

**Sustainable Fisheries Committee Report**  
**June 3, 2019**  
**Mr. Dale Diaz – Chair**

The agenda and minutes of the April 2019 meeting were approved.

***Modernizing Recreational Fisheries Management Act of 2018 (Tab E, Nos. 4 a & b)***

Ms. Stephanie Hunt from NOAA Fisheries Headquarters gave a presentation on the Modernizing Recreational Fisheries Management Act. She provided an overview and discussed provisions of the law. Ms. Hunt indicated that several reports will be produced in collaboration with the Government Accountability Office (GAO), the National Academy of Sciences (NAS), regional Fishery Management Councils and other stakeholders. For example, the GAO will prepare a report to Congress on allocation in mixed-use fisheries used by the Gulf of Mexico and South Atlantic Councils. The report, which is due December 31, 2019, will include recommendations on allocation criteria and on procedures, sources of information, and budget requirements for allocation reviews. Another report to be submitted by the NAS by December 2020, will evaluate limited access privileges programs in mixed use fisheries. Committee members noted that this Act offers the flexibility to consider alternative management approaches within the constraints set by the Magnuson-Stevens Act. The Committee suggested that state management could be expanded to include more species.

***Discussion on Allocation Issues***

Dr. Frazer indicated that this agenda item was included to provide an opportunity to consider allocation-related issues and start defining what a well-allocated fishery would entail. The Committee noted that some of the values reflected in the Council's allocations may include providing better access to anglers who do not own vessels, sharing underutilized resources, staying within allotted quotas, and adapting to demographic shifts and socio-economic changes. Committee members also suggested that recreational anglers are diverse and have different needs. Committee members noted that Council members should provide as much input as possible to the GAO staff present at the meeting.

***Generic Amendment – Carryover of Unharvested Quota (Tab E, Nos. 6 a-d)***

Dr. Kai Lorenzen characterized the Scientific and Statistical Committee's (SSC) discussions of the updated carryover simulations, which demonstrated the effects of multiple instances of carryovers and overages for red snapper, gray triggerfish, and greater amberjack. The simulations showed so long as overages were paid back 1:1 that they, along with carryovers, could be applied to a stock over time without negatively affecting that stock's rebuilding plan. However, if carryover is applied to a stock which experiences overages which are not subject to paybacks, then negative effects on a stock's rebuilding plan could occur. As such, the SSC recommended applying a payback provision for all species in a rebuilding plan which are eligible for carryover in the year following the related under- or overharvest. Paybacks would be applied to the smallest managed component of a fishery which exceeded its portion of the stock annual catch limit (ACL). The Committee noted that they wanted to avoid paybacks for otherwise healthy stocks if not necessary.

The Committee recommends, and I so move: **To direct staff to add a payback provision to the document to address carryover for stocks in rebuilding plans.**  
**Motion carried 7 to 0.**

Staff recounted to the Committee that Action 2 had options for how to address management uncertainty associated with closing a fishing season before the associated catch limit is exceeded. Action 2 limits the amount of carryover that can be applied to the following year's acceptable biological catch (ABC) by limiting the amount by which the difference between the ABC and overfishing limit (OFL) can be reduced (listed in Table 2.2.1). Committee members noticed the large difference between the ACL and OFL for gray triggerfish, and asked whether a different assessment would be more appropriate for that species. The SEFSC indicated that alternative models have been explored for gray triggerfish, but cautioned that data-limited approaches are often accompanied by larger degrees of uncertainty. Committee members further remarked that the benefits of the carryover provision appear limited compared to the ACLs of the eligible species, and that the provision itself is quite complex.

### ***Two-day Possession Limit on Federal For-Hire Trips***

An issue concerning possession of two daily bag limits on federal for-hire trips exceeding 24 hours in duration was presented to the Council. Anglers aboard a two day headboat charter with two licensed captains can retain a two day bag limit for reef fish and coastal migratory species as long as they possess a paid receipt for a charter trip exceeding 24 hours and the vessel does not return to the dock within 24 hours of leaving. The regulations [CFR 622.11(a)(1)] state that "...possession limits apply to a person on a trip after the first 24 hours of that trip." However, multi-day trip headboat operators have reported instances where the two day limit of a species is harvested within the first 24 hours of the charter. When this occurs, headboat captains will retain the two day limit and move their vessel to another location. Headboat captains argue that discard mortality is lower and general efficiency is higher when one species is targeted at a single spot. Capt. Dylan Hubbard, a federally permitted headboat operator, stated that he is able to avoid species for which his passengers have already harvested their two daily bag limits per angler. The Committee asked law enforcement representatives about potential enforceability issues, and none were identified. NOAA General Counsel noted that the provision in question applies to more than one fishery management plan, and may require further coordination with the South Atlantic Council. A Committee member added a different perspective, noting comments received which described a fairness issue with some stakeholders being allowed to make multi-day trips and possess more than one daily bag limit per angler while other stakeholders were not able to have the same opportunity.

Mr. Chair, this concludes my report.