Bluefish Allocations and Rebuilding Amendment

FMAT Meeting: April 30, 2021 from 9:00 a.m. - 12:00 p.m.

Meeting Summary (Dated: May 12, 2020)

The objective of this meeting was for the Fishery Management Action Team (FMAT) to review the public comment summary document, Advisory Panel (AP) comments, and provide recommendations of preferred alternatives to be presented to the Council and Board at the joint meeting hosted by the Council in June. At the meeting, the Council and Board will take final action on the Bluefish Allocation and Rebuilding Amendment.

There are several issues that the FMAT believes are policy decision that should be made solely by the Council and Board with thorough consideration of the input provided thus far, but the FMAT made recommendations where they thought it was appropriate.

FMP Goals and Objectives

The FMAT discussed the public and AP comments on the proposed FMP Goals and Objectives and noted that the vast majority of comments support the proposed option. The FMAT considered a number of suggestions from the public and the AP but determined that the majority of comments received were already captured in the FMP Goals and Objectives, as currently written. For example, there were many comments received pertaining to managing the fishery based on optimum yield and recognition of many angler's preference to utilize the resource through catch-and-release. The FMAT felt that maintaining a sustainable spawning stock biomass (objective 1.1), providing fair and equitable access to all user groups (goal 2), and considering the economic and social needs and priorities of all groups (objective 2.2) already captures the definition of managing for optimum yield. In addition, several public comments suggested increasing recognition of the role that environmental factors and forage fish play in the health of the bluefish stock. Again, the FMAT thought that promoting science, monitoring, and data collection that support and enhance effective ecosystem-based management (objective 1.5) already captures the topic. While the FMAT agreed that the issues raised by the AP and members of the public are important considerations, the FMAT determined the proposed FMP Goals and Objectives already capture these important issues.

However, the FMAT did support implementing minor revisions to the language that were suggested during the public comment process. The revisions below (in red), reflect the comments that the FMAT recommends be considered by the Council and Board when taking final action. Specifically, the recommendation to change "discard" to "release" encompasses the catch-and-release aspect of the fishery while avoiding the negative connotation that accompanies the term "discard". This potential change carries the same message as using the term "discard" but better

suits the desires of the recreational community. The recommendation to change "along the coast" to "within the management unit" allows for the inclusion of inland bluefish consumers that do not live on the coast.

Goal 1: Conserve the bluefish resource through stakeholder engagement to maintain sustainable recreational fishing and commercial harvest.

- **Objective 1.1**: Achieve and maintain a sustainable spawning stock biomass and rate of fishing mortality.
- **Objective 1.2**: Promote practices that reduce ~~**discard**~~ release mortality within the recreational and commercial fishery.
- **Objective 1.3**: Maintain effective coordination between the National Marine Fisheries Service, Council, Commission, and member states by promoting compliance and to support the development and implementation of management measures.
- **Objective 1.4**: Promote compliance and effective enforcement of regulations.
- **Objective 1.5**: Promote science, monitoring, and data collection that support and enhance effective ecosystem-based management of the bluefish resource.

Goal 2: Provide fair and equitable access to the fishery across all user groups throughout the management unit.

- **Objective 2.1**: Ensure the implementation of management measures provides fair and equitable access to the resource across to all user groups ~~**along the coast**~~ within the management unit.
- **Objective 2.2**: Consider the economic and social needs and priorities of all groups that access the bluefish resource in the development of new management measures.
- **Objective 2.3**: Maintain effective coordination with stakeholder groups to ensure optimization of economic and social benefits.

Commercial/Recreational Sector Allocations

To start, the FMAT discussed the cyclical and environmentally driven aspect of the stock that is continuously commented on by the public. Given the stock's fluctuations in abundance and availability, the FMAT believes alternatives associated with a shorter time series may not be as appropriate for determining allocation between the two sectors. Ideally, capturing the fluctuations in abundance over time will best represent the trends in the bluefish fishery.

The FMAT also recommends utilizing catch data (landings plus dead discards) to inform allocations between the commercial and recreational sectors. The FMP currently stipulates that the allocation percentage be applied to the Acceptable Biological Catch to determine each sector's Annual Catch Target. In short, the allocation percentage will inform the allocation of catch between both sectors, not landings. In addition, the FMAT believes using catch data as the basis for the allocations of catch will more effectively encompass the needs of a large subset of the recreational sector that receive economic and social benefits from catching and releasing fish as opposed to harvesting fish. Given alternative 2a-5 is derived from landings data, the FMAT recommends not moving forward with this alternative.

Alternative 2a-3 received the most support, however, when excluding the form letter, the status quo alternative received the most support. The assessment scientist on the FMAT noted that the

status quo alternative does not represent the reality of the fishery anymore. The status quo alternative was based on uncalibrated MRIP estimates from 1981-1989. The uncalibrated MRIP estimates are no longer being used in the stock assessments or in catch accounting and should probably not be considered as the Council and Board discuss reallocation.

The economist on the FMAT noted that of the remaining alternatives, 2a-4 offers the highest economic benefit to the commercial sector followed by 2a-3 and 2a-2.

Ultimately, the FMAT did not offer a formal recommendation by consensus on one alternative from the alternative set 2a. The FMAT agreed that selection of an allocation alternative is ultimately a policy decision that should be made solely by the Council and Board with thorough consideration of the input provided thus far. ***However, the FMAT does recommend consideration of either alternatives 2a-2, 2a-3, and 2a-4.***

For the phase-in alternatives (alternative set 2b), the FMAT recommends alternative 2b-1 (no phase-in). This recommendation is consistent with the overwhelming majority of public comments which identified that the phase-in approach does not offer much benefit when the allocations are changing by such a small amount. Additionally, the phase-in approach would add an unnecessary level of complexity and administrative burden.

Commercial Allocations to the States

To start, the FMAT noted that all alternatives in set 3a are justified as appropriate under potential future circumstances and for various states, as this stock rebuilds and availability increases. ***Therefore, the FMAT made no recommendation on a preferred 3a alternative. Selecting an allocation alternative is a policy decision that should be made solely by the Council and Board with consideration of the Public Hearing Document's impact analyses and public input provided thus far.***

In regard to the option to phase-in, the FMAT indicated that the selection of a more recent time series to inform reallocation will more accurately reflect current state-specific needs and may reduce the need to phase-in any changes. Similar to the recommendation for the sector allocations, the FMAT noted that the phase-in alternative set was also unpopular. Again, the FMAT described the added levels of complexity and administrative burden to implementing a phase-in approach. As the allocation alternatives are based on landings data, a phase-in approach may prolong inefficiencies via the need for state transfers. However, the FMAT recognizes the public comments which highlights that there may be an economic benefit from phasing-in for states incurring a large percent decrease in quota. ***Overall, the FMAT did not provide a consensus recommendation for alternative set 3b.***

After reviewing all public comments related to the trigger alternative set (3c), the FMAT made a consensus recommendation for alternative 3c-1, no trigger. The FMAT noted that the public found the trigger approach to be overly complicated with limited perceived benefit.

Public comments related to the minimum default allocation alternative set (3d) were evenly dispersed across the three alternatives. The FMAT discussed the utility of implementing minimum default allocations in that they allow states to continue to harvest bluefish without major disruption

to other states with larger allocations. Considering the commercial allocations to the states section included 4 sub-alternatives, the FMAT believes the complexity tied to sub-alternative sets 3b and 3c may have influenced the public's perspective on minimum default allocations. ***However, given the cyclical and ever-changing nature of the bluefish fishery, the FMAT recommends a 0.10% minimum default allocation (3d-2).*** This alternative will allow states that would otherwise lose their allocation through the reallocation process to retain a minimum default allocation, which will allow small amounts of bluefish caught in these states to be retained instead of discarded. The FMAT agreed that 0.10% would strike a balance between reducing regulatory discards and not overburdening other states' allocations.

Rebuilding Plan

The FMAT discussed that the Magnuson-Stevens Fishery Conservation and Management Act (MSA) indicates: 109-479 (4) "For a fishery that is overfished, any fishery management plan, amendment, or proposed regulations prepared pursuant to paragraph (3) or paragraph (5) for such fishery shall —

(A) specify a time period for rebuilding the fishery that shall—

(i) be as short as possible, taking into account the status and biology of any overfished stocks of fish, the needs of fishing communities, recommendations by international organizations in which the United States participates, and the interaction of the overfished stock of fish within the marine ecosystem; and
(ii) not exceed 10 years, except in cases where the biology of the stock of fish, other environmental conditions, or management measures under an international agreement in which the United States participates dictate otherwise;

Given the data limitations, data concerns and associated uncertainty, selecting a rebuilding plan is an important policy decision that the Council and Board will need to make. However, the FMAT discussed the implications and consequences that may apply to each of the alternatives and offered the following discussion as supporting context for recommending a preferred rebuilding alternative.

Through this discussion, the FMAT noted that the rebuilding plan should be as short as possible while considering the needs of the fishing communities that depend on the resource and accounting for the uncertainty inherent in the cyclical and environmentally driven nature of the stock. Interestingly, the public comments indicated that individuals prefer alternatives 4b and 4c (relatively short rebuilding periods with lower short-term catches) while organizations prefer alternative 4d (the longest rebuilding period associated with higher short-term catches). ***Given the spread in comments, FMAT members noted that alternative 4c may be a fair middle point that considers both the biological and social requirements as required in MSA. Furthermore, alternatives 4c and 4d offer catches that increase steadily over the duration of the rebuilding plan, as compared to the constant harvest approach (4b) which rebuilds as quickly as possible with low harvest limits.*** Alternative 4c and 4d offer higher gross and average revenues to the commercial sector compared to 4b. Furthermore, 4b has the potential to be particularly damaging to the commercial sector. The culmination of rebuilding plan alternative 4b could create an instability in market supply and weaken supply chain linkages in addition to offering the lowest economic returns to the commercial sector. This in turn could compound the commercial sector's

economic burden by imposing several years of reduced market share due to low quotas during the rebuilding period. FMAT members cautioned that once the stock is rebuilt, regulations could likely be liberalized.

The stock assessment scientist indicated that the general comment provided by many members of the public that "the stock is cyclical/environmentally driven/and moving offshore; fishing mortality is not the problem" has merit and could influence the stock's ability to reach the rebuilt target. It is hypothesized that some components of the stock are not accessible to the inshore fishery (i.e., inshore charter and shore anglers) in certain years due to offshore migrations. Furthermore, the assessment scientist expressed concern that presently there are no offshore surveys that could pick up and verify these trends. In addition, there are limited tagging studies assessing regional bluefish abundance and migration. The last comprehensive study was published in 2006[1]. Therefore, certain data may not be available to inform the model, and in turn, rebuilding goals may not be met, which will have implications on how projections may change over time.

The FMAT wanted to ensure the Council and Board are aware of the implications, benefits, and consequences of all rebuilding alternatives. The FMAT recommends a review of the general rebuilding process, including regular reviews of adequate progress; as well as a thorough discussion of how the different rebuilding scenarios could look or change as data are updated.

Sector Transfers

The FMAT first discussed the fact that there were a number of public comments received that were asking for clarity on the interplay between the rebuilding plan and sector transfers. The FMAT clarified the criteria that dictate if and when a transfer could occur under the bi-directional transfer process alternative 5b. When the stock is in an overfished state or overfishing is occurring, transfers from one sector to the other cannot occur. However, once the stock is above the spawning stock biomass (SSB) threshold (not overfished) and if the fishing mortality rate is less than fishing mortality at maximum sustainable yield (or its proxy), a transfer can occur. In this scenario where a transfer can still occur, bluefish may be under a rebuilding plan (not yet at the SSB target), but no longer overfished or experiencing overfishing.

The FMAT noted that the public comments (excluding the form letter) were evenly split between supporting and opposing bi-directional transfers. Interestingly, many people commented on removing sector transfers from the FMP altogether, despite not being an alternative within this amendment. One FMAT member offered that the need for transfers should decline in the near future as the purpose of reallocating better suits each sector's present needs. ***However, the FMAT offered no specific recommendation on alternative set 5a and noted that it is more of a policy decision for the Council and Board.***

For alternative set 5b, the FMAT recommends alternative 5b-2 by consensus. The FMAT indicated that a transfer cap that scales with biomass is a sound approach from a biological and process-oriented perspective. During times of lower biomass, it makes sense to be precautionary by limiting the amount of transferred quota to reduce the risk of a transfer contributing to

[1] Shepherd, G.R. & Moser, Joshua & Deuel, D. & Carlsen, Pam. (2006). The migration patterns of bluefish (Pomatomus saltatrix) along the Atlantic coast determined from tag recoveries. Fishery Bulletin. 104. 559-570.

overfishing. Conversely, during times when biomass is much higher, the transfer cap would increase, allowing for more flexibility to address each sector's needs. The FMAT agreed that the status quo option, which caps transfers from summing to a commercial quota greater than 10.5 million pounds, does not offer as much flexibility as alternative 5b-2. The FMAT thought that the 10.5-million-pound value is now outdated, considering the biomass is projected to increase significantly in order to achieve the SSB target.

Management Uncertainty

The FMAT noted that the majority of public comments supported the status quo alternative. However, individuals supported the post-sector split alternative, while organizations (and form letters) support the status quo alternative.

The FMAT recommends alternative 6b by consensus. From a process perspective, this alternative allows the Monitoring Committee to be as precise as possible with applying a management uncertainty buffer to one sector without negatively affecting the other. The application of management uncertainty is more fair and equitable under alternative 6b and has received strong support from all sorts of user groups.

De Minimis

The FMAT discussed the *de minimis* alternative set and public comments and noted that the majority of comments were in favor of the status quo alternative (7a). One FMAT member noted that the Board will have to weigh the economic and social benefits of increased access for recreational fishers in *de minimis* states against the potential risk of shifts in effort from neighboring states resulting from more liberal measures within *de minimis* states' waters. ***Ultimately, the FMAT offered no specific recommendation because this is a Board-only policy decision.***