



# Atlantic States Marine Fisheries Commission

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## MEMORANDUM

April 1, 2020

**To: Summer Flounder, Scup, and Black Sea Bass Management Board**  
**From: Caitlin Starks, FMP Coordinator**  
**RE: Updates on Board and Council May 2020 Agenda Items**

In light of the cancellation of the ASMFC 2020 Spring Meeting, Board and Council leadership have been discussing rescheduling the agenda items that would have been addressed during the joint Board and Council meeting originally planned for May 7, 2020. Below are details on the proposed plan to address each item, as well as thoughts on how agenda items for the joint Board/Council meeting in June may change. Some items may still be addressed through a webinar meeting in early May.

### **1. Review of Scoping Comments on the joint Summer Flounder, Scup and Black Sea Bass Commercial/Recreational Allocation Amendment**

The Board and Council were scheduled to review scoping comments on this action in May, and provide guidance to staff on developing a range of draft alternatives. This task can be accomplished through a joint Board and Council webinar meeting in early May, in order to avoid delays in the action timeline. Staff are currently working to schedule a time and date for this meeting.

The Council and Commission's Advisory Panels will review the scoping comments on a joint webinar on Thursday, April 2, from 9:00 - 11:00 a.m. Board and Council members are encouraged to attend the meeting.

### **2. Board Addendum and Council Amendment on Black Sea Bass Commercial State Allocations**

At the meeting originally planned for May 7<sup>th</sup>, the Board and Council were scheduled to consider approval of Draft Addendum XXXIII for public comment, and approve a range of alternatives for the Council's hearing document. This item will be postponed; it is uncertain at this point whether this topic will be addressed during a joint Board/Council meeting in June or in August.

There is an agenda item on this topic during the Council's webinar meeting in April. The Council will review the scoping plan and document for the complementary Amendment on Tuesday, April 7<sup>th</sup> from 3:30 - 4:30 p.m. Following the Council meeting, a scoping hearing on the Council's action will be held via webinar. This scoping hearing was originally scheduled for April 23, 2020; however, it will be moved to a later date in response to the change in the planned timeline for this action and to allow for a longer comment period. Board members are encouraged to listen in on both webinars.

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### **3. Accounting for February 2020 Recreational Fishery**

At the May 7<sup>th</sup> meeting, the Board would have received reports from Virginia and North Carolina on their estimated harvest from the February 2020 recreational fishery, and their proposed recreational measures to account for that harvest. These reports and proposed measures will be provided to the Board for approval by email, likely in mid-April.

### **4. Recreational Reform Initiative**

It was anticipated that an update on the Recreational Reform Initiative would be provided at the joint Board/Council meeting in June, and that feedback would be solicited to guide further development of the initiative. Because of the uncertainty surrounding future meetings, the Recreational Reform Steering Committee decided it would be beneficial to share current progress and proposed next steps with the Board and Council and solicit feedback via email. Therefore, attached here is a draft document developed by the Steering Committee for Board and Council review. This draft document is a strawman outline of the goals and focal areas of the initiative, with proposed steps forward to address each component.

The Steering Committee requests feedback from Board and Council members on the goals and focal areas of the initiative. If there are no concerns, the Steering Committee will continue to develop the initiative as proposed. **Please send comments and questions on this topic to [jbeaty@mafmc.org](mailto:jbeaty@mafmc.org) and [cstarks@asmfc.org](mailto:cstarks@asmfc.org) by Wednesday, April 15, 2020.**

Enclosed: Draft Recreational Management Reform Initiative Outline

# 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.

3/31/2020

## 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 plan (FMP).

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

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- 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. Pending additional GARFO review, it is not anticipated that this would require an FMP framework/addendum or amendment, but an approved process should be added to a technical 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 outliers. 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. If there is a significant change in the process to establish measures, an FMP framework/addendum or amendment may be necessary.
- *Status*: 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 the percent standard error (PSE) values. The 2013 Omnibus Recreational Accountability Measures Amendment considered a similar approach using confidence intervals 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.
  - *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. If there is a significant change in the process to establish measures, 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. Expected bluefish recreational harvest is evaluated when considering

a recreational to commercial transfer. Expected bluefish harvest is typically based on the previous year or a multiple year average. It is not typically projected based on preliminary current year data. 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 control rules for maintaining *status quo* measures**

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- 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. If there is a significant change in the process to establish measures, an FMP framework/addendum or amendment may be necessary.
  - *Status*: The steering committee drafted a preliminary control rule example which was discussed at the [October 2019 joint Council/Board meeting](#).
  - *Potential next steps*: Recommend draft control rules 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 control rule developed by the steering committee.

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

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- 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**

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- 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 (i.e., measures are different across states and for some states they vary within the season). Improvements to various aspects of the current process may warrant consideration. Topics to 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 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**

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- 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). This was discussed as part of the multi-year process described under objective 3; however, it could be a standalone topic. 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)

Mike Luisi (MAFMC chair)

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

Toni Kerns (ASMFC staff)

Mike Ruccio (GARFO staff)

Caitlin Starks (ASMFC staff)