



Report on April 23, 2024 meeting of the SSC sub-group and the FMAT/PDT

May 6, 2024

Background

The Mid-Atlantic Fishery Management Council (Council) and the Policy Board of the Atlantic States Marine Fisheries Commission (Commission) have charged the Fishery Management Action Team/Plan Development Team (FMAT/PDT) to develop a [Recreational Measures Setting Process Framework/Addenda](#). This effort follows a previous effort referred to as the [Harvest Control Rule Framework/Addenda](#) to establish a process for setting recreational measures using powers granted to the Council under the Modernizing Recreational Fisheries Management Act of 2018.

In 2022, the Council and Commission considered a number of approaches proposed by the FMAT/PDT in developing the Harvest Control Rule Framework/Addenda to manage four key recreationally important species: Black Sea Bass, Bluefish, Scup, and Summer Flounder. These proposed alternatives sought to prevent overfishing, be 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. At that time the Council's Scientific and Statistical Committee (SSC) was asked to comment on the proposed Addendum / Framework. The SSC offered [comments](#) in its May 19, 2022 report to the Council. Ultimately, the Council and Commission selected the Percent Change Approach as the preferred alternative, which was implemented for setting 2023 recreational management measures. As part of their approval of the Percent Change Approach, the Council and Commission agreed it would sunset after the 2025 fishing season with the goal of implementing an improved long-term process for setting measures, starting with the 2026 measures. The Recreational Measures Setting Process Framework/Addenda will consider the appropriate long-term approach.

As a part of the Recreational Measures Setting Process/Addenda effort to develop a Recreational Measures Setting Process Framework/Addenda, the Council has requested that the SSC provide ongoing feedback during the development of the proposed alternatives and supporting analyses being considered in Framework/Addenda under a set of terms of reference (TORs).

Terms of Reference:

- 1) Provide feedback on the potential effects the management alternatives (including the no action alternative) might have on future Acceptable Biological Catch (ABC) recommendations and scientific uncertainty considerations.
 - a) Provide an evaluation of the potential biological impacts on the stocks and potential quota impacts to the commercial sector.
- 2) Compare and provide a relative ranking of all alternatives in terms of their potential to: 1) provide stability in recreational management measures, 2) appropriately respond to changes in stock status, and 3) prevent overfishing. Comment on other socioeconomic considerations (e.g., angler welfare) if possible based on available information. Describe tradeoffs in these considerations inherent in each alternative. These considerations can be ranked separately; they need not be combined into one ranking system. The SSC should not select an overall preferred alternative.
- 3) Are the fishery and stock status indicators and associated threshold values (e.g., the categories of biomass and fishing mortality) under each alternative reasonably defined for determining when a change in recreational management measures is needed?
- 4) Review the approaches for defining fishing mortality (F) targets for recreational measures and use of fishing mortality indicators for determining when measures should change.
 - a) Review and provide feedback on the analyses to support these approaches. Are the methods sound and applied appropriately for potential application in management?
 - b) Evaluate the scientific and biological appropriateness and identify any uncertainties of partitioning stock-wide F reference points and F projections into sector-specific reference points and projections for use in management.
 - c) Comment on whether the potential recreational F-based approaches could allow recreational measures to more appropriately respond to changes in stock status compared to setting measures based on a harvest target (e.g., the Recreational Harvest Limit or a harvest target set based on the current implementation of the Percent Change Approach).
- 5) Address the following for the Management Strategy Evaluation (MSE) conclusions, if applicable:
 - a) Given the limited scope of this analysis, what are the most important results, conclusions, and caveats in the MSE report for the Council and the Commission's Policy Board to consider when selecting a preferred alternative?
 - b) Given the MSE is specific to summer flounder, are there other factors and/or areas of uncertainty to consider for scup, black sea bass, and bluefish?

- 6) If appropriate, provide recommendations for additional work that could be completed by the FMAT/PDT or the MSE team prior to public hearings. Any additional analysis should help the public understand the alternatives and their impacts and should help the Council and Policy Board select their preferred alternative(s). It must not result in the identification of new alternatives outside the range of alternatives approved for public hearings.

Review Process and Feedback

The SSC established a four-member sub-group to guide its deliberations. The sub-group is composed for Drs. Thomas Miller (Chair), Jorge Holzer, Cynthia Jones and Andrew Scheld. It is anticipated that the sub-group will meet and communicate with the FMAT / PDT throughout the process. To ensure timely review and opportunities to revise the analyses and alternatives, as appropriate, the TORs allow the SSC sub-group to provide a preliminary response to some TORs prior to a full SSC review in July 2024.

The sub-group was briefed by the FMAT/PDT on April 23, 2024. The presentation made to the SSC sub-group by the Co-Chairs of the FMAT/PDT is available [here](#). The sub-group appreciates the time and consideration it was shown by the Co-Chairs in addressing questions. The presentation summarized four potential approaches to establishing recreational measures that FMAT/PDT is considering: a no action alternative that would revert to the process used to set the RHL before the Control Rule Framework/Addenda was implemented, a Percent Change Approach, a Biological Reference Point Approach and a Biomass Based Matrix Approach. The FMAT/PDT also discussed additional questions and issues to be considered in the management action, including what metric of recreational fishing should be the target of regulations (harvest, discards, fishing mortality), are the current measures the appropriate starting point, incorporation of management uncertainty, impacts on the commercial sector and accountability measures. This report summarizes the sub-group's feedback following this initial meeting. The report is structured to follow the TORs provided to the SSC by the Council.

TOR 1: Provide feedback on the potential effects the management alternatives (including the no action alternative) might have on future ABC recommendations and scientific uncertainty considerations.

Recreational measures are set after the ABC has been determined. Thus, as the SSC has previously noted, recreational measures do not affect the SSC's estimation of the ABC directly. However, the SSC did note in its May 19, 2022 report that the "binning" approach taken in several alternatives in the Harvest Control Rule Framework/Addenda and continued forward in the current Recreational Measures Setting Framework/Addenda does carry a risk of degrading the performance of the Council's risk policy. The SSC notes that this may affect ABC setting in subsequent years. This concern has still to be addressed in the current effort. The SSC had suggested that a management strategy evaluation (MSE) would be an appropriate tool within which to more thoroughly evaluate the impacts of binned recreational measures on attaining the goals mandated in the Magnuson Stevens Act (2007, as amended). An MSE effort is underway, but the sub-group was unclear on whether and how the MSE will be used in

assessing the performance of the proposed recreational measures, particularly given the timeline for decision making. The SSC sub-group encourages the FMAT / PDT to continue to work closely with the MSE team to ensure that the performance of proposed recreational measures can be assessed in a timely manner. The SSC sub-group believes that close coordination of the MSE and recreational measures efforts is essential if the MSE is to inform future decisions regarding the adoption of a recreational measures Addendum/Framework.

TOR 2: Compare and provide a relative ranking of all alternatives in terms of their potential to: 1) provide stability in recreational management measures, 2) appropriately respond to changes in stock status, and 3) prevent overfishing. Comment on other socioeconomic considerations (e.g., angler welfare) if possible based on available information. Describe tradeoffs in these considerations inherent in each alternative. These considerations can be ranked separately; they need not be combined into one ranking system. The SSC should not select an overall preferred alternative.

The presentation given to the SSC sub-group did not provide any foundation to address this TOR. The SSC sub-group notes concern over the availability of socioeconomic data to evaluate angler welfare given the timeline for the adoption of the recreational measures Addendum / Framework. Likewise, little evidence was provided during the presentation for the SSC-subgroup so assess the tradeoffs among the other considerations listed in this TOR.

TOR 3: Are the fishery and stock status indicators and associated threshold values (e.g., the categories of biomass and fishing mortality) under each alternative reasonably defined for determining when a change in recreational management measures is needed?

The SSC sub-group did explore aspects of this TOR in the first meeting. The sub-group is concerned over the amount of work that remains to be done by the FMAT/PDT that will be required by the SSC sub-group to meet its mandate. The timeline remains challenging given the need for communication among the FMAT/PDT, the MSE team and the SSC sub-group.

The sub-group identified two further issues related to the reliability of the recreational measures. The first centers on how uncertainty in recreational harvest interacts with the relative magnitude of the recreational harvest compared to the total harvest. Recreational harvests are necessarily more uncertain than those associated with commercial harvests, or harvests from party-charter fishing in which mandatory reporting exists. If the relative magnitude of recreational harvests is small relative to the total harvest, the uncertainty in recreational harvest has a lesser effect on the harvest uncertainty. The importance of recreational harvest uncertainty becomes more important as the relative magnitude of recreational harvest increases. As a result, the SSC sub-group requests that the FMAT/PDT consider whether the relative magnitude of recreational harvests are sufficiently similar to permit a uniform approach, or whether species specific approaches are necessary.

The SSC sub-group further recommends more substantive foundations be provided to justify the specific values selected in the Percent Change, Biological Reference Point Approach and Biomass Based Matrix approaches (e.g., recruitment, change in biomass trends, B/Bmsy bins).

It is not clear to the SSC sub-group why the particular levels were selected for each approach, and how their magnitude affects the reliability with which they can be implemented. For example, the recruitment trends are based on whether three-year averages are greater (less) than the median of the time series. Similarly, biomass trends were identified relative to plus or minus 4% of the most recent three years. There is a clear interest in having relatively short averaging windows to ensure recreational measures are responsive. However, it is not clear whether the autocorrelation in recruitment and biomass time series is of a similar magnitude among the four species and between the two population indices to make the responsiveness of the recreational measures equally responsive. The FMAT/PDT Co-Chairs indicated that some analyses were available to support the 4% standard for biomass, but did not offer similar foundations for the other standards.

No information was provided in the presentation relative to TORs 4-7.