Gulf of Mexico Fishery Management Council
and
South Atlantic Fishery Management Council
Joint Workgroup for Section 102
of the Modernizing Recreational Fisheries Management Act of 2018

Webinar III
June 3, 2021
2 PM – 4 PM, eastern time

The Workgroup adopted the agenda **(Item I)** and approved the minutes from the September 10, 2020, Workgroup webinar **(Item II)** as written.

Scope of Work (Item III)

Staff reviewed the Scope of Work with the Workgroup, outlining the items and the anticipated actions and deliverables pertinent to each item.

Brief: NMFS Allocation and Use of $3.5m Budgeted for the Modern Fish Act of 2018 (Item IV)

Dr. Richard Cody, from the NOAA Office of Science and Technology (OST), gave a presentation on NOAA Fisheries allocation and use of $3.5 million in funds budgeted for the Modern Fish Act , indicating that the main goal of these funds has been to improve the precision of estimates for targeted fisheries and the overall performance of electronic reporting techniques. These Modern Fish Act investment funds were appropriated by Congress to be allocated from existing agency funds and distributed through the OST. The initial funding was $3 million with Congress directing NOAA to allocate an additional $0.5 million last year. NOAA's distribution strategy has been based on implementation of Modern Fish Act Section 202: State Partnerships, specifically the FIN (Fishery Information Network) process where data collection priorities have been identified by region. FIN Committees, including the GulfFIN Committee, have an established history when partnering with NOAA and state agencies. Committee membership includes members from state agencies, regional NOAA offices, the Gulf States Marine Fisheries Commission, and Council staff. Dr. Cody presented two tables identifying the regional funding priorities and how they fit together with the Modern Fish Act investment priorities, and the spending summary for fiscal years 2020 and 2021. Funds were divided amongst regions; in 2020, a decision process was developed with state partners to give funds in the amount of $3 million. $0.9 million was used to increase sample sizes to boost precision, and within the Gulf States, additional funds were distributed to fund development of electronic reporting initiatives. The initial $3 million is considered permanent funding on a continuing basis to keep sample sizes at a higher level or increase them. The additional $0.5 million will support a 2021 pilot study to examine non-sampling error in the Fishing Effort Survey.

During discussion after the presentation, Dr. Cody was asked to clarify exactly how the funds will be used to increase precision in estimates. He stated NOAA Fisheries has met with Gulf states and ACCSP to evaluate methods to increase sample size, which will most likely be done through increasing the number of Access Point Angler Intercept Survey (APAIS) assignments as well as increase the number of APAIS samplers; however, this will be at the discretion of the FIN committees. Another committee member commented that evaluating timeliness of sampling and estimates should also be considered. When asked to elaborate on the funds to support electronic reporting in certain Gulf states, Dr. Cody stated that MRIP is moving away from paper forms to having samplers use tablets to record survey data. There may also be some money to improve state-led surveys.

Discussion: Flexibility under the Magnuson-Stevens Act for Alternative Management Approaches (Item V)

Mr. Russ Dunn (NMFS) presented on the flexibility afforded to the Councils under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) with regard to alternative recreational fisheries management approaches proposed under the Modern Fish Act. The purpose of the Modern Fish Act is "to expand recreational fishing opportunities through enhanced marine fishery conservation and management, and for other purposes". Hallmarks of the MSA remain in effect, like the requirement to manage using annual catch limits (ACLs), follow the National Standards, use of accountability measures, and rebuilding requirements.

Mr. Dunn continued with several options for the Councils under National Standard 1 of the MSA that would also fall under Section 102 of the Modern Fish Act. These examples include: extraction rates, fishing mortality targets, harvest control rules, conditional accountability measures, carryover and phase-in, multi-year overfishing definitions, flexible rebuilding schedules, and measures focused on data-poor species. A specific example discussed by the Workgroup was the Recreational Reform Initiative by the Mid-Atlantic Fishery Management Council (MAFMC), which seeks to achieve stability in management measures, a flexible management process, and accessibility aligned with stock status. Also, the MAFMC and South Atlantic Fishery Management Council (SAFMC) are now using conditional recreational accountability measures, and the Caribbean Fishery Management Council has shifted management to area-based "Island Fishery Management Plans". Mr. Dunn finished by adding that the Modern Fish Act authorizes approaches that expand management flexibility, stability, predictability, and opportunity. He said that multiple approaches are being explored and applied to suit region- and fishery-specific needs, including annual and multi-year catch limit specifications, harvest rates, and harvest control rules.

Mr. Chester Brewer (SAFMC) noted that the Councils are still required to manage to an ACL, which may limit "flexibility". Mr. Brewer asked what needs to be done to allow the Councils to manage to an extraction rate as opposed to an ACL. Mr. Dunn replied that catch in either numbers or weight must still be monitored to an ACL, which is reinforced in the Modern Fish Act. Mr. Brewer thought that the approach of managing to an ACL should be revisited, and desired to pursue management that was less reactive. Mr. Dunn suggested approaches to adjust fishing opportunities relative to stock status, such as through a harvest control rule, as a way to offer additional opportunities for stocks based on their health.

Dr. Tom Frazer (Gulf of Mexico Fishery Management Council; GMFMC) asked about the idea of "stability" from the Modern Fish Act as it relates to optimum yield, and how the value of stability might be quantified. Mr. Dunn did not have a method for placing an intrinsic value on stability, and remarked that it was likely variable by fleet and perhaps even by angler. This ambiguity is likely amplified overall when considering the differences in what "optimum yield" means for different anglers and for different species. Dr. Frazer thought more work would be needed in this area.

Mr. Spud Woodward (SAFMC) asked who was responsible for determining that a species was "data-poor". Mr. Poland and Mr. Rindone replied that it often applies to species for which a length- or age-based stock assessment does not exist. Dr. John Froeschke (GMFMC Staff) noted that managing to ACLs in either numbers of fish or pounds is still noted as required in the recent NMFS guidance document on data-poor species management.

Discussion: Recommendations to the Councils on Alternative Recreational Management Approaches (Item VI)

Mr. Rindone offered ideas for approaches that may be considered by the Workgroup, such as phasing in increases in projected yields, step-downs in recreational bag limits to extend fishing seasons, and other triggers for management changes in response to changes in harvest rates or stock status. Mr. Brewer thought that receiving more information from the MAFMC on their initiatives, and their use of harvest control rules, may be helpful to the Workgroup. Mr. Woodward noted that the MAFMC is involved in the joint management of many species with other fishery management councils, which likely requires consideration of many moving parts. Mr. Woodward added that, since the Councils are constrained to managing to an ACL, being flexible in some respects may be difficult. The idea of a multi-year ACL was of interest; however, Mr. Dunn said that annual ACLs still needed to be set; both the GMFMC and SAFMC set annual ACLs under both annual and constant catch yield projections.

Ms. Martha Guyas (GMFMC) asked to review the goals identified by the Workgroup at its May 2020 meeting. Mr. Rindone reviewed those goals and remarked about what had been done thus far for those items by each Council. Dr. Frazer asked about changes in discard mortality with decreases in bag limits, and thought it prudent to explore that relationship further. Mr. Woodward said it is rare to use in-season bag limit variation for recreational fisheries, and that doing so may add a degree of difficulty and confusion in angler comprehension of, and compliance with, fisheries regulations. Mr. Poland added that the burden of the regulations would have to be weighed against any gains in fishery access. Recreational bag limit step-downs would have to be accompanied with substantial outreach to communicate those changes, and with consideration of the timeliness of the recreational catch and effort data.

Ms. Jessica McCawley (SAFMC) asked that the Workgroup revisit the goals from May 2020 and note how they are being addressed at present; the Workgroup agreed, and asked that the lists be developed in the interim to the Workgroup to review before their next meeting, and before finalizing recommendations to the Councils. Mr. Poland asked if other goals should be

considered, adding that Mr. Brewer had asked about exploring alternative ways of defining catch. Ms. Guyas thought that recreational bag limit step-downs had been explored previously for Gulf red grouper, and that being able to project when the step-down needed to occur was difficult when dependent on the timeliness of federally-collected recreational catch and effort data. Mr. Rindone said that the issue of data timeliness may be able to be circumvented by fixing changes at a certain date, as opposed to when a certain percentage of the ACL is thought to have been harvested.

Public \Comment

No public comment was received.

Other Business

The Workgroup talked about when to meet next, adding that an in-person meeting would potentially be more productive than meeting again via webinar. Meeting in an intermediate location like Atlanta, Georgia, may be more convenient to avoid connecting flights.

The webinar was adjourned at 4:00 PM eastern time.

Membership:

Steve Poland (SAFMC) – Chair
Kevin Anson (GMFMC)
Mel Bell (SAFMC)
Susan Boggs (GMFMC)
Chester Brewer (SAFMC)
Thomas Frazer (GMFMC)
Martha Guyas (GMFMC)
Jessica McCawley (SAFMC)
Chris Schieble (GMFMC)
Troy Williamson (GMFMC)
Spud Woodward (SAFMC)

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Staff: John Carmichael (SAFMC) / Ryan Rindone (GMFMC)