

**Sustainable Fisheries Committee Report**  
**October 22, 2018**  
**Dale Diaz, Chair**

The Committee adopted the agenda and approved the minutes.

*Conversion of Historical Captain Endorsements to Federal For-Hire Permits*

Mara Levy stated that some of the letters of eligibility sent to historical captains in 2003 have not been redeemed but are still valid. About 67 historical captains could redeem their letters of eligibility and receive historical captain permits. Ms. Levy noted that the purpose of the current framework action is to replace the already issued historical captain permits. Ms. Levy also indicated that the Council could continue to honor, or take action to invalidate these outstanding letters. The Committee discussed the potential impact of additional for-hire permits in both terms of vessels and passenger capacity.

Staff presented the distributions of historical captain permits by state, permit capacity, and vessel capacity. Staff noted that the Council's initial intent was to replace historical captain permits with standard for-hire permits with the same permit capacity. Staff then presented options addressing the permit capacity to be associated with the standard for-hire permits that would be issued in replacement of existing historical captain permits. Staff indicated that if the Council wanted to further consider these options, an abbreviated framework would no longer be appropriate and that an environmental assessment would have to be developed.

Committee members suggested the addition of language to the document to render outstanding letters of eligibility invalid. Committee members noted that some historical captains have not redeemed their eligibility letters because they are fishing on a vessel that already has a standard for-hire permit. The Committee stated that the Council's intent is to only convert the 32 existing historical captain permits identified in the document into standard for-hire permits. If historical captains redeem outstanding letters of eligibility, they would receive historical captain permits but would not be allowed to convert these permits into standard for-hire permits.

The Committee recommends and I so move: **to add language to the Conversion of Historical Captain Endorsements to Federal For-Hire Permits document that would render eligibility letters for historical captains invalid as of the implementation date and not add Options 2 through 6 to the document.**

Option 2: Replace reef fish and CMP Historical Captain permits in the Gulf with standard Gulf charter/headboat (for-hire) permits. The permit capacity of each new for-hire standard permit is limited to the corresponding historical captain permit capacity or the Gulf-wide average standard for-hire permit capacity (approximately 14), whichever is less.

Option 3 Replace reef fish and CMP Historical Captain permits in the Gulf with standard Gulf charter/headboat (for-hire) permits. The permit capacity associated with each new standard for-hire permit is limited to the vessel capacity of the vessel currently operated by the historical captain.

Option 4: Replace reef fish and CMP Historical Captain permits in the Gulf with standard Gulf charter/headboat (for-hire) permits. The permit capacity associated with each new standard for-hire permit is limited to six passengers.

Option 5: For historical captains who elect to replace their permits with a standard Gulf charter/headboat (for-hire) permit, the permit must be replaced with a standard for-hire permit and associated with a vessel within:

- A. two years from the implementation of this action
- B. three years from the implementation of this action

Option 6: Allow historical captains to opt out of the replacement of their historical captain permits with standard Gulf charter/headboat (for-hire) permits and retain their historical captain permits.

Motion carried with no opposition.

The Committee inquired about the next steps for this regulatory action. Staff indicated that this action would be prepared for final action in January 2019.

*Revised Draft Generic Amendment Carryover of Unharvested Quota*

Staff reviewed the purpose and need and actions in the Generic Amendment to Establish Carryover Provisions and Framework Modifications. In reviewing Alternative 2 of Action 1, the Committee asked whether there needed to be a time series specified for Option 2c. This option would not allow a carryover if the fishing season wasn't closed prematurely because the ACL was met or projected to be met. Staff clarified that no time series was necessary, because Option 2c would only be looking at the present fishing year to determine whether a carryover would happen. Some revision to the wording was proposed to clarify the options in Alternative 2. The Committee also noted that the tilefish species should be deleted from Table 2.1.1. The necessity of Option 2d was questioned, since it did not currently apply to any species otherwise eligible for the carryover provision. Staff clarified that just because Option 2d did not apply now does not mean it might not be applicable in the future. Also, the Council may prefer to have the protection of excluding a stock without a peer-reviewed assessment at that time, if such a stock becomes eligible for a carryover in the future.

In reviewing Alternative 2 in Action 2, the Committee clarified that the ABC Control Rule operated on scientific uncertainty based on the merits of the stock assessment, while the

ACL/ACT Control Rule operated on management uncertainty about the landings for a given species. Staff noted that for some species, there was not much difference between the ACL and the OFL, and that establishing some form of safety net under Alternative 2 of Action 2 could help the Council to prevent overfishing in a carryover year. Without Alternative 2, it is possible for the ABC to be set equal to the OFL and, if the OFL is landed, the Department of Commerce could assume that overfishing had occurred in the carryover year. The Council would then have to take immediate action to end overfishing. Considering this risk, the Committee decided to change the proposed options in Alternative 2 to 25%, 50%, and 75% of the difference between the ABC and the OFL, as the 90% option was determined to be too risky. An example using red snapper will be developed for the next draft of the document.

Action 3 makes several changes to the framework procedures for the listed fishery management plans (FMPs). Alternative 2 allows for the automation of the carryover procedure if established in Action 1. Alternative 3 allows for the specification of the ABC for a species once a stock assessment is reviewed by the SSC and an ABC is determined using the ABC Control Rule. Alternative 4 allows for changes to the accountability measures to be made for the Corals and Coral Reefs and Spiny Lobster FMPs through the normal framework procedure, as opposed to the plan amendment process. The Committee asked whether the South Atlantic Council was considering a carryover provision for their ABC Control Rule. The South Atlantic Council representative said that there was interest in a carryover provision for yellowtail snapper, which is not presently being considered in the Gulf Council carryover provision. Consideration of a carryover procedure for a jointly managed species like yellowtail snapper could be done in a separate action at a later date.

The Committee postulated including a carryover provision for fishing sectors managed under an individual fishing quota program in Amendment 36B. Staff will look into this, and will bring a public hearing draft of the current document to the Council in January of 2019.

### *Gulf of Mexico Allocation Triggers*

Staff gave a presentation on the fisheries allocation review policy and the procedural directive on triggers for initiating allocation reviews. Staff described the three steps included in the adaptive management process recommended by the policy.

Staff listed the fisheries allocations that would be subject to the policy and noted that they were identified with NOAA GC's assistance. Staff noted that the Council must select review triggers by August 2019, or as soon as practicable. Staff discussed the types of allocation review triggers, including public interest-based, time-based, and indicator-based triggers.

SSC representative, Luiz Barbieri, stated that the SSC was concerned that petitions could be influenced by special interests. Dr. Barbieri noted that other public interest-based triggers could

be used as secondary triggers. He indicated that time-based triggers would provide a practical approach due to their ease of implementation. He also noted that indicator-based criteria could be suitable triggers but are more complicated to establish.

Staff noted that fisheries allocations subject to the policy include stocks managed under limited access privilege programs (LAPPs) and non-LAPP stocks. For LAPP stocks, time-based triggers would constitute the most practicable review triggers. By selecting time-based triggers, the Council could plan allocation reviews that would coincide with the mandated IFQ program reviews.

For non-LAPP stocks, the challenges associated with indicator-based criteria and the potential diversion of some public-interest triggers by special interest groups suggest that time-based triggers would be better suited as primary review triggers. Public interest-based criteria such as the Council's public input process could be used as secondary triggers. Committee members inquired about the flexibility afforded when setting time-based triggers. Staff noted that the Council could select different timeframes for different stocks. Committee members suggested that the three trigger types could be retained. The Committee suggested the inclusion of criteria such as changes to data collection processes and data revisions following a recalibration. Committee members discussed getting background information from Russell Dunn. Mara Levy indicated that the intent of the allocation review policy is to inform the public, not to restrict the Council's ability to review its allocations at other times.

Mr. chair, this concludes my report.