

Sustainable Fisheries Committee Report
June 15, 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 January 2020 meeting as written.

Government Accountability Office Report on Allocations (Tab E, No. 4)

Ms. Anne-Marie Fennell of the Government Accountability Office (GAO) provided background information about the GAO and summarized the report on allocation reviews for mixed-use fisheries in the South Atlantic and Gulf of Mexico. Ms. Fennell discussed the objectives, methodology, and scope of the report and presented the two recommendations included in the report. Ms. Fennell noted that the South Atlantic and Gulf Fishery Management Councils have established criteria for initiating allocation reviews and that the Gulf Council has begun the development of its allocation review process. Committee members inquired about the mandate to produce the report on allocation reviews. Ms. Fennell replied that the report was mandated by the *Modernizing Recreational Fisheries Management Act of 2018*. The Committee noted that the two recommendations included in the report appear to be similar. Ms. Fennell explained that the first recommendation addresses the development of documented processes for allocation reviews while the second recommendation suggests elements to include in the documented processes. The Committee noted that within the Gulf recreational sector, the for-hire component is subject to a permit moratorium. Finally, the Committee invited Ms. Fennell to listen to deliberations of the Reef Fish Committee relative to allocation issues.

Update on Allocation Review Working Group (Tab E, No. 5)

Staff provided background information on the expected starting dates of initial allocation reviews in the Gulf, membership of the Allocation Review working group, and dates of previous allocation review-related discussions. Staff then discussed the required steps to develop the Council's allocation review guidelines, which will include procedures and processes for conducting allocation reviews and evaluation criteria to consider during those reviews. Steps required during the development of guidelines include allocation review working group meetings, drafting of review guidelines, Scientific and Statistical Committee (SSC) reviews, and Council discussions and recommendations. For the final step, the Council would formally adopt the guidelines. Staff discussed a tentative timeline and noted that the adoption of the guidelines is anticipated during the October 2021 Council meeting. The Committee inquired about the Council's review of draft procedures and processes that is planned for the October 2020 meeting. Staff noted that it is anticipated that the SSC will review draft procedures in September 2020 to allow the Council to review the draft and discuss SSC recommendations.

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

Staff reviewed the public comments received on the framework action, which indicated support for Alternative 2 in Action 1 and Alternative 2 in Action 2. The Law Enforcement Technical Committee, which met in March 2020, recommended the Council select Alternative 2 in Action 1 and Alternative 3 in Action 2 as preferred. The impetus for these actions came from the Council's Reef Fish Advisory Panel (AP), which had noted poaching was common in the marine protected areas (MPA), especially by recreational vessels. A law enforcement officer from Florida at that AP meeting said that the MPA regulations were difficult to enforce for Madison-Swanson and Steamboat Lumps due to the remote nature of the MPAs and long line of sight in open water.

Staff reviewed Action 1, which would remove the provision to allow surface trolling. The surface trolling exemption was originally implemented in 2004, but would be rescinded by Alternative 2 of Action 1 because of concerns that this is allowing for illegal bottom fishing and harvest within the MPAs. If rescinded, the Council would need to consider a timetable to review part iii of Section 303(b)(2)(C) of the Magnuson-Stevens Fishery Conservation and Management Act, which requires that when an FMP designates zones completely closed to fishing, that closure must establish a timetable for review of the closed area's performance that is consistent with the purposes of the closed area. The Council could achieve this review by, after a period of time, convening its Reef Fish AP and the Law Enforcement Technical Committee to provide contextual comments as they relate to the prohibition of fishing in the MPAs. The Council could then send a letter to the National Marine Fisheries Service (NMFS) detailing these findings. The Committee also expressed an interest in the ratio of male to female gag, and whether that ratio has changed much since the implementation of the reserves. Sex ratio studies will be reviewed in the upcoming stock assessment meetings for gag (SEDAR 72). Some Committee members thought that Alternative 2 of Action 1 was too restrictive, while other Committee members noted the enforcement problems with the current regulations.

The Committee recommends, and I so move, **in Action 1, make Alternative 2 the preferred alternative.**

Alternative 2: Prohibit fishing year-round in the Madison-Swanson and Steamboat Lumps MPAs. This prohibition does not apply to Atlantic highly migratory species (HMS).

Motion carried 7-3 with one abstention

Staff reviewed Action 2 and Appendices B and C with the Committee, detailing the data available from the vessel monitoring system (VMS) and shrimp electronic logbook programs on vessel traffic through the MPAs. Though there were several hundred VMS vessel trips through the MPAs from 2011-2019, these were predominantly commercial reef fish vessels that did not commonly spend more than a couple hours within the boundaries of either MPA, suggesting that they were transiting. Similarly, but to a lesser magnitude, shrimp vessel traffic as reported through the electronic logbook program suggests most shrimp vessels are only in the MPAs while transiting to other locations. The Committee noted that Alternative 3 of Action 2 would still permit shrimp vessel transit through the MPAs, so long as the vessel had all fishing gear stowed and was not in possession of any Gulf reef fish species. Some Committee members

expressed concern with the transit restrictions in Alternatives 2 and 3 of Action 2, noting also the potential for safety at sea concerns for vessels caught in storms and trying to return to port.

The Committee recommends, and I so move, in **Action 2, make Alternative 3 the preferred alternative.**

Alternative 3: The possession of any species of Gulf reef fish is prohibited year-round in the Madison-Swanson and Steamboat Lumps MPAs, with no exception for vessels in transit.

Motion carried 8-2 with one abstention.

The Committee will review the codified text during Full Council. If the Council takes final action on the framework action, the Committee agreed that the Council should write a letter to the NMFS Atlantic Highly Migratory Species Division (HMS) requesting commensurate regulations for HMS species.

Report from Joint Working Group on Section 102: Modernizing Recreational Fisheries Management Act of 2018 (Tab E, No. 7)

Staff provided an overview of the Joint Council Workgroup's efforts on Section 102 of the MFA, which will focus on evaluating alternative recreational fisheries management strategies. The Workgroup elected Mr. Steve Poland (SAFMC-NC) as its Chair. The Joint Workgroup agreed that the goal(s) to be achieved through alternative management for a species needed to be identified to better understand which strategy might be best for a species. Stability, accessibility, and flexibility were offered as desirable traits of any strategy, acknowledging that all three are not likely mutually achievable. The Workgroup will reconvene in the late summer of 2020 to continue their discussions and explorations of these and other alternatives.

Other Business – including NOAA Fisheries Letter on Executive Order 13921 (Tab E, No. 8)

Staff summarized the letter Chris Oliver sent to the Councils regarding Executive Order 13921 on promoting American seafood competitiveness and economic growth. Staff noted that the Council should submit its list of recommended actions with proposals for initiating the actions to the NOAA Office of Sustainable Fisheries by November 2, 2020. Staff also indicated that NMFS and Council staff have already met to begin discussing the executive order. Dr. Crabtree noted that if Council members have specific questions about the order, they could forward them to Dr. Simmons and himself and he will consult with NMFS to provide answers. The Committee noted that suggestions provided by the Council will be broadcast to a wide range of agencies. Therefore, ideas proposed may not necessarily be limited to usual fishery management issues.

Committee members recommended several actions including holding off on additional areas closed to fishing, increasing testing for banned substances in imported seafood, requiring country of origin labelling on restaurant menus nationwide, supporting young fishermen development programs, recommending SSC review of HMS assessments, revising safety compliance programs, and considering measures to reduce agriculture run-offs into the Mississippi River. Dr. Frazer suggested that Council members could organize their recommendations and email

them to Dr. Simmons and himself. Council staff also plans to collect potential ideas from the public through the “Something’s Fishy” platform. Public comments received and suggestions provided by Council members will be gathered and presented during the August Council meeting.

Mr. Chair, this concludes my report.