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# Research Set-Aside (RSA) Workshop Meeting 4 – Summary Recommendations

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Wednesday, February 16, 2022

Compiled by  
**Brandon Muffley and Andrew Loftus**

SUMMARY OUTCOMES

Research Set-Aside Workshop  
Workshop 4 (Summary Recommendations)  
Wednesday, February 16, 2022

**Contents**

Workshop Goal .....	3
Next steps after this workshop .....	3
Key Points .....	3
Workshop 1-3 Recap/brief overview of issues from the previous program .....	4
Key Points .....	4
Workshop Goal Discussions .....	4
Draft Goals of RSA Program .....	4
Summary .....	4
Goal 1 Discussion .....	5
Goal 2 Discussion .....	6
Goal 3 Discussion .....	6
Goal 4 Discussion .....	6
Public questions/comments on Goals .....	6
Specific Topic Discussions .....	7
Topic #1 - Who is involved in the RSA program? .....	7
Topic 1 Summary .....	7
Topic 1 Discussion Summary .....	7
Topic #2: How would you allocate/divide the RSA quota? .....	8
Topic 2 Summary .....	9
Topic 2 Discussion Summary .....	9
Topic #3 - What does an RSA trip look like? .....	10
Topic 3 Summary .....	10
Topic 3 Discussion Summary .....	10
Public questions/comment .....	11
Wrapping it all up: Summary of Consensus Decisions .....	12
Appendix I. Workshop 4 Agenda	
Appendix II. Presentation: Process and Timeline for Possible RSA Redevelopment	

Appendix III. Presentation: Economic Work Group Overview

Appendix IV. Presentation: Synopsis of RSA Workshop Outcomes

Appendix V. Presentation: Draft Goals of RSA Program

Appendix VI. Presentation: Topic #1 - Who is Involved in the RSA Program?

Appendix VII. Presentation: Topic #2 - How Would You Allocate/Divide RSA Quota?

Appendix VIII. Presentation: Topic #3 - What does an RSA trip look like?

Appendix IX. Workshop 4 Registrants

## SUMMARY OUTCOMES

### Research Set-Aside Workshop Workshop Meeting 4 (Summary Recommendations)

**Workshop Goal:** The goal of Workshop Meeting 4 is to review the recommendations from the first three workshops and provide input for consideration by the Council’s Research Steering Committee (RSC) regarding recommendations for RSA program redevelopment.

#### **Next steps after this workshop**

Dr. Michelle Duval (RSC Chair)

(Full presentation is included in Appendix II)

- April 27th – RSC meeting to review all input and develop guidance and final recommendations for Council consideration.
- June 7–9 – Council meeting to review RSC recommendations and make a decision on whether to redevelop the RSA program.
- Depending on decision from Council:
  - If the decision is “no,” there will be no further (immediate) work on redevelopment.
  - If the decision is “yes,” begin to develop appropriate management action document (i.e., framework or amendment).
  - Depending upon action and included components, it would likely be 1+ years to complete.
  - Will need to coordinate/work with the Atlantic States Marine Fisheries Commission and state agency staff/enforcement on program details and specifics.

#### **Role of the Scientific and Statistical Committee (SSC) Economic Work Group**

Dr. Geret DePiper (Chair, SSC Economic Work Group)

(NOTE: Full presentation is included in Appendix III and key points of the question & answer dialogue are captured in the appropriate summary section of the discussions below.)

#### **Key Points**

- Economic Work Group was established by the Council specifically to provide input into the economic impact of issues before the Council.
- Collaborative and iterative process with the Council structure.
- RSA program inherently has a number of economic implications.
- A series of white papers has been developed for each of the previous RSA Workshops (Workshops 1-3).
- Supporting material for today’s workshop focus on how the program design impacts the ability to achieve RSA goals:
  - Who participates.
  - How quota is allocated.
  - What RSA trips look like.

## Workshop 1-3 Recap/brief overview of issues from the previous program

Presentation by Andrew Loftus (workshop facilitator)  
(NOTE: Full presentation is included in Appendix IV)

### Key Points

- **Workshop 1 (Research)**
  - Identify how research goals will be prioritized, projects will be screened, and results will inform management/be communicated to the Council and stakeholders.
- **Workshop 2 (Funding)**
  - Discuss how the program will be administered (federal grant program), discuss funding mechanism, and indicate that projects should be tied to management/assessment needs.
- **Workshop 3 (Enforcement)**
  - Identify potential program modifications that could prevent reoccurrence of previous enforcement issues.
- **Workshop 4 (Recommendations)**
  - Review the recommendations from the first three meetings (synthesized by the RSC) and provide input for RSC consideration regarding recommendations for RSA program redevelopment.

## Workshop Goal Discussions

### Draft Goals of RSA Program

Brandon Muffley (MAFMC staff)  
(NOTE: Full presentation is included in Appendix V).

### Summary

- Based on feedback and input from workshop #1 - #3, identified a list of nearly 20 different potential objectives.
  - RSC took that list and created four draft goals and associated objectives.
- Developed a decision tree to identify different RSA program components and consider how they may support the goals and objectives identified.
- Prioritized and refined the draft Goals and Objectives
  - Identified linkages across goals and implications for working through decision tree.
  - Consider trade-offs associated with different decision tree options in achieving specified goals.
- Goals and Objectives provide the overall framework for a possibly revised program; while alternatives/questions in the decision tree specify the structure and details of program in support of goals.

Listed in Priority Order. **Blue capitalized lettering** indicates language added during the discussion.

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)

1. Support more applied management-focused research activities.
2. Higher priority on proposed RSA projects whose results would likely have immediate 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 1 Discussion**

- It is implied that states are included in the RSA program. For jointly managed species, should add language “management partners.”
- Does all research need to be peer reviewed?
  - Should be scientifically valid but not necessarily a full independent peer review process.
  - The intent of “peer review” is to set a high bar, not necessarily an outside peer review such as for publication.
  - There is a peer review by NOAA as part of the RSA process.
  - Conclusion: Peer reviewed does not mean published.
- “Open access” for data is a lofty goal but may be difficult to implement.
  - “Confidential data” may not be able to be open access.
  - All objectives are subject to laws etc. so this would apply to open access and confidential data.
- For objective #2, suggestion to replace the word “immediate” with “timely” noting that research does take time and as does the QA/QC and peer review and key is having the information available when its needed.

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

<u>Original Order</u>	<u>Revised Order</u>	Goal #2 Objective
1	4	Minimize law and admin (agency and researcher) burdens.
2	6	Improve <b>STATES’</b> ability to revoke RSA fishing privileges.
3	5	Provide support for admin and law activities.
4	1	Apply enhanced, adaptive, and consistent enforcement standards and controls.
5	3	Increase state-federal science, enforcement, and administration collaboration and cooperation.
6	2	Ensure compliance with the reporting and use of the RSA quota.

### **Goal 2 Discussion**

- Move #4 (“Apply...”) and #5 “Ensure....” Should be moved up if this is prioritized.
- “Improve ability to revoke RSA fishing privileges” is not needed for the Federal level but is really applicable to the state level enforcement (perhaps add “state” into bullet 2).
- Suggested order for prioritization is 4, 6, 5, 1, 3, 2, agreed upon with no objection.

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

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 3 Discussion**

- Does #2 mean using money from a species of value to support research on other species?  
Response: Yes, including this objective would indicate a willingness to use funds generated from one species to support research for another species. By including this objective, this would also answer, by default, questions raised in the decision tree document (see Topic 2, Questions 2A and 2B)
- “Maximizing revenues” depends on how it is defined. “Maximize” doesn’t necessarily mean getting the highest gross return, but a high net return; minimizing administrative and law enforcement costs might maximize the net revenue of a program.

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

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

### **Goal 4 Discussion**

- A suggestion was made to combine Goal 1 and 4. However, others thought that they should remain separate, particularly to keep an emphasis on fostering fair collaboration with the fishing community. The point was made that quota taken away from fishermen for RSA should be used to provide science that benefits everyone, not just improve relationships with those participating in the RSA program.
- Objective #2 should be moved to the top.
- Need to be cautious about the expectations set by some of these objectives; certain aspects are confidential by law and cannot be “open.”

### **Public questions/comments on Goals**

- Input was offered that Goal 4 should be prioritized as the first one; trust should be the foundation, and participation of the fishing community is necessary for the RSA program. Following discussion, the Panel consensus was to leave the Goals prioritized as is.

## Specific Topic Discussions

- **Red/Orange text** indicates the options recommended by the RSC.
- **Green lettering** is text added following the January RSC meeting.
- **Blue lettering** indicates language added during the discussion during this meeting.

### Topic #1 - Who is involved in the RSA program?

Dr. Mark Holliday (SSC Economic Work Group)

(NOTE: Full presentation is included in Appendix VI)

#### Topic 1 Summary

- Accept that trade-offs are a natural consequence of decision making.
- Clearly document rationale for decisions.

Topic #1 - Who is involved in the RSA program	
Top Tier/Highest Priority Questions	
1A. Allow commercial sector participation only	
1B. Allow commercial and for-hire sector participation (no private recreational fishermen)	
1Bi. Phase-in participation by one sector	
1C. Allocation of quota across sectors or keep separate	
2A. Fixed percentage of ABC for each fishery (i.e., different percentages for each fishery)	
2B. Fixed percentage of ABC across all fisheries	
2C. Fixed number of pounds for each fishery	
3A. Allow participation only by federally-permitted vessels	
3B. Allow participation by federally-permitted and state-permitted vessels	
3Bi. Phase-in participation by permitted (state) vessels	
3Bii. Appropriate/standardized reporting for all vessels	
3C. Do not allow participation by vessel owners that are also dealers unless dealer has a physical address for place of business	
4. Allow states to opt out of shoreside participation in an RSA program (e.g., providing required state exemption permits, etc.)	
5A. Cap the number of vessels that can participate within each state	
5Ai. Cap by sector (depending on alternatives 1A-1C)	
6A. Require Allow observers/state staff onboard all RSA compensation fishing trips	
6B. Require Allow all vessels to be equipped with VMS or AIS	

#### Topic 1 Discussion Summary

##### Option Set 1 (1A-1C)

- General support for keeping the RSA program open to both Commercial and For-Hire fishermen. Both sectors are important for generating specific science and if there is discontent from sectors that are excluded it is likely to erode long-term support for the program.
- Some comments that allocation of the RSA quota should be determined by the Council and that setting a standard for separate allocations as part of the RSA plan would complicate implementation and monitoring.
- Details will need to be fleshed out further by the RSC.



#### Option Set 2 (2A-2C)

- From an implementation standpoint, dealing with “fixed poundage” rather than a percentage is much easier.
- Requiring a percentage of ABC from each fishery may be problematic in the long-term. The value of a specific fish changes over time and species that don’t generate sufficient revenue would not result in bids for harvest.
- The Council would have the option to not allocate RSA quota for species with little value.

#### Option Set 3 (3A-3C)

- Both federal and state-permitted vessels should be subject to the same reporting requirements.
- Support for sub-options associated with 3B (those in green).

#### Option Set 4

- There is a legal gray area for a state to opt out of allowing federally-permitted vessels to participate in federally-approved activities.
- “Opt in” might be a better option than opt out. Providing states flexibility to limit the sectors that can participate may help alleviate administrative burden and encourage states to opt in.
- Federal regulations and permits are helpful for enforcement; some states do not have the capability to enforce some issues with the existing state-issued permit infrastructure.

#### Option Set 5 (5A-5Ai)

- No recommendation; this should be a state decision.
- Current limitation of 50 federally-permitted vessels per RSA supported project.

#### Option Set 6 (6A-6B)

- Changing “require” to “allow” would make these requirements a moot point.
- Law enforcement needs to weigh in on this.
- Some discussion that “allow” applied to observers but that “require” pertained to VMS or AIS. These are two very different electronic systems and further discussion needs to occur.
- Overall support for some type of electronic monitoring and the RSC needs to consider/discuss this further.

### **Topic #2: How would you allocate/divide the RSA quota?**

Dr. Geret DePiper (SSC Economic Work Group)

(NOTE: Full presentation is included in Appendix VII)

## Topic 2 Summary

<b>Topic #2 - How would you allocate/divide RSA quota</b>	
Top Tier/Highest Priority Questions	
1A. RSA applies to all fisheries/species	1B. RSA only for select fisheries/species
2A. Allow specific percentage of projected revenue from species quota sale to be used for research on other species	2B. All revenue from species quota sale can only be used for research related to that species
3A. Funding mechanism should include ability to use both bilateral agreements and third party auctions	3B. Funding mechanism should include the use of only bilateral agreements or third party auctions (only one)
3A-Bi. Conduct periodic review of funding mechanism(s) to determine approach supports or undermines project or program objectives	
Secondary Tier Priority Questions	
4A. Single species quota lots only	4Ai. Allow specific percentage of revenue from species quota sale to be used for other species research
	4Aii. All revenue from species quota sale can only be used for that species
4B. Bundled and single species quota lots	
5A. Support short-term projects only (2-3 years max)	5B. Support short- and long-term projects (i.e., monitoring)
6A. Proposals need to identify scientific need and how results will reduce uncertainty	6B. Proposals need to identify how results will address a timely/relevant management issue
6C. Proposals need to include a detailed data sharing/management plan	

### Topic 2 Discussion Summary

#### Option Set 1 (1A-1B)

- Agreed that the language for these options should be revised to clarify that it refers to FMPs and species and not fishing sectors (e.g., private recreational fisherman are not a component of the RSA program).
- The Council would have the option to allocate or not any specific species.

#### Option Set 2 (2A-2B)

- Consensus that funds generated by RSA could be used to support research for any managed species (MAFMC and any other management entity, e.g., ASMFC or NEFMC). This requires additional discussion by the RSC.

#### Option Set 3

- The Council doesn't have the ability to tell a PI how to monetize a quota but Council could offer guidance or recommendations. This option allows for both bilateral and third party (i.e., auction) agreements.
- 3A and 3Ai —if/when conducting future reviews of the RSA funding mechanism(s), need to include mortality as part of this review to ensure we are minimizing/not

increasing mortality associated with harvest of RSA quota and mortality associated with RSA related research.

### Topic #3 - What does an RSA trip look like?

Dr. Lee Anderson (SSC Economic Work Group)

(NOTE: Full presentation is included in Appendix VIII)

#### Topic 3 Summary

Topic #3 - What does an RSA trip look like
Top Tier/Highest Priority Questions
1A. Compensation harvest completely decoupled from funded research (i.e. vessels harvesting RSA quota are not vessels conducting research) 1B. Compensation harvest decoupled from research activity, but vessels harvesting RSA quota also participate in research trips 1C. Where feasible, compensation harvest is coupled with research activity
2A. Require RSA harvest OF A SPECIFIC SPECIES to occur on separate trips from non-RSA harvest OF THAT SAME SPECIES 2B. Allow both RSA and non-RSA harvest on the same trip
3A. Limit RSA offloads to specific ports in each state 3Ai. Limit RSA sales to specific dealers in each state 3Ai(1). Limit RSA sales to only federally permitted dealers 3B. Require all RSA quota to be offloaded at the same port from pre-trip notification
4. Limit RSA offloads to specific hours (e.g., 6am-8pm)
5A. Require all participating vessels to submit a pre-trip notification 24hrs in advance to declare intent to harvest RSA quota that includes port and anticipated day/time of landing. 5B. Require all vessels to report port of landing, amount of RSA quota onboard, and complete an electronic trip report at least six hours prior to landing
6A. Allow RSA trips to land quota after the regular season closes 6B. Allow RSA trips to increase trip limits during the regular season 6C. Allow RSA trips flexibility in both the timing and landings throughout the year
Secondary Tier of Priority Questions
7A. Unlimited transfer/leasing of RSA quota between vessels 7B. Do not allow transfer/leasing of RSA quota except under catastrophic circumstances. 7C. Allow for one or limited number of transfers/leases of RSA quota between vessels

### Topic 3 Discussion Summary

#### Option Set 1 (1A-1C)

- It is very rare where harvesting activities are integrated into the research activities (option 1C) but the group supports for keeping this option since there is concern for increasing mortality by allowing harvest under the RSA program and the mortality associated with the research.

### Option Set 2 (2A-2B)

- Having dedicated trips will likely improve enforceability and administration of the program.
- However, this may increase discards and complicate trips for fishermen.
- “Landing flexibility” allows vessels to possess another state’s quota in other states along the coast and was not in place when the previous RSA program was in place which may complicate this option.
- Summary: RSA trips/harvest and non-RSA trips/harvest *for the same species* could not occur on the same trip but harvesting of other species where RSA quota is not used would be allowed. All harvest of a species under a declared RSA trip (e.g., summer flounder) would count against the RSA quota, regardless if under/over the state designated trip limit.
- RSC needs to discuss how to address remnant RSA quota that is not sufficient to justify a separate trip.

### Option Set 3 (3A-3B)

- This requirement is feasible and the intent of the program currently.

### Option Set 4

- No discussion (RSC indicated this is a state issue and they should identify offload timing requirements based on fishery needs and enforcement capabilities)

### Option Set 5 (5A-5B)

- No objection but some thought that both 5A and 5B should both be required for an enforceable program. However, there was considerable concern about requiring an electronic trip report 6 hours before landing since some trips in the Mid-Atlantic are not even 6 hours long.
- eVTRs require reporting (completion of the VTR) before they enter port. Any pre-landing reporting will aid enforcement.
- RSC needs to discuss the 6 hour pre-landing reporting requirement (5B).

### Option Set 6 (6A-6C)

- This must be interpreted in the context of all of the other requirements specified earlier.
- This allows flexibility (e.g., after season closure and higher trip limits).

### Option Set 7 (7A-7C)

- Not discussed (second tier questions)

### **Public questions/comment**

- Topic 3, Option 2A – maybe one compromise is to specify by species; require harvest of RSA
- What happens if a vessel has a small amount of RSA quota left over? This needs to be addressed.

## Wrapping it all up: Summary of Consensus Decisions

Andrew Loftus (workshop facilitator)

- The RSC needs to assemble a summary table comparing elements of the former RSA program to that proposed through this workshop process, particularly addressing the issues that were identified when the old program was discontinued.
- Goals 1-4 were agreed to with the current priority order. Some reordering of objectives under specific goals and some word tweaking were recommended but not major changes.

### Topic Areas

- Recommendations made by the RSC were generally agreed to with some clarification and tweaking.
- More discussion is needed on monitoring – electronic and state-observer and the different components of VMS and AIS.
- Possibly provide a state opt-in option (rather than opt out) regarding participation in the RSA program.
- Need to consider a state’s ability (or lack of) for regulating a state-permitted vessel participating in a federally approved RSA program; some states lack the authority.
- Include a recommendation “Where feasible, compensation harvest is coupled with research activity.”
- Need further refinement of Topic 3, 2A. “Require RSA harvest to occur on separate trips from non-RSA harvest” and the nuances to this in consideration of the impacts on increasing discard of fish. Make sure that it refers to specific RSA species quota.
- General agreement on the need for tight pre-trip notification of an RSA trip (and species) as well as pre-landing notification, although the 6 hour requirement may need to be nuanced.
- At a future meeting, the RSC will be considering all of these discussions and some second tier questions that were not addressed in this workshop before making a recommendation to the Council.

## Appendix I. Workshop 4 Agenda



### Research Set-Aside Workshop Workshop Meeting 4

Wednesday, February 16, 2022  
9:00 a.m. – 4:00 p.m. EST

**Webinar Link:** [RSA Redevelopment Workshop #4](#)

**Meeting Number (Access code):** 2338 185 4153; **Password:** 6WQi2whHrX7

**Meeting Page:** <https://www.mafmc.org/council-events/rsa-workshop-4>

#### Purpose

The Mid-Atlantic Fishery Management Council and its Research Steering Committee (RSC) are hosting a Research Set-Aside (RSA) Workshop to help the RSC develop a recommendation to the Council with public input on whether and how to redevelop the Mid-Atlantic RSA program. *The goal of Workshop Meeting 4 is to review the recommendations from the first three meetings and provide input for RSC consideration regarding recommendations for RSA program redevelopment.* For additional background information and details on the other workshops, please visit: <https://www.mafmc.org/workshop/rsa>.

#### Briefing Materials

- 2021 RSA Workshop Final Reports: [Workshop #1](#), [Workshop #2](#), and [Workshop #3](#)
- [RSC Meeting Summary from January 18, 2022](#)
- RSA Decision Tree Tables (posted on the workshop meeting page)
- SSC Economic Work Group Memo: Decision Tree Cost/Benefit and Trade-off Considerations (posted on the workshop meeting page)

#### Supplemental Materials

- [2014 Program Issues Memo](#)
- [2019 New England Fishery Management Council RSA Program Review](#) (focus on Sections 4 and 6)
- [Comprehensive Historical Program Documentation](#)

## Agenda

- 9:00 a.m. – 10:00 a.m.**
- Welcome** - Research Steering Committee and Council Chairs
  - Ground Rules & Review of Workshop Structure** - Andrew Loftus (Facilitator)
  - Next steps after this workshop** - Michelle Duval, RSC Chair
  - Role of the SSC Economic Work Group** - Geret DePiper, Economic Work Group Chair
  - Workshop 1-3 Recap/brief overview of issues from the previous program** - Andrew Loftus
- 10:00 a.m. – 10:15 a.m.**
- Overview of RSC process since last workshop** – Brandon Muffley
    - **Public questions/comment**
- 10:20 a.m. – 10:30 a.m.**
- Break**
- 10:30 a.m. – 11:30 a.m.**
- Draft Goals of RSA Program** – seek comments on goals for an RSA Program - Brandon Muffley
    - **Facilitated Discussion**
    - **Public questions/comment**
    - **Panel Consensus**
- 11:30 a.m. – 12:30 p.m.**
- Topic 1 – Who is involved in the RSA program?** – Mark Holliday, Economic Work Group
    - **Review and comments on draft RSC decisions**
    - **Facilitated Discussion**
    - **Public questions/comment**
    - **Panel Consensus**
- 12:30 p.m. – 1:00 p.m.**
- Lunch**
- 1:00 p.m. – 2:00 p.m.**
- Topic 2 – How would you allocate/divide the RSA quota?** – Geret DePiper, Economic Work Group
    - **Review and comments on draft RSC decisions**
    - **Facilitated Discussion**
    - **Public questions/comment**
    - **Panel Consensus**
- 2:00 p.m. – 3:00 p.m.**
- Topic 3 – What does an RSA trip look like?** – Lee Anderson, Economic Work Group
    - **Review and comments on draft RSC decisions**
    - **Facilitated Discussion**
    - **Public questions/comment**
    - **Panel Consensus**

<b>3:00 p.m. – 3:15 p.m.</b>	<b>Break</b>
<b>3:15 p.m. – 3:45 p.m.</b>	<b>Wrapping it all up: Summary of Consensus Decisions - Andrew Loftus</b> <ul style="list-style-type: none"><li>• <b>Public Comment</b></li></ul>
<b>3:45 p.m. – 4:00 p.m.</b>	<b>Next Steps - Michelle Duval</b>
<b>4:00 p.m.</b>	<b>Adjourn</b>

**Note: agenda topic times are approximate and subject to change**



**Appendix II. Presentation: Process and Timeline for Possible RSA  
Redevelopment**

# Process and Timeline for Possible RSA Redevelopment

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- How we got here
  - Exploration through a series of 3 workshops – topics covering Research, Funding, Enforcement/Administration
  - Draft RSA program guidance by Research Steering Committee developed over 2 meetings following workshops
- Today's plan
  - Overview of workshop outcomes and RSC process
  - Review, discuss, and feedback on draft goals, objectives and priority program considerations
    - Input and guidance from SSC Economic Work Group on trade-offs

# Process and Timeline for Possible RSA Redevelopment

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- Where do we go from here
  - **April 27<sup>th</sup>** – RSC meeting to review all input and develop guidance and final recommendations for Council consideration
    - In-person meeting in Baltimore, MD (webinar connection available)
  - **June 7–9** – Council meeting to review RSC recommendations and make decision on whether to redevelop the RSA program
    - In Riverhead, NY as a hybrid meeting
  - Depending on decision from Council:
    - If no, further (immediate) work on redevelopment would end
    - If yes, begin to develop appropriate management action document (i.e., framework or amendment)
      - Depending upon action and included components, likely 1+ year to complete
      - Coordinate/work with state agency staff and enforcement on program details and specifics

## **Appendix III. Presentation: Economic Work Group Overview**



**NOAA**  
**FISHERIES**

# Economic Work Group Overview

RSA Redevelopment Workshop 4  
February 16, 2022

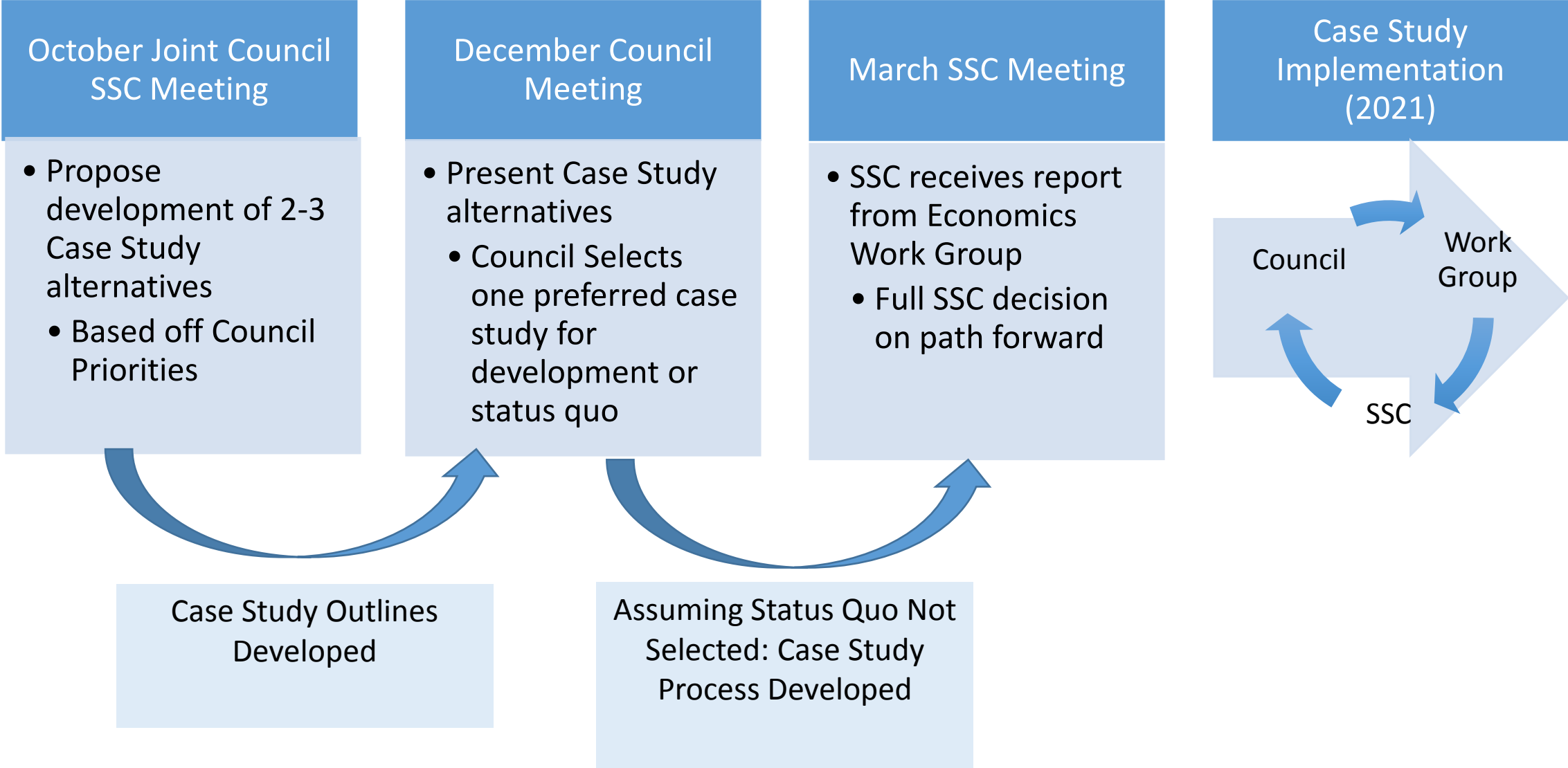
# Economic Work Group Members

- Lee Anderson
- John Boreman
- Geret DePiper (chair)
- Sarah Gaichas
- Mark Holliday
- Jorge Holzer
- Yan Jiao
- Paul Rago



**NOAA**  
**FISHERIES**

# MAFMC SSC Economic Work Group Proposal



# Workshop 1: Research (Holliday)

- Consistency with objectives & linkages to management goals; Benefit/Cost principles in proposal evaluation
- Peer review and Principal Investigator communications
- RSA program transparency and Conflicts of Interest
- Universal data access and transparency



**NOAA**  
**FISHERIES**



# Workshop 2: Funding (Holzer)

- Market designed to meet specific program goals
  - Auction vs. bilateral agreements
    - Revenue maximization
    - Fairness of Access
    - Researcher/Industry cooperation
    - Enforcement & Compliance



**NOAA**  
**FISHERIES**

# Workshop 3: Enforcement (Anderson)

- Incentives underlying RSA enforcement issues
- Expected gains from cheating vs. expected losses if caught
  - Probability of being caught, convicted, and punished
  - Size of penalty
    - Need not be monetary
  - Number of illegal fish \* price of illegal fish

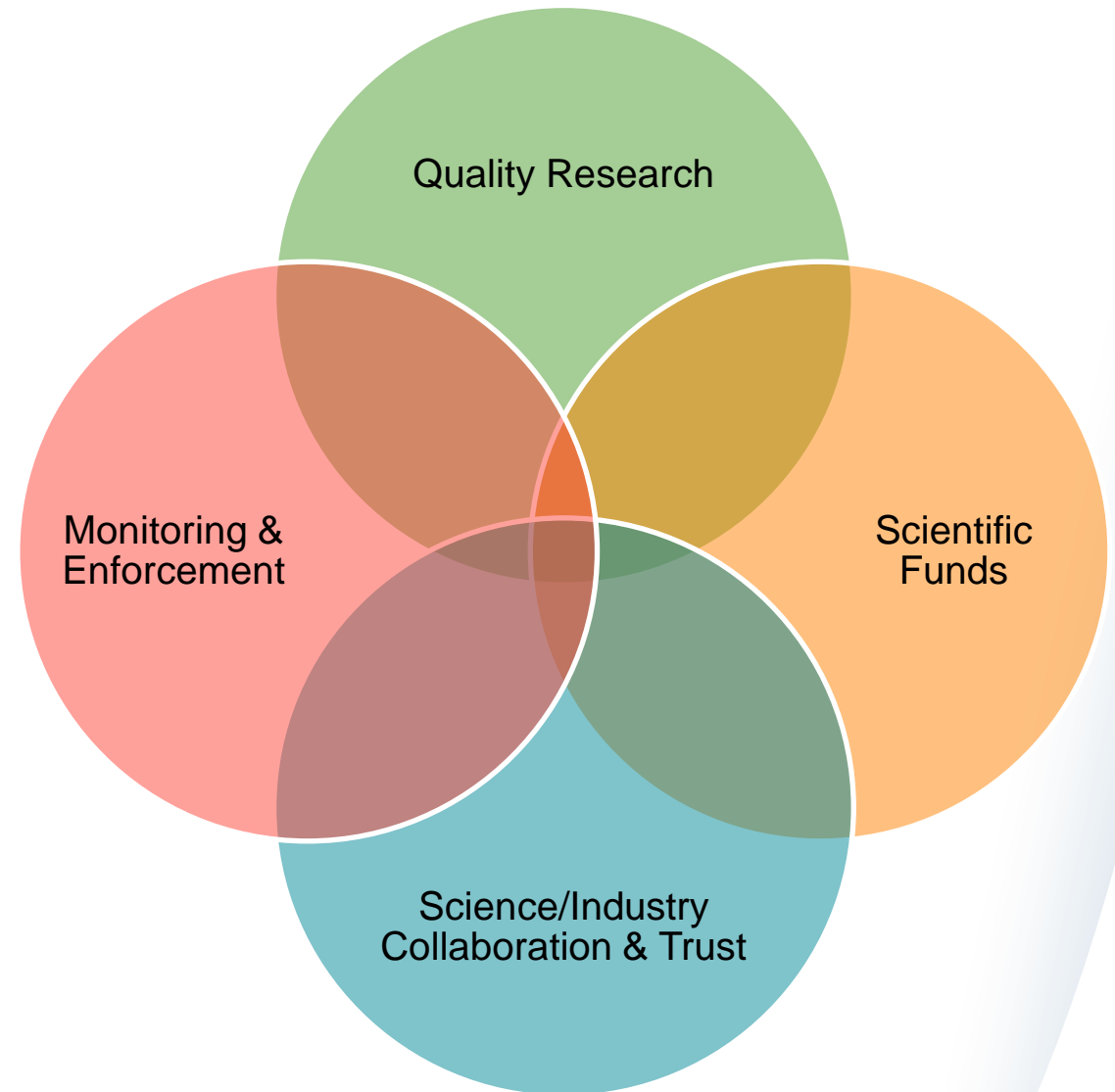


**NOAA**  
**FISHERIES**

# For today...

Program design impacts the ability to achieve RSA goals

1. Who participates
2. How quota is allocated
3. What RSA trips look like



**NOAA**  
**FISHERIES**

# Questions?



**NOAA**  
**FISHERIES**

## **Appendix IV. Presentation: Synopsis of RSA Workshop Outcomes**



# **Synopsis of RSA Workshop Outcomes**

Workshop 4  
*February 16, 2022*

# Recap of the Workshop Overview

## ■ Workshop 1 (Research)

- Identify how research goals will be prioritized, projects will be screened, and results will inform management/be communicated to the Council and stakeholders.

## ■ Workshop 2 (Funding)

- Discuss how the program will be administered (federal grant program), discuss funding mechanism, and indicate that projects should be tied to management/assessment needs.

## ■ Workshop 3 (Enforcement)

- Identify potential program modifications that could prevent reoccurrence of previous enforcement issues.

## ■ Workshop 4 (Recommendations).

- Review the recommendations from the first three meetings (synthesized by the RSC) and provide input for RSC consideration regarding recommendations for RSA program redevelopment.

# Summary of Workshop 1 (Research)

- SSC Economic WG: Discussed 7 research-based topics
- Research Priorities
  - Link priorities (set by the Council) and performance metrics to a specific need after communicating with industry.
  - Keep RSA and other funding sources in mind whenever the Council initiates an action.
- Evaluation of Applicants and Proposals
  - Disclose available funding in the proposal and pre-proposal process.
  - Peer review proposals and results (with the SSC).
  - Identify conflicts of interest early in the RSA process.
- Project Review and Presentation
  - Review and reestablish the data sharing policy.
  - The release of funds should be tied to report completion.
  - Develop a communication plan that expands public venues for presentations.



# Summary of Workshop 2 (Funding)

- SSC Economic WG: Presented an analysis of the action and modelled results of alternatives in terms of economic efficiency
- Status of the auction system
  - What did and did not work?
  - Consider the cost/benefits of selling quota for low value species and the ability to package species together
  - Ensure all bids are paid in full at potential future auctions
- Compensation fishing
  - Identify whether vessels involved in RSA harvesting should be tied to research
  - State environmental police were burdened but not compensated
  - PIs are responsible for ensuring vessels understand RSA requirements
- Fixed Price
  - If revenue generation is the primary objective, then a fixed-price system may not be the best funding model for RSA.

# Summary of Workshop 3 (Enforcement)

- SSC Economic WG: Presented an analysis of how economics influence fisheries enforcement
- Some issues of concern
  - Lack of law enforcement resources (funding)
  - Inconsistent regulations from state-to-state and inability for states to regulate
  - Substantial under reporting of RSA landings
  - Undercutting recreational monitoring; lack of support from non-RSA users.
- Potential Solutions
  - Funding incorporated into JEAs (possibly taken from RSA quota sale)
  - Pre and post trip electronic reporting and possible VMS requirements
  - Joint ASMFC/MAFMC law enforcement committee to develop enforcement guidelines
  - Limitations on number of vessels, daily quota, landing ports, sale to dealers
  - Involve quota monitoring experts in possible RSA re-development
  - Stricter penalties and enforcement

# Objective of Workshop 4

Review the recommendations from the first three meetings (synthesized by the RSC) and provide input for RSC consideration regarding recommendations for RSA program redevelopment.

# Possible defining questions for Workshop 4

- Should the Council redevelop the RSA program?
- What changes should be implemented to address previously identified concerns related to the RSA program including research, funding, program administration, and enforcement?
- What timelines should be developed to improve the overall RSA process (e.g., data and research needs, incorporate RSA into specifications cycle, grant applications, fishing “season”, report deadlines, etc.)?

# Questions

## **Appendix V. Presentation: Draft Goals of RSA Program**

# Draft Goals & Objectives – How we got here

- Based on feedback and input from workshop #1 - #3, identified a list of nearly 20 different potential objectives
  - RSC took list and created four draft goals and associated objectives
- Developed a decision tree to identify different RSA program components and consider how they may support the goals and objectives identified
- Prioritized and refined the draft Goals and Objectives
  - Identified linkages across goals and implications for working through decision tree
  - Consider trade-offs associated with different decision tree options in achieving specified goals
- Goals and Objectives provide the overall framework for a possibly revised program; while alternatives/questions in the decision tree specify the structure and details of program in support of goals

# Prioritized Draft Goals & Objectives

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

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

## Committee Rationale:

- High quality research to improve management is primary foundation of an RSA program
- Designed as a grant program to support research
- Considered a failure of previous program and needs a greater focus in order to improve



# Prioritized Draft Goals & Objectives

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

- Minimize law and admin (agency and researcher) burdens
- Improve ability to revoke RSA fishing privileges
- Provide support for admin and law activities
- Apply enhanced, adaptive, and consistent enforcement standards and controls
- Increase state-federal science, enforcement, and administration collaboration and cooperation
- Ensure compliance with the reporting and use of the RSA quota

## **Committee Rationale:**

- Inability to effectively enforce and monitor RSA related activities and landings was a critical failure of prior program
  - Primary reason for suspension of program
- Greater/increased admin burden on states also a significant concern
- Appropriately addressing this goal will have positive outcomes for other goals (e.g., trust)
  - Should not compromise this goal to achieve others
- Enhancing enforcement and addressing admin burdens is critical for any future program
- Enforcement and admin support should be a holistic approach

# Prioritized Draft Goals & Objectives

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

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

## **Committee Rationale:**

- Funding related issues were a stumbling block in previous program
- While more operational in nature, ensuring funds are available for research is critical to supporting highest priority goal (#1)
- Fairness on access to RSA quota objective
  - Difficult to define fair but needs to be considered
  - Trade-offs associated with objective
  - Limits to program(e.g., participation) in order to be effective and enforceable

# Prioritized Draft Goals & Objectives

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

- Ensure all data collected (funding and research) through the RSA program is open access
- Ensure an open, accountable, and transparent process through all steps (funding and research) of the RSA program
- Increase scientific and industry partnerships
- **Evaluate** fairness in fishing community access to RSA quota

## **Committee Rationale:**

- Building trust and fostering collaboration should lead to improved research outcomes and benefits to Council (priority goal #1)
- Considered/justification for developing original RSA program
- Area of feedback and interest from stakeholders
- Similar comments regarding fairness objective as noted for Goal #3

# Prioritized Draft Goals

- Goal 1 – Produce quality, peer-reviewed research that maximizes benefits to the Council and public and enhances the Council’s understanding of its managed resources (Research)
- Goal 2 – Ensure effective monitoring, accountability, and enforcement of RSA quota (Enforcement and Administration)
- Goal 3 – Generate resources to fund research projects that align with the priorities of the Council (Funding)
- Goal 4 – Foster collaboration and trust between scientific and fishing communities and the general public

Are these goals appropriate/relevant?      Anything missing or need tweaking?  
Is this the right priority order?

**Appendix VI. Presentation: Topic #1 - Who is Involved in the RSA Program?**

# Research Set-Aside Workshop

Meeting 4: Final Recommendations

*Topic One:*

*Who is Involved in the RSA Program?*

Wednesday, February 16, 2022

# Workshop 4 Goal:

*Today's Task: Make Informed  
Recommendations for Three Topics*

# First Session Focus on Topic One

## Topic One: *Who is Involved in the RSA Program?*

- *Topic # 2 - How would you allocate/divide RSA quota*
- *Topic # 3 - What does an RSA trip look like*



## Informed by:

- Workshops 1-3 data, presentations, discussion;
- Personal knowledge & experience with prior RSA;
- Additional facts, science and research about RSAs.

## Context:

Choices have been preliminarily made by the RSC among competing ideas, options, alternatives that best meet the overall RSA goal and the subordinate objectives supporting that goal.

Accept that trade-offs are a natural consequence of decision making...

DO Document your decisions!

# Decision Tree Choices

Topic #1 - Who is involved in the RSA program	
Top Tier/Highest Priority Questions	
1A.	Allow commercial sector participation only
1B.	Allow commercial and for-hire sector participation (no private recreational fishermen)
1Bi.	Phase-in participation by one sector
1C.	Allocation of quota across sectors or keep separate
2A.	Fixed percentage of ABC for each fishery (i.e., different percentages for each fishery)
2B.	Fixed percentage of ABC across all fisheries
2C.	Fixed number of pounds for each fishery
3A.	Allow participation only by federally-permitted vessels
3B.	Allow participation by federally-permitted and state-permitted vessels
3Bi.	Phase-in participation by permitted (state) vessels
3Bii.	Appropriate/standardized reporting for all vessels
3C.	Do not allow participation by vessel owners that are also dealers unless dealer has a physical address for place of business
4.	Allow states to opt out of shoreside participation in an RSA program (e.g., providing required state exemption permits, etc.)
5A.	Cap the number of vessels that can participate within each state
5Ai.	Cap by sector (depending on alternatives 1A-1C)
6A.	Require Allow observers/state staff onboard all RSA compensation fishing trips
6B.	Require Allow all vessels to be equipped with VMS or AIS

# Qualitative Economic Implications of Decision Tree Choices x Mgt. Objections

Decision Tree Selection	GOAL 1: Peer Review Research	GOAL 2: Ensure Accountability	GOAL 3: Generate Resources	GOAL 4: Foster Collaboration
1B - Comm. & for-hire	neutral	negative	positive	positive
1C - Keep alloc. separate	neutral	negative	negative	positive
2A - Fixed % ABC	neutral	neutral	neutral	neutral
3B – Allow fed & state vsls.	neutral	negative*	positive	positive
4 – Allow states opt-out	neutral	positive*	negative	negative
6B – Require VMS/AIS	neutral	positive	negative	negative

# Decision Tree Choices

Topic #1 - Who is involved in the RSA program	
Top Tier/Highest Priority Questions	
1A.	Allow commercial sector participation only
1B.	Allow commercial and for-hire sector participation (no private recreational fishermen)
1Bi.	Phase-in participation by one sector
1C.	Allocation of quota across sectors or keep separate
2A.	Fixed percentage of ABC for each fishery (i.e., different percentages for each fishery)
2B.	Fixed percentage of ABC across all fisheries
2C.	Fixed number of pounds for each fishery
3A.	Allow participation only by federally-permitted vessels
3B.	Allow participation by federally-permitted and state-permitted vessels
3Bi.	Phase-in participation by permitted (state) vessels
3Bii.	Appropriate/standardized reporting for all vessels
3C.	Do not allow participation by vessel owners that are also dealers unless dealer has a physical address for place of business
4.	Allow states to opt out of shoreside participation in an RSA program (e.g., providing required state exemption permits, etc.)
5A.	Cap the number of vessels that can participate within each state
5Ai.	Cap by sector (depending on alternatives 1A-1C)
6A.	Require Allow observers/state staff onboard all RSA compensation fishing trips
6B.	Require Allow all vessels to be equipped with VMS or AIS

**Appendix VII. Presentation: Topic #2 - How Would You Allocate/Divide  
RSA Quota?**



# Topic #2 - How would you allocate/divide RSA quota

## Top Tier/Highest Priority Questions

1A. RSA applies to all fisheries/species

1B. RSA only for select fisheries/species

2A. Allow specific percentage of projected revenue from species quota sale to be used for research on other species

2B. All revenue from species quota sale can only be used for research related to that species

3A. Funding mechanism should include ability to use both bilateral agreements and third party auctions

3B. Funding mechanism should include the use of only bilateral agreements or third party auctions (only one)

3Ai-Bi. Conduct periodic review of funding mechanism(s) to determine approach supports or undermines project or program objectives



# Topic # 2:

## How would you allocate/divide RSA quota?

Draft selections	Goal 1 (Research)	Goal 2 (Enforcement)	Goal 3 (Revenue)	Goal 4 (Collaboration)
1A – RSA applies to all fisheries/species	positive	negative	positive	positive
2A – Allow specific percentage of projected revenue from species quota sale to be used for research on other species	positive	neutral	neutral	positive
3A – Funding mechanism should include ability to use both bilateral agreements and third party auctions	positive	neutral*	positive*	positive



**Appendix VIII. Presentation: Topic #3 - What does an RSA trip look like?**

Research Set-Aside Workshop  
Meeting 4 Final Recommendations

Topic 3:  
What does a RSA trip look like?

Wednesday, February 16, 2022

# Topic #3 - What does an RSA trip look like

## Top Tier/Highest Priority Questions

1A. Compensation harvest completely decoupled from funded research (i.e. vessels harvesting RSA quota are not vessels conducting research)

1B. Compensation harvest decoupled from research activity, but vessels harvesting RSA quota also participate in research trips

1C. Where feasible, compensation harvest is coupled with research activity

2A. Require RSA harvest to occur on separate trips from non-RSA harvest

2B. Allow both RSA and non-RSA harvest on the same trip

3A. Limit RSA offloads to specific ports in each state

3Ai. Limit RSA sales to specific dealers in each state

3Ai(I). Limit RSA sales to only federally permitted dealers

3B. Require all RSA quota to be offloaded at the same port from pre-trip notification

4. Limit RSA offloads to specific hours (e.g., 6am-8pm)

5A. Require all participating vessels to submit a pre-trip notification 24hrs in advance to declare intent to harvest RSA quota that includes port and anticipated day/time of landing.

5B. Require all vessels to report port of landing, amount of RSA quota onboard, and complete an electronic trip report at least six hours prior to landing

6A. Allow RSA trips to land quota after the regular season closes

6B. Allow RSA trips to increase trip limits during the regular season

6C. Allow RSA trips flexibility in both the timing and landings throughout the year

# Qualitative Economic Implications of Decision Tree Choices x Mgt. Objectives for Topic 3

Decision Tree Selection	GOAL 1: Peer Review Research	GOAL 2: Ensure Accountability and Enforcement	GOAL 3: Generate Resources	GOAL 4: Foster Collaboration
1C Coupled with Research Activity	Neutral	Neutral	Neutral	Positive
2A Separate RSA trips from non - RSA trips	Neutral	Positive	Negative	Neutral
3B Offloaded at same port as pre-trip notification	Neutral	Positive	Negative	Neutral
5A Pre-trip notification of port date and time	Neutral	Positive	Negative	Neutral
6C Flexibility in both timing and landings throughout year	Neutral	Negative	Positive	Neutral

## Appendix IX. Workshop 4 Registrants

First Name	Last Name	Affiliation
<b>Panelists</b>		
John	Almeida	NOAA General Counsel
Lee	Anderson	MAFMC Scientific and Statistical Committee (Econ WG)
Chris	Batsavage	MAFMC Research Steering Committee
Bob	Beal	Atlantic States Marine Fisheries Commission
Eleanor	Bochenek	NFI-SMC, Retired Rutgers University
James	Cassin	NOAA Office of Law Enforcement
Laura	Deighan	NMFS GARFO
Geret	DePiper	MAFMC Scientific and Statistical Committee (Econ WG)
Michelle	Duval	MAFMC Research Steering Committee
Pat	Geer	MAFMC Research Steering Committee
Emily	Gilbert	NMFS GARFO
Laura	Hansen	NMFS GARFO
Emerson	Hasbrouck	Cornell University
Dewey	Hemilright	Council Member (Law Enforcement Committee)
Mark	Holliday	MAFMC Scientific and Statistical Committee (Econ WG)
Shannah	Jaburek	NMFS GARFO
Yan	Jiao	MAFMC Scientific and Statistical Committee (Econ WG)
Michael	Lanning	NMFS GARFO
Scott	Lenox	Council Member (Law Enforcement Committee)
Andrew	Loftus	Facilitator
Mike	Luisi	Maryland Dept. of Natural Resources/MAFMC Chair
Brandon	Muffley	MAFMC Staff
Adam	Nowalsky	MAFMC Research Steering Committee
Eric	Powell	Successful applicant/SCEMFIS
Paul	Rago	MAFMC Scientific and Statistical Committee (Econ WG)
Sean	Reilly	NYSDEC Police
Paul	Risi	MAFMC Research Steering Committee
Mary	Sabo	MAFMC staff
Ryan	Silva	NOAA Fisheries/MAFMC Research Steering Committee
Todd	Smith	NOAA Office of Law Enforcement
Jason	Snellbaker	NJ Marine Enforcement Unit/ASMFC LEC
Wes	Townsend	MAFMC Vice Chair
Kate	Wilke	MAFMC Research Steering Committee
<b>General Public and Other Participants</b>		
Katie	Almeida	The Town Dock
Sam	Asci	New England Fishery Management Council staff

Dave	Bethoney	Commercial Fisheries Research Foundation
Bonnie	Brady	Long Island Commercial Fishing Association
Jay	Hermesen	NMFS GARFO
Tara	McClintock	Cornell University Cooperative Extension-Marine Program
Nichola	Meserve	MA Division of Marine Fisheries
Mike	Plaia	AP member - MAFMC, NEFMC, ASMFC
Brad	Schondelmeir	MA Division of Marine Fisheries
Sarah	Turner	NMFS GARFO
Mike	Waine	American Sportfishing Association
Scott	Curatolo-Wageman	Cornell Cooperative Extension