

TAB E

Sustainable Fisheries Committee Report January 29, 2018 Paul Mickle – Chair

The agenda was approved with the addition of an item under Other Business, and the minutes of the October 2, 2017 Committee meeting were approved as written.

Review of Mackerel Landings and Bag Limit Analysis (Tab E, No. 4)

NMFS staff presented a summary comparing king mackerel landings in the 2016-2017 season to preliminary landings in 2017-2018 for the commercial and recreational sector.

The Council requested an update on recreational landings since the bag limit increase from 2 to 3 fish per person on May 11, 2017. Despite the bag limit increase, a comparison of landings during May through October in 2016 versus 2017 shows fewer fish being taken in 2017, and a smaller proportion of trips landing either 2 fish or 3 fish. However, 2016 was an unusually high year for recreational landings, so this result may not be very meaningful until more years of data become available.

A Committee member asked when the last and next stock assessments were. After checking the SEDAR schedules, that last assessment was SEDAR 38, a benchmark assessment in 2014 using landings through 2012. The next assessment is proposed to be another benchmark assessment, to be conducted in 2019, using landings through 2017.

Options Paper – Carryover of Unharvested Quota (Tab E, No. 5)

Dr. Kai Lorenzen, the SSC representative, presented a summary review of simulated scenarios for periodic underharvests of red snapper and king mackerel. For red snapper, the simulations indicated that underharvests of up to 20%, with the full underharvest carried over to the following year, did not impede the rebuilding program and may speed it up slightly. For king mackerel, the carryover had no effect on the future status of the stock. Due to different selectivities among fleets, these results hold only if the underharvest carryover is fleet-specific. Also, scenarios incorporating underharvests greater 20%, or periodic overharvests, were not modeled and may produce different results.

The SSC commented that carryovers are likely to be appropriate and effective only when the underage has occurred due to regulatory action. Carryovers would be problematic if the underage had occurred due to a stock decline.

Staff reviewed the draft Generic Amendment for Carryover Provisions and Framework Modifications.

Action 1 – Eligibility for a Carryover Provision for Managed Finfish Species in the Gulf of Mexico. Staff recommended that Alternative 4 (do not apply carryovers to stocks without sector allocations) be moved to considered but rejected because there did not seem to be a reason to exempt stocks without allocation from carryover, and because Table 2.1.1 indicated there was a large overlap in affected stocks with Alternative 3 (do not apply carryovers to stocks that did not have an ACL closure).

The Committee recommends and I so move: In Action 1, to move Alternative 4 to Considered but Rejected.

Alternative 4: Apply a carry-over provision to harvest the unused portion of the ACL for any managed finfish species in the Gulf except those which are currently managed under a stock ACL, meaning an ACL which is not subdivided by sector allocations. Any unused portion of the ACL remaining at the end of a fishing year for those species will not be carried over to a successive fishing year.

Motion carried with no opposition.

Staff requested editorial license to revise the wording of the alternatives in this section to be less confusing.

Action 2 – Parameters for Applying the Carryover Provision to Species Managed Under Individual Fishing Quota. It was noted that carryovers would be applied to the entire ACL to be proportionately divided among IFQ shareholders, and not to individual quotas. Committee members felt that this action provided a reasonable range of alternatives.

Action 3- Establishment of a Fixed Buffer between the Acceptable Biological Catch and the Overfishing Limit. Staff noted that under the current ABC control rule, the buffer between OFL and ABC is already smaller than the minimum buffers in some of the alternatives (Table 2.3.1). For those stocks, this action was inconsistent with the control rule ABC since the carryover provision with a minimum OFL-ABC buffer would decrease rather than increase ABC the following year. However, without a buffer, ABC could potentially be set equal to the OFL. The National Standard 1 guidelines state that ABC should be no higher than, and generally less than, OFL. A motion to move Action 3 to considered but rejected was made, but was subsequently withdrawn.

Action 4 – Adjustments to Carryover Provisions. Science Center representative Clay Porch felt that Alternative 2 amounted to double counting natural mortality since natural mortality is already accounted for in the assessment. However, some Committee members questioned whether it was accounted for in future projections. It was pointed out that the simulation runs presented to the SSC assumed that the full underharvest would be carried over. Dr. Porch suggested that there would be no harm over a period of years as long as the cumulative catch did not exceed the cumulative ACL each year.

The Committee recommends and I so move: To move Action 4 to Considered but Rejected.

Action 4 – Adjustments to the Carry-Over Provision

Note: Action 4 is only valid if an alternative other than Alternative 1 is chosen in Action 1.

Alternative 1: No Action. Do not reduce the amount of the unused portion of an ACL to be carried over. Any amount of the unused portion of the ACL to be carried over, as specified in Action 1, would be applied in full to the following fishing year, contingent on the alternative selected in Action 3.

Alternative 2: Reduce the amount of the unused portion of an ACL to be carried over by the mean natural mortality rate of the subject species as used in the most recent accepted quantitative stock assessment.

Alternative 3: Reduce the amount of the unused portion of an ACL to be carried over by an amount which accounts for management uncertainty. This amount would apply to any species for which a carry-over is considered.

Option 3a: Reduce the amount of ACL to be carried over by 5%

Option 3b: Reduce the amount of ACL to be carried over by 10%

Option 3c: Reduce the amount of ACL to be carried over by 15%

Motion carried with no opposition.

Action 5 – Modify the Framework Procedures for Gulf Council Fishery Management Plans. The action contains alternatives to allow carryovers to be implemented either through a closed framework (no Council action needed) or through an abbreviated documentation process (for changes that are routine or insignificant). Alternative 4 does not address carryovers which are already allowable under this process, but would revise the wording so that there is consistent terminology among the framework procedures for FMPs.

Public Hearing Draft Amendment 49 – Modifications to the Sea Turtle Release Gear and Framework Procedure for the Reef Fish Fishery (Tab E, No. 6)

Staff reviewed the purpose and need and reminded the Council this document impacts commercial and charter/headboat reef fish permit holders. The Law Enforcement Technical Committee provided feedback on the alternatives in Amendment 49 at its October meeting, and staff summarized the comments. Staff has prepared a public hearing document and plans to hold a webinar public hearing before the April Council meeting. Staff noted that the document has been updated to include additional information and photographs of the new sea turtle release gear as the Law Enforcement Technical Committee recommended. The Committee selected the following preferred alternatives for Actions 1 and 2.

The Committee recommends and I so move: In Action 1, to make Alternative 2 the preferred alternative.

Alternative 2: Modify the regulations for vessels with commercial or charter vessel/headboat Gulf reef fish permits to allow the use of the new collapsible

hoop net, dehooking device, and small hoist to release incidentally hooked sea turtles.

Motion carried with no opposition.

The Committee recommends and I so move: In Action 2, to make Alternative 2, Options a and b the preferred.

Alternative 2: Modify the reef fish framework procedure to include changes to release gear requirements and handling protocols for sea turtles and other protected resources through the abbreviated documentation process for open framework actions. Release gear requirements and handling protocols that could be implemented or changed would include:

Option a: Release gear requirements for sea turtles and other protected resources

Option b: Handling requirements for sea turtles and other protected resources

Motion carried with no opposition.

The Committee was informed that staff would prepare a document for final action at the April Council meeting.

Draft Policy and Outreach – Descending Devices and Venting Tools (Tab E, No. 7a,b,c)

Staff reviewed a draft policy statement that encourages the use of venting tools or descending devices, as appropriate, when releasing fish, and provides background information on barotrauma and effectiveness of release devices. Information in the statement regarding survival of fish released using descending devices came from rockfish in the Pacific. Dr. Stunz stated that there are studies of descending device effectiveness for the Gulf, and he would communicate with staff at a later time to discuss this information. One Committee member asked if there was information about total discard rate in numbers of fish, not just the discard mortality rate that could be provided at the next meeting. Staff responded that, for the recreational sector, MRIP type B catches represented fish that were caught and released, and it was from this classification that NMFS calculated the number that die. Also, MRIP data is only available for waters off those states that participate in the MRIP program

Staff reviewed the outline of a proposed outreach program for the venting and descending policy. One Committee member stated that charter boat operators instruct clients on proper release methods, and that these operators should be included in the organizations mentioned for network utilization via direct contact. Committee members also felt that the O&E Technical Committee would be a valuable asset for implementing this outreach program. A suggestion was made that the O&E Technical Committee be convened before the June Council meeting. One Committee member suggested that milestones or a timeline for implementation be established, and that the outreach program include a means of determining its effectiveness. Another Council member

suggested that the Council establish a partnership with organizations that distribute release devices. Other suggestions included creating Youtube videos and promoting the policy in magazines such as Florida Sportsman and Louisiana Sportsman.

The Committee reviewed a draft letter to the Chair of the Open Ocean Trustee Implementation Group supporting outreach programs that encourage a more widespread use of release devices, including distribution of descending devices, followed up by research on the utility of the devices and resulting fish survival. After reviewing the draft letter, the Committee passed the following motion.

The Committee recommends and I so move: To forward the letter to Open Ocean Trustee Implementation Group regarding the use of descending devices and venting tools to increase survival of released fish.

Motion carried with no opposition.

Review of EAFM by the Gulf Council and Other Regional Approached (Tab E, No. 8a,b)

Staff presented the Committee with information about ecosystem management in other regions and the Gulf. The Gulf Council is the only Council without a formal fishery ecosystem plan (FEP) or policy, either completed or in progress, but has been incorporating ecosystem considerations into its management decisions. The Committee discussed what an FEP or ecosystem document would look like and discussed previous Gulf Council ecosystem products. Staff highlighted that an FEP (or other type of document) can be tailored to be Gulf specific, and that the goal is not to determine an ecosystem model, but a more comprehensive document that identifies ecosystem components that are important for considering in management. Staff also presented the timeline for the Regional EBFM Roadmap document. The Committee discussed if it would like to proceed with an ecosystem document, briefly outlining what could be included in an FEP or policy, and determined that it would like to wait until the regional roadmap is complete. The Committee made the following motion:

The Committee recommends and I so move: To direct staff to develop a document that outlines the component parts of an ecosystem plan.

Motion carried with no opposition.

Reef Fish Charter For-hire Permit Transfers and Potential Management Actions (Tab E, No. 9a,b)

Transfers of federal for-hire reef fish permits were evaluated in response to the Council's concerns that some operators may time permit transfers to fish during the federal and state recreational red snapper seasons. The analyses presented evaluated monthly transfers and the effective dates of individual permit transfers. The analyses performed did not reveal patterns suggesting that strategic transfers were taking place.

Environmental Assessment and Exempted Fishing Permits for Lionfish Trap Testing in the Gulf and South Atlantic (Tab E, No. 10,a,b,c,d,e)

NMFS staff reviewed three applications for exempted fishing permits (EFPs) to evaluate the use of various trap designs for targeting lionfish, plus an environmental assessment prepared by NMFS. The EFPs were submitted by:

- Florida Keys Commercial Fishermen's Association (400 traps requested)
- Keys Fisheries (1500 traps requested)
- Reefsavers (5000 traps total requested)

The traps would be set in locations around the South Atlantic and Gulf of Mexico. One Committee member asked for more information about the proposed location of the fish traps out of concern that they not interfere with shrimp trawling. Bill Kelly, Executive Director of the Florida Keys Commercial Fishermen's Association, stated that his organization was working to develop markets for lionfish, and that the proceeds from the sale of lionfish caught under the EFP would go into each state's mitigation fund. Following discussion, the Committee passed the following motion.

The Committee recommends and I so move: To recommend that NMFS move forward with the implementation of the three lion fish EFP requests and to add a one year update reporting requirement.

Motion carried with no opposition.

Discussion on Dead Zone Regarding RESTORE Act Activities

Glenn Constant discussed ways in which the Council could provide input into the funding of projects related to the Deepwater Horizon oil spill regarding the hypoxic zone. This included funding from the RESTORE Act as well as the Natural Resource Damage Assessment program. The Fish and Wildlife Service decided that, when voicing support for restoration related to reducing the size of the Gulf of Mexico Dead Zone, it made sense to rely on advice of our partners that are already connected to restoration actions associated with the entire Mississippi and Atchafaya River basins. A large part of our support for those project is coordinated through the Gulf of Mexico Alliance (GOMA) and would likely be an asset in helping the Council direct its support for prioritizing Deepwater Horizon funding. Laura Bowie, the executive director, could not make it to this Council meeting, but is willing to speak to the Council at a future meeting. GOMA has a strong connection to the national effort led by EPA through its Gulf of Mexico Watershed Nutrient Reduction Task Force. The Task Force publishes its nutrient reduction strategies in the Hypoxia Task Force Action Plan that that is periodically updated, last time in 2008. The national plans are implemented locally through state nutrient reduction plans that provide pertinent local methods and opportunities. One effective way for the Council to get involved is by supporting the implementation of those state plans. The Council could write

letters of support to Laurie Rounds (Chair, Open Ocean Trustee Implementation Group), as well as to Scott Pruitt (EPA Chair of the Gulf Coast Ecosystem Restoration Council) or his designee.

Committee Chair asked if there was any opposition to having staff draft a letter of support for funding dead zone reduction proposals. There was no opposition to the proposal. However, one Committee member noted that the hypoxic zone issue includes farm runoff and affects more than just the Gulf States. He suggested that the letter include suggestions or ideas on how to proceed.

Greg Stunz noted that he had been contacted by a group of scientists from NOAA and NOS about participating in a Fisheries Monitoring Workgroup and Workshop intended to better understand hypoxia. Dr. Stunz could not attend the initial workshop, but another workshop is being planned. He will let Council staff know when he has more information.

Other Business

Staff presented an overview of the National SSC VI meeting, which was held in San Diego on January 16-19, 2018, and was attended by SSC members Joe Powers, David Griffith, Bob Gill, and by Council staff Steven Atran. The theme of the meeting was management strategy evaluation (MSE). MSE is a process for evaluating trade-offs between alternative management strategies through an iterative process of model simulations and stakeholder participation. The Council has applied a partial MSE approach to evaluating catch limits for data-poor stocks (SEDAR 49), and Council staff have completed an MSE approach to evaluating deep-sea coral habitats for possible designation as HAPCs. Each of the NMFS Science Centers has hired or is in the process of hiring an MSE specialist to assist the regions in implementing the process. A comprehensive report on the National SSC workshop is being prepared by the Pacific Fishery Management Council and will be published later this year.

Madam chair, this concludes my report.