Atlantic States Marine Fisheries Commission

ISFMP Policy Board

July 11, 2023
1:00 -3:00 p.m.
Webinar

Webinar link: https://attendee.gotowebinar.com/register/4130763363272991324
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Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

1. Welcome/Call to Order *(S. Woodward)*   1:00 p.m.

2. Board Consent *(S. Woodward)*   1:00 p.m.
   - Approval of Agenda

3. Public Comment   1:05 a.m.

4. Discuss and Make a Recommendation on the Future of Mid-Atlantic Fishery   1:15 p.m.
   Management Council's Research Set-aside Program (*R. Beal*) **Action**
   - Overview of Research Set-aside Program (*B. Muffley*)

5. Other Business   2:50 p.m.

6. Adjourn   3:00 p.m.

M E M O R A N D U M

Date: May 26, 2022

To: Council

From: Brandon Muffley, Council staff

Subject: Research Set-Aside Program Redevelopment – Background and Meeting Materials

On Wednesday, June 8, 2022, the Mid-Atlantic Fishery Management Council (Council) will consider the potential redevelopment of the Council's Research Set-Aside (RSA) program. The Council suspended the RSA program in 2014 due to a variety of concerns associated with the program that included administrative, enforcement and science issues. Initially included as part of the 2020 Implementation Plan, the Council supported the initiation of a workshop to review and consider the potential redevelopment of the RSA program. However, due to delays and planning considerations caused by the pandemic, the workshop was delayed until 2021. From July 2021 through February 2022, the Research Steering Committee (RSC) held a series of four exploration workshops[1] focusing on the key issues of RSA research, funding mechanisms, and enforcement, monitoring, and administration. In addition, the RSC held several meetings during this time to review the input from the workshops and develop a draft framework for a potentially revised RSA program that would seek to address the issues of the original RSA program. The workshops and RSC meetings were aided by input and guidance from the Scientific and Statistical Committee's (SSC) Economic Work Group who provided technical information and strategic advice regarding economic considerations and trade-offs associated with different components of a revised RSA program.

At the June meeting, staff will provide the Council with a presentation on a potential draft RSA framework, draft RSA program elements, and recommendations developed by the RSC for Council consideration. The SSC Economic Work Group will also present an overview of their final report regarding takeaways from their engagement in the process and economic considerations for a potential revised RSA program. The Council will then decide whether or not to continue the process of redeveloping the RSA program and further refine the framework and recommendations identified by the RSC. While the decision in June regarding the RSA program will be made by the Council, state partner engagement and support will be critical for any further RSA considerations given their significant role in the dockside administration and implementation of any RSA program. In addition, if/when appropriate, any potential management action considered by the Council through an omnibus framework or amendment

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[1] For more information about the RSA workshops including the final reports and workshop materials, please visit: https://www.mafmc.org/workshop/rsa.

would need to be developed cooperatively with the Atlantic States Marine Fisheries Commission for jointly managed species to ensure a consistent and compatible RSA program across fishery management plans.

Materials listed below are provided for Council consideration of this agenda item. Council members may also want to review the Workshop #4 summary report ([Workshop #4 Summary](#)) for additional background information on the RSA program alternatives identified in the decision tree tables that the RSC and workshop participants considered for further evaluation.

Materials behind the tab:
- April 27, 2022 Research Steering Committee meeting summary
- Comparisons between old and a potentially revised RSA program
- SSC Economic Work Group RSA final report and appendices

The following supplemental document is available online:
- [Staff Memo: "RSA Program Issues" dated July 30, 2014](#)

Potential Redevelopment of the Mid-Atlantic Council's Research Set-Aside (RSA) Program

Comparisons between previous and revised draft RSA programs

May 2022

The revised draft RSA program goals, objectives, and program elements provided here reflect the final decisions made by the Mid-Atlantic Council's Research Steering Committee at their April 27, 2022 meeting[1].

Goals and Objectives

Previous RSA program:

As specified in Framework Adjustment 1 in 2002
<u>Goal:</u> The purpose of the RSA program is to support research and the collection of additional data that would otherwise be unavailable. The Mid-Atlantic Council wishes to encourage collaborative efforts between the public, research institutions, and government in broadening the scientific base upon which management decisions are made. Reserving a small portion of the annual harvest of a species to subsidize the research costs of vessel operations and scientific expertise is considered an important investment in the future of the nation's fisheries.

> **<u>Objectives:</u>**
> 1. Facilitate the collection of data that the Council and public deem important for fishery management purposes.
> 2. Create a mechanism whereby the data collected can be reviewed and certified acceptable for use by NMFS scientists and those individuals involved in the fishery management process.

In 2011, the Council considered a revised RSA program goal and identified five core principles (https://www.mafmc.org/s/2011a_2011-02_RSA-Committee.pdf, see page 2). Not clear if ever approved and implemented.

Revised draft RSA program:

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[1] The April 27, 2022 Research Steering Committee meeting summary can be found on the June 2022 Council meeting webpage at: https://www.mafmc.org/council-events/2022/june-2022-council-meeting.

The goals and the associated objectives are in priority order.

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

Objectives:
1. Support more applied management-focused research activities.
2. Higher priority on proposed RSA projects whose results would likely have timely application to species management.
3. Discourage commitments to longer-term monitoring projects.
4. Ensure all data collected (funding and research) through the RSA program is open access.

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

Objectives:
1. Apply enhanced, adaptive, and consistent enforcement standards and controls.
2. Ensure compliance with the reporting and use of the RSA quota.
3. Increase state-federal science, enforcement, and administration collaboration and cooperation.
4. Minimize law enforcement and administrative (agency and researcher) burdens.
5. Provide support for administrative and law enforcement activities.
6. Improve states' ability to revoke RSA fishing privileges.

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

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

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

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

Program Elements

Green italicized text indicates RSC has considered but not made a recommendation; *Purple italicized text* indicates Committee recommendations for state(s) consideration.

Program element/Area of concern	Old program	Revised draft program
Administration and enforcement		
Call-in/notification/reporting requirements	- Pre-trip notification to IVR system (implemented in 2014) 6-hour, if less – immediately upon leaving fishing grounds, pre-landing notification with pounds harvested, VTR serial number and port of landing (implemented in 2014) - Was to be "real time" notification to law enforcement of all planned RSA activities (unclear if happened) - Federal vessels landings through IVR, paper VTR, and dealer reports - Encouraged state vessels to submit electronically to ACCSP	- Require a 24-hour pre-trip notification to declare what species, port of landing and anticipated time of landing - Implement standardized reporting for <u>all</u> participating vessels with use of an electronic platform (e.g., VMS, eVTR, eTRIPs for state vessels) - Require a pre-landing requirement that is consistent between federal/state requirements and provide RSA harvest and completed eVTR prior to entering port (timing of notification TBD) - Federal vessels landings through pre-landing notification (if recommended), electronic trip submission, dealer report
Shore-side monitoring of RSA quota	- Enforcement checks but dispersed and diffuse given nature of fishery and landing locations - EFP/state exemption permits to allow vessels harvesting RSA quota to land above trip/possession limits and/or during closed seasons	- Require RSA harvest of specific species to occur on separate trips from non-RSA harvest of that same species (i.e., no mixed trips for specific species, all landings for species applied as RSA). Applies to both commercial and for-hire RSA trips. - Require all RSA quota to be offloaded at same port as specified in pre-trip notification - Require all vessels to be equipped with AIS or VMS *Recommend states consider limiting offloads to specific hours* - EFP/state exemption permits to allow for vessels harvesting RSA quota to land above trip/possession limit and/or closed season
Number of landing locations	No limits on locations/ports or dealers to offload RSA harvest	*Recommend states decide if there would be limits on locations/ports or dealers to offload RSA harvest*
Number of vessels participating	NMFS cap of 50 participating vessels per project	*Recommend states decide if there would be vessel participation caps (total/by sector) beyond NMFS project cap*

	• Both commercial and for-hire vessel participation • Participation of both federal and state permitted vessels	• Both commercial and for-hire vessel participation (no private recreational) (*Committee also supports states considering a possible phase-in of sector participation*) • Participation of both federal and state permitted vessels (*Committee also supports states considering a possible phase-in of state vessel participation*) • Limit the number of RSA quota transfers between vessels – both within the auction process and with bilateral agreements – to specific conditions (e.g., sale or damage to vessel)
Verification of for-hire harvest	• Reporting and monitoring differed by state but no verification	• Standardized reporting for all for-hire harvest with work to implement/modify eVTRs to flag as an RSA trip with associated required fields (ACCSP eTrips already has coding) • Committee has also discussed different for-hire reporting requirements (e.g., dated receipts for each passenger)
Administrative burden and costs relative to benefit	• Funds raised through auction used to support a full-time technician to work at NYDEC office	• Allow states to opt-in/out of shore-side participation in RSA program (e.g., providing state exempted permits) • Options under other categories – limit offload hours, vessel limits, no mixing of trips etc. would all help minimize burden • *Committee has discussed other options to minimize costs and how to provide admin/law support (e.g., the potential to use RSA funds to support activities, develop consistent guidance across states etc.) but need to continue to pursue options and avenues to find or dedicate funds to provide to states.*

Program element/Area of concern	Old program	Revised draft program
Funding		
Species/FMP potential RSA allocation was available	• All Council species/FMPs except for Surfclam and Ocean Quahog (only ITQ fisheries at the time)	• All Council species/FMPs

Portion of Acceptable Biological Catch (ABC) set aside	• 0% - 3% of total allowable landings (TAL) portion of the ABC • % set aside in any given year then converted into pounds • Any unused quota is returned back to the overall fishery for available to harvest by the sectors	• Fixed percentage of ABC for each fishery (i.e., different percentages for each fishery). The percentage would serve as a cap and set-aside could be lower if needs are less.
Funding mechanisms	• Compensation fishing (bilateral agreements between grant recipients/PI and vessels to share proceeds from harvesting RSA) or through third party auctions to bid off quota lots by species	• Ability to use both bilateral agreements and third-party auctions • Additional dialogue with NOAA G.C. to get clarity as to what is feasible or not (e.g., ability for ASMFC to administer auction)
RSA quota allocation	• RSA quota available for use was not allocated by sector	• Of the fixed percentage of RSA quota allocated, separate allocation of quota across sectors (e.g., x% of RSA quota allocated to commercial and x% to for-hire)
Lack of trust in third-party quota process	• Requirement to join and pay fee ($2,000-$250 per vessel) to third-party in order to participate in auction • Overhead fee to run and administer auction • Some data elements collected through auction not available for scientific use • Periodic program reviews conducted	• Conduct periodic review of funding mechanism(s) to determine approach supports or undermines project or program objectives • The Council and NMFS do not have the authority to run an auction. The Committee supports developing guidelines/best practices to be followed by any third-party conducting an auction
Less compensation fishing through greater use of the auction lead to greater disconnect and less collaboration between researcher and industry	• Use of a third-party auction became primary way to fund research and generated most revenue	• Where feasible, compensation harvest is coupled with research activity • Use of compensation fishing and third-party auction can be used to generate funds

Program element/Area of concern	Old program	Revised draft program
Research		
Lack of project proposals/Principal Investigator (P.I.) disinterest	• Supported long-term projects (and costly compared to funds raised), limited the number of funded projects	• Limited support for long-term/monitoring projects (e.g., proof of concept) with funding provided for only 1-2 years.
Perceived conflicts of interest (COI)	• Individuals participating in priority setting process could also apply/receive RSA funds • Management review process • Inequities and access to RSA auction	• Develop internal COI policies for entities engaged in RSA prioritization process • Increase awareness and publication of Dept. of Commerce COI policies

	• COI dictated by federal grant regulation	

Quality research/peer review	• Technical review on specific criteria by three subject matter experts, did include SSC members by end of old program
	• Management review by RSC and recommendations to NMFS who has final decision
	• PI submit interim and final reports – some review by SSC
		• Additional decisions and factors will be needed in the future, but the Committee recommends considering:
		  - Pre and full proposals
		  - Comprehensive post-project review to determine value and utility
		  - Outreach and dissemination of results
		  - Greater use of SSC and broader pool of experts for review
		  - Past performance of P.I.

Funding for species research	• Research to target species set aside, up to 25% of funds could be used for other species	• Allow specific percentage of projected revenue from species quota sale to be used for research on any other managed species (e.g., MAFMC, NEFMC, ASMFC)
Data availability/open access	• Dictated by federal grant regulation – data sharing, COI, and review	• Subject to applicable confidentiality laws, all data collected (funding and research) through the RSA program is open access, made readily available and results able to be presented • Inclusion of a data sharing plan in proposal and conflict of interest statement
Projects not used in science and management	• SSC identifies research needs through 5-yr research priorities document • RSC set top 10 research and management priorities • Solicitation to address these priorities	• Changes to research priority development process to allow for greater SSC, AP, and RSC input • Proposal requirements that would need to include: addressing timely management issue, reducing scientific and/or management uncertainty, include a data sharing plan etc. • Council outreach/communication with public regarding project results and utility (e.g., dedicated time at a Council meeting)