6/14/21	
Longfin Squid	2021-2023	8/10/20	10/14/20	7/2/21	5/26/21	7/22/21	7/22/21	
Butterfish	2021-2022	8/10/20	10/14/20	7/2/21	5/26/21	7/22/21	7/22/21	
Illex Squid	2021-2022	6/17/20	10/14/20	7/2/21	5/26/21	7/22/21	7/22/21	In-season adjustment to Illex from June 2021 Council meeting. SSC will review 2022.
Atlantic Mackerel (including RH/S cap)	2022 (through July 11, 2022, likely extended through 2022)	8/11/21	N/A	N/A	N/A	1/12/22	1/7/22	Emergency action requested by the Council at August 2021 meeting. Emergency actions should lock 2022 catch to near 2021.
Chub mackerel	2020-2022	3/7/19	5/31/19	10/25/19	3/9/20	8/4/20	9/3/20	Reviewed October 2020. No changes recommended.
Bluefish	2022-2023	8/9/21	10/18/21					
Summer Flounder, Scup, Black Sea Bass	2022-2023	8/9/21	10/4/21	11/5/21	11/24/21	12/23/21	1/1/22	
Spiny Dogfish	2021-2022	10/6/20	12/7/20	2/3/21	3/4/21	5/1/21	5/1/21	Trip limit change to 7500 on track for NLT May 1, 2022 (SIR)

Recreational Management Measures

Current Management Measures	Year(s)	Council Approval	Initial Submission	Final Submission	Proposed Rule	Final Rule	Regs Effective	Notes
Summer flounder rec measures	2022	12/14/21						Rulemaking required each year to continue use of conservation equivalency
Black sea bass rec measures	2022	12/14/21						Will be reviewed by Council on Feb 8, 2022 and possibly revised in response to January 2022 ASMFC Board action.
Scup rec measures	2022	12/14/21						
Bluefish rec measures	2022-2023	12/13/21	1/23/20	3/19/20	5/25/20	6/29/20	6/29/20	Reviewed in 2021. No changes from prevous year's measures.

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

MEMORANDUM

Date: January 21, 2022

To: Council

From: Brandon Muffley, Council staff

Subject: SSC Membership Re-appointments

On Wednesday, February 9, 2022, as part of the Executive Director's report, the Council will review and consider the re-appointment of existing SSC members. Council SOPPs specify that SSC members shall serve three-year terms and are subject to re-appointment at the discretion of the Council. There are 16 members (out of 20) whose three-year term expires in March 2022 and, therefore, are up for reappointment. All 16 members (listed below) have expressed interest in remaining on the SSC for another three-year term.

As part of the review, Council members can find more information about each SSC member (e.g., education, background, areas of expertise) by reviewing the membership directory – found here **SSC Membership Directory and Short Bios**. Also included is a table showing SSC member attendance for all SSC meetings from 2019 – 2021.

Existing SSC members up for re-appointment include:

Dr. Paul Rago (Chair)
Dr. Lee Anderson
Dr. Michael Frisk
Dr. Sarah Gaichas
Dr. Edward Houde
Dr. Yan Jiao
Dr. Robert Latour
Dr. Brian Rothschild
Dr. Michael Wilberg (Vice-chair)
Dr. John Boreman
Dr. Wendy Gabriel
Dr. Mark Holliday
Dr. Olaf Jensen
Dr. Cynthia Jones
Dr. Tom Miller
Dr. David Secor

SSC Meeting Attendance: 2019 - 2021

Name	Start of 3-year term	Feb '19 webinar	March '19 in-person	May '19 in-person	Sept '19 in-person	March '20 hybrid	May '20 webinar	July '20 webinar	Sept '20 webinar	March '21 webinar	May '21 webinar	July '21 webinar	Sept '21 webinar	*% of Meetings attended*
John Boreman	Mar-19	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	1.00
Geret DePiper	Mar-20					✓	✓	✓	✓	✓	✓		✓	0.88
Tom Miller	Mar-19	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	1.00
Lee Anderson	Mar-19	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	1.00
Gavin Fay	Mar-20						✓	✓	✓	✓	✓	✓	✓	0.88
Michael Frisk	Mar-19	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓		0.83
Wendy Gabriel	Mar-19	✓	✓	✓	✓		✓	✓	✓	✓	✓		✓	0.83
Sarah Gaichas	Mar-19		✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	0.83
Mark Holliday	Mar-19	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓		0.83
Jorge Holzer	Mar-20					✓	✓	✓	✓	✓	✓	✓	✓	1.00
Ed Houde	Mar-19	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	1.00
Olaf Jensen	Mar-19		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	0.92
Yan Jiao	Mar-19	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	0.92
Cynthia Jones	Mar-19	✓			✓		✓	✓	✓	✓	✓	✓	✓	0.75
Robert Latour	Mar-19	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	0.92
Paul Rago	Mar-19	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	1.00
Brian Rothschild	Mar-19		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	0.92
David Secor	Mar-19	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	1.00
Alexei Sharov	Mar-20					✓	✓	✓	✓	✓	✓		✓	0.88
Michael Wilberg	Mar-19	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	0.92
Total participating per meeting		**13**	**15**	**12**	**14**	**17**	**20**	**20**	**19**	**20**	**20**	**17**	**18**	

From: Gregory DiDomenico <gregdidomenico@gmail.com>
Sent: Thursday, January 20, 2022 3:50 PM
To: Moore, Christopher <cmoore@mafmc.org>; Luisi, Michael <michael.luisi@maryland.gov>; Townsend, Wes <pakafish1@yahoo.com>; Reid, Eric <ericreidri@gmail.com>
Subject: Review of Nomination for Hudson Canyon National Marine Sanctuary

Good Afternoon,

Below you will find a link to the Federal Register.
2022-01085.pdf (federalregister.gov)

The Notice included is a request for written comments on the nomination of the Hudson Canyon.
As you recall in April of 2017 the MAFMC voted against this nomination.
I respectfully request the MAFMC review this again.

Thank you
Greg DiDomenico
Lund's Fisheries

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Michael P. Luisi, Chairman | P. Weston Townsend, Vice Chairman
Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: January 27, 2022

To: Chris Moore, Executive Director

From: Kiley Dancy, Staff

Subject: NOAA's Five-Year Review of Nomination for Hudson Canyon National Marine Sanctuary

In 2014, NOAA established a National Marine Sanctuary nomination process allowing communities to propose areas for National Marine Sanctuary designation. Nominations are reviewed against a set of 11 national significance criteria and management considerations. If successful, the nomination is added to a standing inventory of areas NOAA could consider for National Marine Sanctuary designation. Addition of an area to the inventory does not necessarily mean that the area will be designated as a marine sanctuary. Designation is a separate, highly participatory process that typically takes 3-5 years and involves a public scoping process, the development of an Environmental Impact Statement, and a public comment process.

If NOAA does not take action to start the designation process on a nomination in the inventory, the nomination is re-evaluated after five years. If the nomination still meets the sanctuary nomination process criteria, the area may remain on the inventory for another five years.

On January 21, 2022, NOAA published a notice in the Federal Register[1] seeking comments on its five-year review of the nomination for Hudson Canyon National Marine Sanctuary. This area was added to the inventory on February 23, 2017 after NOAA's consideration of a November 17, 2016 nomination from the Wildlife Conservation Society's New York Aquarium.[2] No action has been taken since that time to begin the designation process for this nomination.

In April 2017, following addition of the Hudson Canyon area to the inventory, the Mid-Atlantic Council wrote a letter expressing concerns about sanctuary designation of the area and requesting that the nomination not move forward to the designation stage.[3] In these comments, the Council noted concerns that sanctuary designation may hinder or conflict with the Council's management authority and objectives for marine resources in the area. While the nomination included the recommendation that the authority to manage fisheries within the sanctuary remain solely with the

[1] 87 FR 3283, available at: https://www.federalregister.gov/documents/2022/01/21/2022-01085/review-of-nomination-for-hudson-canyon-national-marine-sanctuary.
[2] https://nominate.noaa.gov/media/documents/hudson-canyon.pdf
[3] April 26, 2017 letter available at: https://www.mafmc.org/s/MAFMC-Hudson-Sancutary-Comment-Letter-26-April-2017.pdf

Council and NMFS, the Council was concerned that this could not be guaranteed through the designation process and over the longer term. The Council also noted that Hudson Canyon is included as part of the Frank R. Lautenberg Deep Sea Coral Protected Area (effective January 2017), the boundaries for which were carefully developed using a cooperative and transparent process involving several stakeholder groups.

The recent Federal Register notice requesting comments on the five year review specifies that comments should "focus solely on any new and relevant information relating to NOAA's 11 sanctuary nomination evaluation criteria" that may influence their decision of whether the area should remain on the inventory for another five years. After reviewing the criteria, staff did not believe there was relevant new information to provide relative to the Council's previous points. However, if NOAA were to move forward with the designation process for Hudson Canyon Marine Sanctuary, as noted above, the Council would have several opportunities for involvement and comments during scoping as well as review of a draft management plan and draft Environmental Impact Statement.[4]

[4] See the designation process steps at: https://sanctuaries.noaa.gov/management/designations.html.

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

PRESS RELEASE

FOR IMMEDIATE RELEASE
January 25, 2022

PRESS CONTACT: Mary Sabo
(302) 526-5261

Climate Change Scenario Planning: Upcoming Webinars to Focus on Oceanographic, Biological, and Social/Economic Drivers of Change

Over the past year, East Coast fishery management bodies have been collaborating on a climate change scenario planning initiative designed to prepare fishing communities and fishery managers for an era of climate change. The goals of this project are to assess how climate change might affect stock distribution and availability of East Coast marine fisheries over the next 20 years and to identify the implications for fishery management and governance.

Last summer and fall, many stakeholders participated in the *Scoping* phase of the project by attending introductory scoping webinars and providing input through an online questionnaire. A summary of the scoping process and input received is available **here**.

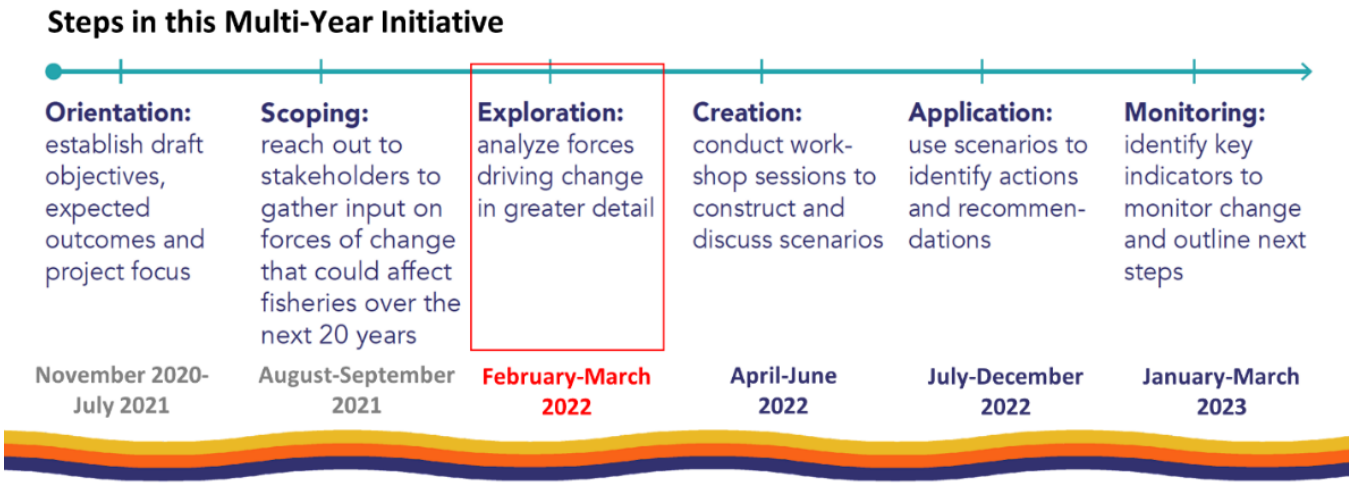
The next step in the scenario planning process is the *Exploration* phase. Building on the input gathered during scoping, this phase will include a series of three webinars which will focus on identifying and analyzing the major drivers of change in greater depth. Once again, stakeholder involvement is key, and the webinars are open to the public. The outcomes of these webinars will form the "building blocks" for a future scenario creation workshop to be held in Spring 2022.

Mark Your Calendars

- **Webinar #1** – Monday, February 14, 2022
- **Webinar #2** – Wednesday, February 23, 2022
- **Webinar #3** – Wednesday, March 2, 2022

NOTE: All webinars will run from 3:00 p.m. to 4:30 p.m.

*Participants are encouraged to **attend all three webinars** to take in the full range of issues being explored. Each webinar will address a different category of forces driving change in East Coast fisheries (see next page for details).*



800 N State St., Suite 201, Dover, DE 19901
Phone (302) 674-2331 * FAX (302) 674-5399
www.mafmc.org

Webinar Details

Each of the three webinars will address a different category of forces driving change in East Coast fisheries (see schedule below for details). **Participants are encouraged to attend all three webinars, if possible, to take in the full range of issues being explored.** The webinars will contain a keynote address, a panel discussion, and a limited opportunity for comments, questions, and discussion. Three background documents are being developed with specific information to support each webinar. Once completed, these documents will be posted here. Participants are encouraged to review these backgrounders before the webinars begin and come prepared to share comments on the primary drivers of change for East Coast fisheries.

Webinar Schedule and Topics

Click on the webinar titles below to view webinar registration details.

Webinar #1: Oceanographic Drivers of Change

February 14, 2022, 3:00 p.m. – 4:30 p.m.

This webinar will look in detail at the trends in oceanography that are poised to shape East Coast fisheries over the next 20 years, such as changing ocean temperature, acidification, sea level rise, ocean currents and other developments. How predictable are these trends, and what impact might they have?

Webinar #2: Biological Drivers of Change

February 23, 2022, 3:00 p.m. – 4:30 p.m.

This webinar will explore expected and possible biological trends, including changes in the geographic range, distribution, and productivity of stocks, as well as changes in habitat, predator/prey relationships, and other ecosystem dynamics. What are the prospects for how these factors might develop and interact over the next 20 years?

Webinar #3: Social and Economic Drivers of Change

March 2, 2022, 3:00 p.m. – 4:30 p.m.

This webinar will focus on social and economic trends that may affect fisheries, such as changing consumer demand and food production, other competing ocean uses (e.g., offshore energy and aquaculture), loss of working waterfronts, and other developments. How important will these developments be in shaping fisheries in the next 20 years?

Learn More

Additional information is available on the Climate Change Scenario Planning Web Page and in the Introductory brochure.

New England Fishery Management Council

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

NOAA FISHERIES

New England Fishery Management Council
50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
Eric Reid, *Chair* | Thomas A. Nies, *Executive Director*

January 28, 2022

Mr. Christopher Moore
Executive Director
Mid-Atlantic Fishery Council
800 North State Street, Suite 201
Dover, DE 19901

Dear Chris,

At its December 7-9, 2021 meeting, the New England Fishery Management Council adopted as one of its 2022 priorities for spiny dogfish that our Council support a framework adjustment under the lead of the MAFMC to develop possible additional changes to the trip limit.

Please contact me if you have any questions about our Council's decision.

Sincerely,

Thomas A. Nies

Thomas A. Nies
Executive Director

Discussion on the Great South Channel Habitat Management Area (GSCHMA) and Atlantic Surfclam Fishery Access
(January 14, 2022, 2pm - 3pm)

Leadership from both the Mid-Atlantic Fishery Management Council's (MAFMC) and New England Fishery Management Council (NEFMC) met via webinar on January 14, 2022 (from 2pm-3pm) to discuss the above subject. The purpose of this meeting was to bring the leadership of both the New England and Mid-Atlantic Councils to a common level of understanding on the history of and current issues related to Atlantic surfclam fishing access within the GSCHMA, and identify opportunities to further coordinate on this issue within the scope of the Council process.

Council Leadership: Eric Reid (NEFMC Chair, Habitat Committee Chair), Rick Bellevance (NEFMC Vice-Chair), Tom Nies (NEFMC Executive Director), Mike Luisi (MAFMC Chair), Wes Townsend (MAFMC Vice-chair), Peter Hughes (Surfclam and Ocean Quahog Committee Chair), Chris Moore (MAFMC Executive Director). Council Staff: Jessica Coakley and José Montañez (MAFMC staff), and Michelle Bachman (NEFMC staff).

Staff provided a brief overview of the history of the GSCHMA. The discussion began and it was noted that in addition to the request for this meeting that occurred at the December MAFMC Meeting, there was also a request for emergency action made at the December NEFMC meeting and via correspondence. This request will be taken up by the NEFMC in February.

A question was asked about the Exempted Fishing Permit (EFP; issued to Coonamessett Farm Foundation) in the GSCHMA and if there were any final reports from the habitat data collection that occurred under the permit. NEFMC has not received a final analysis/report.

A discussion about the areas followed. In their correspondence, some industry members indicated that one area cannot be fished year-round because of a seasonal closure, another because of winter weather due to further distance from shore/rough bottom, and yet another has low catch per unit of effort for surfclam. These are areas that had been historically fished, but presently there are not enough surfclams coming out of them to support processing/demand for clams. Some industry members feel they aren't being given fair access, because they applied for an EFP that was denied. One fishing/processing business has fared better because they were allowed to fish under the EFP.

It was noted that it was known when the NEFMC delineated and closed the GSCHMA that it would cause adverse impacts to the surfclam fishery. The NEFMC also knew that impacts would only be partially mitigated by designating the exemption areas. During development of Omnibus Habitat Amendment 2 and the subsequent Clam Dredge Framework, the surfclam industry indicated that they would do the research needed to support opening these areas. To date, the

NEFMC has only received a progress report on the information collected under Coonamessett Farm Foundation's EFP. Another EFP was applied for but has not been approved by NOAA Fisheries.

The request for action is not a specific proposal in terms of areas or seasons where access is requested. It will be difficult to determine whether the request for emergency action would be consistent with NOAA's 2008 policy guidance unless the fishing industry comes forward with more details. The group agreed that more details on the specifics of the request would help the Councils to evaluate whether to recommend Secretarial emergency action.

The group discussed the upcoming schedule for NEFMC: Habitat Committee Meeting (1/18), Executive Committee Meeting (1/21), and February Council Meeting (2/1), during which the emergency action request would be discussed. It was noted that for the NEFMC to take up this work as a Council action in 2022, it would take 2/3 council members voting affirmative (not just a simple majority) to revisit their work priorities.

Follow-up Actions: The group agreed to send an email to the MAFMC surfclam advisory panel letting them know these 3 meetings are happening and that they provide an opportunity to comment on the request for emergency action. Council staff will also reach out to GARFO staff so they are prepared for these discussions. This summary will be prepared by staff and provided to both Councils.

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: January 28, 2022

To: Council

From: Julia Beaty, staff

Subject: Updates on Offshore Wind Energy Development

The following major updates in offshore wind energy development occurred since the December 2021 Council meeting. This is not intended to be an exhaustive list.

- The Council submitted the following comment letters:
  - Letter from MAFMC to BOEM on Central Atlantic Planning Areas and Coral Protection Areas (12/27/21)
  - MAFMC Letter to GARFO: Fisheries Mitigation (1/6/22)
  - MAFMC and NEFMC Letter to BOEM: Fisheries Mitigation (1/7/22)
- The Bureau of Ocean Energy Management (BOEM) published a final sale notice for six lease areas offshore of New York and New Jersey. A lease auction will take place on February 23, 2022.
- In January 2022, BOEM held four fisheries meetings on offshore wind planning areas in the Central Atlantic (i.e., offshore of Delaware through New Jersey). BOEM will hold a Central Atlantic Intergovernmental Task Force meeting on February 16, 2022. More information is available here.
- NOAA and BOEM announced a new interagency memorandum in support of advancing offshore wind energy.

South Atlantic Fishery Management Council
Update and Liaison Report

Winter 2021

The South Atlantic Fishery Management Council (Council) met in Beaufort, North Carolina, December 6-10, 2021. The Council meeting began with a closed session to review appointments to advisory panels, the Scientific and Statistical Committee (SSC) and the SSC's Socio-Economic Sub-Panel.

Below is a summary of the Council's actions:

Standardized Bycatch Reporting Methodology Review
The Council received a presentation on the Standardized Bycatch Reporting Methodology (SBRM) Review. SBRMs are required for every federal fishery management plan. A final rule requiring review of SBRM's every 5 years was published in February 2017. Dr. Genny Nesslage, SSC Chair, presented the SSC's comments and summary feedback on the review. The Council approved a motion indicating the review satisfies the language in the final rule for standardized bycatch reporting for the Council's FMPs.

Exempted Fishing Permits
The Council was briefed on three exempted fishing permit (EFP) applications.
One application was submitted by the Reef Environmental Education Foundation (REEF) requesting authorization to test non-containment traps in the South Atlantic to harvest lionfish. The second EFP application was submitted by the South Carolina Aquarium requesting authorization to allow harvest of Council-managed species in federal waters. A third request was submitted by Sustainable Seas Technology to test Acoustic Subsea Buoy Retrieval Systems (ASBRS) in the commercial black sea bass pot fishery in federal waters. The Council recommended that NMFS approve the applications.

Atlantic King Mackerel
The Council reviewed public hearing comments for Coastal Migratory Pelagics 34, which addresses catch level adjustments based on SSC recommendations and the recent stock assessment update for Atlantic king mackerel, sector allocations, and management measures. The

Council removed actions related to modification of the minimum size limit from further consideration. The amendment will be considered for formal review in March 2022.

Gulf Cobia
The Council approved all actions in Coastal Migratory Pelagics Amendment 32 to address the overfishing status of Gulf migratory group cobia and approved the amendment for formal secretarial review.

Gulf King Mackerel
Ryan Rindone, Gulf Council staff, presented draft options to be considered in Amendment 33, which proposes modifications to catch limits and sector allocations for Gulf king mackerel based on the results of the SEDAR 38 Update stock assessment. The stock assessment found that Gulf king mackerel was not overfished or undergoing overfishing. The Council will review more detailed analysis for the proposed action and alternatives at an upcoming meeting.

Snapper Grouper Release Mortality Reduction Framework
The Council reviewed Snapper Grouper AP comments on previously recommended measures to reduce dead releases of snapper grouper species. The Council also reviewed a discussion document that outlined previous Council discussions and actions to reduce release mortality of snapper grouper species as well as methods used to reduce discards in the multispecies Pacific Groundfish Fishery Management Plan. Staff were directed to compile information that may support quantifying a reduction in released fish associated with gear, spatial, or seasonal regulations. The Council also directed staff to conduct initial scoping to solicit additional ideas for reducing dead releases. Additionally, the amendment includes an action to adjust the red snapper ABC in the South Atlantic.

Red Snapper Response and Holistic Management Approach
The Council reviewed a proposal to develop a management strategy evaluation for the snapper grouper fishery. The Council will contract with an external analyst to develop the model and work through their advisory panel, SSC, and Council to develop quantifiable objectives and evaluation metrics for the analysis. The project is planned to take two years to develop with the final product presented to the Council in June 2024.

Snowy Grouper
The Council reviewed Snapper Grouper AP comments and recommendations and an options paper on Snapper Grouper Amendment 51, addressing catch levels, allocations, and management measures for snowy grouper. The Council accepted changes to the options paper since their first review in September and instructed staff to gather input on the co-catch of snowy grouper and blueline tilefish. Amendment 51 was approved for scoping.

Golden Tilefish and Blueline Tilefish
The Council reviewed Snapper Grouper AP comments and recommendations and an options paper on Snapper Grouper Amendment 52, addressing catch levels and management measures for golden tilefish. The Council recommended the amendment also include actions for different start dates for commercial golden tilefish hook and line and long line seasons and actions to revise golden tilefish accountability measures. The Council voted to include actions to adjust the

recreational bag limit for blueline tilefish and modify blueline tilefish recreational accountability measures. Amendment 52, including golden tilefish and blueline tilefish, measures was approved for scoping.

Gag
The Council reviewed Snapper Grouper AP comments and recommendations and an options paper on Snapper Grouper Amendment 53, which establishes a rebuilding plan and addresses catch levels, allocations, and management measures for gag grouper. The Council requested a new set of rebuilding projections be reviewed by the SSC in February. The resulting probability of rebuilding and catch level recommendations will be reviewed at the March Council meeting. The Council gave direction to staff to incorporate an additional allocation strategy, modifications to commercial and recreational management measures, and accountability measures. Amendment 53 was approved for scoping.

Greater Amberjack
The Council modified some of the alternatives and selected preferred alternatives for actions addressing sector allocations, sector minimum size limits, and removal of annual catch targets from the Snapper Grouper Fishery Management Plan. The Council directed further development of alternatives considered for the seasonal commercial trip limits and April spawning closure. The amendment will be considered for public hearings in March 2022.

Yellowtail Snapper
The Council reviewed feedback from the Gulf of Mexico Fishery Management Council and the Snapper Grouper Advisory Panel and directed staff to suspend work on this amendment and request that FWC conduct an update to the assessment to incorporate three additional years of data and a constant catch projection to set an ABC for the South Atlantic and Gulf of Mexico yellowtail snapper stock.

Red Porgy
The Council approved all actions in Snapper Grouper Amendment 50 to address the overfishing and overfished status of red porgy in the South Atlantic and reviewed rationale for each action The amendment will be considered for formal review in March 2022.

SEDAR
The Council reviewed its approval process for SEDAR projects and adjusted the timing of SEDAR Committee meetings and approvals to account for the timing of submission for statements of work for operational assessments. The Council then reviewed and approved terms of reference for SEDAR 68 (Scamp) Operational Assessment, SEDAR 82 (Gray Triggerfish) Research Track Assessment, SEDAR 83 (Vermilion Snapper) Operational Assessment, SEDAR 86 (Red Grouper) Operational Assessment as well as a statement of work for a 2024 Golden Tilefish Operational Assessment.

Citizen Science
The Council reviewed, edited, and adopted the updated citizen science research priorities. These priorities are used to guide the projects the Citizen Science Program supports or pursues. They are also shared with partners throughout the region to encourage collaboration and the development of projects that address the identified priorities.

Outreach and Communications
The Council was briefed on the Outreach and Communications Advisory Panel Report, which included recommendations and considerations for the Council's presence on social media. The Council will likely discuss social media guidelines, as well as goals and objectives of a social media strategy, at future meetings. In addition, the Council received an update on the Reef Fish Sea Grant Fellowship and a preliminary demo of the new website.

New England Fishery Management Council Meeting Agenda
Tuesday – Thursday, February 1-3, 2022
By Webinar

Sending comments? Written comments must be received at the New England Fishery Management Council (NEFMC) office no later than 8:00 a.m., Thursday, January 27, 2022 to be considered at this meeting. Please address comments to Council Chair Eric Reid or Executive Director Tom Nies at: NEFMC, 50 Water Street, Mill 2, Newburyport, MA 01950. Email submissions should be sent to comments@nefmc.org.

IMPORTANT: *Due to ongoing public safety considerations related to **COVID-19**, this meeting will be conducted by webinar. Please monitor the Council's **February 2022 meeting webpage** for updates.*

PUBLIC COMMENTS: *The Council's "Guidelines for Providing Public Comments" can be found **here**. Anyone interested in speaking during the open period for public comment on February 2, 2022 at 12:00 p.m. should email Janice Plante at jplante@nefmc.org to get on the list.*

EMERGENCY ACTION: *Please note that the Council will discuss a request for secretarial emergency action related to the Great South Channel Habitat Management Area under the Habitat Committee report.*

Tuesday, February 1, 2022

10:00 a.m. **Reports on Recent Activities**
Council Chair, Council Executive Director, Greater Atlantic Regional Fisheries Office (GARFO) Regional Administrator, National Oceanic and Atmospheric Administration (NOAA) General Counsel, Northeast Fisheries Science Center (NEFSC), Mid-Atlantic Fishery Management Council (MAFMC), Atlantic States Marine Fisheries Commission (ASMFC), U.S. Coast Guard, NOAA Enforcement, Northeast Trawl Advisory Panel (NTAP)

12:00 p.m. **Skate Committee Report** (Scott Olszewski)
Framework Adjustment 9: final action to revise (1) the Northeast Skate Complex Fishery Management Plan's objectives; and (2) conditions for open access federal skate fishing permits

12:30 **Lunch Break**

1:45 **Ecosystem-Based Fishery Management (EBFM) Report** (John Pappalardo)
Brief updates on: (1) informational EBFM workshops using public outreach materials, focusing on potential application to a Georges Bank example fishery ecosystem plan (eFEP); and (2) initial work to develop a Beta Management Strategy Evaluation (MSE) for EBFM and the Georges Bank eFEP

2:15 **Habitat Committee Report** (Council Chair Eric Reid)
(1) Habitat Areas of Particular Concern (HAPCs): initiate framework to designate HAPCs in Southern New England; (2) Great South Channel Habitat Management Area (GSCHMA): receive report on discussion between New England/Mid-Atlantic Council leadership about Great South Channel HMA and consider next steps, including a clam industry request for secretarial emergency action; (3) Offshore Energy and Habitat-Related Work: update

4:30 **Closed Session** (Council Chair Eric Reid)
Closed session to discuss: (1) Scientific and Statistical Committee appointments; (2) Council policies on U.S. Equal Employment Opportunity (EEO) harassment in the workplace issues

Wednesday, February 2, 2022

9:00 a.m. **Scallop Committee Report** (Melanie Griffin)
Evaluation of Rotational Management Program: receive and discuss final report; Scallop Survey Working Group: update; Limited Access Leasing: initial update on scoping for potential development of leasing program

10:30 **Atlantic Sturgeon Bycatch Working Group** (Spencer Talmage, GARFO)
Presentation on formation of working group and planned activities

11:15 **International Commission for the Conservation of Atlantic Tunas (ICCAT)** (Rick Bellavance; Sarah McLaughlin, NOAA Fisheries)
Report on: (1) results from the 27th Regular Meeting of the International Commission for the Conservation of Atlantic Tunas; and (2) recommendations from the Advisory Committee to the U.S. Section of ICCAT

12:00 p.m. **Open Period for Public Comment**
Opportunity for the public to provide brief comments on issues relevant to Council business but not listed on this agenda (please limit remarks to 3-5 minutes)

12:15 **Lunch Break**

1:30 **Congressional Update** (Dave Whaley)
Update on legislative activities; Council discussion

2:30 **Atlantic Mackerel** (Jason Didden, Mid-Atlantic Fishery Management Council staff)
Briefing on Atlantic mackerel stock status and work by the Mid-Atlantic Council to revise the mackerel rebuilding program based on results from the 2021 management track stock assessment

3:15 **East Coast Climate Change Scenario Planning** (Staff)
Update on East Coast Climate Change Scenario Planning initiative, including: (1) summary of August/September 2021 kick-off webinars to introduce scenario planning to stakeholders; and (2) outline of next steps, including information about February/March 2022 webinars to explore physical, biological, and social/economic drivers and uncertainties about how the marine ecosystem could be affected by climate change

Thursday, February 3, 2022

9:00 a.m. **Groundfish Committee Report** (Rick Bellavance; Dr. Russ Brown, NEFSC; Dr. Erik Chapman, UNH; Dr. Lisa Kerr, GMRI)
(1) Atlantic Cod Stock Structure Workshops: presentation on final report, Council discussion; (2) Atlantic Cod Research Track Working Group: progress report, Council discussion on potential number of cod stocks for assessment purposes and potential management units; and (3) Recreational Measures: provide recommendations to the Greater Atlantic Regional Fisheries Office on fishing year 2022 recreational measures for Gulf of Maine cod and Gulf of Maine haddock

12:30 p.m. **Lunch Break**

1:30 **Groundfish Committee Report Continued**

3:30 **Other Business**

Times listed next to the agenda items are estimates and are subject to change.
This meeting is being held entirely by webinar. Council member financial disclosure forms are available for examination on the Council website.

Although other non-emergency issues not contained on this agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305 (c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Documents pertaining to Council actions are available for review prior to a final vote by the Council.
Please check the Council's website, www.nefmc.org, or call (978) 465-0492 for copies.
This meeting will be recorded. Consistent with 16 USC 1852, a copy of the recording is available upon request.