



## Mid-Atlantic Fishery Management Council

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

# MEMORANDUM

**Date:** July 26, 2023  
**To:** Dr. Chris Moore, Executive Director  
**From:** Brandon Muffley, Council staff  
**Subject:** Update on the Redevelopment of the Research Set-Aside Program

## Background

On Thursday, August 10, 2023, the Mid-Atlantic Fishery Management Council (Council) will receive an update on the status of the potential redevelopment of the Council's Research Set-Aside (RSA) program. The Council's RSA program, implemented in 2001, was developed to meet unaddressed research needs for all Council-managed species (except Atlantic Surfclam and Ocean Quahog) and to increase science and industry collaboration to build trust in the science supporting management decisions. As part of the annual specifications process, the Council set aside 0-3% of a species total allowable landings (TAL) and revenue from the sale of that species TAL would be used to fund research projects. From 2002–2014, the RSA program generated approximately \$16 million and supported 39 research projects. However, in 2014 the Council voted to suspend the RSA program (affecting the 2015 projects) due to a number of concerns associated with the program that included administrative, oversight, enforcement, and science issues.

The Council agreed to consider the potential redevelopment of the RSA program in 2020. The Council's Research Steering Committee (RSC) held a series of four workshops<sup>1</sup> in 2021–2022 that explored the key RSA issues of research, funding mechanisms, and enforcement, monitoring, and administration. With input and guidance from the Scientific and Statistical Committee's (SSC) Economic Work Group, the RSC considered the recommendations identified from the workshops and developed a draft framework for a potentially revised RSA program that would seek to address the issues of the original program. In June 2022, the Council reviewed the RSC's draft RSA framework and program elements<sup>2</sup> and agreed to continue the process of redeveloping the program using the framework developed by the RSC. In making its decision, the Council recognized that a substantial amount of work remained, and additional program details still need

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<sup>1</sup> For more information about the RSA workshops including the final reports and workshop materials, please visit:

<https://www.mafmc.org/workshop/rsa>.

<sup>2</sup> For more information about the Research Steering Committee's draft RSA program framework, including a comparison between the old program and a potentially revised program, please see the 2022 Council meeting materials at: <https://www.mafmc.org/briefing/june-2022>.

to be specified before the Council would make any final decision to restart (or not) the RSA program.

### **ASMFC and State Engagement**

Currently, the RSA program is only specified in the Council's fishery management plans (FMPs). Any program redevelopment and potential management action would need to be developed cooperatively with the Atlantic States Marine Fisheries Commission (ASMFC) for jointly managed species to ensure a consistent and compatible RSA program across FMPs. In addition, and equally important, cooperation and support from state partners would be critical to implement and run any redeveloped RSA program given their significant role in the dockside enforcement, monitoring, and administration (e.g., permitting) of the program. The draft framework developed by the RSC highlighted a number of different areas where a revised program would require state engagement and/or decisions as to how the program would be implemented.

Although ASMFC members and state representatives participated in the exploratory workshops and are members of the RSC, the full ASMFC was not directly involved in reconsidering the RSA program and developing the draft program framework. Given the importance of ASMFC and state partner cooperation, the Council requested feedback from the ASMFC regarding their interest in redeveloping the RSA program and, if so, asked that they provide any potential recommendations for Council consideration.

On July 11, 2023 the ASMFC Interstate Fishery Management Program (ISFMP) Policy Board met via webinar to discuss and make a recommendation on the future of the RSA program. Board members expressed mixed opinions about reinitiating the program and its potential benefits. Some Board members expressed optimism that the draft framework developed by the RSC could address the issues of the old program and create a more efficient and cost-effective process to provide important science for management. Other members expressed concern that any RSA program would result in a significant administrative burden that states cannot absorb and the challenges in the monitoring and enforcement of the for-hire sector participating in the RSA program remain and may never be appropriately addressed. After extensive debate and discussion, the Policy Board passed the following motion regarding the RSA program:

*Motion to recommend to the Mid Atlantic Council to consider future RSA programs only for those species that are not jointly managed with the ASMFC. This would preclude RSA programs being conducted for summer flounder, black sea bass, scup, dogfish and bluefish. Motion carries (13 yes, 3 no, 0 null, 1 abstention)*

In passing this motion, Board members felt this approach would address their monitoring and enforcement concerns, minimize the impacts on the states, and allow for the Council to continue to redevelop and potentially implement a program for Council-managed fisheries. The Board also noted, if the Council were to implement a revised RSA program, there would be an opportunity to determine if the new program was successful and allow the Policy Board to potentially reconsider its decision in the future.

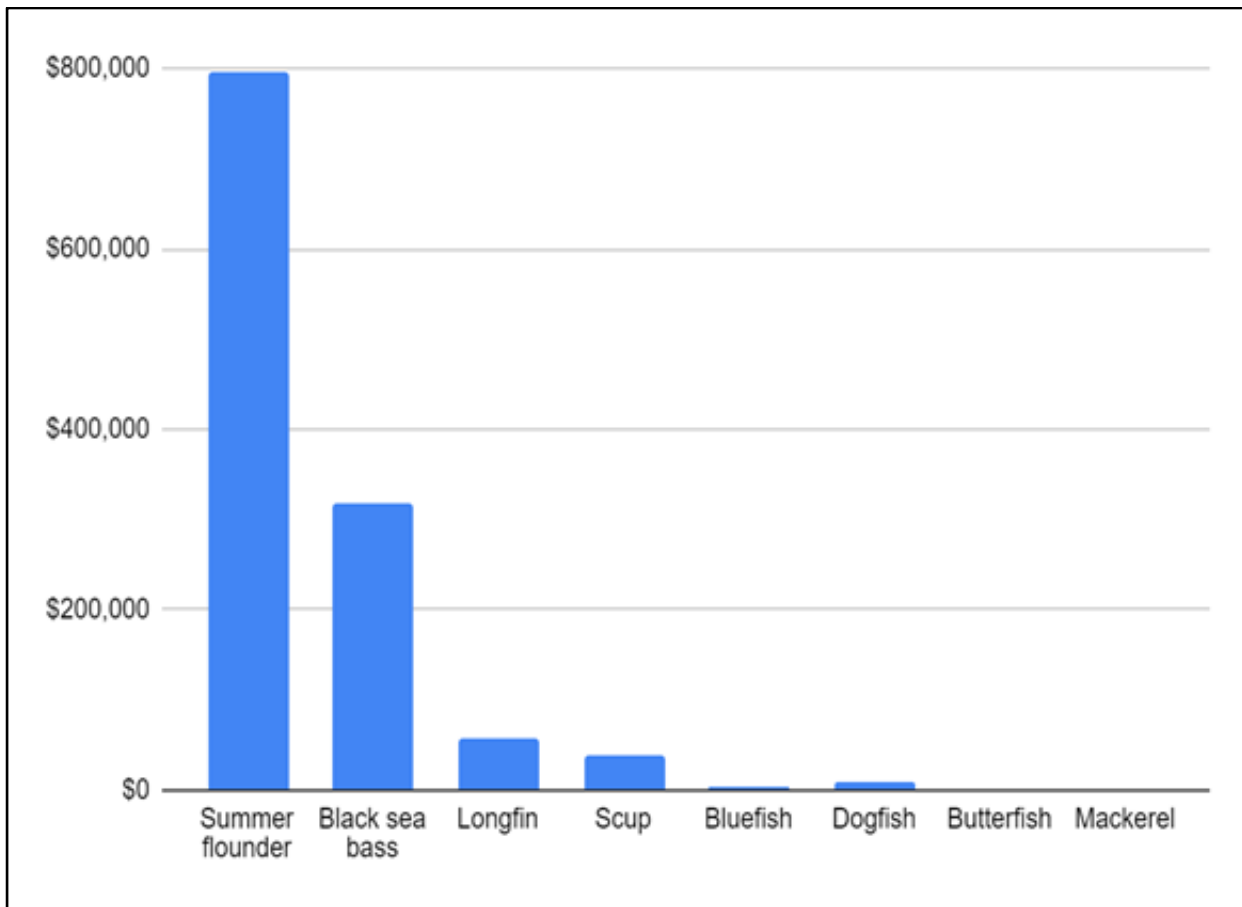
### **Future of RSA program**

Although the motion passed by the ASMFC Policy Board is a recommendation for Council consideration and not binding on how the Council might move forward, it is a strong indication that the Council should reevaluate continuing the RSA program redevelopment. Without the

support and participation from the ASMFC and state partners, implementing and carrying out a successful RSA program would be extremely challenging and potentially impossible. In addition, an RSA program that does not include jointly managed species, particularly summer flounder and black sea bass, would significantly reduce the amount of funds available to support research (Figure 1). While the future values of Council-managed species may change (both dockside and compensation fishing incentives), it's unclear if enough funds could be generated to support RSA research. However, it is clear that without the revenue raised from jointly managed species, the scope and scale of any future research would be greatly reduced and achieving the updated research goals and objectives for the RSA program would be minimized. In addition, the overall draft RSA framework and certain programs elements developed by the RSC would likely need to be reviewed and revised to account for the different characteristics of the fisheries in the remaining Council-only FMPs (e.g., primarily federal water commercial fisheries). For example, an approach similar to the New England Council RSA program for scallops, monkfish, and Atlantic herring where compensation fishing and research are only associated with each, individual species might be more appropriate.

Given these challenges and the anticipated resources needed to develop a program with limited viability, **staff recommends that we continue the suspension of the RSA program and partner with the ASMFC (and other regional partners) to prioritize cooperative research and identify and pursue appropriate funding sources to address the Council's research needs.**

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**Figure 1.** Total revenue generated, by species, from the Mid-Atlantic Council's Research Set-Aside program in 2014 (Figure from R. Silva, GARFO).