

Sustainable Fisheries Committee Report
January 27, 2020
Mr. Dale Diaz, Chair

The Committee adopted the agenda (**Tab E, No. 1**) as written and approved the minutes (**Tab E, No. 2**) of the October 2019 meeting as written.

Interagency Coordination of Aquaculture Science and Management (Tab E, No. 4)

David O'Brien, NOAA Fisheries' Acting Director of the Office of Aquaculture, gave a presentation on the strategic plan to increase regulatory efficiency in aquaculture. Mr. O'Brien noted that the plan was drafted by the Regulatory Efficiency Task Force of the Subcommittee on Aquaculture. The draft plan outlines actions federal agencies can take to reduce costs and to improve the efficiency, predictability, and timeliness of reviewing, approving, monitoring, and enforcing permits and other regulatory requirements. In response to a Committee question on the number of permits issued for aquaculture in the EEZ, Mr. O'Brien indicated that currently, only one permit has been issued for commercial aquaculture in federal waters. He further noted that in state waters, each state is responsible for setting its own standards. Committee members inquired about the level of transparency of the inspections of aquaculture sites that could be expected by other users of federal waters. Mr. O'Brien indicated that there is a commitment to be as transparent as possible. He also specified that the strategic plan covers all aquaculture, including inland aquaculture.

Dr. Crabtree then gave a brief update on the status of the two ongoing offshore fish aquaculture projects in the Gulf. Kampachi Farms, which will set up operations off the coast of Sarasota, Florida, will begin placing aquaculture pens in the summer of 2020 and farming almaco jack shortly afterwards. Manna Farms, which plans to operate off of Pensacola, Florida, is still working on initial planning and the organization has not applied for any permits at this time. Ms. Mara Levy indicated that NOAA is waiting for the appellate court's decision on the agency's authority to regulate aquaculture.

Public Hearing Draft Amendment Reef Fish 48/Red Drum 5: Status Determination Criteria and Optimum Yield for Reef Fish and Red Drum (Tab E, No. 5)

Action 1: Maximum Sustainable Yield (MSY)

Council staff presented the revised actions and alternatives in the document. The Committee reviewed the range of alternatives in Action 1. **Alternative 2** applies to several reef fish stocks and stock complexes and contains three options for establishing an MSY proxy. In Action 1, **Alternative 2, Option 2b** was selected as preferred. This option is consistent with the Scientific and Statistical Committee's recommendation and this definition has been used frequently for a number of assessed reef fish species. The Committee also reviewed **Alternative 3**, which would establish an MSY proxy for goliath grouper. This species occurs as a single stock in the Gulf and U.S. South Atlantic regions. Goliath grouper is vulnerable to overfishing because of its long life-span and slow growth rate. This species has been closed to harvest since 1990 in the Gulf and

South Atlantic, but no stock assessment has been completed for this species. The South Atlantic Fishery Management Council (South Atlantic Council) has established an MSY proxy of F_{SPR} 40% for goliath grouper, which is **Option 3b** in this document.

The Committee recommends, and I so move, **In Action 1, to make Alternative 2, Option 2b and Alternative 3, Option 3b the preferred alternatives.**

Alternative 2: For stocks or complexes that do not have an MSY proxy, the MSY proxy is the yield when fishing at:

Option 2b: the yield when fishing at 30% spawning potential ratio ($F_{30\% SPR}$).

Alternative 3: For goliath grouper, the MSY proxy is the yield when fishing at:

Option 3b: the yield when fishing at 40% spawning potential ratio ($F_{40\% SPR}$).

Motion carried with no opposition.

Next, staff reviewed **Alternative 4** which contains two options to define an MSY proxy for red drum. Red drum is harvested extensively in state waters but prohibited in federal waters, and is currently managed based on an escapement rate target in each of the states. The Committee discussed that **Option 4a** is generally consistent with current management measures. However, it was noted by several committee members that the states measure escapement of red drum differently and Ms. Guyas stated that Florida has a 40% escapement rate target in comparison to other Gulf states that use 30% escapement as the management objective.

The Committee recommends, and I so move, **In Action 1, to make Alternative 4, Option 4a the preferred.**

Alternative 4: For red drum, the MSY proxy is the yield when fishing at:

Option 4a: the yield that provides for an escapement rate of juvenile fish to the spawning stock biomass (SSB) equivalent to 30% of those that would have escaped had there been no inshore fishery.

Motion carried 6 to 3.

Lastly in Action 1, the Committee reviewed **Alternative 5** that would allow for improved efficiency in updating MSY proxies through the SSC and the Council.

The Committee recommends, and I so move, **In Action 1, to make Alternative 5 the preferred.**

Alternative 5: For future assessments of reef fish stocks and red drum, the MSY proxy equals the yield produced by F_{MSY} or F_{Proxy} recommended by the Gulf of Mexico Fishery Management Council's (Gulf Council) Scientific and Statistical Committee (SSC) and subject to approval by the Gulf Council through a plan amendment.

Motion carried with no opposition.

Action 2: Maximum fishing mortality threshold (MFMT)

The Committee reviewed Action 2 which could modify the definition of MFMT for reef fish stocks and red drum. **Alternative 2** would define MFMT equal to the fishing mortality at the MSY proxy for each stock or stock complex as determined in Action 1 and is consistent with the SSC's recommendation for this action.

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

Alternative 2: For stocks where an MSY proxy has not been defined, set the MFMT equal to the fishing mortality at the MSY proxy for each stock or stock complex as determined in Action 1.

Motion carried with no opposition.

Action 3: Minimum stock size threshold (MSST)

Alternatives 2 - 4 provide a range of MSST values based on biomass at MSY (B_{MSY}). Generally, having MSST set close to MSY is more conservative, but could result in stock biomass falling below MSST more frequently and requiring the development of rebuilding plans. MSST can be set as low as 50% of the biomass at MSY. The Committee discussed that the MSST for 8 reef fish stocks has recently been defined at this level and is consistent with **Alternative 4**. This is the widest buffer allowed under the National Standard 1 guidelines and is less conservative than **Alternative 3**, which was recommended by the SSC. The Committee also reviewed **Alternative 5** which would define MSST for four stocks that are assessed as a single stock in both the Gulf and U.S. South Atlantic using the current definitions established by the South Atlantic Council.

The Committee recommends, and I so move, **In Action 3, to make Alternative 3 and Alternative 5 the preferred Alternatives.**

Alternative 3: $MSST = 0.75 * B_{MSY}$ (or proxy). This alternative applies to stocks and stock complexes in Action 1.

Alternative 5. For stocks assessed across the South Atlantic and Gulf Councils' jurisdictions (goliath grouper, mutton snapper, yellowtail snapper, and black grouper). MSST for these species would use existing definitions of MSST defined by the South Atlantic Council.

Motion carried 8 to 1.

Action 4: Optimum yield (OY)

In Action 4, reef fish and red drum were considered in separate sub-actions. This was done because an OY value was previously defined for red drum in Red Drum Amendment 2, whereas OY is undefined for the stocks and stock complexes addressed in Action 1. In Action 4.1, **Alternative 2, Options 2a-c**, would define OY as some percentage of MSY or MSY proxy for all reef fish species in Action 1 and hogfish. **Alternative 2 Option 2d** would define OY as the

ratio of the annual catch limit and overfishing limit (ACL/OFL) to MSY or MSY proxy.

Alternative 3 also contains options to define OY as a percentage of MSY or the MSY proxy but applies only to goliath grouper. The Committee discussed **Options 2d** and **3d** and determined that the formulaic approach was problematic for some stocks or complexes, particularly when the OFL is zero or undefined.

The Committee recommends, and I so move, **to remove Options 2d and 3d from Action 4.1.**

Option 2d. $(ACL/OFL) * MSY$ or MSY proxy; or zero if the OFL equals zero.

Option 3d. $(ACL/OFL) * MSY$ or MSY proxy; or zero if the OFL equals zero.

Motion carried with no opposition.

After some discussion on an appropriate definition of OY for goliath grouper, the Committee decided to add a new option to **Alternative 3**:

The Committee recommends, and I so move, **In Action 4.1 to add an Option 3d for Alternative 3: Option 3d. OY = zero**

Motion carried with no opposition.

Next, the Committee reviewed Action 4.2 which considers the definition of OY for red drum. After discussion, the Committee determined that the existing definition was appropriate and noted this definition is consistent with the MSY proxy based on escapement rates selected in Action 1.

The Committee recommends, and I so move, **in Action 4.2 to make Alternative 1 the preferred.**

Alternative 1: No action. Maintain the red drum optimum yield (OY) for red drum:

- All red drum recreationally and commercially harvested from state waters landed consistent with state laws and regulations under a goal of allowing 30 percent escapement of the juvenile population.
- All red drum commercially or recreationally harvested from the Primary Area of the exclusive economic zone (EEZ) under the total allowable catch (TAC) level and allocations specified under the provisions of the FMP, and a zero retention level from the Secondary Areas of the EEZ. (Note: TAC for the EEZ has been set at zero since 1988.)

Motion carried with no opposition.

Framework Action: Modification of Fishing Access in Eastern Gulf of Mexico Marine Protected Areas (Tab E, No. 6)

Staff reviewed the history of the Madison-Swanson and Steamboat Lumps marine protected areas (MPAs), which were implemented in 2000 and designed to protect aggregations of large reef fish like gag grouper. The Council's Reef Fish Advisory Panel remarked at its October 2019 meeting that neither MPA is a legitimate trolling destination. Further, enforcement difficulties mean that it can be easy for anglers to avoid being intercepted while fishing for reef fish in the reserves. In Action 2, which discusses transit provisions, the Committee deliberated the merits of allowing transit through areas otherwise closed to reef fish fishing pressure. The Committee noted the establishment of transit provisions for other protected areas, and thought such provisions should be considered for Madison-Swanson and Steamboat Lumps as well. NOAA General Counsel advised clarifying the language in Alternative 1 of Action 2 to note the year-round prohibition of the possession of reef fish species within the marine protected areas, except for transiting vessels. The Committee then decided to expand the options under consideration in Action 2 to include an additional alternative that would prohibit the transit of vessels with reef fish on board.

The Committee recommends, and I so move, to add an Alternative to Action 2 to read: **The possession of any species of Gulf reef fish is prohibited year-round in the Madison-Swanson and Steamboat Lumps MPAs.**

Motion carried with no opposition.

Discussion of Section 102: Fishery Management Measures of the Modernizing Recreational Fisheries Management Act of 2018 (Tab E, No. 7)

Russell Dunn (NOAA Fisheries) provided an overview of the *Modernizing Recreational Fisheries Management Act of 2018* and summarized the November 2019 Council Coordinating Committee (CCC) discussions of Section 102 of that Act. This section addresses management measures in recreational fisheries or in the recreational portion of mixed-use fisheries. Examples of management measures considered include extraction rates, fishing mortality targets, harvest control rules, and cultural practices of native communities. Mr. Dunn noted that several groups, including the Congressional Sportsmen's Foundation, the Mid-Atlantic Fishery Management Council, the Atlantic States Marine Fisheries Commission, and the Pacific Fisheries Management Council participated in the CCC discussions and shared their perspectives on approaches that could expand management flexibility. Objectives of the alternative management approaches discussed include smoothing out the variations in recreational fishery regulations, and improving the stability and predictability of the regulatory environment. Topics for exploration include multi-year evaluations of fishery performance, considerations of harvest rates, and definitions of harvest control rules.

Staff summarized a letter from the South Atlantic Council proposing the establishment of a joint workgroup between the South Atlantic and Gulf Councils to coordinate the Councils' efforts to address Section 102 of the *Modernizing Recreational Fisheries Management Act of 2018*. Mr. Chester Brewer, South Atlantic Council liaison, noted that a joint workgroup would be helpful to address the multitude of potential approaches to consider. Ms. Mara Levy noted that a joint workgroup composed of Council members would be a Council committee and would operate

like any other Council committee. The Committee discussed its interest in a joint working group and requested volunteers. The following Gulf Council members volunteered to participate in this joint Council Committee: Troy Williamson, Susan Boggs, Tom Frazer, Martha GUYAS, and Kevin Anson.

Committee Discussion on Allocation Issues

Dr. Frazer indicated that the GAO report on allocation review is not yet available. Committee discussions on allocation issues will resume once the report is made available.

Mr. Chair, this concludes my report.