

**Joint Council Workgroup on Section 102
of the Modernizing Recreational Fisheries Management Act of 2018
Gulf of Mexico Fishery Management Council Office
Tampa, Florida
Meeting Summary
October 12, 2022**

The meeting of the Joint Council Workgroup on Section 102 of the Modernizing Recreational Fisheries Management Act of 2018 (Modern Fish Act) was convened at 9:30 AM EDT on October 12, 2022. The agenda for this meeting was approved as written. The minutes from the June 3, 2021, meeting were amended to change “head” to “heard” on line 41 of page 14, and “thinks” to “things” on line 19 of page 30. [Minutes and materials from past meetings can be reviewed here.](#)

Future Vision for Federal Managed Recreational Fisheries

Mr. Andy Strelcheck (NMFS Southeast Regional Administrator) provided a presentation titled “Can status quo fishery management tools resolve modern-day challenges, or is it time to change the paradigm?”. His presentation highlighted the ongoing challenges for the recreational fisheries, different sector objectives, changing baselines, the need for better data, suggestions for building a bigger tool box for management, and if there needs to be a paradigm shift for management. In the presentation, Mr. Strelcheck highlighted the successes for management by both the Gulf and South Atlantic Councils under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) with some specific stock examples. However, these successes are accompanied by increasing challenges for recreational management with increasing dissatisfaction as some stocks rebuild. Further, not all stocks have responded well to management changes. As regulations have tightened, regulatory discards have increased, and in some cases may exceed the landed catch due to the magnitude of the recreational sectors’ discards.

Mr. Strelcheck discussed distinctions in sector objectives between the commercial and recreational sectors. The primary objective of the recreational sector is year-round access to the fisheries in the Southeastern U.S., but not necessarily year-round harvest. Whereas, the commercial objective is higher quotas and greater income. He further highlighted the clash of competing objectives, such as maximum sustainable yield (MSY), versus maximum economic yield, versus max sustainable access. The maximum sustainable access objective is not currently defined or allowed in the Magnuson-Stevens Act. This paradox is often combined with recreational anglers’ perception that only increasingly restrictive management measures are likely to be implemented. Further, the recreational angling population, and coastal populations in the Southeastern U.S., both continue to increase, creating more demand for resource access. Addressing these shifting baselines with status quo management strategies is no longer sufficient. Managers need a bigger and better management tool box, with the main question being which tools to use and when.

A Workgroup member referred to the management slides, stating that some species being managed are very data poor. They suggested that a simpler method examining trends in stock health, like catch per unit effort (CPUE), may be more appropriate for establishing annual catch limits (ACLs). However, they reminded the Workgroup that it was told ACLs were the only way to manage the

fish under current regulatory environment. Mr. Strelcheck responded that NOAA Fisheries is evolving over time, and new guidance is being developed regarding data poor species. NOAA Fisheries is realizing that there is not a one-size-fits-all approach.

A Workgroup member noted concern by stating, “If the data are wrong, just fix the data.” They said allowing that narrative to continue creates a lack of confidence in the process and science behind it. They suggested investing in better tools and infographics regarding the various data collection programs and their uses for science and management to educate stakeholders. The Workgroup member also highlighted the general paucity of data in the Southeastern U.S., adding that the Councils’ Scientific and Statistic Committees and other collaborative academic scientists have done a great job trying to use the data available to make decisions. A Workgroup member contested that notion, stating that the data are likely outdated and behind what anglers are observing on the water. They added that the stock assessment and management process is not efficient. Another Workgroup member thought budgets and budget efficiency were also shortcomings, and added that timeliness of the data should be a priority. Mr. Strelcheck responded to the Workgroup’s overall comments, agreeing that the interpretation of what anglers see on the water is not always reflective of the stock assessment; however, he reminded them of ongoing improvements made by the Southeast Fisheries Science Center (SEFSC) toward increasing throughput on measuring stock health between assessments. He concurred that rebuilding the trust of recreational communities in the process was a priority and thought better collaboration and identification of issues was critical. Mr. Strelcheck also concurred with other Workgroup comments regarding improvements that could be made in education and outreach goals.

The Workgroup discussed recreational angler access to improved technology and faster boats. A Workgroup member suggested that the current environment is increasingly dynamic, and that given data limitations, perhaps the utility of measuring current biomass against virgin biomass may not be useful in contemporary times. They suggested that it may be impossible to rebuild to a level based on a probably unattainable, and possibly incorrect, measure of stock condition. Another Workgroup member noted that discards are a problem for nearly every species in the Southeastern U.S. They suggested that perhaps an ecosystem-based management plan would be an appropriate tool to consider, offering an example of opening bottom fishing for all species simultaneously to reduce discards. The Workgroup member also suggested that a full retention management regime should be considered for bottom fish. Mr. Strelcheck agreed that a uniform bottom fishing season might decrease discards, but asked about how to address pelagic species. He also asked about the priorities for the recreational sector. Lastly, the Workgroup agreed on the importance of enforcement for all management decisions and its necessity in ensuring success.

South Atlantic Fishery Management Council Workgroup Summary: Federal Reef Fish Permit

Mr. John Carmichael (SAFMC Executive Director) provided a review of the South Atlantic Council’s Working Group that considered permitting and reporting for the private recreational component of the snapper grouper fishery. The Working Group was convened to develop recommendations for using permits and reporting to improve catch and effort estimates for snapper grouper species. Over four meetings the working group reviewed private recreational reporting

programs used by NMFS Atlantic Highly Migratory Species Division (HMS), the Mid-Atlantic Council, and South Atlantic and Gulf states. The Recreational Reporting Working Group recommended that the South Atlantic Council pursue a federal permit to identify the universe of private snapper grouper fishermen and consider various reporting approaches to address the diverse needs found across the many species and fisheries covered by the Snapper Grouper FMP. In response to these recommendations, the South Atlantic Council began an amendment to address permitting and reporting in the private recreational snapper grouper fishery and created a technical advisory panel to provide recommendations on actions that Council may consider, and identify issues that will need to be addressed to develop a successful program.

The Joint Workgroup discussed the Gulf states' permit experiences and pros and cons of federal versus state permit approaches. State permits provide an opportunity to obtain funds to further support data collection and program management, unlike federal permits which can only recoup administrative costs. A federal permit would provide regional consistency and avoid difficulties some states may face in implementing a permit for a federally-managed fishery. Consideration should be given to avoiding excessive permit categories or types, permitting for a vessel or individual, and promoting collaboration with existing permit programs, both state and federal.

Review: National Saltwater Recreational Fisheries Policy

Mr. Russ Dunn (NOAA National Policy Advisory for Recreational Fisheries) provided a review of the NMFS National Saltwater Recreational Fisheries Policy (Policy), which has been undergoing revisions. The purpose of this recreational fisheries-specific Policy is to provide guidance to NMFS on the development and maintenance of enduring and sustainable high-quality saltwater fisheries for all recreational fisheries stakeholders. Consistent with the Magnuson-Stevens Act and other applicable federal statutes, the goals of this Policy are to:

- 1) support and maintain sustainable saltwater recreational fisheries resources, including healthy marine and estuarine habitats;
- 2) promote saltwater recreational fishing for the social, cultural, and economic benefit of the nation; and,
- 3) enable enduring participation in, and enjoyment of, saltwater recreational fisheries through science-based conservation and management.

Mr. Dunn reviewed ongoing and upcoming efforts by NMFS to achieve these goals, including the March 2022 Recreational Fisheries Summit. Mr. Dunn summarized guiding principles, including: support ecosystem conservation and enhancement; promote public access to quality recreational fishing opportunities; coordinate with state and federal management entities; advance innovative solutions to evolving science, management, and environmental challenges; provide scientifically sound and trusted social, cultural, economic, and ecological information; and, communicate and engage with the recreational fishing public. He elaborated on NOAA initiatives related to each principle, highlighting successes and lessons learned. Stakeholders have indicated several primary concerns for revisions to the Policy, including: consideration of climate change; angler education and inclusion in the management process; improving accountable access while achieving conservation goals; and, improvements in data collection, reporting, and validation/enforcement.

Mr. Dunn highlighted upcoming public hearing opportunities on the Policy; NOAA will accept comments through December 31, 2022, and intends to publish the Policy in June 2023.

A Workgroup member asked how a directive for a regional fishing permit might be developed and implemented within that region. Mr. Dunn and other Workgroup members agreed that intense interagency communication would be necessary, and in the case of the Gulf, the Gulf States Marine Fisheries Commission would likely play a key role. Further, each individual state in a region would need to agree with the purpose and implementation of such a permit, and its data collection and enforcement needs, to make it functional and successful. With regard to data collection, both Councils noted efforts to collect information from, and through the directed efforts of, recreational stakeholders. Potential for increasing value in citizen science was expected by both Councils. The South Atlantic Council noted that consistent contact with participants is necessary to encourage engagement in citizen science efforts, lest individual interest in participation may wane. Mr. Carmichael noted that the purpose of the South Atlantic Council's citizen science efforts is to fill gaps in knowledge, such as in estimates of discarded catch (e.g., number, lengths, ages). A Workgroup member noted that setting reasonable expectations for citizen science was important for adoption of the information generated by both the scientific and stakeholder communities. Another Workgroup member asked Mr. Dunn about how NOAA would measure its performance with respect to the implementation of the Policy. Mr. Dunn replied that the Policy was an internal guidance document to steer the agency's efforts on recreational fisheries management, and that not all objectives had measurable metrics to determine success.

Review: March 2022 Recreational Fisheries Summit Recap

Mr. Dunn summarized the March 2022 Recreational Summit. Its agenda topics included: Climate Resilient Fisheries, Balancing Ocean Uses, Data Collection and Use, and Management Flexibility and Optimum Yield. He provided a summary of each of the agenda topic discussions with bullets for the primary concerns and interest in that were outcomes from the summit.

The Workgroup discussed optimum yield (OY) and concurred that OY was a highly variable concept. OY is defined as a reduction from maximum sustainable yield (MSY) to account for biological, ecological, economic, and social factors. The Workgroup discussed a need for common agreement on measurable human dimensions to better understand how to qualify and monitor OY. One of the Workgroup members noted the value of the fish left in the water, and questioned how to value such deliberately foregone yield. This Workgroup member also asked how managers might consider the potential for localized depletion, to better understand its effects on perceptions of harvest rate for season duration projections. This Workgroup member also questioned reallocation from one sector to another if one of the sectors is not landing its quota on an annual basis, perhaps even purposefully. Dr. John Froeschke (Gulf Council Deputy Director), who attended the summit, brought up the concern with reconciling the ACLs versus long-term yields such as MSY and OY. If managers are using an ACL to measure OY, then it may be difficult to determine whether OY (a long-term yield that is a product of a stock assessment) is being achieved. Further, the data collected in the Southeastern U.S. may be inadequate to measure management to OY.

Review of Workgroup Goals: How are the Council Doing?

Gulf and South Atlantic Council staff presented the successes and challenges of some new recreational management tools that have been implemented in the Southeastern U.S. Mr. Ryan Rindone (Gulf Council Lead Fishery Biologist) provided a summary of several approaches used in the Gulf of Mexico, and pros and cons for each: regional management of the private angling component of Gulf of Mexico red snapper; the use of mobile applications to report fishing information; the development of sector-specific allocations for Gulf red snapper; the Southeast For-Hire Integrated Electronic Reporting (SEFHIER) program; the interim analysis approach developed by the SEFSC; and, the Gulf Council's "Fishermen Feedback" tool for collecting stakeholder feedback for specific species to inform upcoming stock assessments. He also described other tools not yet in use by the Gulf Council, such as fish tags, conditional accountability measures or adaptive management strategies that can be designed to modify size and retention limits, seasons or other measures dependent on stock conditions.

Mr. Carmichael summarized two state data collection programs (SC DNR, FL Reef Fish) operating in the South Atlantic Council's region. He also summarized the South Atlantic Council's approach to SEFHIER along with the development of the MyFishCount tool that is a voluntary pilot reporting application developed by the South Atlantic Council. He added that creel cards have been considered but are not currently used as a management tool. In the South Atlantic, interim assessments have not yet been used for management; an ongoing challenge in this region is the availability of reliable indices of relative abundance that are necessary to inform the interim analysis. The South Atlantic Council also uses Shiny Apps¹ to present fishery- and ecosystem-related information in support of management. The South Atlantic Council also develops Fishery Performance Reports for its Advisory Panels to solicit feedback on current fishery conditions, and a Public Information Tool (PIT) for gathering information on fisheries from stakeholders.

The Workgroup discussed the definition and applicability of OY as a fishery management tool. Mr. Rindone noted that OY is defined in pounds of allowable harvest, noting that in recreational fisheries, opportunity to harvest may be a more appropriate currency to evaluate angler satisfaction than pounds available for harvest. Mr. Carmichael summarized recent discussion that OY could be interpreted as the maximum sustainable fishing effort that in turn, would correspond to the minimum sustainable yield rather than the maximum that is used as a harvest limit under the MSA. He suggested that managers may need additional flexibility to choose whether to optimize yield or effort with the constraints of sustainable limits. A Workgroup member suggested OY may need to be redefined for the recreational sector and stated a concern that if more fish are purposefully left in the water to meet the goals of the recreational fishery, that efforts to reallocate fish to commercial sector may occur and sought reassurance that this could be avoided if the additional biomass was being used to enhance the recreational fishing experience (e.g., increasing catch rate or size of fish, even if not retained for consumption). Finally, another Workgroup member suggested using regional estimates of biomass to determine catch levels, as this would promote more flexibility in achieving sector-specific management goals.

¹ <https://shiny.rstudio.com/>

Recommendations to the Councils for Alternative Recreational Fisheries Management Strategies

Workgroup members discussed perceptions about OY, and how it might inform future management decisions. A Workgroup member expressed some reservation about using interim analyses to fine-tune catch limits, and asked about how useful interim analyses may be in being nimbler in management. Mr. Rindone summarized the Gulf Council's experience, and that of its SSC, with interim analyses, noting that for species with a representative index of relative abundance, the interim analysis process allowed the Council to respond more quickly to changes in stock condition. This would not always mean a change in catch limit, though that was always a possibility; it could also mean the Council modifies a harvest control for a stock (up or down) in response to the perceived stock condition from the interim analysis.

A Workgroup member discussed perceptions of the Modern Fish Act, noting that it seemed to not accomplish what some may have thought it would. They added that defining OY was certainly worth the Councils' time, and thought it worth noting the other contentious facets of the Magnuson-Stevens Act that the Modern Fish Act did not seem to resolve.

A Workgroup member focused on the idea of optimizing recreational access as a concept for OY. They noted that the absolute greatest access would be through catch and release, but at the expense of harvest and of fishery-dependent data collection. The Workgroup member asked about the sorts of ways to value things like the experience of fishing against the actual harvest of fish, offering the example of the value of catching three large king mackerel versus retaining three king mackerel. Mr. Dunn replied that obtaining associated values with activities affiliated with resource participation was itself a costly endeavor. Some efforts are underway to expand knowledge about these values; however, the data required to inform the scope of the Workgroup's discussions would require considerably more resources. Further, Mr. Dunn added that the variability in defining OY by species and fleet would have to be considered in any value-defining investigations.

Motion: The Joint Section 102 Workgroup recommends that the Gulf Council consider a federal recreational permit concurrently with ongoing efforts with the Gulf states, to define the universe of recreational anglers. Consider whether this permit should be for all offshore species or focus on reef fish species.

Motion carried without opposition.

Motion: The Joint Section 102 Workgroup recommends that the Councils consider how to achieve optimum yield for the recreational fleets by species.

Motion carried without opposition.

Motion: The Joint Section 102 Workgroup recommends that the Councils consider adaptive management measures in response to stock condition.

Motion carried without opposition.

Motion: The Joint Section 102 Workgroup recommends that the Councils request the agency review and consider revisiting the National Standard 1 guidelines to better align them to address the modern needs of management for all sectors. Additional technical guidance and/or identification of other tools and applicable data for use of annual criteria for achieving long-term yields for MSY and OY, as required in MSA, are requested.

Motion carried without opposition.

Council staff and leadership noted the ability of the Councils to convene future working groups to work on mutual challenges before the Councils, to better effect successful strategies for creating opportunities for improvement.

Public Comment

Verbatim minutes will be generated for this meeting. All public comment received will be transcribed and available here.

Other Business

No other business was brought before the Joint Workgroup.

The meeting was adjourned at 4:00 pm eastern time on October 12, 2022.

Meeting Participants ('-not present for meeting)*

Workgroup Members

Kevin Anson (GMFMC), *Chair*
Mel Bell (SAFMC)
Susan Boggs (GMFMC)
Chester Brewer (SAFMC)
Thomas Frazer (GMFMC)
Michael McDermott (GMFMC)
Kristin Foss (SAFMC)
Chris Schieble (GMFMC)
Troy Williamson (GMFMC)*
Spud Woodward (SAFMC)

Presenters

Russ Dunn (NOAA)
Andy Strelcheck (NOAA)

Staff

Ryan Rindone (GMFMC)
John Carmichael (SAFMC)
Carrie Simmons (GMFMC)
John Froeschke (GMFMC)
Chip Collier (SAFMC)
Peter Hood (NOAA)