



# Atlantic States Marine Fisheries Commission

1050 N. Highland Street • Suite 200A-N • Arlington, VA 22201  
703.842.0740 • 703.842.0741 (fax) • www.asmfmc.org

---

## MEMORANDUM

**TO:** Interstate Fishery Management Program Policy Board and Mid-Atlantic Fishery Management Council

**FROM:** Chelsea Tuohy and Tracey Bauer, FMP Coordinators and Julia Beaty, Fishery Management Specialist

**DATE:** October 16, 2024

**SUBJECT:** Recreational Measures Setting Process Framework/Addenda Option Development

On October 24, 2024, the Atlantic States Marine Fisheries Commission's (Commission) Interstate Fishery Management Program Policy Board (Policy Board) will meet with the Mid-Atlantic Fishery Management Council (Council) to consider the Summer Flounder, Scup, Black Sea Bass, and Bluefish Recreational Measures Setting Process Framework/Addenda. Under the Commission process for addenda, the Policy Board will consider approval of the Draft Addenda for public comment. Under the Council process for framework actions, the Council will consider approval of a final range of alternatives.

The Policy Board and Council last met to discuss this action on August 13, 2024. Since August, the Fishery Management Action Team/Plan Development Team (FMAT/PDT) have made a number of changes to the options, which are incorporated into the Draft Addenda provided in the briefing materials. These changes include the addition of Option D, further development of options C and E, addition of language regarding management uncertainty, and clarification of the accountability measures (AMs) under all options. A full summary is below. The options under consideration for this action are:

- A. No Action
- B. Percent Change Approach as adopted by the Harvest Control Rule Framework/Addenda
- C. Modified Percent Change Approach Using RHL and Harvest
- D. Modified Percent Change Approach Using the Recreational ACT and Catch
- E. Biomass and Fishing Mortality Matrix Approach

In addition to refining the options under consideration, the FMAT/PDT discussed potential impacts of this action on the commercial sector, a topic also reviewed by the Council's Scientific and Statistical Committee (SSC) in a [July 2024 report](#). While the Recreational Measures Setting Process Framework/Addenda only considers modifications to the process for setting recreational measures, this topic was reviewed by the FMAT/PDT and the SSC per the Policy Board and Council's direction in June 2022.

M24-87

### **Modified Percent Change Approaches (Options C-D) and Associated Accountability Measures**

Since the Policy Board and Council last reviewed this action, an additional Modified Percent Change Approach option has been added to use the Recreational Annual Catch Target (ACT) and catch rather than the RHL and harvest (Option D). The FMAT/PDT recommended including this option as it will allow for greater consideration of how recreational measures impact discards compared to Options B and C because it uses the ACT, which accounts for total recreational removals. The ACT was selected to be included in the approach rather than the Recreational Annual Catch Limit (ACL) in the event that management uncertainty buffers are used in the future.

Under both Modified Percent Change Approaches (Options C and D), two sub-options for AMs have been included for consideration. The first sub-option would modify the current AMs to align with the biomass categories used in these options (described in Section 3.1 of the Draft Addenda). The second sub-option would make additional modifications to give greater consideration to if overfishing is occurring based on the most recent information. Please refer to Sections 3.3 and 3.4 of the Draft Addenda for more details.

### **Biomass and Fishing Mortality Matrix Approach and Associated Accountability Measures (Option E)**

The option formerly known as the Biomass Based Matrix Approach was modified and is now referred to as the Biomass and Fishing Mortality Matrix Approach (Option E). This approach was refined to:

- Remove the “Biomass Trend” column and replace it with fishing mortality (F) compared to  $F_{MSY}$
- Use the recreational ACT instead of the ACL to account for management uncertainty buffers when setting measures
- Incorporate AMs directly into the approach

The FMAT/PDT concluded biomass trend is not a useful metric in this alternative as it is partially redundant with the biomass level categories. For example, when biomass is above 110% of the target, it could be appropriate to allow a 10% liberalization regardless of whether biomass is increasing, decreasing, or stable. If biomass declines, a more conservative approach would be used when it reaches a lower biomass category. Similarly, when biomass is around the target, status quo may be most appropriate regardless of biomass trend, with liberalizations or restrictions required in future years if biomass changes to the extent that it is categorized differently in the next cycle. When biomass is low (60-90% of the target), near overfished (50-60% of the target), or overfished (below 50% of the target), it may be most appropriate to always require restrictions, regardless of biomass trend. The SSC’s report also raised concerns about how to most appropriately define a trend.

Instead, the FMAT/PDT agreed to replace biomass trend with an overfishing metric. By incorporating overfishing status into the revised table, this would allow for a clearer illustration of how overfishing status would be treated compared to the previous version of this

alternative. The outcome now varies based on the biomass category and the fishing mortality rate.

Because specific responses to ACL overages and overfishing have been incorporated directly into this option, additional AMs are not needed.

### **Management Uncertainty**

None of the options in the framework/addenda would change the process for setting the ACT less than or equal to the ACL to account for management uncertainty. Additional text has been added to the Draft Addenda to clarify that under all options, the Board and Council may choose to implement more restrictive recreational measures than would otherwise be required in order to address management uncertainty or concerns about the long-term sustainability of the stock. The intent of this addition is to allow the Board and Council to make adjustments, if desired, when setting recreational measures, which typically takes place after the ACT has been set. This can also allow for potentially finer-scale adjustments than may result from setting the ACT less than the ACL.

### **Impacts to the Commercial Sector**

Although this action only considers the process for setting recreational measures, the Council and Policy Board agreed to further evaluate potential indirect impacts to the commercial sector. This action does not consider any changes to commercial management and it does not consider transferring quota between the commercial and recreational sectors. This action does not change the process for setting the commercial and recreational ACLs, ACTs, and landings limits (i.e., commercial quotas and Recreational Harvest Limits). This action does not modify the commercial/recreational allocations. Nothing in this action is intended to set the stage for future revisions to the commercial/recreational allocations for these species. Case law from other regions and NOAA Fisheries input provided during development of Amendment 22 to the Summer Flounder, Scup, and Black Sea Bass FMP indicate recreational ACL or RHL overages cannot be used to justify increasing the recreational allocation in the future.

The reporting of commercial and recreational fishery catch and landings are inherently very different. For example, due to required harvester and dealer reporting, landings data for the commercial fishery have low uncertainty. There is also a limited time lag in the availability of dealer data (e.g., weekly required reporting for federally-permitted dealers), which allows for timely monitoring and in-season closures, when needed, to prevent notable overages of the commercial quota. In addition, the commercial fisheries are mostly limited access, which controls the number of participants.

In contrast, recreational fishery data are provided by the [Marine Recreational Information Program](#) (MRIP). MRIP uses a statistical survey design to generate estimates for the entire fishery based on information collected from a subset of recreational anglers. MRIP also incorporates Vessel Trip Report data from federally-permitted for-hire vessels. As the MRIP data are based on a statistical survey design rather than a comprehensive record of landings data, the recreational estimates are more uncertain than the commercial landings estimates. MRIP estimates are produced in two-month “wave” increments. Preliminary estimates are

typically available around 45 days after the end of each wave. Final estimates for the year are provided in the spring of the following year. Due to this notable time lag in the availability of MRIP data, in-season closures cannot be used for the recreational fisheries. In addition, the recreational fisheries for these species are open-access. The number of recreational participants is much higher than the number of commercial participants and can vary from year-to-year. For these reasons, it is more challenging to closely monitor and predict recreational landings compared to commercial landings.

This action intends to better account for these fundamental challenges in managing recreational fisheries. This action is not intended to allow the recreational fishery to exceed the recreational ACL, recreational ACT, or RHL.

The Council tasked the Scientific and Statistical Committee (SSC) with reviewing several aspects of this management action, including potential indirect impacts to the commercial sector. The outcome of the SSC's review is summarized in a [July 2024 report](#). Since the time of the SSC review, the options under consideration have been modified to remove options (Biological Reference Point Approach), add options, and modify existing options based on SSC comments and further FMAT/PDT discussion and analysis.

One of the primary roles of the SSC is to provide recommendations to the Council on the annual acceptable biological catch (ABC) limits for each managed stock. The SSC's ABC recommendations are binding under the Magnuson-Stevens Fishery Conservation and Management Act; the Council cannot set catch limits that exceed the ABCs recommended by the SSC.

The SSC concluded in their July 2024 review that the setting of recreational bag, size, and season limits does not directly affect their ABC recommendations. However, if any of the management approaches considered through this action increase the frequency with which the ABCs are exceeded, the SSC may assume ABC overages in the projections that inform future ABCs. This could have the effect of reducing the ABCs, which would in turn reduce the catch and landings limits for both the commercial and recreational sectors. Due to the [Council's risk policy](#), this has a greater impact for stocks below 150% of their biomass target than for stocks at or above 150% of the biomass target.

If the process in place for determining management measures results in a recreational ACL overage, recreational AMs can be triggered, which can help prevent the recreational sector's catch from deviating greatly from its ACL over time. The SSC report raised concerns about repeated ABC overages, but did not explicitly consider the role of AMs in this process. The SSC did not consider AMs in their review as the AMs for each option were not fully developed at that time.