



Mid-Atlantic Fishery Management Council
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MEMORANDUM

Date: May 18, 2020
To: Summer Flounder, Scup, and Black Sea Bass Monitoring Committee
From: Julia Beaty, staff
Subject: Recreational Management Reform Initiative

Introduction

Improving the recreational management system for summer flounder, scup, black sea bass, and bluefish is a priority for the Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission (Commission). In March 2019, both groups formed a joint Recreational Management Reform Steering Committee to identify potential management approaches for further consideration. This initiative was created largely in response to challenges associated with managing the recreational black sea bass fisheries, including stakeholder dissatisfaction with restrictive management measures when the stock is very abundant and the frequent need to adjust those measures. However, the Recreational Reform Initiative considers approaches which could apply to all four jointly managed recreational fisheries (i.e., summer flounder, scup, black sea bass, and bluefish).

The Council and the Commission will discuss next steps for the Recreational Reform Initiative during their joint June 2020 webinar meeting. They may initiate a framework/addendum to consider management alternatives for priority topics. A framework/addendum could be prioritized for completion over the next few years.

During their May 2020 meeting, the Summer Flounder, Scup, and Black Sea Bass Monitoring Committee will provide input on the Recreational Reform Initiative outline developed by the Steering Committee (pages 3-7 of this document). At that meeting, the Monitoring Committee will discuss the viability and utility of potential approaches, technical analysis needed, potential topics for inclusion in a framework/addendum, and plans for next steps.

Attached documents for Monitoring Committee Review

- Draft Recreational Management Reform Initiative outline (pages 3-7).
- Summary of potential management approaches under consideration through the Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment, some of which may overlap with the Recreational Reform Initiative (pages 8-10).

Discussion questions for Monitoring Committee

- Which approaches related to recreational management in the attached two documents should be given the highest priority for further development and analysis through a framework/addendum?
- Do you recommend modifications to any approaches listed in the Recreational Management Reform Steering Committee outline (pages 3-7 of this document)?
- Would any approaches listed in the Steering Committee outline be especially problematic to implement due to technical concerns?
- Objective 4 in the Steering Committee outline relates to improvements to the process used to make changes to federal and state waters recreational management measures. It does not include specific recommendations, as it has not been identified as a high priority by the Steering Committee. What, if any, specific changes would you recommend for further consideration (e.g., improvements to the state and federal waters conservation equivalency process, additional guidelines related to state-specific or regional measures)? Note that many of the recommended approaches related to considering uncertainty in recreational data are relevant for this objective.
- Are there additional approaches not listed in the attached two documents that warrant further consideration? For example:
 - Gaining a better understanding of non-compliance in the recreational fishery and considering how to better account for non-compliance when developing management measures.
 - Improvements to the methods for accounting for dead discards in the recreational management process.
 - Other approaches.
- What are your recommendations for analysis of priority approaches? Which types of analysis could be accomplished through a Monitoring Committee subgroup and which may require an outside contractor?

Recreational Management Reform

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

Draft initiative outline developed by the Recreational Management Reform Steering Committee

This document is intended for discussion purposes by the Monitoring and Technical Committees. It has not been approved by the MAFMC and ASMFC for other purposes.

4/27/2020

Goal/Vision

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

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

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

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

if changes to recreational management measures are needed (e.g., ACL evaluation and discards, should low estimates also be smoothed). Guidelines for how these smoothed estimates will be used should also be established. Monitoring/Technical Committee input would be beneficial.

- *Suggested immediate next step*: Task the Monitoring/Technical Committees with developing a draft process for identifying and smoothing outlier MRIP estimates for all four species.
- Use an **envelope of uncertainty approach** when determining if changes in recreational management measures are needed. Under this approach, a certain range above and below the projected harvest estimate (e.g., based on percent standard error) would be defined to be compared against the upcoming year's RHL. If the RHL falls within the pre-defined range above and below the projected harvest estimate, then no changes would be made to management measures. The intent is to develop a standard, repeatable, and transparent process to be used each year. The Monitoring and Technical Committees would maintain the discretion to deviate from this process if they saw sufficient justification to do so. The process currently used by the Monitoring and Technical Committees to determine if changes are needed to recreational management measures is not codified in the FMPs; therefore, a change to this method may not require an FMP framework/addendum or amendment. However, it would be beneficial to include an approved process in a technical SOPPs document for the development of recreational measures.
- *Status*: The 2013 Omnibus Recreational Accountability Measures Amendment considered a similar approach using confidence intervals around catch estimates to determine if the recreational ACL had been exceeded; however, that amendment proposed using only the lower bound of the confidence interval, rather than the upper and lower bounds. For this reason, that portion of the amendment was disapproved by NOAA Fisheries. In some recent years, the Monitoring and Technical Committees have made arguments for maintaining *status quo* measures for black sea bass and summer flounder based on percent standard error (PSE) values associated with MRIP estimates.
 - *Potential next steps*: Work with the Monitoring/Technical Committee to define the most appropriate confidence interval around the projected harvest estimate for comparison against the upcoming year's RHL (e.g., +/- 1 PSE). Technical analysis (e.g., simulations) may also be needed to evaluate the impacts of maintaining *status quo* recreational management measures when small to moderate restrictions or liberalizations would otherwise be required or allowed.
 - *Suggested immediate next step*: Task the Monitoring/Technical Committee with developing recommendations for this approach.
- **Evaluate the pros and cons of using preliminary current year data** combined with data from a single previous year, or multiple previous years, to project harvest for comparison against the upcoming year's RHL. The FMPs do not currently prescribe which data should be used to develop recreational management measures, beyond requiring use of the best scientific information available. If the Council and Board wish to provide guidance to the Monitoring and Technical Committees on which data to use, or if they wish to place restrictions on the use of certain types of data (e.g., preliminary current year data), then a technical SOPPS document or an FMP framework/addendum or amendment may be necessary
 - *Status*: Each year MAFMC staff develop initial projections of recreational harvest of summer flounder, scup, and black sea bass in the current year to compare against the upcoming year's RHL. These projections combine preliminary current year harvest estimates through wave 4 with the proportion of harvest by wave in

one or more past years. The Monitoring Committee provides recommendations on the appropriate methodology in any given year and the data used (e.g., one or multiple previous years) varies on a case by case basis. A different process is used for bluefish. Historically, expected bluefish recreational harvest has been evaluated when considering a recreational to commercial transfer. Expected bluefish harvest was typically based on the previous year or a multiple year average and did not account for preliminary current year data. These different methodologies were developed based on Monitoring Committee guidance and are not prescribed in the FMP. The Recreational Reform Steering Committee has suggested that consideration should be given to the appropriateness of using preliminary current year data and data from one or multiple previous years. No progress has been made on this topic beyond preliminary discussions at the steering committee level.

- *Potential next steps*: Evaluate the various methodologies that have been used to project recreational harvest of the four species in the past and how this intersects with other changes under consideration (e.g., setting measures for two years at a time, objective 3). Discuss if changes should be considered and if analysis is needed.
- *Suggested immediate next step*: Seek Monitoring/Technical Committee input on whether changes to the current process for calculating expected recreational harvest are needed.

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

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

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

- This is not a standalone objective. It could be used in conjunction with objectives 1, 2, and 5.
- Develop a process for setting recreational management measures for two years at a time with a commitment to making no changes in the interim year. This would include not reacting to new data that would otherwise allow for liberalizations or require restrictions. Objective 2 (control rules for maintaining *status quo* measures) would not apply in the

interim year. Everything under objective 1 (incorporate uncertainty in the MRIP data) could also apply here. An FMP framework/addendum may be needed to make this change. For example, changes to the current accountability measure regulations may be needed. Additional discussions with GARFO are needed regarding Magnuson-Stevens Act requirements.

- *Status:* The steering committee drafted a preliminary example process which was discussed at the [October 2019 joint Council/Board meeting](#). Previous steering committee discussions indicated that this is a high priority topic and it is central to the draft mission statement previously proposed by the steering committee (i.e., allow for more regulatory stability and flexibility in the recreational management programs for summer flounder, scup, black sea bass, and bluefish by revising the current annual timeframe for evaluating fishery performance and setting recreational specifications to a new multi-year process.)
- *Potential next steps:* Consider if changes are needed to the draft timeline included in the [October 2019 joint meeting briefing materials](#). Further evaluate how the Magnuson-Stevens Act requirement for annual evaluation of annual catch limit overages and accountability would factor into this approach.
- *Suggested immediate next step:* Work with GARFO to determine if there are major impediments to this potential change based on Magnuson-Stevens Act requirements.

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

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

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

- This is not a standalone objective. Everything listed below could be used in conjunction with all other objectives.
- The steering committee has discussed the idea of recommending federal waters recreational management measures in August or October rather than December of each year (or every other year, see objective 3). The current process of recommending federal waters measures for the upcoming year in December can pose challenges for implementing needed changes in both federal and state waters in a timely and

coordinated manner. It also limits how far in advance for-hire businesses can plan their trips for the upcoming year. In recent years, changes to the federal recreational measures for summer flounder, scup, and/or black sea bass have not been implemented until May-July of the year in which the changes are needed. Adopting recommendations for federal waters measures in August or October could allow for changes to be implemented earlier in the year; however, fewer data on current year fishery performance would be available for consideration. If there is a significant change in the process to establish measures, an FMP framework/addendum or amendment may be necessary.

- Status: Has been identified by steering committee as a potential priority, but the pros and cons have not yet been given thorough consideration.
- Potential next steps: Evaluate the pros and cons of this change and how it would intersect with other changes under consideration (e.g., setting measures for two years at a time, objective 3). Discuss if analysis is needed. Monitoring/Technical Committee input could be beneficial, especially regarding implications related to the timing of data availability.
- Suggested immediate next step: Seek Monitoring/Technical Committee input on the pros and cons of recommending federal waters recreational management measures for the following year in August, October, or December of the current year.

Steering Committee membership (in alphabetical order):

Julia Beaty (MAFMC staff)

Joe Cimino (MAFMC Summer Flounder, Scup, Black Sea Bass Committee Vice Chair)

Justin Davis (ASMFC Summer Flounder, Scup, Black Sea Bass Management Board Vice Chair)

Tony DiLernia (MAFMC Summer Flounder, Scup, Black Sea Bass Committee Chair)

Emily Keiley (GARFO staff)

Toni Kerns (ASMFC staff)

Mike Luisi (MAFMC chair)

Adam Nowalsky (ASMFC Summer Flounder, Scup, Black Sea Bass Management Board Chair)

Mike Ruccio (GARFO staff)

Caitlin Starks (ASMFC staff)

Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment - Summary of Management Approaches for Further Consideration

The Mid-Atlantic Fishery Management Council (Council) and Atlantic States Marine Fisheries Commission (Commission) are developing a joint amendment to re-evaluate and potentially revise the allocations of total catch or landings between the commercial and recreational sectors for summer flounder, scup, and black sea bass. More information on this amendment is available at <https://www.mafmc.org/actions/sfsbsb-allocation-amendment>.

During their May 2020 joint meeting, the Council and Board approved a list of potential management approaches for further consideration through the Commercial/Recreational Allocation Amendment. More details on these approaches are available in the briefing materials for the May 2020 joint meeting (<https://www.mafmc.org/briefing/may-2020>). Although the Council and Board recommended further consideration of all the approaches listed below, the Fishery Management Action Team (FMAT) noted a need for clarification on how some approaches would address the goal of the amendment and how some would meet the requirements of the Magnuson-Stevens Act. The FMAT will continue to develop these alternatives throughout the summer of 2020.

The sub-categories listed below are examples and may be further refined based on input from the FMAT. The Council and Board may revise this list during their June 2020 joint meeting.

Potential management approaches with implications for recreational management measures, beyond changes to the percent allocation to the recreational fishery, are highlighted in yellow.

Category	Sub-category	Description
1. No Action		Make no changes to the commercial/recreational allocation percentages defined in the FMP.
2. Revised allocation percentages based on different data or time series	2.1 Existing base years with revised data	The current allocations are based on catch or landings during historical time periods. This alternative would update the allocation percentages using the same base years and current data.
	2.2 Different base years with revised data	Update the allocation percentages using current data and different base years.
	2.3 Revised base years based on post-rebuilding years	Update the allocation percentages using current data and post-rebuilding base years (e.g., 5 years post-rebuilding).
	2.4 Based on socioeconomic analyses	Details TBD. Consider allocations percentages that maximize marginal benefits in each sector (e.g., summer flounder contract work funded by the Council).
	2.5 Allocate in numbers instead of pounds	Consider whether allocations should be based in pounds (current practice) or numbers of fish.

Category	Sub-category	Description
3. Allocations attempting to maintain roughly status quo harvest by sector compared to the most recent year prior to last assessment update		Modify the percentage allocations to allow for roughly status quo harvest by sector compared the most recent year prior to the assessment updates incorporating the revised MRIP information (see page 8-10 of April 2020 FMAT summary ¹ for more information).
4. Recreational sector separation	4.1 Separate allocations to for-hire vs. private sectors	Allocate separate percentages of the recreational ACL or RHL to the for-hire and private sectors.
	4.2 Separate management measures for for-hire vs. private sectors	Use different bag/size/season limits for the for-hire and private sectors without defining separate allocations.
5. Harvest control rule based approaches	To be determined	See page 146-151 of the scoping comment summary ² for a proposal submitted through scoping. This proposal recommends that allocations not be defined as a percentage of total catch landings, but as a set of bag/size/season limits in the recreational fishery and a quota in the commercial fishery.
6. Recreational accountability alternatives	6.1 More frequent overage paybacks	Under the current FMP, paybacks of recreational overages are only required if biomass is below the target level. Some scoping comments recommended that the recreational fishery pay back overages more frequently.
	6.2 Recreational in-season closures	Amendment 19 (2013) removed recreational in-season closures as a management tool in the FMP due to concerns about the timing of data availability. Some scoping comments recommended reinstating in-season closures for the recreational fishery.
7. Recreational catch accounting alternatives	7.1 Mandatory private angler reporting	All suggestions provided through scoping as ways to reduce uncertainty in recreational data.
	7.2 Issue tags to anglers	
	7.3 Mandatory tournament reporting	

¹ Available in the Tab 2 briefing materials at: <https://www.mafmc.org/briefing/may-2020>

² See previous footnote.

Category	Sub-category	Description
	7.4 Require VTRs for for-hire vessels with state permits	
	7.5 Reinstate did not fishery reports for federal for-hire permit holders	
8. Dynamic allocation approaches and options for future revisions	8.1 Allocation percentages based on a moving average of past years' catch or landings	This approach would update the allocation percentages on a regular basis based on a moving average of past years' catch or landings.
	8.2. Allow allocation changes through frameworks/addenda	This alternative would add the commercial/recreational allocation percentages to the list of management measures which can be modified through a framework rather than an amendment. This could allow for more efficient changes to the allocations in the future.
	8.3 Trigger approach	Under this approach, a certain amount of ABC would be allocated based on the historical allocations and any surplus above that amount would be distributed differently.
9. Transfer of allocation between sectors		Allow for the transfer of allocation between sectors through the specifications process.