

**Sustainable Fisheries Committee Report
June 18, 2018
Paul Mickle – Chair**

The agenda was adopted with the deletion of an item to review the proposed aquaculture bill, which has not yet been introduced in Congress. The minutes of the April 17, 2018 Committee meeting were approved with the correction of Mary Levy to Mara Levy.

Final Action Amendment 49 – Modifications to the Sea Turtle Release Gear and Framework Procedure for the Reef Fish Fishery (Tab E, No. 4)

Staff reviewed public comments from the webinar and written comments received on this amendment. The Committee asked if private anglers had to carry any of the release gear. Staff stated they didn't think so, unless the Gulf states had additional regulations. The first action in the amendment considers including three new types of approved sea turtle and protected species release gear. It also sets a minimum length for a currently required gear for commercial and charter vessel/headboats with federal reef fish permits. The second action would modify the framework procedure to allow new gears to be approved for use without a full plan amendment in the future. Staff pointed out changes in the purpose and need and in various places throughout the amendment. A discussion of the proposed rule identified the number of times "approximately" is used, which could cause confusion for law enforcement. NOAA GC stated the purpose of "approximately" was to provide flexibility to fishermen who may have difficulty finding particular gear types from different manufacturers throughout the Gulf. Further, many fishermen build some of the release gears on their own. Staff suggested providing a path forward for these concerns identified in the proposed rule by the full Council session.

Draft Generic Amendment – Carryover of Unharvested Quota (Tab E, No. 6)

Staff reviewed the revised purpose and need based on the Council's previously discussed intent to apply such a provision when landings uncertainty and/or management limitations resulted in some portion of the annual catch limit (ACL) going unharvested after the season was closed. Also, the Council expressed a desire for the carryover provision to operate in an automated fashion to the extent practicable.

In reviewing Action 1, the Committee asked about the feasibility of Option 2f in Alternative 2, which would exclude those stocks which are managed concurrently with another fishery management council. Staff replied that not excluding those stocks would require concurrence from the South Atlantic Council, and perhaps also that Council's SSC, which would delay the application of the carryover. The Committee noted that the South Atlantic Fishery Management Council is also looking into a carryover provision for their ABC Control Rule.

Under Action 2, the Committee asked why the Grouper-Tilefish individual fishing quota (IFQ) program was still managed under an annual catch target (ACT), and not an ACL. Staff replied that the Grouper-Tilefish IFQ program includes stock complexes, like the deep-water and

shallow-water grouper complexes. Because it is possible for one species within the complex to experience some degree of overharvest in a year, and not the other species in the complex, a small buffer exists between the ACT and the ACL. SERO staff added that the buffers were necessary in order to implement the multi-use shares.

In Action 3, staff noted that if the ABC was set equal to the overfishing limit (OFL), and the ACL was also set equal to the ABC and OFL, NMFS may presume that overfishing will occur unless it can be demonstrated why overfishing will not occur. To avoid this, the Council could set a fixed buffer between the ABC and OFL when the carryover provision is applied. If the Council selects one of the alternatives in Action 3, they would need to do so based on the need to prevent overfishing.

The Committee discussed the inclusion of stock components managed under IFQ programs in the document. Some Committee members thought that the combination of no season restrictions and the ability to lease shares that were not being landed within a fishing year made the IFQ program-managed fisheries unique when compared to non-IFQ fisheries. The Committee thought that pulling stock components managed with IFQ programs out of this amendment and addressing them later would be most appropriate.

Without opposition, the Committee recommends, and I so move, in Action 1, to remove Option 2d and to remove Action 2 from the document.

The Committee also recommended rewording Alternative 2, Option 2c as appropriate, given the removal of IFQ program-managed fisheries from the document. Lastly, the Committee asked about the timeline for this amendment. Staff noted that the next step would be to bring a public hearing draft to the Council in August, and then hold public hearings via webinar. The Council would then have the opportunity to take final action on the amendment in October. Once submitted to NMFS and the Secretary of Commerce for implementation, the NMFS review process would take approximately six months, followed by the SSC working to incorporate the carryover provision into the Council's ABC Control Rule in approximately the spring of 2019.

2018 Regulatory Review (Tab E, No. 7)

Staff reviewed a presentation and document on the Gulf of Mexico 2018 Regulatory Review that was requested by NMFS based on two Executive Orders which required that any existing regulations be reviewed to determine if they are old, outdated, or ineffective. This exercise also allows the public to provide input on this process and proposed regulations that Council and SERO have recommended for possible removal and/or clean-up.

After discussion the Committee recommended forwarding the removal of "trap" from the 600.725 general prohibitions for the Gulf of Mexico; converting permits with a historical captain endorsement for reef fish and coastal migratory pelagics to regular permits; and clean-up of the spiny lobster regulation such as permits and fees, vessel and gear identification, and seasons. If the Council concurs, staff will forward these recommendations to NMFS.

Madam Chair this concludes my report.