

Sustainable Fisheries Committee Report
August 14, 2023
Dr. CJ Sweetman, Chair

The Committee adopted the agenda (**Tab E, No. 1**), suggested a correction to the minutes and approved the amended minutes (**Tab E, No. 2**) of the June 2023 meeting as written.

Presentation on Rice's Whale Critical Habitat Proposed Rule (Tab E, No. 4)

Mr. Grant Baysinger (NOAA Fisheries) presented an overview of the proposed rule to designate critical habitat for Rice's whale. He provided background information on the distribution of Rice's whale and on the best available science and peer-reviewed publications relevant to Rice's whale. Mr. Baysinger discussed the proposed critical habitat area, presented a map delineating the proposed area, and discussed the timeline for critical habitat designation. Mr. Baysinger indicated that two virtual public hearings have been scheduled.

Committee members inquired about links between the petition requesting vessel speed restrictions and the critical habitat proposed rule. Mr. Baysinger replied that the proposed rule and the petition are independent from each other. He noted that the proposed critical habitat designation does not impact recreational activities, such as recreational boating and fishing, or limit access to the critical habitat area. Mr. Baysinger indicated that the proposed designation does not create any new regulations or restrictions on fisheries.

The Committee considered whether it would recommend to the Council to submit a comment letter on the critical habitat proposed rule. Mr. Baysinger noted that public comments must be submitted by September 22, 2023. Some Committee members indicated that a comment letter may not be necessary. The Committee decided to wait until full Council to determine whether a comment letter should be submitted.

SSC Recommendations on Discussion on MRIP Cumulative Estimate Reporting (Tab E, No. 5)

Dr. Jim Nance (Scientific and Statistical Committee [SSC]) presented the SSC's discussions regarding the Marine Recreational Information Program's (MRIP) transition to cumulative and fishing year reporting, which is currently implemented and able to be queried on the NOAA Office of Science and Technology (OST) website. This approach is intended to aggregate recreational landings data for all waves in a 12-month period, thereby increasing the available sample size for the 12-month time period presented. Further, MRIP will describe the proportional standard error (PSE) for each 12-month period, and will notate whether it does or does not recommend use of those data for that species/area/year based on the PSE. Wave-specific recreational landings data may still be requested from NOAA OST, but will no longer be immediately publicly available. The SSC noted that masking imprecise estimates by aggregating landings was not an optimal approach, and encouraged NOAA OST to investigate how the MRIP survey design may be contributing to the uncertainty of the estimates. The SSC supported the

NOAA OST proposed next step to work with the SEFSC and SERO staff to develop a protocol for addressing survey outliers.

A Committee member asked why NOAA OST decided to stop reporting data by wave as it used to previously. Dr. Nance replied that the data are still available by wave, but now must be requested and will no longer be automatically provided on the website as in years past. Another Committee member asked about the expected work to address outliers. Dr. Nance replied that sometimes data points may deviate greatly from the trend in the data series, and can be evaluated as outliers when appropriate. He added that state and federal partners are interested in addressing outliers in a uniform way.

SSC Recommendations on Technical Guidance for National Standard 1 Reference Points and Status Determinations (Tab E, No. 5)

Dr. Nance summarized SSC discussions on updated technical guidance from NOAA Headquarters for National Standard 1 on reference points and stock status determinations under the Magnuson-Stevens Fishery Conservation and Management Act. There has been substantial research over the last 25 years on the scientific basis for reference points and their expected performance in the management of sustainable fisheries. The SSC discussed setting catch advice for stocks where recent recruitment has been observed to decline (possible regime shift), noting that determination of a regime shift should be approached cautiously; NOAA recommended focusing on long-term effects when considering a possible regime shift. The SSC also discussed considerations for spawning potential ratio proxies from maximum sustainable yield (MSY). While management strategy evaluation (MSE) approaches could help address this issue, they tend to be broad and not focused on reference points. Further, there is difficulty in separating the effect on the reference points and on management targets, as well as when considering only biological yields of the stock (MSY) with optimum yield, which incorporates ecosystem, social, and economic factors.

Council staff recalled that discussions about a regime shift were first heard for greater amberjack in SEDAR 70, which used model-derived recruitment without a fishery-independent index of abundance to suggest a possible regime shift. Staff added that perhaps the funding opportunity presented through the Inflation Reduction Act may allow for further exploration into capturing improved fishery-independent surveys and result in more robust recruitment indices of abundance for multiple species the Council manages and could result in more confidently detecting such regime shifts.

SSC Recommendations on the Evaluation of the Interim Analysis Process (Tab E, No. 5)

Dr. Nance reviewed SSC discussions about the interim analysis (IA) process. The SSC began this discussion in May 2023; for this iteration, the SEFSC provided direct recommendations for consideration by the SSC. The SSC did not see an issue with fixing parameters like selectivity and retention, so long as previous management measures had not changed in such a way that would result in assumptions about those parameters being violated. The SSC thought this approach was more defensible for modifying catch advice compared to the current interim

analysis approach. The SSC debated the future use of interim analyses against the needs for informing management advice and the availability of data. If a health check is all that is requested, then the SSC might consider assessing changes in trend in the index as opposed to the complete interim analysis. If the trend is moving one way or another, then the SSC could advise the Council on as much and the Council could take proactive steps ahead of a stock assessment.

A Committee member asked for an update from SEFSC on the automation of the interim analysis process. SEFSC replied that work on species in this manner is done on an individual species basis, with index processing also being automated. The SEFSC added that it would like to explore options for how to simulate catch adjustments based on trends in the representative index/indices in the future. SERO staff noted the Council's efforts to explore regulatory streamlining, and the key role that interim analyses play in that effort, and asked that the Council think about that as the regulatory streamlining process develops.

Presentation on Allocation Reviews (Tab E, No. 8)

Staff gave a presentation on allocation reviews and reallocation amendments. Staff indicated that based on amendments including allocation reviews, the Council has either maintained status quo allocations or decided to reallocate fisheries resources. Following the evaluation of CMP Amendment 33, the Council elected to keep the status quo allocation between the recreational and commercial sectors. Reef Fish amendment 53 (red grouper) and Reef Fish amendment 54 (greater amberjack) are examples of completed allocation reviews and amendments that resulted in a reallocation between the sectors. Both amendments are based on the conversion of recreational data from Marine Recreational Fisheries Statistics Survey Coastal Household Telephone Survey (MRFSS-CHTS) to Marine Recreational Information Program Fishing Effort Survey (MRIP-FES). Staff noted that allocation-related amendments under development include Reef Fish Amendment 58 which considers sector allocations for shallow water grouper and South Atlantic Amendment 44/ Gulf Reef Fish 55 which includes reallocation alternatives for yellowtail between the two Councils.

Staff noted that the red snapper stock ACL is allocated following a three-tiered process. The stock ACL is first allocated between the commercial and recreational sectors. The recreational ACL is further allocated between the federal for-hire and private angling components. Finally, the private angling portion of the recreational ACL is apportioned between the five Gulf states. Staff indicated that progress in red snapper allocation reviews and reallocation amendments is conditional upon the availability of updated recreational data streams, which are expected to be converted into MRIP-FES units, and on the ongoing red snapper assessment. Staff indicated that the Council approved a motion directing staff to begin work on a plan amendment to look at updating the states' private recreational allocations for red snapper. Staff inquired about the Council's preferred timeline for the amendment. Committee members noted that state directors haven't begun to discuss the issue. The Committee suggested that the timeline for the amendment would be further discussed during full Council.

Draft Letter on NOAA Fisheries Request for Comments on the Advance Notice of Proposed Rulemaking for National Standards 4, 8, and 9 Guidelines (Tab E, No. 9)

Council staff presented a draft letter prepared in response to the NOAA Fisheries request for comments on the Advance Notice of Proposed Rulemaking (ANPR) for National Standards 4, 8, and 9. A Committee member requested the inclusion of social and economic factors into the stock assessment above and beyond the typically biological information to better inform fair and equitable allocations decisions that would go beyond the use of historical landings. Council staff noted that the objective to diversify fishing practices can be difficult to implement and would benefit from additional discussion in the ANPR. A Committee member also stated that the proposed description of “community” should not include “geographic” or “substantial” as part of the definition. A Committee member also suggested revising the first sentence of the National Standard 9 section of the letter. Staff will work on revising the letter for review and approval by the Council chair prior to the submittal deadline.

Mr. Chair, this concludes my report.