Bluefish Allocation and Rebuilding Amendment

FMAT/PDT Meeting: July 14, 2020, 9:00 a.m. - 12:00 p.m.

Meeting Summary (Dated: July 27, 2020)

This document is part of a joint management action being considered by ASMFC and MAFMC. It was developed through the combined efforts of ASMFC's Plan Development Team (PDT) and MAFMC's Fishery Management Action Team (FMAT). For ease of readability, both groups will be referred to as FMAT throughout the document.

The objective of this meeting was for the Fishery Management Action Team (FMAT) to further refine draft alternatives, including incorporation of Council/Board input and identifications of alternatives that should not be further pursued in this action. The FMAT discussed the implications of each draft approach and worked to identify additional analyses needed to guide the Council/Board during their next discussion of this action in August. The Council/Board are scheduled to approve draft alternatives for inclusion in a public hearing document in December.

All alternative sets have been further developed using the direction provided by the Council/Board and are discussed within this document. However, this document predominantly focuses on the recommendations and direction provided by the Council/Board at the joint June 2020 meeting to further develop specific alternative sets for this Amendment.

FMAT members present: Ashleigh McCord (GARFO), Cynthia Ferrio (GARFO), Matt Cutler (NEFSC), Samantha Werner (NEFSC), Tony Wood (NEFSC), Mike Celestino (NJ DFW), Dustin Colson Leaning (ASMFC Staff), and Matthew Seeley (MAFMC Staff)

Others present: Mike Waine (ASA), Rusty Hudson (DSF), Hannah Hart (FL FWC), Chris Batsavage (NC DMF), James Fletcher (UNFA), Kiley Dancy (MAFMC Staff), and Jose Montanez (MAFMC Staff)

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1. Fishery Management Plan Goals and Objectives

The Council/Board made no changes at the joint June meeting. See Section 1 of the FMAT summary from June 2020 for the updated FMP Goals and Objectives.

FMAT Comments/Recommendations on Issue 1

The FMAT discussed the status of the proposed FMP Goals and Objectives but did not offer any revisions at this meeting. The FMAT will continue to revise the proposed FMP Goals and Objectives upon more input from the Council/Board, if necessary.

2. Commercial and Recreational Sector Allocations

The Council/Board removed the NEFSC discard estimates and endorsed the MRIP discards estimates (previously referred to as the "GARFO method") at the joint June meeting. They also recommended further development of the phase-in and trigger approaches to developing alternatives. See Section 2 of the FMAT summary from June 2020 for the updated sector allocations.

Phase-in Approaches

Phasing in allocation changes would allow for the commercial/recreational allocation percentages to adjust slowly over time starting with the status quo percentage listed in Table 1 and ending with an alternative set of allocation percentages. Considering the current recreational allocation is at 83% and an increase to 89% (the largest proposed increase) represents less than a 10% increase in allocation, a phase-in approach may not be necessary from at least the recreational fishery perspective. Furthermore, the FMAT previously indicated that phasing in allocation changes could be challenging to coordinate during a rebuilding period that has the potential to already be complex and destabilizing.

Table 1. Recreational and commercial sector allocation alternatives based on catch data

Alternative	Allocation Time Series	Recreational Allocation	Commercial Allocation
Status quo	1981-1989 (Landings-based)	83%	17%
2.02	5 year (2014-2018)	89%	11%
2.03	10 year (2009-2018)	89%	11%
2.04	20 year (1999-2018)	87%	13%
2.05	Full Time Series (1981-2018)	86%	14%

Trigger Approaches

Table 1 above provides the sector allocation alternatives under the proposed time series. If a trigger-based approach to setting allocations is selected, these allocations could shift slightly if the ABC surpasses a specified threshold. The breakdown of sector allocations after the ABC exceeds a threshold is yet to be determined. See "Discussion Points/Questions" below.

Discussion Points/Questions

- Phase-in
    - Phasing-in allocation changes could take place over any number of years, but does 2-5 years represent a reasonable range of alternatives?
    - Does the FMAT still support removal of this alternative given the concerns listed above?
    - Are there examples of when the phase-in approach is necessary or would be supported for changes to the recreational and commercial allocations?
- Trigger
    - What level should the trigger threshold be set at?
        - Analyses? Recent ABCs to establish a trigger?
        - What would an ABC look like if the stock rebuilds to the 2019 target?
            - Is this a reasonable basis for developing a trigger level?
    - What should the sector allocation shares be after a trigger threshold level is exceeded?
        - One potential alternative: Recreational sector receives a larger share of the quota above the trigger level. This could be justified by the reasoning that the commercial sector may only need so much quota at high biomass levels (e.g. market saturation).

FMAT Comments/Recommendations on Issue 2

Phase-in

The FMAT discussed the ability to phase-in new allocations for the commercial and recreational sectors. All of the proposed allocation alternatives decrease the commercial allocation and increase the recreational allocation. The commercial sector is already working with a reduced quota following the overfished designation and the resultant lower ABC. If the commercial allocation is further reduced by this amendment, it could be less economically damaging to phase-in allocation changes while the stock rebuilds. However, the FMAT noted that phasing in allocation changes are not warranted from the recreational perspective because an increased landings limit would allow for more flexibility within the recreational sector.

The FMAT acknowledged that big changes to the commercial sector allocation and state quotas will have an especially profound effect on commercial fishermen that target bluefish using gillnet gear. If quotas in their states become restrictive, they may be forced to target different species or change gear. This may create substantial economic hardship. A phase-in approach may mitigate these negative impacts by shifting allocations from one sector to another over a longer period of time with the goal of minimizing economic burden. The FMAT noted that it could be worth considering phasing in allocations if any major allocation shifts occur at either the sector or state level.

The FMAT discussed the difficulties of the many moving parts within this Amendment (i.e. rebuilding timelines, phase-in timelines, etc.). FMAT members agreed that the Council/Board should consider streamlining any phase-in approach with the preferred alternative that is selected for rebuilding. This will limit the amount of regulatory changes that need to occur and can potentially be built into the rebuilding plan.

Trigger

The FMAT agreed that the trigger approaches create more complexity for fisheries management compared to the phase-in approach. In order to develop this alternative set, the FMAT would need to perform analyses to determine what the trigger level should be, how catch is allocated above the trigger level, and how catch is allocated below the trigger. The FMAT agreed that a trigger may not be an appropriate management tool to use while the bluefish stock rebuilds. However, it may be a useful tool to implement once the stock rebuilds to the target. Thus, the FMAT does not recommend further pursuing trigger approaches for the commercial and recreational sector allocations at this time. The FMAT does recommend including a provision that would allow future implementation of the trigger approach through a framework or addendum.

3. Commercial Allocations to the States

The Council/Board made no changes to the existing allocation alternatives at the joint June meeting. See Section 3 of the FMAT summary from June 2020 for the updated commercial allocations to the states. However, the Council/Board requested further development of the phase-in and trigger approaches to developing alternatives. Also, the Council/Board directed staff to develop an alternative set that incorporated a minimum default allocation under each proposed time series.

Phase-in Approaches

The degree to which commercial allocations to the states change vary across time series. These changes typically are more substantial for states that have been either landing all their quota and requesting transfers, not achieving their quota for many years, or have been transferring away their quota for many years. A phase-in allocation approach could mitigate the negative socioeconomic consequences of a state losing a significant portion of its quota by allowing for gradual change.

The FMAT previously said that phasing in allocation changes could be challenging to coordinate during a rebuilding period that has the potential to already be complex and destabilizing. The FMAT noted that they want to ensure altering the commercial allocations to the states does not make management unduly complicated for the respective states. In addition, a re-allocation of state quotas that accurately represents the current needs of the fishery reduces the need for a phase-in approach because states will have a more appropriate quota given their recent landings. Lastly, a phase-in approach would not be applicable if the Council/Board replace state by state commercial allocations with regional commercial allocations.

Trigger Approaches

Table 2 provides three options of different commercial quota triggers that allow for a "surplus" of quota to be allocated to each state. The four states that have an allocation of less than 1% will receive a smaller percentage (either 0.05%, 0.10%, or 0.25%). The remaining quota will be allocated equally to the other ten states.

Table 2. Bluefish state allocations under an 8.84 M lb (20-year average commercial quota), 8.21 M lb (10-year average commercial quota), or 6.67 M lb (5-year average commercial quota) trigger point.

	Baseline	Option 1 (0.05%)	Option 2 (0.10%)	Option 3 (0.25%)	
State	**Allocation of baseline quota ≤8.84 M lbs, 8.21 M lbs, or 6.67 M lbs**	**Allocation of <u>additional</u> quota beyond either 8.84 M lbs, 8.21 M lbs, or 6.67 M lbs**	**Allocation of <u>additional</u> quota beyond either 8.84 M lbs, 8.21 M lbs, or 6.67 M lbs**	**Allocation of <u>additional</u> quota beyond either 8.84 M lbs, 8.21 M lbs, or 6.67 M lbs**	**Revised state quotas**
ME	0.67%	0.05%	0.10%	0.25%	Dependent on total annual coastwide quota; state percent shares vary with amount of "additional" quota in a given year.
NH	0.41%	0.05%	0.10%	0.25%	
MA	6.71%	9.98%	9.96%	9.90%	
RI	6.81%	9.98%	9.96%	9.90%	
CT	1.27%	9.98%	9.96%	9.90%	
NY	10.38%	9.98%	9.96%	9.90%	
NJ	14.81%	9.98%	9.96%	9.90%	
DE	1.88%	9.98%	9.96%	9.90%	
MD	3.00%	9.98%	9.96%	9.90%	
VA	11.94%	9.98%	9.96%	9.90%	

NC	32.03%	9.98%	9.96%	9.90%	
SC	0.04%	0.05%	0.10%	0.25%	
GA	0.01%	0.05%	0.10%	0.25%	
FL	10.06%	9.98%	9.96%	9.90%	
Total	100%	100%	100%	100%	100%

Minimum Default Allocations

Tables 3-6 present allocations including a minimum default allocation of 0.10-1.00%. Minimum default allocations were applied to each state by allocating a baseline quota of 0.10-1.00% to each state. Then, the rest of the annual commercial quota is allocated based on historic landings under different time series.

Table 3. State-by-state commercial bluefish allocations along the U.S. Atlantic coast using different proposed time series and a minimum default allocation of 0.10%.

		0.10% Minimum Default Allocation					
State	**True Status quo 1981-1989**	**Status quo 1981-1989**	**5-year 2014-2018**	**10-year 2009-2018**	**20-year 1999-2018**	**Time Series 1981-1989**	**½ '81-'89 -½ '09-'18**
ME	0.67%	0.76%	0.10%	0.11%	0.11%	0.52%	0.58%
NH	0.41%	0.51%	0.13%	0.22%	0.27%	0.74%	0.42%
MA	6.71%	6.72%	10.59%	10.12%	7.53%	7.18%	7.65%
RI	6.81%	6.81%	11.74%	9.61%	7.98%	7.95%	7.58%
CT	1.27%	1.35%	1.26%	1.09%	0.82%	1.20%	1.28%
NY	10.38%	10.33%	20.12%	19.76%	19.27%	14.65%	12.93%
NJ	14.81%	14.70%	11.17%	13.85%	15.11%	15.45%	14.46%
DE	1.88%	1.95%	0.67%	0.49%	0.48%	1.17%	1.55%
MD	3.00%	3.06%	1.57%	1.92%	1.62%	2.17%	2.75%
VA	11.94%	11.88%	4.65%	5.87%	6.93%	8.77%	10.22%
NC	32.03%	31.68%	31.71%	32.03%	36.52%	33.15%	31.78%
SC	0.04%	0.13%	0.10%	0.10%	0.10%	0.12%	0.13%
GA	0.01%	0.11%	0.10%	0.10%	0.11%	0.11%	0.11%
FL	10.06%	10.02%	6.08%	4.78%	3.16%	6.91%	8.57%

Table 4. State-by-state commercial bluefish allocations along the U.S. Atlantic coast using different proposed time series and a minimum default allocation of 0.25%.

		0.25% Minimum Default Allocation					
State	True Status quo 1981-1989	Status quo 1981-1989	5-year 2014-2018	10-year 2009-2018	20-year 1999-2018	Time Series 1981-1989	½ '81-'89 -½ '09-'18
ME	0.67%	0.89%	0.25%	0.26%	0.26%	0.66%	0.72%
NH	0.41%	0.65%	0.28%	0.36%	0.41%	0.88%	0.56%
MA	6.71%	6.73%	10.52%	10.05%	7.52%	7.18%	7.64%
RI	6.81%	6.82%	11.65%	9.56%	7.97%	7.94%	7.57%
CT	1.27%	1.47%	1.39%	1.22%	0.96%	1.33%	1.40%
NY	10.38%	10.26%	19.85%	19.49%	19.01%	14.49%	12.80%
NJ	14.81%	14.54%	11.09%	13.70%	14.94%	15.27%	14.31%
DE	1.88%	2.06%	0.81%	0.64%	0.62%	1.30%	1.67%
MD	3.00%	3.15%	1.69%	2.03%	1.74%	2.28%	2.84%
VA	11.94%	11.78%	4.71%	5.89%	6.93%	8.73%	10.16%
NC	32.03%	31.16%	31.19%	31.50%	35.89%	32.59%	31.25%
SC	0.04%	0.28%	0.25%	0.25%	0.25%	0.27%	0.28%
GA	0.01%	0.26%	0.25%	0.25%	0.26%	0.26%	0.26%
FL	10.06%	9.95%	6.10%	4.83%	3.24%	6.92%	8.54%

Table 5. State-by-state commercial bluefish allocations along the U.S. Atlantic coast using different proposed time series and a minimum default allocation of 0.50%.

		0.50% Minimum Default Allocation					
State	True Status quo 1981-1989	Status quo 1981-1989	5-year 2014-2018	10-year 2009-2018	20-year 1999-2018	Time Series 1981-1989	½ '81-'89 -½ '09-'18
ME	0.67%	1.12%	0.50%	0.51%	0.51%	0.90%	0.95%
NH	0.41%	0.89%	0.53%	0.61%	0.66%	1.11%	0.80%
MA	6.71%	6.74%	10.39%	9.95%	7.51%	7.18%	7.62%
RI	6.81%	6.83%	11.48%	9.47%	7.94%	7.91%	7.56%
CT	1.27%	1.68%	1.59%	1.43%	1.18%	1.54%	1.61%
NY	10.38%	10.15%	19.39%	19.04%	18.58%	14.22%	12.60%
NJ	14.81%	14.27%	10.94%	13.46%	14.66%	14.98%	14.05%
DE	1.88%	2.25%	1.03%	0.87%	0.86%	1.51%	1.87%
MD	3.00%	3.29%	1.89%	2.21%	1.94%	2.45%	2.99%

VA	11.94%	11.61%	4.79%	5.94%	6.94%	8.68%	10.05%
NC	32.03%	30.29%	30.32%	30.61%	34.85%	31.67%	30.38%
SC	0.04%	0.53%	0.50%	0.50%	0.50%	0.52%	0.52%
GA	0.01%	0.51%	0.50%	0.50%	0.51%	0.51%	0.51%
FL	10.06%	9.85%	6.14%	4.91%	3.38%	6.93%	8.49%

Table 6. State-by-state commercial bluefish allocations along the U.S. Atlantic coast using different proposed time series and a minimum default allocation of 1.00%.

		1.00% Minimum Default Allocation					
State	**True Status quo 1981-1989**	**Status quo 1981-1989**	**5-year 2014-2018**	**10-year 2009-2018**	**20-year 1999-2018**	**Time Series 1981-1989**	**½ '81-'89 -½ '09-'18**
ME	0.67%	1.57%	1.00%	1.01%	1.01%	1.37%	1.42%
NH	0.41%	1.36%	1.03%	1.10%	1.15%	1.56%	1.28%
MA	6.71%	6.77%	10.15%	9.74%	7.48%	7.17%	7.59%
RI	6.81%	6.85%	11.16%	9.29%	7.88%	7.85%	7.53%
CT	1.27%	2.09%	2.01%	1.86%	1.63%	1.96%	2.03%
NY	10.38%	9.92%	18.47%	18.15%	17.72%	13.69%	12.19%
NJ	14.81%	13.73%	10.66%	12.99%	14.10%	14.39%	13.53%
DE	1.88%	2.61%	1.49%	1.34%	1.33%	1.94%	2.26%
MD	3.00%	3.58%	2.29%	2.59%	2.33%	2.81%	3.31%
VA	11.94%	11.27%	4.97%	6.03%	6.96%	8.56%	9.83%
NC	32.03%	28.55%	28.57%	28.85%	32.77%	29.82%	28.63%
SC	0.04%	1.03%	1.00%	1.00%	1.00%	1.02%	1.02%
GA	0.01%	1.01%	1.00%	1.00%	1.01%	1.01%	1.01%
FL	10.06%	9.65%	6.22%	5.08%	3.67%	6.94%	8.39%

Discussion Points/Questions

- Phase-In
  - Phasing-in allocation changes could take place over any number of years, but does 2-5 years represent a reasonable range of alternatives?
  - Does the FMAT still support removal of this alternative given the concerns listed above?
  - Are there examples of when the phase-in approach is necessary or would be supported for changes to the commercial allocations to the states?
- Trigger
  - Is using the average commercial quotas to develop a trigger the best approach?
  - Are there other approached the FMAT should explore?
  - Average commercial quotas over the past 20, 10, or 5 years?
  - Are the proposed percentages (0.05%, 0.10%, 0.25%) appropriate for the four states with a current allocation of less than 1%?

- Minimum Default Allocations
    - Which minimum default allocation percentage is most appropriate?
    - Are there any reasons why a minimum default allocation would not be preferred over a standard allocation alternative?

FMAT Comments/Recommendations on Issue 3

Phase-in

The FMAT discussion regarding phasing in sector allocation changes also pertains to the considerations discussed in phasing in commercial state allocation changes (as indicated above).

Trigger

The FMAT discussed the trigger-based examples provided in Table 2 of this document and concluded a trigger-based approach is more applicable for the commercial allocations to the states than the sector-based allocations (Issue 2). The FMAT noted that the proposed commercial quota triggers are a good starting point but would require further analysis and input from the Board and Council. One FMAT member said that other than equity across states, the proposition to allocate equally across states does not appear to have significant economic reasoning. States with a large quota share like NC would be disproportionately affected. The FMAT also noted that a wider range of alternatives should be developed. Under the current example in Table 2, NC (32.03%) and CT (1.27%) would receive the same allocation once the trigger threshold was met. The FMAT recommends developing different ranges of status quo percentages that would lead to more appropriate "surplus" percentages. For example, status quo percentages and the associated "surplus" allocation percentage could be broken down as follows:

Possible Range of Baseline Quota	Possible Associated Additional Quota Allocations
0-1%	0.25%
>1-5%	3.00%
>5%	12.86%

	Baseline	Option 4 (0.25%)
State	Allocation of baseline quota ≤8.84 M lbs, 8.21 M lbs, or 6.67 M lbs	Allocation of additional quota beyond either 8.84 M lbs, 8.21 M lbs, or 6.67 M lbs
ME	0.67%	0.25%
NH	0.41%	0.25%
MA	6.71%	12.86%
RI	6.81%	12.86%
CT	1.27%	3.00%
NY	10.38%	12.86%
NJ	14.81%	12.86%
DE	1.88%	3.00%

MD	3.00%	3.00%
VA	11.94%	12.86%
NC	32.03%	12.86%
SC	0.04%	0.25%
GA	0.01%	0.25%
FL	10.06%	12.86%
Total	100%	100%

Minimum Default Allocations

The FMAT discussed the proposed minimum default allocations that were based on the approach used in Amendment 3 for Atlantic menhaden. The FMAT concluded that the range of percentages are sufficient but indicated that 1% as a minimum default allocation is too high. The FMAT recommends an allocation closer to the *de minimis* level of 0.1%.

4. Regional Commercial Allocations

At the joint June meeting, the Council/Board reviewed the Florida Regional Proposal and tasked staff to develop regional commercial allocations. Table 7 presents draft allocation alternatives by region (New England, Mid-Atlantic, South Atlantic) for the same time series used to develop the sector and commercial state-to-state allocations.

Table 7. Regional commercial bluefish allocations along the U.S. Atlantic coast using different proposed time series.

Alternative	Time Series	New England (ME-CT)	Mid-Atlantic (NY-VA)	South Atlantic (NC-FL)
4.1	**Status quo: 1981-1989**	15.86%	42.00%	42.13%
4.2	**2014-2018**	23.66%	38.23%	38.13%
4.3	**2009-2018**	20.93%	41.97%	37.13%
4.4	**1999-2018**	16.44%	43.53%	40.05%
4.5	**1981-2018**	17.34%	42.31%	40.45%
4.6	**½ '81-'89 -½ '09-'18**	17.25%	41.99%	40.75%

To account for a single state harvesting too much of the regional allocation, commercial vessel trip limit step downs could be used, similar to what is currently in place for the South Atlantic Spanish Mackerel fishery. The Spanish mackerel fishery also withholds a designated amount of quota (e.g. 250,000 pounds) to help slow the rate of harvest. The Spanish mackerel step down system is presented in Table 8.

Table 8. Harvest triggers and associated trip limits for South Atlantic Fishery Management Council managed Spanish Mackerel.

Spanish Mackerel (SAFMC)

Harvest Trigger (%)	Trip Limit
0% of adjusted quota*	3,500 pounds
75% of adjusted quota*	1,500 pounds
100% of adjusted quota*	500 pounds

*Once 100% of the adjusted quota is harvested, the remaining 250,000 pounds is available at 500 pounds/trip.

Bluefish share similar migratory habits as Spanish Mackerel making them available to certain states during different times of the year. Thus, regional management is being considered by the Council/Board and could utilize similar management measures such as an adjusted quota and step-down trip limits (Tables 9 and 10).

For bluefish, trip limits can be set coastwide or specific to each region, however, trip limits may be difficult to develop considering state trip limits range from "no restrictions" to 500 pounds/week to 7,500 pounds/day (Table 11). As always, state trip limits can be more restrictive than the federal limits. However, states may not be inclined to restrict themselves since the new quotas are regionalized and neighboring states may not adhere to the same self-designated lower limits.

Table 9. Percentage of bluefish trips for 2017-2019 with landings summarized in pound bins. (Data provided by ACCSP).

	New England Trips			Mid-Atlantic Trips			South Atlantic Trips		
Pound Bin	2019	2018	2017	2019	2018	2017	2019	2018	2017
5000+	<1%	<1%	<1%	0%	0%	<1%	<1%	<1%	<1%
4000-4999	<1%	<1%	<1%	0%	0%	<1%	<1%	<1%	<1%
3000-3999	<1%	<1%	<1%	0%	0%	<1%	<1%	<1%	<1%
2000-2999	<1%	<1%	<1%	0%	<1%	0%	<1%	<1%	<1%
1000-1999	<1%	<1%	1.25%	<1%	2.45%	1.45%	1.58%	1.13%	1.26%
500-999	2.34%	1.42%	3.42%	2.29%	3.12%	3.31%	3.69%	3.08%	2.99%
<500	95.84%	96.69%	94.10%	97.20%	94.40%	95.20%	94.31%	95.33%	94.76%

Table 10. Proposed bluefish harvest triggers and associated trip limits for the Atlantic coast.

New England (ME-CT)		Mid-Atlantic (NY-VA)		South Atlantic (NC-FL)	
Harvest Trigger	Trip Limit (lbs)	Harvest Trigger	Trip Limit (lbs)	Harvest Trigger	Trip Limit (lbs)
0%	3,500	0%	2,000	0%	10,000
75%	1,500	75%	1,500	50%	3,500
90%	500	90%	500	75%	1,500
-	-	-	-	90%	500

Table 11. Current commercial bluefish trip and size limits for all Atlantic coast states.

ME	No Restrictions
NH	No Restrictions
MA	5,000 lbs/day or trip
	(whichever is longer)
RI	12" min size;
	1,000 lbs/bi-wk (1.1-4.30)
	8,000 lbs/wk (5.1-11.09)
	500 lbs/wk (11.10-12.31)
CT	9" min size;
	1,200 lbs/trip
NY	9" min size;
	Trip Limit: 5,000 lbs (Jan-April); 750 lbs (May-Aug); 500 lbs (Sept-Oct); 1,000 lbs (Nov-Dec)
NJ	9" min size
DE	No Restrictions
MD	8” min size
PRFC	Trip limits after 80% of VA-MD quota is landed
VA	No Restrictions
NC	No Restrictions
SC	No directed fishery
GA	12" min size;
	15 fish
FL	12” min size;
	7,500 lbs/day

Regional commercial transfers provisions can be the same as the current state-to-state transfers but set for region-to-region. Ideally, transfers will be limited with the additional flexibility provided by regional quotas and increased access to a larger quota share. Furthermore, new allocations based on updated data should reduce the need for transfers for the foreseeable future.

Discussion Points/Questions

- Does the introduction of regional quotas exacerbate the "race to fish" incentive as each state's fisheries compete with one another to harvest quota first?
- Is an adjusted quota (SAFMC Spanish Mackerel example) appropriate to use for bluefish?
- Are the proposed trip limits and harvest triggers appropriate? See the current state trip limits for varying trip limits by region.
    - Are additional analyses necessary?
- Will future changes to trip limits occur through specifications?
- Will transfers follow the current state-to-state provisions but on a regional level as indicated above?

Expected Future Analysis:

- How would regional transfers work as an administrative process? The Spanish mackerel fishery should be examined further as a potential example.

FMAT Comments/Recommendations on Issue 4

The FMAT briefly discussed the pros and cons of implementing the regional allocation approach. Some states that lose quota because of reallocation could benefit from increased access by combining their quota with other states in their region. However, there are some concerns about managing fisheries on a regional basis. Under the proposed alternative, commercial trip limit step downs would be automatic and regionally applied, which may not suit the needs of individual states that may have different seasonal fisheries. The FMAT discussed whether the current configuration of state groupings as currently proposed is appropriate. The FMAT was interested in verifying whether the regional state groupings have any biological basis. One suggested approach would be to compare state-by-state temporal availability (based on migration) using landings as a proxy for abundance. Lacking biological backing, the regional commercial allocation proposal may have less technical merit. The FMAT would like input from the Council/Board as to whether this is a worthwhile analysis prior to pursuing this task.

The FMAT discussed the importance of requiring identical trip limit regulations at the federal and state level if regional commercial allocations are adopted. This would also require a high level of state buy-in and cooperation.

The FMAT noted that Table 9 is useful for understanding how many individual vessels encompass the larger trip pound bins. The data shows that only a small percentage of trips would be negatively impacted by the implementation of regional trip limits. Any vessel that typically harvests bluefish in large quantities could be disproportionately affected as they are forced to decrease their productivity.

The FMAT thought that the Table 9 should be redeveloped to display each trip limit bin's percent contribution to the total landings for that year. This will help identify if the majority of bluefish landings are coming from a small number of trips with very high landings or many trips with a low amount of landings. Furthermore, the FMAT recommended reassessment of the proposed trip limits once the landings data has been analyzed.

The FMAT also discussed the ability to change trip limits through specifications, which offers some flexibility in developing these measures. Changing trip limits through specifications would hopefully also minimize the need for transfers under the regional commercial allocation alternatives. When considering transfers, provisions could be set where quota could be sent from one region to another. However, complications would arise if not all states in one region agree to send quota to a different region. The FMAT requests that the Council/Board specify whether transfer provisions should be developed under the regional commercial allocation alternatives.

5. Rebuilding Plan

The Council/Board made no changes at the joint June meeting. See Section 5 of the FMAT summary from June 2020 for the rebuilding alternatives. However, the Council/Board requested clarification on what happens if the overfished stock does not (or is anticipated to not) rebuild within the projected timeline, and specifically, if the failure to rebuild is due to environmental conditions. The following language from the MSA details the approach to be taken if the stock is not rebuilt under the proposed timeline.

16 U.S.C. 1854

MSA § 304

(5) If, within the 2-year period beginning on the date of identification or notification that a fishery is overfished, the Council does not submit to the Secretary a fishery management plan, plan amendment, or proposed regulations required by paragraph (3)(A), the Secretary shall prepare a fishery management plan or plan amendment and any accompanying regulations to stop overfishing and rebuild affected stocks of fish within 9 months under subsection (c).

(6) During the development of a fishery management plan, a plan amendment, or proposed regulations required by this subsection, the Council may request the Secretary to implement interim measures to reduce overfishing under section 305(c) until such measures can be replaced by such plan, amendment, or regulations. Such measures, if otherwise in compliance with the provisions of this Act, may be implemented even though they are not sufficient by themselves to stop overfishing of a fishery.

(7) The Secretary shall review any fishery management plan, plan amendment, or regulations required by this subsection at routine intervals that may not exceed two years. If the Secretary finds as a result of the review that such plan, amendment, or regulations have not resulted in adequate progress toward ending overfishing and rebuilding affected fish stocks, the Secretary shall—

> (A) in the case of a fishery to which section 302(a)(3) applies, immediately make revisions necessary to achieve adequate progress; or
>
> (B) for all other fisheries, immediately notify the appropriate Council. Such notification shall recommend further conservation and management measures which the Council should consider under paragraph (3) to achieve adequate progress.

Case Study: In 2005, the Natural Resources Defense Council challenged the 2002 annual catch limits for dark-blotched rockfish. A 2001 stock assessment updated showed that the stock was in a worse condition than previously thought and the stock could not rebuild in 10 years. Thus, the 2002 catch limit was increased based on the longer rebuilding time and a consideration of the needs of fishing communities. However, the Court held that the agency could not take into account the needs of fishing communities for species with rebuilding periods longer than 10 years. The Court further held that increasing ACLs based on information demonstrating that the stock is in worse condition is "incompatible with making the rebuilding period as short as possible." (NRDC v. NMFS, 9th Cir. Aug. 24 2005, 421 F.3d 872; 2005 U.S. App. LEXIS 18143; 35 ELR 20174.)"

Discussion Points/Questions

- If the stock proves to be less responsive to reductions in fishing mortality than expected, would there be justification under the MSA to adjust the biomass target level accordingly?
- If the Secretary finds that the rebuilding plan has not resulted in adequate progress toward rebuilding the bluefish stock, is further reducing fishing mortality the only tool available to the Secretary?
- What role does management of forage fish stocks play in regard to the bluefish rebuilding plan?

FMAT Comments/Recommendations on Issue 5

The FMAT discussed the concerns raised by the Board and Council in regards to the cyclical nature of bluefish abundance and the influence that forage fish and the environment have on the species' ability to rebuild spawning stock biomass to the target within the specified rebuilding timeline. While the FMAT recognizes these concerns and the role that the calibrated MRIP estimates have had on the stock assessment, there was consensus that we need to wait and at least see how the rebuilding plan initially performs. The FMAT noted that NOAA Fisheries is mandated by MSA to prevent overfishing and implement a rebuilding plan. Progress will be evaluated every 2 years and adjustments can be made as necessary. If a rebuilding plan is found to be making inadequate progress, adjustments can include more restrictive management measures and potentially increased funding for research to understand why a rebuilding plan is not going as initially proposed. NOAA Fisheries has specific qualification criteria to assess if adequate rebuilding progress has been made. Ultimately, it is important to first address fishing mortality and then reassess. As more data becomes available and a stock assessment update is conducted, the biological reference points may change and shift stakeholder perspective on the rebuilding process. Finally, the rebuilding plan should be thought of as a "living plan", as it is regularly reviewed, and revised when necessary.

6. For-Hire Sector Separation

The Council/Board recommended further development of the for-hire sector separation alternatives at the joint June meeting. These alternatives are all developed in pounds of fish.

This option would specify within the FMP a separate percentage allocation to the for-hire recreational sector of either the ABC limit, the recreational ACL, or the RHL. There are several potential ways in which a separate allocation could be created for the for-hire sector, described

below with comparison to the current process which does not include sector separation. These potential options are illustrated in Figure 1. The differences between some of these options are nuanced, and the pros and cons of each approach should be further explored by the FMAT if these alternatives remain in the amendment.

A. **Current FMP:** The ABC is divided into the recreational ACL and the commercial ACL. Projected recreational discards are removed from the recreational ACL to derive the recreational harvest limit. Both the private and for-hire recreational sectors are held to a single combined ACL and RHL, and performance evaluation and accountability measures are applied to both fisheries together.

B. **Separate ACLs (NOT RECOMMENDED):** The ABC would be allocated three ways: into a private recreational ACL, a for-hire recreational ACL, and a commercial ACL. This method would require development of these three allocations, and development of separate accountability measures for the private recreational and for-hire sectors.

C. **Recreational Sub-ACLs:** The ABC would remain divided into the recreational ACL and commercial ACL based on the allocation approach selected through this action. The recreational ACL would be further allocated into private and for-hire sub- ACLs. This method would also require development of separate accountability measures for the private recreational and for-hire sectors (Figure 2-left).

D. **Separate RHLs:** The private recreational and for-hire recreational sectors would remain managed under a single recreational ACL. Separate RHLs could be developed for each sector for the purposes of determining management measures. Accountability under this option would be partially at the RHL level (in the sense that performance to the RHL would be evaluated for each recreational sector for the purposes of adjusting future management measures to constrain harvest to the RHL) and partially at the ACL level (in the sense that accountability measures must be established at the ACL level to trigger a response if the entire recreational ACL is exceeded). This approach includes separate management of harvest only; dead discards are not included in RHLs and would be accounted for at the ACL level (Figure 2-right).

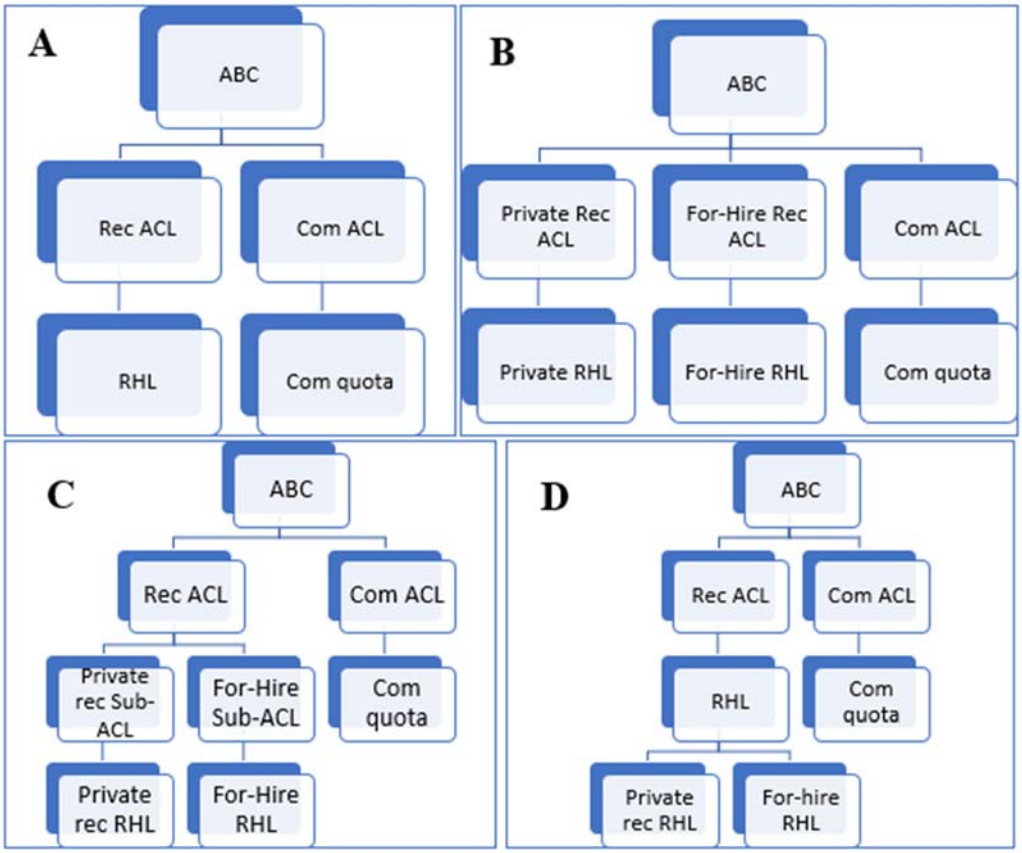

Figure 1. Conceptual flowcharts of potential recreational sector separation configurations including A) status quo, B) separate ACL allocations, C) Sub-ACL allocations, and D) separate RHLs. Note: ACTs, TALs not depicted in above flowcharts.

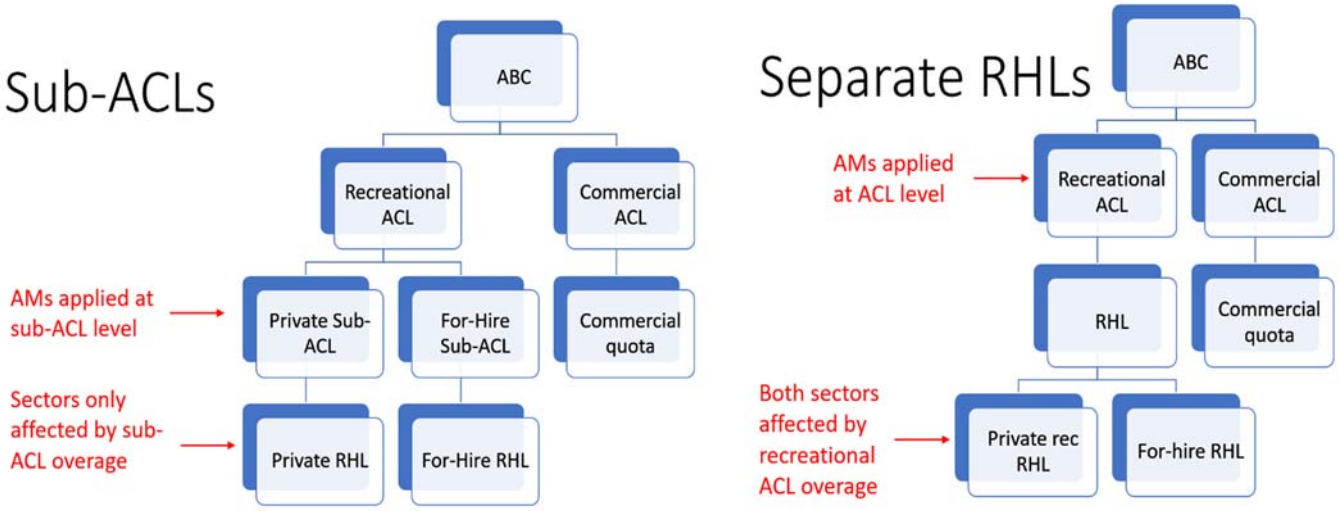

Figure 2. Conceptual flowcharts of potential recreational sector separation configurations including where accountability measures are applied and detailing where sectors are affected by ACL overages.

Staff Recommendation

Structure C represents the best alternative for several reasons. First, the commercial and recreational allocation alternatives developed thus far would remain intact. In contrast, the adoption of structure B would require that this process start over with the development of allocations between three sectors as opposed to two. Second, accountability is more straightforward under structure C. The for-hire sector and the private sector would be individually evaluated on their respective RHL and ACL performance. This is not the case under structure D which would evaluate RHL performance for each sector individually, but ACL evaluation would pool the two sector's catch performance. In short, the for-hire sector or the private angler sector would be held accountable to the other sector's level of discards. For example, if the private angler sector's discards are estimated to be higher than normal in a given year, yet the for-hire sector's discards estimate remains low, and if the ACL is exceeded, both sectors will be held accountable regardless of their individual contributions to the ACL overage. The for-hire sector will be penalized by a reduction in the ACL the subsequent year.

Structure D presents a viable alternative to C if fishery managers' preference is to keep the two recreational sectors grouped together in terms of AMs, and ACL overages are not a major concern.

Discussion Points/Questions

- Are there any reasons why recreational sector separation structure C is not preferable over options B or D?

Expected Future Analysis

- Consider landings and discard data limitations at the mode level.
- Discuss the pros and cons of requiring that all for-hire operators submit eVTRs.

FMAT Comments/Recommendations on Issue 6

The FMAT reviewed and discussed the implications associated with all options (A-D) in figure 1. The FMAT strongly agreed with the staff recommendation to rule out option B as a viable choice considering it would require redevelopment of all the commercial-recreational allocation alternative sets developed thus far.

After further consideration, the FMAT concluded that option C is the best choice for developing for-hire sector separation alternatives. Through scoping, the for-hire stakeholders indicated they want a separate sector from the private recreational angler sector. This includes having separate monitoring of landings and discards, as well as, separate accountability measures. Option C, as opposed to option D, offers the ability for recreational accountability to be sector specific at both the recreational measures setting level through RHL evaluation and the AMs level through ACL evaluation (Figure 2). AMs under option D would apply to the recreational ACL level, thus an overage in one recreational sector could trigger a pound for pound payback that would affect both sectors. Consideration of how transfers will be affected under for-hire sector separation are discussed in section 7 of this document.

The FMAT also discussed future analyses that will be necessary as the Council/Board further explore for-hire sector separation. Analyses should be conducted to advance the understanding of what data is going to be used to develop the allocations and used for catch accounting/monitoring. Most for-hire anglers are in support of using eVTRs instead of MRIP data, however, not all states currently require eVTRs. The FMAT agreed that transitioning to an accounting system reliant on eVTRs and ensuring all states implement the same requirements in a timely manner is a large undertaking, which will require significant administrative effort and stakeholder buy in. Some FMAT members thought that further developing eVTR reporting may be necessary prior to implementing for-hire sector separation. The FMAT also considered the potential benefit of implementing recreational sector separation using MRIP data and transitioning to eVTR catch accounting in a later action. Following this idea, the FMAT discussed the potential challenges with utilizing MRIP data for catch accounting. MRIP estimates are most accurate at the coastwide level and become less accurate the more granular the query level gets. The FMAT agreed that more analysis is needed to better understand the range of PSE values for the for-hire mode and the implications they have for setting recreational measures and evaluating catch performance against a for-hire ACL.

7. Transfers – Sector

Proposed sector transfer process under no recreational sector separation

Under the proposed transfer alternatives, the Board and the Council would have the ability to recommend that a portion of catch or landings limits be transferred between the recreational sector and the commercial sector. The need for a sector transfer would be assessed annually through the specifications process, typically at the August joint meeting. Prior to the meeting, the Monitoring Committee would develop a projection of next year's catch or landings for both the recreational and the commercial sectors using considerations such as catch in prior years, changes in management measures (e.g., possession limits, minimum size limits, seasons, quotas), trends in fishery effort, and changes in abundance and biomass levels. These projected commercial and recreational catches would be compared to the initial proposed sector ACLs or landings limits for the upcoming fishing year. If, based on this comparison, one sector is not anticipated to catch its limit, and the other sector is expected to exceed its limit, the Council and Board can recommend that a portion of the ACL be transferred to the other sector up to a maximum percentage of the ABC. If both sectors are projected to achieve or underachieve their respective catch limits for that year, then no transfer is recommended.

Under the current plan, NOAA Fisheries implements specifications in January for the new fishing year following the August meeting. Once preliminary prior year MRIP estimates are available in February, NOAA Fisheries compares the estimate of recreational landings for the previous year to the RHL to make any necessary adjustments before finalizing the amount of quota transferred. The adjustment notice with final specifications is usually published in March/April. This process could be continued, except instead of only analyzing recreational landings, both commercial and recreational landings and discards from the previous year would be analyzed to inform any adjustments to the transfer between the commercial and recreational sectors.

The recreational accountability measures (AMs) for bluefish were updated in Omnibus Amendment 3 to the Bluefish FMP. The AMs indicate that special consideration be given when a sector transfer contributes to a fishery-level ACL (which includes recreational and commercial catch) overage. ACL overages can potentially result from too much quota being transferred away from the recreational sector. Recreational landings may exceed projected catch in a given year and thus may exceed the transfer-adjusted-RHL. In these instances, the Bluefish Monitoring Committee can recommend that the amount transferred between the recreational and commercial sectors be reduced by the ACL overage amount in a subsequent fishing year.

Sector transfer process considerations

Question	Discussion
Transferring at the catch limit or landings limit level?	• Transferring landings could complicate the evaluation of catch performance against the ACL. If the landings limit is increased, the ACL should probably be adjusted by the landings transfer amount to prevent an ACL overage. This would have a similar result to simply transferring at the catch level, however, the basis would be projected landings, and the landings limit increase would be the basis for the ACL increase (i.e., projected discards would not change). • Additional discussion of recreational and commercial data timing is needed to determine how feasible or accurate catch projections (as opposed to landings projections) may be. The NEFSC's recreational dead catch in weight estimates are usually available later in the year than estimates of preliminary harvest in numbers and weight and discards in numbers of fish.
What should the transfer cap be set at?	• The transition from old uncalibrated MRIP data to new calibrated MRIP data adds uncertainty in analyzing past performance relative to catch and landings limits and calls into question whether any analyses can actually inform the size of the transfer cap that may be needed in future years. The appropriate size of a transfer cap may depend on whether catch or landings are transferred and whether the cap is considered as a percentage of the ABC or TAL.
What should the timing and process look like for transfers?	• The timing and process for the existing bluefish transfers may not work for this FMP under the current process. Federal recreational management measures, and often general guidelines for reductions or liberalizations, are typically adopted in December. If the catch or landings projection and adjustment for a transfer is not conducted until early the next year, it is not clear how this would work with the timing of recreational measures development. • The process for adjusting catch or landings limits after publication of the specifications final rule should also be clarified.
Should criteria be established that prohibits transfers from occurring?	• Consideration could be given to prohibiting transfers under certain conditions, such as when a stock is overfished or under a rebuilding plan.

How are transfers handled under recreational sector separation (if adopted through this action)?	Option 1: Transfers between sectors are prohibited. The new regulatory structure involved with developing recreational sector separation creates additional complexity in developing the transfer provision. Transfers provide additional regulatory burden and increased likelihood of ABC overages.
	Option 2: Tri-directional transfers occur between all three sectors ▪ Reasons for: equitability, flexibility ▪ Reasons against: This option greatly complicates the specifications process with the need to address additional considerations such as which direction transfers should occur and how much should be allocated to each sector.
	Option 3 (Staff preferred option): Transfers occur only between the commercial fishery and the <u>combined</u> recreational ACL. Landings are projected for the for-hire and private angler sectors and compared to their respective landings limits. Any projected underages are added together and transferred from the recreational ACL to the commercial ACL. ▪ Reasons for: Each sector has the potential to benefit from the sector process. ▪ Reasons against: Projecting landings by recreational sector may be challenging if MRIP PSEs by mode are high.

<u>FMAT Comments/Recommendations on Issue 7</u>

The FMAT discussed the staff recommendation to transfer catch at the ACL level if sector separation is implemented and agreed that this would likely be simpler than considering the tri-directional transfer option. Timing challenges in terms of data availability and when the projections occur were also discussed. Specifically, if GARFO adjusted the size of a transfer from the commercial to the recreational sector in March, the FMAT struggled to determine how this may affect recreational measures. The FMAT also pointed out that commercial discards have historically been considered negligible, but if this trend were to change, the timing of the release of commercial discard estimates could pose additional challenges for the transfer process. The aforementioned concerns led the FMAT to believe that projecting catch may be much more difficult than projecting just landings. Thus, projecting catch is much more uncertain and more challenging to predict than landings. With preliminary landings data available earlier in the year, the FMAT supported the idea of projecting landings for each individual sector. In summary, the FMAT supports option 3 (referenced in table above) if recreational sector separation is implemented.

When considering how quota moves through the proposed bluefish flowchart (figure 3), the FMAT recommends that transfers should be one of the last measures considered. This allows for all reductions (including management uncertainty, discards, etc.) to be accounted for when determining whether a transfer should occur and how large the transfer should be.

8. Transfers – Commercial State-to-State (Refereed)

This alternative offers a neutral party (ASMFC Staff) to match up transfer partners and make sure that one or more states are not requesting quota transfers too early. The approach warrants individual states to project their landings and identify when they will land their individual state quotas. Once states reach 75% of their own quota, they can notify the neutral party that they want to request a quota transfer. The neutral party will then need to review which states are not going to land their quota based on projections and share this information with the state requesting quota. The state in need of quota will then reach out to states with a projected surplus to request a transfer. The appropriate transfer amount would be determined by the neutral party. This will then allow the neutral party to initiate a quota transfer from the two states and ensure additional quota will be available for other states that are projected to land their own state quota later in the year.

Transfer rule options

1. Any transfer requested by a state is reduced by multiplying the requesting states percent share of the coastwide projected overage. The remaining quota is not transferred and stays with the state as a surplus of quota in reserve for other states to request.
2. The transfer process is identical to the first rule with one exception. If the state with a projected surplus of quota is able to complete the transfer and still has sufficient projected surplus to cover the sum of all other states' projected overages, the transfer amount is approved as received and not reduced. If the state's projected surplus can't meet this requirement, the transfer process functions as above and is reduced by multiplying the requesting state's share of the coastwide overage. The remaining quota is not transferred and stays with the state as a surplus of quota in reserve for other states to request.

Projection Calculation

ASMFC Staff will use state by state quota utilization trends from the prior 3 years when developing projected landings for the current year. The projection methodology will closely resemble the methodology used by Council staff to project recreational harvest by state and wave in the 2019 Recreational Measures Staff Memo[1]. However, ASMFC staff would have the ability to adjust the state by state landings projections analysis as stock conditions and fishery trends change.

Note: The potential reallocation of commercial state-to-state quotas will most likely reduce the need for transfers in the near future, however, as the fishery continues to change transfers requests are likely to increase in occurrence.

Quota Transfer Example Scenarios (Table 12 and 13):

Scenario using transfer rule 1 - NY requests 100,000 lbs from NJ. NY's share of the coastwide overage is 36% so it receives 36,000 lbs from NJ. 64,000 lbs are left with NJ, which would help reserve quota should RI request a transfer from NJ.

[1] https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/5dc192e13810a93900b77283/1572967138379/Bluefish+MC+Rec+Measures+Staff+Memo.pdf

Scenario using transfer rule 2 - RI requests 100,000 lbs from NJ, after the transfer NJ's projected surplus is 182,000, which is still enough to cover NY's projected overage. The transfer is approved as requested.

Table 12. Average commercial landings from 2017-2019 in pounds by state and month.

	Average Commercial Landings (lbs) by Month (2017-2019)												
STATE	JAN	FEB	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPT	OCT	NOV	DEC	Grand Total
ME						30							30
NH													0
MA	340	826	4,155	9,020	42,775	124,754	175,418	248,429	91,331	37,962	9,281	120	744,411
RI	4,357	4,378	3,783	4,289	38,328	80,135	139,385	169,082	296,233	405,911	148,362	6,099	1,300,340
CT	2,633	271	584	262	3,628	7,946	9,119	23,363	37,656	31,804	9,591	1,498	128,354
NY	3,373	916	24,743	56,820	522,066	383,907	238,115	181,534	195,442	134,882	89,268	6,275	1,837,341
NJ	48,205	26,009	36,919	12,458	214,602	26,653	5,894	15,928	35,099	51,250	79,974	12,102	565,092
DE				4,609	8,253	1,209	834	4,554	2,322	563	192	356	22,892
MD	1,177	949	112	13,626	13,715	3,242	5,458	7,077	13,719	6,991	13,546	2,517	82,129
VA	1,724	786	10,860	23,851	73,983	25,595	28,197	77,163	86,467	82,712	15,995	12,700	440,032
NC	209,629	514,572	192,818	701,469	336,959	160,212	242,351	405,948	345,452	363,810	74,927	13,883	3,562,031
SC	8	7	46	51	20	8	54	17					210
GA													0
FL	79,183	109,796	173,318	96,795	23,528	10,795	7,043	6,376	19,345	75,042	204,018	144,780	950,018
COAST	350,629	658,509	447,336	923,250	1,277,856	824,486	851,868	1,139,471	1,123,065	1,190,927	645,154	200,329	9,632,879

Table 13. State commercial landings projections.

State Commercial Landings Projections (lbs)							
STATE	Percent share	2020 Quota (lb)	Sum of 2017-19 landings occurring from Jan-June	Proportion of 2017-19 landings occurring from Jan-June	2020 landings to date	Projected Landings	Underage/ Overage
ME	0.67	18,496	30	100%	0	0	18,496
NH	0.41	11,468	0	0%	0	0	11,468
MA	6.72	185,838	181,871	24%	18,905	77,378	108,460
RI	6.81	188,366	135,269	10%	51,729	497,274	-308,908
CT	1.27	35,036	15,324	12%	2,457	20,577	14,459
NY	10.39	287,335	991,826	54%	250,060	463,232	-175,897
NJ	14.82	409,934	364,845	65%	82,416	127,650	282,284
DE	1.88	51,966	14,071	61%	822	1,337	50,629
MD	3	83,054	32,821	40%	2,946	7,372	75,682
VA	11.88	328,682	136,798	31%	43,196	138,948	189,734
NC	32.06	887,058	2,115,659	59%	450,740	758,889	128,169
SC	0.04	974	139	66%	40	60	914
GA	0.01	263	0	0%	0	0	263
FL	10.06	278,332	493,414	52%	89,007	171,373	106,959
COAST	100	2,766,801	4,482,066	47%	992,317	2,132,693	634,108

Discussion Points/Questions:

1. Is 75% of a state's quota an appropriate threshold level at which states can request a transfer?
2. By setting a coastwide threshold level, some states will be allowed to request quota transfers earlier in the season compared to others. Is this equitable and does this have any unintended consequences?
3. Are there concerns about either transfer rule?
4. Does the FMAT have a preference for either transfer rule?

FMAT Comments/Recommendations on Issue 8

The FMAT discussed the two proposed transfer rule options for the refereed approach and concluded that both options are very informative. However, the two examples provided above make it very clear that the referred approach to commercial state-to-state transfers may create more administrative burden than the current provisions utilized for state-to-state transfers. The two approaches may also incentivize states to request more quota than they actually need since they know that the amount requested will likely be reduced by their share of the projected overage. States may also be incentivized to request quota more frequently from other states which would require increased communication and greater effort from state staff personnel. The FMAT also thought that it would be unlikely that individual states would want to reduce their own autonomy and flexibility by implementing these restrictions on transfers. For example, there may be instances where the state personnel's projection of landings differs from the neutral party's projections, which affects the state's ability to receive an adequate transfer amount. Thus, the FMAT recommends the Council/Board removal of this alternative and management continue with the status quo alternative. However, the two transfer rule options may be useful to retain in the document and could be noted as "considered but rejected".

9. Management Uncertainty

The Council/Board made no changes at the joint June meeting. See Section 6.1 of the FMAT summary from June 2020 for the updated management uncertainty flow chart alternatives.

As the for-hire-sector separation alternatives continue to be developed, revisions may need to be made to the proposed flow chart (Figure 3). Specifically, under option B (see Section 6 of this document) where the sector split occurs at the ACL level.

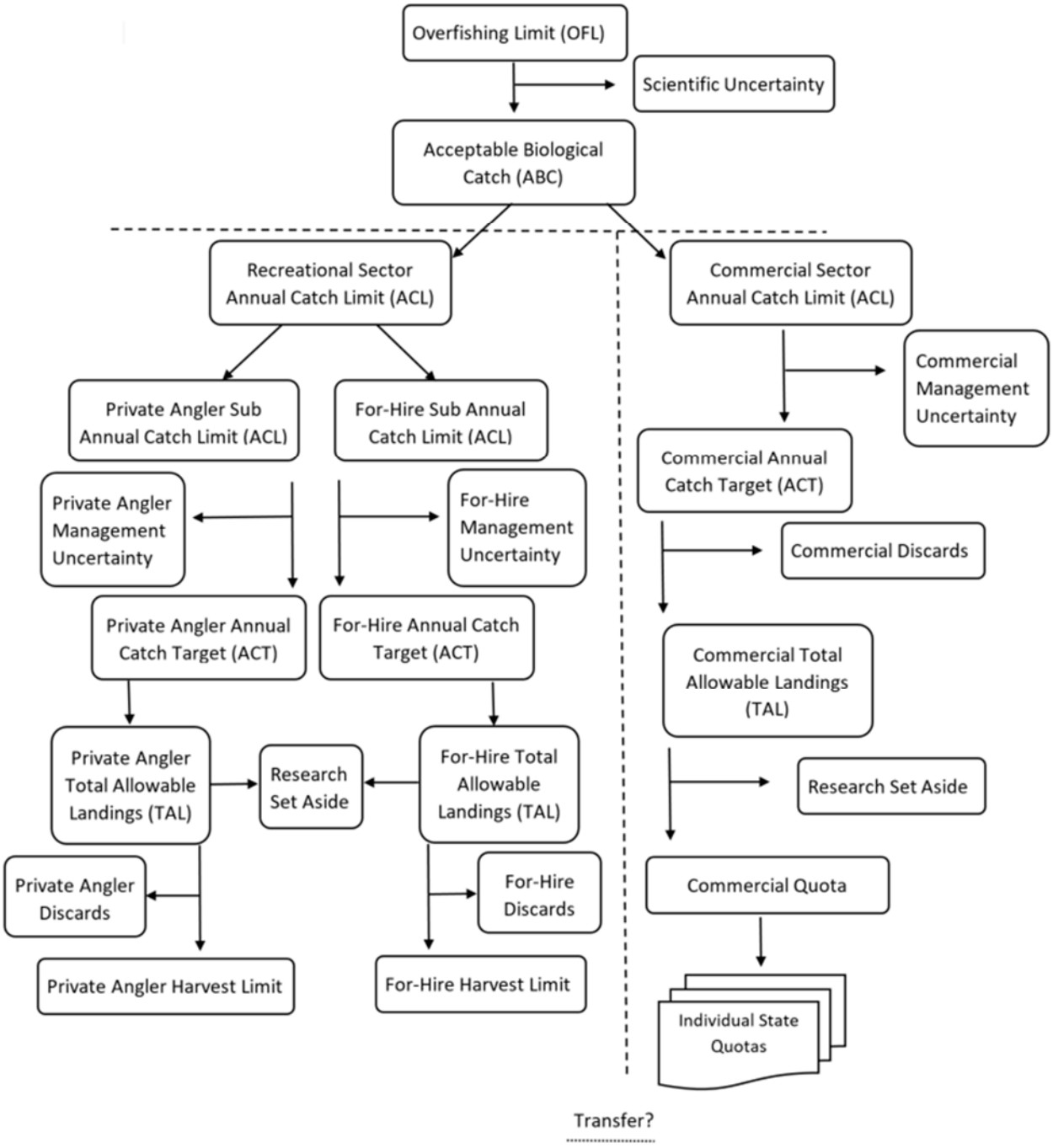

Figure 3. Proposed bluefish flow chart representing recreational sector separation and reductions for management uncertainty within each sector.

FMAT Comments/Recommendations on Issue 9

No changes were recommended by the FMAT at this meeting regarding sector specific management uncertainty.

10. *De minimis*

The Council/Board made no changes at the joint June meeting. See Section 6.3 of the FMAT summary from June 2020 for the proposed *de minimis* provisions which would apply in only state waters.

FMAT Comments/Recommendations on Issue 10

No changes were recommended by the FMAT at this meeting regarding *de minimis* status.