

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

2  
3 SUSTAINABLE FISHERIES COMMITTEE

4  
5 Hilton Palacio del Rio Hotel San Antonio, Texas

6  
7 August 23, 2021

8  
9 **VOTING MEMBERS**

- 10 Dale Diaz.....Mississippi
- 11 Kevin Anson (designee for Scott Bannon).....Alabama
- 12 Leann Bosarge.....Mississippi
- 13 Dave Donaldson.....GSMFC
- 14 Martha Guyas (designee for Jessica McCawley).....Florida
- 15 Robin Riechers.....Texas
- 16 Chris Schieble (designee for Patrick Banks).....Louisiana
- 17 Andy Strelcheck.....NMFS
- 18 Greg Stunz.....Texas
- 19 Troy Williamson.....Texas

20  
21 **NON-VOTING MEMBERS**

- 22 Susan Boggs.....Alabama
- 23 Billy Broussard.....Louisiana
- 24 Jonathan Dugas.....Louisiana
- 25 Phil Dyskow.....Florida
- 26 Tom Frazer.....Florida
- 27 Bob Gill.....Florida
- 28 Lisa Motoi.....USCG
- 29 Bob Shipp.....Alabama
- 30 Joe Spraggins.....Mississippi

31  
32 **STAFF**

- 33 Assane Diagne.....Economist
- 34 Matt Freeman.....Economist
- 35 John Froeschke.....Deputy Director
- 36 Beth Hager.....Administrative Officer
- 37 Lisa Hollensead.....Fishery Biologist
- 38 Ava Lasseter.....Anthropologist
- 39 Mary Levy.....NOAA General Counsel
- 40 Natasha Mendez-Ferrer.....Fishery Biologist
- 41 Emily Muehlstein.....Public Information Officer
- 42 Ryan Rindone.....Lead Fishery Biologist/SEDAR Liaison
- 43 Bernadine Roy.....Office Manager
- 44 Camilla Shireman.....Administrative & Communications Assistant
- 45 Carrie Simmons.....Executive Director
- 46 Carly Somerset.....Fisheries Outreach Specialist

47  
48 **OTHER PARTICIPANTS**

- 49 Clay Porch.....SEFSC

1 Kerry Marhefka.....SAFMC  
2 Kevin McIntosh.....NMFS  
3 Jim Nance.....SSC  
4 John Walter.....SEFSC

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TABLE OF MOTIONS

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1 The Sustainable Fisheries Committee of the Gulf of Mexico  
2 Fishery Management Council convened on Monday afternoon, August  
3 23, 2021, and was called to order by Chairman Dale Diaz.

4  
5 **ADOPTION OF AGENDA**  
6 **APPROVAL OF MINUTES**  
7 **ACTION GUIDE AND NEXT STEPS**  
8

9 **CHAIRMAN DALE DIAZ:** I would like to call the Sustainable  
10 Fisheries Committee to order. The members of the committee are  
11 myself, Dr. Stunz as Vice Chair, Mr. Schieble, Mr. Anson, Ms.  
12 Bosarge, Mr. Donaldson, Ms. Guyas, Mr. Riechers, Mr. Strelcheck,  
13 and Mr. Williamson.

14  
15 The first order of business is the Adoption of the Agenda. Are  
16 there any modifications or other business that anybody would  
17 like to add to the agenda? Seeing none, is there any opposition  
18 to adopting the agenda? The agenda is adopted.

19  
20 Item Number II on the agenda is Approval of the June 2021  
21 Minutes. Are there any corrections or modifications to the  
22 minutes? Seeing none, is there any opposition to adopting the  
23 minutes for June 2021? The minutes are adopted.

24  
25 We only have two items that we're going to go through today, but  
26 both of them are pretty much informational in nature, and we're  
27 going to let Dr. Diagne go through the action guide and next  
28 steps for each one of them as we come to them, and so, Dr.  
29 Diagne, can you go ahead and go through the action guide and  
30 next steps for Agenda Item Number IV?

31  
32 **UPDATE ON HISTORICAL CAPTAIN PERMITS CONVERSION**  
33

34 **DR. ASSANE DIAGNE:** Yes, Mr. Chair. Good afternoon. The first  
35 item is going to be an update on the historical captain permits  
36 conversion. Mr. McIntosh from the Permits Office is going to  
37 update the council on the number of historical captain permits  
38 that have been converted into regular, or standard, federal for-  
39 hire permits. The committee has an opportunity to discuss the  
40 information presented and ask questions. Thank you.

41  
42 **CHAIRMAN DIAZ:** Thank you, Dr. Diagne. Mr. McIntosh, are you  
43 on? If you're ready, you can go ahead and start with your  
44 presentation.

45  
46 **MR. KEVIN MCINTOSH:** Okay. Perfect. Thank you. I'm here today  
47 to provide the council with an update on that final rule to  
48 replace historical captain permits with the limited access Gulf

1 charter/headboat permits.

2  
3 As a little background, the final rule was effective on May 21,  
4 2020. At that time, a total of sixty-one historical captain  
5 permits were eligible to convert to the limited access Gulf  
6 charter/headboat permits. There were thirty-one of the coastal  
7 migratory pelagic charter permits and thirty of the reef fish.

8  
9 There were an additional six historical captain permits that  
10 were not eligible, based on the final rule, because they were  
11 issued after October 25, 2018, and, of those six, three of them  
12 were the migratory pelagics and three of them were the reef  
13 fish.

14  
15 As of today, we have converted -- Out of those sixty-one that  
16 were originally eligible, we converted fifty-nine of them, and  
17 so that leaves two that have remained non-converted, one of the  
18 coastal pelagics and one of the reef fish, and they are both on  
19 the same vessel with the same permit holder. These permits are  
20 set to expire next March 31, 2022, and I have reached out to  
21 this permit holder several times, and left some messages, and I  
22 just haven't heard anything back.

23  
24 We're hoping, at the very worst, because this ends in June of  
25 2022, that, during their next renewal, if they were to submit a  
26 renewal, we would reach out to them and let them know that they  
27 can convert, and that's what I've got.

28  
29 **CHAIRMAN DIAZ:** Thank you, Mr. McIntosh. Do we have any  
30 questions for Mr. McIntosh? Mr. Schieble.

31  
32 **MR. CHRIS SCHIEBLE:** Just a quick one. Do you know what state  
33 the one permit holder is in that you are not able to reach?

34  
35 **MR. MCINTOSH:** I can tell you in one second. It looks like they  
36 are in Florida. It's an individual and not a business, and so  
37 they're in Destin, Florida.

38  
39 **CHAIRMAN DIAZ:** Ms. Bosarge.

40  
41 **MS. LEANN BOSARGE:** I had requested this information, and so I  
42 just wanted to first thank NMFS for bringing that to us, and I  
43 guess maybe give ourselves a pat on the back. I think, for  
44 once, we got something right as a council.

45  
46 I think this request had originally come from Louisiana, saying,  
47 hey, you know, can we look into this, and, you know, just  
48 judging by how many people have made that conversion, I think it

1 was definitely a worthy endeavor, but I did have one question,  
2 and you may have addressed it, and I might have just missed  
3 this, and so, when we worked on that document, we also looked at  
4 some letters that were out there to fishermen, those letters  
5 that were essentially good for a historical captain permit, if  
6 you acted upon that.

7  
8 During our deliberations with this amendment, we had considered  
9 also allowing those letters the same flexibility as the regular  
10 historical captain permits and allow them to be converted to  
11 regular permits, but, at that time, there were quite a few of  
12 those letters out there, and we weren't sure how many might be  
13 acted upon, how many were still in the fishery that would act  
14 upon it, and so we were hesitant about doing that, but what did  
15 happen was, when we enacted that amendment, those letters --  
16 There was a cutoff date, and, if you had not taken that letter  
17 and turned it into a historical captain permit by that date,  
18 then that letter was now null and void, and it goes away  
19 forever.

20  
21 How many of the letters were actually converted? I wonder if we  
22 missed an opportunity to, you know, completely convert all of  
23 the potential historical captain permits, and so how many were  
24 there? Do you know?

25  
26 **MR. MCINTOSH:** The last time I checked, and I can get you the  
27 official number, but it's plus or minus one or two on this,  
28 there was about sixty-six letters that were never redeemed.

29  
30 **MS. BOSARGE:** Right. Okay. So that tells me there was probably  
31 only like two or three that were redeemed, and that was probably  
32 the couple of people that were still in the fishery. However,  
33 when they redeemed those, they now have a historical captain  
34 permit, and we, you know, have given flexibility to the  
35 historical captain permits, these sixty-one, I think there were,  
36 on your slide, and allowed them to be converted into a regular  
37 permit, and, if we allowed those two or three that are now still  
38 on the books to do the same, I think that would be, you know,  
39 fair and equitable, given what we've done thus far.

40  
41 They are, obviously, still in the fishery, and so I wondered if  
42 we could get some feedback from the group on possibly taking  
43 that up and finally kind of coming to closure with some of these  
44 historical captain permits in this fishery.

45  
46 **CHAIRMAN DIAZ:** All right. I am looking around, to see if  
47 there's any comments to that. Ms. Boggs.

48

1 **MS. SUSAN BOGGS:** I am not on your committee, but thank you for  
2 recognizing me, and I know of two of these historical captain  
3 permits that redeemed their letters, after our discussion, I  
4 believe, in October of 2019. They have their historical captain  
5 permits now, and one of them is looking to build a boat, but he  
6 doesn't want to build a boat until he sees that maybe the  
7 council will take action on this, and the other one is kind of  
8 the same way, and so that's two that have contacted me  
9 personally about this issue. Thank you.

10  
11 **CHAIRMAN DIAZ:** Thank you, Ms. Boggs. I am not seeing any other  
12 comments. Go ahead, Ms. Bosarge.

13  
14 **MS. BOSARGE:** A couple of them have reached out to me as well,  
15 and so, if you want to take this up during Full Council, and let  
16 people think about it, we can, Mr. Chairman, or, I mean, if  
17 there's no further discussion, I would be happy to throw out a  
18 motion, you know, to address those couple outstanding historical  
19 captain permits and allow them to be converted as well. I will  
20 leave it in your hands. Whichever way you think is better.

21  
22 **CHAIRMAN DIAZ:** If you have a motion that you would like to put  
23 on the board, this would be an appropriate time to do it.

24  
25 **MS. BOSARGE:** All right. I will do my best. I haven't written  
26 it down yet. **So to initiate -- The motion is to initiate a**  
27 **document which allows conversion of the recently-issued**  
28 **historical captain permits to conventional permits.**

29  
30 Staff, you all can help me wordsmith that, if you want to put  
31 some adjectives in there, specific fisheries, or maybe  
32 "conventional permits" is not the right word, but I think you  
33 get the general feeling though. I will entertain any kind of  
34 wordsmithing you would like.

35  
36 **CHAIRMAN DIAZ:** Any suggested changes from the staff on Ms.  
37 Bosarge's motion? Mr. Strelcheck.

38  
39 **MR. ANDY STRELCHECK:** I am supportive of the motion, and I guess  
40 I'm curious to hear from staff if there's a document that we're  
41 working on that maybe we can include this in, just to cut down  
42 on some of the administrative burden, in terms of developing a  
43 separate document to address this issue.

44  
45 **CHAIRMAN DIAZ:** Let's see if we get a second for the motion, and  
46 then we'll entertain some discussion. Right now, the motion  
47 reads: Staff initiate a document which allows conversion of the  
48 recently-issued historical captain permits to conventional



1 permits.

2

3 **MR. STRELCHECK:** I will second.

4

5 **CHAIRMAN DIAZ:** Second by Mr. Strelcheck. Now is there any  
6 further discussion? Dr. Simmons.

7

8 **EXECUTIVE DIRECTOR CARRIE SIMMONS:** Thank you, Mr. Chair. We  
9 might be able to put it in the framework action for vermilion  
10 snapper, perhaps, where we're looking at the catch levels. We  
11 haven't really gotten very far with that document yet, but it  
12 should be a framework action that's pretty straightforward, and  
13 I assume this would be fairly straightforward as well.

14

15 **CHAIRMAN DIAZ:** Ms. Levy.

16

17 **MS. MARA LEVY:** We could think about that. I mean, this  
18 involves CMP and Reef Fish. It might end up being more  
19 complicated, because, depending on how that document is  
20 structured, if you have an EA for NEPA purposes, you might have  
21 to have a lot more information in it about fisheries. Last  
22 time, I think we did an abbreviated framework with a CE for NEPA  
23 purposes, and so I think maybe staff should talk about the most  
24 efficient way to get it done, because there might be more than  
25 what we're thinking about right now.

26

27 **CHAIRMAN DIAZ:** Dr. Simmons, who would be the most appropriate  
28 person on your staff to give us an idea about how many people  
29 we're talking about here?

30

31 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Diagne.

32

33 **CHAIRMAN DIAZ:** Dr. Diagne, can you speak to that?

34

35 **DR. DIAGNE:** Yes, Mr. Diaz. Just to second the comments that  
36 were made by Ms. Levy, perhaps a more straightforward route is  
37 to develop an abbreviated framework to address these permits.  
38 As you recall, when the council looked at this, we did develop  
39 an abbreviated framework to allow the conversion of permits, and  
40 so we could incorporate a lot of that information by reference  
41 and use the same procedures, essentially develop an abbreviated  
42 framework and allow these outstanding historical captain permits  
43 the flexibility to convert into standard federal for-hire  
44 permits. That perhaps would be the easiest route, given the  
45 fact that we have both CMP and Reef Fish permits in it.

46

47 **CHAIRMAN DIAZ:** Dr. Diagne, do you have an idea of exactly how  
48 many people, or an approximation of how many people, this

1 particular document would affect?  
2

3 **DR. DIAGNE:** From discussions with Mr. McIntosh, it seems to me  
4 that it would be three people. If my recollection is not  
5 accurate, perhaps he could speak up and correct me, but, more or  
6 less, three individuals, I think, or entities, I would say.  
7

8 **CHAIRMAN DIAZ:** All right. We have a motion on the board. I am  
9 not seeing any other hands up, and so we're going to go ahead  
10 and vote on this motion. **All in favor of the motion, signify by**  
11 **saying aye; all opposed. The motion carries.**  
12

13 Lastly, I would like to also commend Mr. McIntosh and National  
14 Marine Fisheries and, Mr. McIntosh, anybody else that helped  
15 with this. I think being able to convert fifty-nine of sixty-  
16 one eligible permits and only having one entity outstanding is  
17 pretty good, and I appreciate you all's hard work, and I also  
18 agree with Ms. Bosarge, and I think this was a good thing for  
19 the council to do, and I think it was very worthwhile.  
20

21 If there is no other discussion on this issue, and I'm not  
22 seeing any, we're going to move to our next agenda item. Dr.  
23 Diagne, will you go through the action guide and next steps for  
24 Agenda Item Number V, please?  
25

26 **NS 1 TECHNICAL GUIDANCE SUBGROUP 3 TECHNICAL MEMO - MANAGING**  
27 **WITH ANNUAL CATCH LIMITS (ACLs) FOR DATA-LIMITED STOCKS IN**  
28 **FEDERAL FISHERY MANAGEMENT PLANS**  
29

30 **DR. DIAGNE:** Yes, Mr. Chair. For this agenda item, the  
31 committee will look at National Standard 1 technical guidance, a  
32 tech memo, essentially, for managing with ACLs for data-limited  
33 stocks in federal fishery management plans.  
34

35 The committee will receive a summary of the SSC's discussion on  
36 NS 1 technical guidance, this tech memo, which is, again, for  
37 managing with ACLs for data-limited stocks, and the committee  
38 should review the information provided and ask questions about  
39 the tech memo, as well as any of the SSC's recommendations.  
40

41 **CHAIRMAN DIAZ:** Thank you, Dr. Diagne. Mr. Rindone, we have you  
42 listed as next, I guess to start the discussion off on this  
43 item, and so Mr. Rindone.  
44

45 **MR. RYAN RINDONE:** Yes, sir, and I fully intend to hot-potato it  
46 right over to Dr. Nance. Ms. Mary McPherson from Silver Spring  
47 attended virtually part of the SSC meeting and briefed us on  
48 this technical guidance memo and, generally, annual catch limits

1 have been effective tools for preventing overfishing in many  
2 fisheries, and, for data-limited fisheries, our current ACL-  
3 based management has advanced through improvements in data  
4 collection, but situations remain where data limitations make it  
5 challenging to manage some stocks with ACLs.

6  
7 What this technical guidance aims to do is look at alternative  
8 approaches for satisfying the statutory requirements for  
9 managing stocks to an ACL, which still need to be expressed in  
10 terms of some quantity of fish, whether it's pounds, numbers, or  
11 something else, but, understanding the need for flexibility in  
12 that definition, NMFS came up with this guidance, and Dr. Nance  
13 will take it from there.

14

15 **CHAIRMAN DIAZ:** All right. Dr. Nance, if you're ready.

16

17 **DR. NANCE:** Thank you, Mr. Chair. Can I have Slide Number 11,  
18 please? As was mentioned, we had a presentation from the  
19 National Standard 1 Technical Guidance Sub-Group 3, and they  
20 presented their technical memorandum to us at the SSC meeting.

21

22 I think, as each of you are aware, an ACL is used as a metric to  
23 prevent overharvest and is associated with accountability  
24 measures. Since around 2007, a standard ACL is expressed either  
25 in number of fish or weight of fish, but there are going to be  
26 occasions where, in a data-limited situation, you may not be  
27 able to have that information, and so this technical memo was  
28 recently developed to try to address those issues and allow some  
29 guidance for that.

30

31 This figure is presented in the technical memorandum, and it  
32 just gives a brief outline of some of the different options that  
33 are available. Obviously, if you have biomass, or you have  
34 numbers, then you can go down that left side of the screen, to  
35 be able to create an ACL. If you don't have that information,  
36 maybe you have other biological comparisons that you can make,  
37 like an index of some kind, some type of F, fishing mortality,  
38 rate, or you can have some type of length frequency, and so you  
39 can use different metrics to be able to develop an ACL.

40

41 During our discussions at the SSC meeting, we talked about some  
42 different things that may be able to be used. For example, an  
43 ACL expressed as a rate could be used when a stock assessment  
44 provides an estimate of fishing mortality and the maximum  
45 fishing mortality threshold has been defined. If this approach  
46 is taken, the ACL would be expressed in F, instead of the amount  
47 of fish.

48

1 If you had -- Another example is an indicator-based approach  
2 using length data could be used as a way to indirectly inform a  
3 rate description for an ACL, and, as we talked about these  
4 different methodologies that could be used, considering the  
5 length-based approach, the SSC agreed that spiny lobster may  
6 make a good candidate species for exploring these approaches,  
7 since this stock is largely managed by size, only by size  
8 limits. Additionally, a few deepwater species may benefit from  
9 an alternative ACL, as described in this memorandum, and that,  
10 Mr. Chairman, ends my presentation from our deliberations at the  
11 SSC.

12  
13 **CHAIRMAN DIAZ:** Thank you, Dr. Nance. Are there any questions  
14 for Dr. Nance? At some point in time, whenever we do have maybe  
15 a Spiny Lobster Committee meeting, it might be a good idea to  
16 bring this up at that committee meeting and see if there is any  
17 interest, at that time, in using that method.

18  
19 Seeing no further questions, is there any other business to come  
20 before the Sustainable Fisheries Committee? Seeing none, we're  
21 adjourned.

22  
23 (Whereupon, the meeting adjourned on August 23, 2021.)

24  
25 - - -  
26