



Research Steering Committee

January 18, 2022
Webinar Meeting Summary

The Mid-Atlantic Fishery Management Council's (Council) Research Steering Committee met on Tuesday, January 18, 2022 from 9:00 a.m. to 12:30 p.m. The purpose of the meeting was to review and provide feedback on the draft goals and objectives and a decision-tree document detailing critical questions and issues to be considered regarding a potential redevelopment of the Council's Research Set-Aside (RSA) program. The Committee also continued to develop the topics and agenda for a fourth, and final, RSA redevelopment [workshop](#) in February.

Research Steering Committee Attendees: M. Duval (Committee Chair), A. Nowalsky (Committee Vice-Chair), C. Batsavage, P. Risi, K. Wilke, P. Geer, B. Beal

Other Attendees: A. Loftus, L. Anderson, M. Holliday, Y. Jiao, J. Holzer, G. DePiper, B. Muffley, P. Rago, E. Hasbrouck, J. Sherman, J. Fletcher, A. Bianchi

Dr. Michelle Duval, Committee chair, started with a review of the agenda and planned approach for the meeting and stressed that the decisions made by the Committee during the meeting are all draft and meant to serve as a starting point and help focus the discussion and feedback at the February workshop. Staff then provided an overview of the outcomes from the November 16, 2021 Research Steering Committee (Committee) meeting¹ and the work and products developed by Committee leadership and Scientific and Statistical Committee (SSC) Economic Work Group since the November meeting in preparation for the January Committee meeting and February workshop.

Draft Goals and Objectives:

The Committee then began a discussion about the draft strawman goals and objectives for the RSA program, should the Council agree to move forward with its redevelopment. These draft goals and objectives help identify priority considerations and outline how a program might be structured to achieve the desired outcomes for the program. The draft goals and objectives were initially developed by the Committee during the November meeting and were further refined and updated to account for feedback received by the Committee and consider the potential implications for alternatives identified in the decision tree document (discussed more below).

SSC Economic Work Group memo

Dr. Geret DePiper, NEFSC and SSC Economic Work Group chair, gave a presentation summarizing a memo developed by the Economic Work Group that outlines how the goals for an

¹ The November 16, 2021 Research Steering Committee meeting summary and all meeting materials can be found on the meeting page at: <https://www.mafmc.org/council-events/2021/research-steering-committee-nov16>

RSA program might guide and help inform the Committee in addressing high priority questions identified in the decision tree. Given the inherent linkages between the different program goals and objectives, the memo emphasizes the need to prioritize the draft goals to simplify the decision tree process by identifying which goals are most critical to achieve. Prioritization also allows the Committee to evaluate and understand the trade-offs associated with a particular decision and how those collective decisions may enhance or degrade the ability to achieve a desired goal (e.g., decisions to achieve/maximize success of one goal may impact the ability to achieve the desired outcomes for a different goal).

The Committee supported using the structured decision process as a helpful way to address the RSA issues and considerations and thanked the Economic Work Group for helping develop the decision tree tables and outlining the process and the implications.

Refinement and Prioritization

Given the guidance from the Economic Work Group, the Committee proceeded with prioritizing the RSA program goals and the objectives associated with each goal. Below is the draft priority order, including the Committee rationale and justification, of the RSA program goals and objectives:

Goal 1: Produce quality, peer-reviewed research that maximizes benefits to the Council and public and enhances the Council's understanding of its managed resources (Research)

Objectives:

- Support more applied, management-focused research activities
- Place a higher priority on proposed RSA projects whose anticipated results would likely have immediate application to species management
- Discourage commitments to longer-term monitoring projects
- Ensure all data collected (funding and research) through the RSA program is open access

Rationale/justification: The Committee noted that conducting high quality research that is informative and improves management should be the primary foundation of an any RSA program (e.g., designed as a grant program to support research). This area was considered one of the key failings of the previous RSA program and should be a high priority focus to effectively address with a potential new program.

The Committee also made some modifications to the priority order and suggested language of the objectives associated with Goal 1. For example, the objective to ensure all data collected through the RSA program is open access, while important, is not as critical as ensuring the research is relevant to management priorities and was moved to the bottom of the list. In addition, the Committee agreed to change “Avoid commitments to longer-term monitoring projects” to “Discourage commitments to...” to provide the Council with flexibility in the types of projects it might support in the future but recognizing the long-term projects would be a lower priority.

Goal 2: Ensure effective monitoring, accountability, and enforcement of RSA quota (Enforcement and Administration)

Objectives:

- Minimize law enforcement and administrative (agency and researcher) burdens
- Improve enforceability to revoke RSA fishing privileges
- Provide support for administrative and law enforcement activities
- Apply enhanced, adaptive, and consistent enforcement standards and controls
- Increase state-federal science, enforcement, and administration collaboration and cooperation
- Ensure compliance with the reporting and use of the RSA quota

Rationale/justification: The inability to effectively enforce and monitor RSA related fishing activities and the increased administrative burden incurred by the states was another failing and, in large part, led to the suspension of the previous RSA program. The Committee noted that successfully addressing this goal will have positive outcomes in achieving other goals (e.g., fostering trust between scientific and fishing communities and the public) and the program should not sacrifice or compromise achieving this goal in pursuit of achieving other goals. Enhancing enforcement capabilities and appropriately addressing the administrative and monitoring needs will be critically important if a future program is to be successful.

The Committee did discuss initial guidance received from federal grants legal office (FALD) that indicated using RSA proceeds to support enforcement activities or administrative needs would be outside the scope of the programs authority and would not be allowed. While disappointing guidance, the Committee noted that enforcement and administrative support is more holistic and goes beyond funding. Greater up-front planning and coordination with the state partners and developing a program that is fairly standardized and uncomplicated can also help support these efforts. It was also suggested to continue to pursue the ability to use RSA proceeds for enforcement and administrative needs with FALD and General Counsel.

The Committee did not make any changes to the language or order of the objectives associated with Goal 2.

Goal 3: Generate resources to fund research projects that align with the priorities of the Council (Funding)

Objectives:

- Maximize revenues from RSA quota
- Provide equitable opportunity to fund research across all Council-managed species
- Increase scientific and industry partnerships
- Evaluate fairness in fishing community access to RSA quota

Rationale/justification: The Committee spent a lot of time discussing the merits of Goal 3 (Funding) and Goal 4 (Collaboration and Trust) and which might be the higher priority. Some Committee members felt placing a higher priority on building trust and collaboration between the scientific and fishing communities would lead to improved research outcomes and benefits to the Council, the highest priority goal. Others noted that the funding goal was more logistical and operational in nature and would support the other goals and should be a lower priority. However, other Committee members noted that funding related issues were a stumbling block in the previous program and setting up a process to ensure enough funds are available for research

across all Council-managed species is more critical to the program. Ultimately, the Committee agreed the funding goal was the third highest priority goal, followed by the collaboration and trust goal.

There are a number of common objectives between these two goals and the Committee discussed these objectives at length, particularly the objective regarding fairness in access to RSA quota. Fairness is difficult to define, is likely different for different people, and it will be necessary to limit some aspects of participation to ensure the program is effective and enforceable. Members of the Economic Work Group indicated this issue will be part of the trade-off considerations where the Committee will need to consider the willingness to sacrifice some level of participation to increase administration support and enforceability. This issue has implications in a number of different areas within a re-designed program and this topic will be an area of focus for the February workshop. Given these likely trade-off considerations, the Committee recommended a wording change to the fairness objective and replace “Ensure fairness in fishing community access to RSA quota” with “Evaluate fairness in.....”.

Goal 4: Foster collaboration and trust between scientific and fishing communities and the general public

Objectives:

- Ensure all data collected (funding and research) through the RSA program is open access
- Ensure an open, accountable, and transparent process through all steps (funding and research) of the RSA program
- Increase scientific and industry partnerships
- Evaluate fairness in fishing community access to RSA quota

Rationale/justification: See the discussion under Goal 3 above for details regarding the rationale for prioritizing as Goal 4 and comments regarding the objectives.

Public comment

There was support for the Committee ranking order of the draft program goals and support for the suggested language changes to the objectives. In addition, it was noted that a new program won't be able to allow for everyone to participate and will need some limits to be successful.

Decision Tree Discussion:

With the RSA program goals and objectives prioritized, the Committee then stepped through each high priority question identified in the decision tree document. The decision tree questions were grouped to be mutually exclusive decisions which, together, would shape the form and function of a potentially redeveloped RSA program. Below are the draft selections identified by the Committee for each of the decisions for each topic². Given time constraints, the Committee only addressed the top tier/highest priority questions and did not address the secondary tier

² For details on all decision options considered by the Committee, see the decision tree tables at: https://www.mafmc.org/s/6_Decision-Tree-Tables_01_2022.pdf

questions. A short summary of the Committee discussion and rationale for each selection is also provided.

Topic 1 – Who is involved in the RSA program?

- Question Alternatives 1A – 1C
 - Draft Committee selection: 1B and 1C

The Committee supported RSA program participation by both the commercial and for-hire sectors and making the RSA quota allocation separate for each sector. These options would allow for greater participation, greater flexibility in how the Council may/may not assign RSA quota in a given year and opens up the types of research the program can support. However, the Economic Work Group noted that by separating the quota by sector, it is expected that revenue generation would be lower than if RSA quota was pooled across sectors and additional information regarding the value of commercial and recreational fisheries which could have been collected and used in other management considerations is lost.

- Question Alternatives 2A – 2C
 - Draft Committee selection: 2A

This alternative would establish different percentages of the ABC for RSA quota. While the Committee felt this option may be more burdensome, it allows for considerations by stock and FMP and provides for greater role of ASMFC for jointly managed species.

- Question Alternatives 3A – 3C
 - Draft Committee selection: 3B (with reporting considerations and potential phase-in option)

This alternative would allow for participation by both federal and state permitted vessels. Allowing state permitted vessels increases the administrative burden, increases complexity, and potentially some reporting/monitoring issues. However, the Committee supported this alternative to provide for greater participation, particularly for jointly managed species, provided an appropriate reporting process was in place for all vessels. The Committee also suggested this alternative could include a phase-in option to allow the program to get up and running with federally permitted vessels first and then phase in state vessels once ready.

- Question Alternative 4 – state opting out
 - Draft Committee selection: 4

The Committee supported this alternative which would allow states to opt out of participating in the RSA program but also supported an alternative where states would need to opt in to participate (e.g., like the Wave 1 recreational fishery for black sea bass). Opting in might be more appropriate approach since it's unclear if the Council/NMFS would have the authority to force a state to participate if a state indicates they have limitations (regs, staff, funds etc.).

- Question Alternatives 5A – 5Ai
 - Draft Committee selection: None selected

These alternatives would cap the number of vessels allowed to participate. The Committee felt this decision should be left to states and they decide what level of participation they could appropriately enforcement and monitor.

- Question Alternatives 6A – 6B
 - Draft Committee selection: **6B** (with additional information needed)

The Committee supported some sort of “electronic monitoring” (i.e., VMS or AIS) component to the program to support enforcement, although the scope of what this technology should be used for is uncertain. For example, would this be used to help law enforcement track vessels as they get closer to port and offload RSA quota or should it be used by enforcement to monitor finer scale details and patterns of an RSA trip. The scope of need for this technology will determine the type of technology and function needed. More technology information will be provided at the February workshop. The Committee also agreed to modify the language for both alternatives and change the word “Require” to Allow” in having observers on RSA trips and having VMS/AIS on RSA vessels. Lastly, the Committee expressed concerns about the costs and implications of having observers on RSA trips (e.g., state staff demands, allocation for other observer programs) and did not support this alternative.

Topic 2 – How would you allocate/divide the RSA quota?

- Question Alternatives 1A – 1B
 - Draft Committee selection: 1A

These alternatives would consider which Council-managed fisheries the RSA program would apply to, and the Committee supported the option that RSA would apply to all fisheries/FMPs. This option would allow the Council (and ASMFC for jointly managed species) to decide each year whether or not to allocate any RSA quota given a variety of considerations (e.g., stock conditions, changes in the ABC, other management actions etc.).

- Question Alternatives 2A – 2B
 - Draft Committee selection: 2A

These alternatives consider if revenue generated from one species could support research for another species or only the species for which the revenue was generated. The draft Committee selection would allow for funds raised to be used to support research for any species. This option provides the Council will greater flexibility and with the recognition that some species will not be able to generate enough funds to support research and that only a few Council-managed species generated the majority of RSA funds.

- Question Alternatives 3A – 3B
 - Draft Committee selection: 3A and 3Ai

These alternatives consider funding mechanisms (bilateral agreements or 3rd party auctions) available for researchers. It was noted that researchers have the ability to use whatever mechanism they want to monetize the RSA quota but NMFS/Council do not have the ability to run an auction. The Committee felt option 3A provides for the greatest flexibility to generate

funds but did express some concern for greater access between researchers and participating vessels and the potential for double mortality associated with selling catch and mortality of discards observed during research. The Committee agreed that periodic review of how any funding mechanism is working is needed.

Topic 3 – What does an RSA trip look like?

- Question Alternatives 1A – 1B
 - Draft Committee selection: 1C (new alternative)

These alternatives consider if/when vessels participating in compensation fishing would also be allowed to participate in RSA funded research activities (the extent to which decoupling of these vessel activities should occur). The Committee felt an alternative was missing that was in between the alternatives provided – one in which compensation fishing could occur at the same time on the same vessel conducting a research trip, provided the vessel has an RSA quota allocation. This alternative would provide for some increased flexibility for researchers to find willing vessels, may help support Goal 4 of building trust and collaboration, and may help address the double mortality concern of discards occurring during RSA compensation fishing and under RSA conducted research. The Committee recognized that different types of research projects may have different funding process needs (e.g., research conducted at a desk/lab versus research testing a new net mesh).

Therefore, the new alternative (1C) developed and supported by the Committee states “Where feasible, compensation harvest is coupled with research activity”.

- Question Alternatives 2A – 2B
 - Draft Committee selection: 2A

These alternatives consider whether RSA trips/landings can be conducted in conjunction with non-RSA (i.e., typical/traditional) fishing trips. The Committee supporting keeping these trips separate and would increase enforceability and monitoring of activities and landings associated with the RSA program.

- Question Alternatives 3A – 3B
 - Draft Committee selection: 3B

These alternatives consider where and to whom RSA landings are offloaded. The Committee generally felt these decisions should be up to the states to determine but did support offering some guidance and that landing at the same port as that specified on the pre-trip notification seemed reasonable.

- Question Alternative 4
 - Draft Committee selection: **None selected**

This alternative would specify a specific timeframe in which RSA offloads could occur. The Committee felt this should be specified by the states given the nuances and differences in fisheries and operations between the states. However, while the Committee supported giving

states making this determination, they also believe there does need to be some limitations as to when offloads can occur to help with enforcement demands.

- Question Alternatives 5A – 5B
 - Draft Committee selection: 5A

These alternatives consider pre-trip and pre-landing notification requirements. The Committee supported a pre-trip notification requirement given its importance to administrative and enforcement planning and recommended adding the ability to also cancel a pre-trip notification (e.g., weather blows up a few hours prior to a planned trip). The Committee noted the pre-landing notification may not be administratively feasible, at least with a 6-hour notification, since some trips don't require that much steaming to port and may need additional consideration.

- Question Alternatives 6A – 6C
 - Draft Committee selection: 6C

These alternatives consider RSA trip exemptions (e.g., trips limits, seasons). While allowing these exemptions may add to enforcement complexity, the Committee felt these exemptions provided important flexibilities needed for the program as to when trips can occur and hopefully other considerations supported by the Committee will alleviate enforcement concerns.

Consideration for the February Workshop Agenda:

The Committee briefly discussed some initial considerations for the February 16th workshop. The draft decisions made during the meeting will be used to inform the workshop topics and the agenda will likely be structured by the three topics outlined in the decision tree tables. The Committee also noted the need to review and refresh workshop participants about all the previous information but to ensure we don't rehash old topics and issues during the workshop. Committee leadership, Andy Loftus, and staff will work to over the next couple of weeks to develop a final workshop agenda and meeting materials.

Public comment

One member of the public asked if a revised RSA program could be used to reduce regulatory discards and indicated their dissatisfaction with where the Committee discussion was headed with a new program. Another member of the public commended the Committee on their approach and decisions made throughout the meeting.