



Recreational Reform Initiative Harvest Control Rule

Progress Update for June 2021 Joint Council and Policy Board Meeting

Introduction

The Recreational Reform Initiative (Initiative) considers improvements to the management of recreational fisheries for summer flounder, scup, black sea bass, and bluefish. The Initiative is a joint effort between the Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission (Commission). It will address a range of recreational management issues through an anticipated technical guidance document, framework/addendum, and amendment.

This document provides an update on progress made on the Initiative in recent months. All topics summarized below will be further discussed by the Recreational Reform Initiative Fisheries Management Action Team (FMAT)/Plan Development Team (PDT).

The goals of the Initiative are to provide greater stability in recreational management measures (i.e., bag, size, and season limits), develop strategies to increase management flexibility, and achieve accessibility aligned with availability/stock status for all four species. In October 2020, the Council and the Commission's Interstate Fishery Management Plan Policy Board (Policy Board) passed a motion initiating two management actions to achieve these goals by further developing the following topics:

1. Better incorporation of MRIP uncertainty into the management process,
2. Guidelines for maintaining status quo recreational management measures,
3. Setting multi-year recreational measures,
4. Considering changes to the timing of state and federal waters measures recommendations,
5. A Harvest Control Rule (HCR) proposal put forward by six recreational fishing organizations (described in more detail below),
6. Recreational sector separation, and
7. Recreational catch accounting.

In February 2021, the Council and Policy Board agreed to prioritize further development of the HCR as an immediate next step. The other Recreational Reform topics will be further developed after additional progress is made on the HCR. This memo focuses on the HCR, given its high priority. The other Initiative topics are described in more detail in [a January 2021 staff memo](#).

An informal staff working group met several times between February and May 2021 to further consider how the HCR could be developed within the constraints of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson Act) and other guiding management documents. In late May, the group transitioned to a joint FMAT/PDT (see membership list in appendix).

While the group has made significant progress, several topics require further development, as described in more detail below.

Harvest Control Rule (HCR) Summary and Working Group Recommendations

The HCR was put forward in March 2020 by six recreational fishing organizations as a suggested alternative in the Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment. The Council and Board agreed not to move forward with the HCR within the allocation amendment and instead to further consider the components of the proposal addressing recreational management measures through the Recreational Reform Initiative. A broader discussion of the initial proposal can be found in [a January 2021 staff memo](#).

The overarching goal of the HCR is to rely less on expected fishery performance compared to a catch or harvest limit (e.g., expected harvest compared to the recreational harvest limit), and instead to use a more holistic approach that places greater emphasis on traditional and non-traditional stock status indicators and trends.

The HCR would use predetermined recreational management measure “steps” associated with different biomass levels and stock indicators. An example of how this approach could be structured is illustrated in the figure below. The intent of the original proposal was for the most liberal measures (Step A in the figure) to be the most liberal that anglers feel they would need and anything more liberal would not have additional socioeconomic benefits. These measures would be used when the indicators suggest a very healthy stock status. The most restrictive measures (Step D in the figure) would be used when the indicators suggest poor stock status and would promote conservation of the stocks while providing some access to anglers and helping businesses that rely on recreational fishing (e.g., for-hire vessels, bait and tackle shops) to stay in business. Stakeholder input will be important for selecting the appropriate management measures for each step, especially for the most and least restrictive steps.

Given the requirements of the Magnuson Act and the Fishery Management Plans (FMPs), it is not possible to pre-determine the most restrictive measures that could ever be used. Therefore, the most restrictive measures in the HCR should be thought of as a goal, rather than a strict threshold. Potential use of HCR for stocks under a rebuilding plan requires further discussion by the FMAT/PDT.

The intended benefits of the HCR approach, compared to the current process for setting management measures, include greater predictability in future management measures and a more clear linkage between the measures and stock status. By incorporating trend information, the management system could respond to changes in stock status in a more measured way, with the intention of minimizing fluctuations in management measures.

Moving forward, updated stock assessment information for all four species is expected to be available every other year. This will provide a mechanism to closely monitor stock status and provide a feedback loop for evaluating if the management measures are set appropriately.

Accountability measures will still be required under the HCR. The FMAT/PDT will consider if changes are needed to the current accountability measures under the HCR.

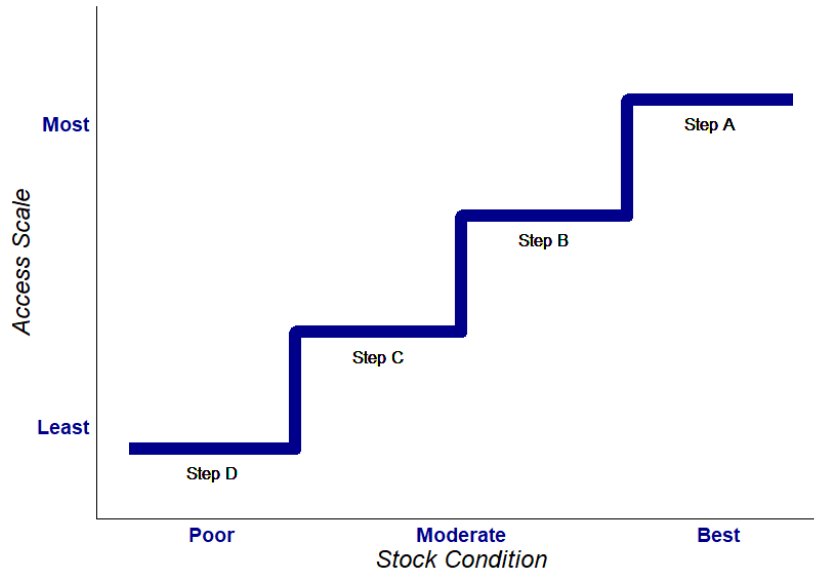


Figure 1: Example of a potential Harvest Control Rule structure. Each step would have associated recreational bag, size, and season limits. The number of steps, the measures associated with each step, and the indicators used to define stock condition have yet to be defined and will be further developed by the FMAT/PDT.

Stock Status Indicators

The working group agreed that the management measures used in a given year should be based on multiple stock status indicators; however, further consideration is needed regarding the most appropriate indicators. The group recommends further evaluation of biomass compared to the target level, recruitment trends, and harvest as potential indicators to guide selection of the appropriate management measure step. The approach can incorporate other indices if data are available in the future (e.g., environmental trends, socioeconomic information, or data on angler behavior). The group recommends development of a decision tree to guide managers to the appropriate management step based on multiple stock status indicators, including considerations related to data reliability and uncertainty.

The FMAT/PDT will further consider if and how catch and harvest trends, in addition to stock status indicators, may be incorporated into the HCR. They will also consider how the HCR will comply with the Magnuson Act requirements for annual catch limits set at a level such that overfishing does not occur, including measures to ensure accountability.

Number of and Boundaries Between Management Measure Steps

The working group agreed that in order to provide greater stability and to most appropriately use the data, the HCR should include a limited number of management measure steps and the boundaries between the steps should be clearly defined. The appropriate number of steps and the boundaries between the steps should be based on data considerations - especially those related to the Marine Recreational Information Program (MRIP) catch and harvest estimates. For example, past experience has shown harvest estimates can vary significantly across years despite status quo management measures. Harvest is influenced by a number of factors, including management measures, availability of target species, weather, economic conditions, and other factors. For

these reasons, future harvest can be challenging to predict with accuracy. The HCR management measure steps should be expected to have meaningfully different outcomes for harvest, given the associated uncertainty and variability in the harvest data.

The working group suggests consideration of the Council's risk policy as one piece of information to define the boundaries between the management measure steps. Under the risk policy, the appropriate probability of overfishing for stocks not under a rebuilding plan is defined differently when biomass is at or below 10% of the target level, when it is between 10% and 100% of the target level, when it is greater than 100% but less than 150% of the target level, and when it is at least 150% of the target level (50 CFR 648.21). Similar bins based on stock status and other considerations could be used to define the HCR management measure steps. This will be further considered by the FMAT/PDT.

Determining the Management Measures Associated with Each Step

A significant amount of quantitative analysis will be required to determine and evaluate the management measures associated with each step in the HCR. The working group agreed that an empirical method should be used to produce initial management measures for each step. These measures could then be reviewed by managers and stakeholders and modified through an empirical model based on their input, if needed.

The working group is exploring the use of an existing empirical model which emulates a fishery response to regulation changes, along with the uncertainty around that estimate, making it a valuable tool for developing management measures and analyzing the HCR. This model was initially developed for summer flounder with funding from the Council. A black sea bass version of the model is currently in development. Given timing and workload constraints, it is not likely that a scup or bluefish version of the model can be developed within the next year.

The working group noted that the intent is not to require use of this model for determining management measures in the future. Rather, it is a useful tool to help define management measures and to carry out the significant amount of analysis required to further develop the HCR. Council leadership have begun planning for a sub-group of the Scientific and Statistical Committee (SSC) to peer review this model in late summer 2021.

The original HCR proposal would allow state waters measures to differ from federal waters measures and would allow states and/or regional groupings of states to have different management measures. The working group agreed it would be beneficial to ultimately move towards more consistency in measures across states, especially when possible to do so without restricting access in any states. They recommend further expert consideration and evaluation of coastwide measures compared to regional and/or state by state measures. In addition, further consideration is needed regarding appropriate use of the data when separated into different recreational fishing modes (e.g., for-hire, private, and shore modes). The precision of the MRIP data when broken down to the state, wave, and mode level poses challenges for predicting fishery performance under measures that vary by state and/or mode. This issue will be further discussed by the FMAT/PDT and will likely also be considered through the planned SSC sub-group peer review of the empirical model.

Potential Timeline of Next Steps

A draft timeline is provided below with potential next steps for the Recreational Reform Initiative and other intersecting management actions (e.g., ongoing allocation amendments for all four species and development of a rebuilding plan for bluefish).¹ This timeline assumes that the HCR will not require a framework/addendum or amendment, which has yet to be determined.

As previously stated, in February 2021, the Council and Policy Board agreed to prioritize the HCR over the remaining Recreational Reform Initiative topics as an immediate next step. Given other ongoing actions for these species, it is not possible to simultaneously develop all Recreational Reform Initiative topics. The timeline below suggests that further development of the remaining Initiative topics will not occur until early 2022; however, some topics may be partially developed as part of the HCR (e.g., better incorporating uncertainty in the MRIP data into management).

The working group has discussed potential use of the HCR for 2022 recreational management measures; however, there are several considerations and tasks that need to be addressed prior to implementation. Depending on the final details, the HCR may be within the scope of current regulations and may not require a framework/addendum or amendment for implementation as the FMP already allows considerable flexibility in developing recreational management measures. However, at this point in time, it is not possible to conclusively determine if a management action would be needed to use the HCR for 2022 management measures.

- May 2021
 - Staff working group transitions to an FMAT/PDT.
- June 2021:
 - Recreational Reform Initiative update at joint Council/Policy Board meeting.
 - FMAT/PDT continues to develop the HCR.
 - Anticipated final action on Bluefish Allocation and Rebuilding Amendment.
 - Expected 2022 implementation of rebuilding plan and any changes to the commercial/recreational and commercial state allocations.
- July 2021
 - SSC meeting to recommend 2022-2023 ABCs for all four species.
 - Monitoring Committee meetings to recommend 2022-2023 annual catch limits, annual catch targets, commercial quotas, and recreational harvest limits for all four species.
 - Advisory Panel meetings to provide input on 2022-2023 commercial and recreational catch and landings limits and commercial management measures for all four species.
 - FMAT/PDT continues to develop the HCR.

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¹ In April 2021, the Council and the Commission's Summer Flounder, Scup, and Black Sea Bass Management Board agreed to postpone final action on the Commercial/Recreational Allocation Amendment for those species until December 2021 to allow for further development of the HCR and additional consideration of how it may intersect with the commercial/recreational allocations.

- August 2021
 - Council and Policy Board review of progress on HCR.
 - Tentative SSC sub-group review of summer flounder and black sea bass empirical model.
 - FMAT/PDT continues to develop the HCR.
- September - October 2021
 - Workshops and/or other methods of gathering stakeholder input on HCR management measure steps, including input regarding the most liberal and most restrictive management measures.
 - FMAT/PDT continues to develop the HCR.
- November 2021
 - Monitoring Committee and Advisory Panel meetings to consider 2022 recreational management measures.
 - Depending on progress made and additional details to be determined, the HCR may be considered for 2022 management measures for summer flounder, scup, and black sea bass.
 - 2022 management measures for bluefish will need to comply with the rebuilding plan, which is currently in development.
- December 2021
 - Target date for near complete development of the HCR by the FMAT/PDT (assuming a framework/addendum or amendment is not needed).
 - Council and Management Boards adopt 2022 federal waters recreational management measures for all four species.
 - Depending on progress made and additional details to be determined, the Council and Management Board may consider use of the HCR for 2022 management measures for summer flounder, scup, and black sea bass.
 - 2022 management measures for bluefish will need to comply with the rebuilding plan.
 - Final action on the Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment.
 - Any changes to the allocations will not be implemented until 2023 at the earliest and therefore will not be used to set 2022 recreational management measures.
- February 2022
 - Summer Flounder, Scup, and Black Sea Bass Management Board and Bluefish Management Board meetings to consider 2022 state waters recreational management measures, potentially using HCR.
 - Joint Council/Policy Board consideration of next steps for and prioritization of remaining Recreational Reform Initiative topics

Additional Information

- Recreational Reform Initiative web page: <https://www.mafmc.org/actions/recreational-reform-initiative>
- More details on all Recreational Reform Initiative topics can be found in a January 2021 staff memo, available [here](#).
- Additional information on the empirical model described above is available in the briefing materials and recordings from the August 2019 Council meeting (available [here](#), see Tab 8). However, it should be noted that some changes to the model have been made since that time.
- The current accountability measures for summer flounder, scup, and black sea bass are summarized [here](#).
- More information on the Summer Flounder, Scup, and Black Sea Bass Commercial/Recreational Allocation Amendment is available [here](#).
- More information on the Bluefish Rebuilding and Allocation Amendment is available [here](#).
- Additional summary information on the fisheries is available in annual Fishery Information Documents, which can be found [here](#).

Appendix: FMAT/PDT Membership

Name	Agency	Role/Expertise
Julia Beaty	Mid-Atlantic Fishery Management Council	FMAT/PDT Co-Chair
Savannah Lewis	Atlantic States Marine Fisheries Commission	FMAT/PDT Co-Chair
Mike Celestino	New Jersey DEP	Technical analysis and state management
Dustin Colson Leaning	Atlantic States Marine Fisheries Commission	FMP coordinator for summer flounder, scup, and bluefish
Emily Keiley	NOAA Fisheries Greater Atlantic Regional Fisheries Office	Fisheries policy and legal requirements
John Maniscalco	New York DEC	Technical analysis and state management
Scott Steinback	NOAA Fisheries Northeast Fisheries Science Center	Recreational fisheries economist
Greg Wojcik	Connecticut DEEP	Technical analysis and state management
Anthony Wood	NOAA Fisheries Northeast Fisheries Science Center	Stock assessment

Although not formal members of the FMAT/PDT, other Council, Commission, and NOAA Fisheries staff, as well as other experts, will be consulted with and brought into the process as needed.