

Sustainable Fisheries Committee Report

June 5, 2023

Mr. Dale Diaz, Vice Chair

Dr. CJ Sweetman, Chair

The Committee adopted the agenda (**Tab E, No. 1**), and approved the minutes (**Tab E, No. 2**) of the April 2023 meeting as written.

Overview Presentation on Rice's Whale Status and Recent Speed Limit Petition in the Gulf of Mexico (Tab E, No. 4)

Mr. Baysinger summarized the 2019 presentation and noted that Rice's whale is the only year-round resident baleen whale in the Gulf of Mexico. He provided a status update and indicated that Rice's whale's core distribution area was identified in the northeastern Gulf of Mexico. Mr. Baysinger indicated that in 2021 NOAA Fisheries received a petition pursuant to the Administrative Procedure Act. The petitioners requested that NOAA utilize authorities under the Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA) to establish a vessel slowdown zone to protect Rice's whales from collisions with vessels and noise pollution. Petitioners requested a year-round 10-knot vessel speed restriction within the vessel slowdown zone. Petitioners requested additional restrictions, including no vessel transits at night within the vessel slowdown zone. On April 7, 2023, NOAA published a notice of receipt of the petition and requested public comments on the petition by July 6, 2023. Mr. Baysinger stated that NOAA Fisheries is seeking comments on several topics, including the advisability of and need for regulations to establish a vessel slowdown zone, the geographic scope of any such regulations, and alternative management options for regulating vessel interactions with Rice's whales. Mr. Baysinger indicated that following the comment period, NOAA can either initiate rulemaking or decide not to proceed with the petitioned action.

The Committee stated that the limited information available on Rice's whale strikes may not be sufficient to support the petitioners request. Committee members noted that speed limitations would adversely impact several sectors and activities including, charter, shrimp, and transportation. The Committee further noted that major adverse economic effects would result from restrictions based on two reported incidents. The Committee inquired about the impacts on Rice's whale's recovery expected from the petitioned measures and asked whether there are data indicating that Rice's whales were more susceptible to strikes at night. Mr. Baysinger replied that Rice's whale recovery time was not yet determined. Committee members remarked that the petition does not detail how the speed limit was generated. Committee members noted that technology to assist in avoiding strikes is still under development. The Committee unanimously approved the following motion:

The Committee recommends, and I so **move**: to direct staff to write a letter to NOAA Fisheries outlining the Council's concerns as they relate to the proposed Rice's whale petition.

Motion carried with no opposition.

Mr. Strelcheck stated that the Council should be as specific as possible in its letter. Relative to the end of the comment period, Mr. Strelcheck indicated he would consult his team to determine whether the comment period could be extended. Due to the Administrative Procedures Act, NOAA has to respond to the petition within a reasonable timeframe. NOAA is also generally required to designate critical habitat for endangered species. Mr. Baysinger indicated that the area under consideration for designation as critical habitat is a continuous area within the Gulf of Mexico, from the Texas-Mexico border in the west to the Florida Keys in the east, between 100 and 400 fathoms. Committee members asked about the number of petitions received by the agency. Mr. Baysinger replied that there are two petitions, one for vessel speed limitations and one for critical habitat.

Committee members noted that specific concerns to include in the comment letter to NOAA could be further discussed in full Council. Dr. Sweetman indicated that some of the ideas formulated in Florida could be useful.

Review of Multi-year Annual Catch Limits (Tab E, No. 5)

Dr. Clay Porch (Southeast Fisheries Science Center [SEFSC]) presented the merits and drawbacks of using multi-year averages for setting and monitoring annual catch limits (ACLs). He demonstrated various scenarios of how a multi-year ACL might be functionally implemented for a fictional stock. Generally, if landings in a given year were estimated to be higher than the annual OFL, then the current system is obligated to address the perceived overfishing immediately, even if that estimate was highly uncertain. However, if a three-year period were used, anomalously high and low landings estimates will tend to average out, reducing the likelihood of triggering unnecessary management actions. He added that using a moving average could be problematic when the uncertainty in the landings estimates is high. Dr. Porch said that the implicit carryover and payback of landings during 3-year monitoring periods has been simulation-tested and is sustainable. He also said that sector-specific allocations, or the presence of IFQ management, is not expected to adversely affect the precision of using multi-year ACLs, or in related adverse effects on the stock.

Council staff asked about implementing accountability measures (AMs). He said that overfishing determinations could be made every three years, as opposed to annually, and recommended an interdisciplinary planning team investigate some of these nuances prior to the Council adopting a multi-year ACL approach. NOAA General Counsel (GC) pointed out the difference in using a 3-year time block versus a three-year moving average, in that in the former, evaluation of the risk of overfishing would not be re-evaluated until the end of that time block. NOAA GC also noted that the overfishing limit is applied to the stock or stock complex, and that variability in one sector's landings would implicitly affect another sector. A Committee member stated that the concept of using a multi-year ACL approach is currently a topic for discussion related to the Council's recreational initiatives.

SSC Recommendations on Report from the MRIP Transition Team on Red Snapper and Other Species in Gulf State Supplemental Surveys (Tab B, No. 8a)

Mr. Mareska reviewed Dr. Richard Cody's report from the MRIP Transition Team on red snapper and other species in Gulf state supplemental surveys from the May 2023 Gulf SSC meeting. The MRIP Transition Team is investigating non-sampling error in recreational landings estimates, and the Council's interest in a recreational angler landing permit. Thus far on these topics, 15 studies have been completed, three are ongoing, and six have not yet started. All scheduled projects are not expected to be completed in time for integration into the SEDAR 74 operational assessment for red snapper. The Texas landings calibration, recommended by the NOAA Office of Science and Technology, has not yet been addressed by the SEDAR 74 Assessment Development Team. This proposed calibration was heavily debated at the SEDAR 74 data workshop. The SSC recommended that the Gulf Transition Plan include integration of project findings into stock assessments when evaluating how project deliverables would be used.

SSC Recommendations on the Evaluation of Interim Analysis Process (Tab B, No. 8a)

Dr. Mareska reviewed a presentation on the interim analysis (IA) process. The SSC indicated a preference for the use of a fishery-independent index of relative abundance, accompanied by other complementary data as available (e.g., length compositions from directed fleets, Fisherman Feedback). Mr. Mareska also noted the potential for evaluating indices for species or complexes as part of a management strategy evaluation (MSE).

A Committee member asked about the availability of indices for doing IAs for certain species. Staff noted that some species lack appropriate fishery-independent indices; however, those stocks may have other representative catch-per-unit-effort indices, such as the headboat CPUE index for lane snapper and cobia. Mr. Mareska added that the SSC favored a tiered approach for evaluating the available information, beginning with consideration of the health of the stock based on presented data, and using that to determine whether a revision to catch advice was warranted.

SSC Recommendations on Management Strategy Evaluation Workshop (Tab B, No. 8a)

Dr. Steve Saul (SSC) reviewed SSC discussions of a series of talks presented to the SSC about MSE, which allow the Council to test management efficacy before it goes into place. MSE is used to simulate the interactions between data collection, data analysis (stock assessment), and fishery regulations. MSE is a simulation-based, analytical framework used to develop a robust, consensus-driven and realistic management procedure and involved dialogue between scientists, managers, and stakeholders. Dr. Saul stressed that stakeholders would remain integral throughout the MSE development process.

Dr. Saul discussed when to apply MSE, such as when considering difficult policy decisions, intractable stakeholder conflicts, disenfranchised stakeholders, ecosystem changes, and when

scientific uncertainty threatens the integrity of the current management approach, or when status quo management is clearly failing. He then reviewed some recent examples of MSE being implemented. Dr. Saul noted that the SEDAR Steering Committee did not want MSE being conducted through the SEDAR process, and that Council staff thought the Council should provide direct feedback before beginning an MSE effort. Ultimately, the SSC recommended that the Council pursue MSE as a decision support tool with applications to stock assessments, ecosystem issues, and Council decision-making. Further, the SSC recommended the Council pursue opportunities to incorporate social and economic performance indicators, and human behavioral responses, in MSE.

A Committee member asked how the Council should proceed with requesting an MSE and how it would function. Dr. Saul reiterated that MSE should be reserved for addressing critical issues, and that clear objectives were needed before embarking in the process. Council staff also clarified why the SEDAR Steering Committee was opposed to running MSE through SEDAR, due in part to the information presented at the time to that Committee and the variability in the time required. Another Committee member noted an uncertainty in the support necessary for developing an MSE and its potential cost to the stock assessment process. The Committee member shared the other's concern about costs with regard to workload and overall analytical product throughput. The SEFSC confirmed that for some applications the workload for MSEs can be considerable and may require reducing the number of assessments conducted. However, the SEFSC thought it necessary to explore different approaches, in light of challenges observed in the increasing complexity of the stock assessment process against the perceived gains in management. It may be possible to address multiple issues across species through MSE. The SEFSC stressed consideration of MSE, appropriately applied and parameterized, as a way to address perennial issues faced by the Council. A Committee member asked whether MSE could be used to pare down the data considered for a stock assessment to the most essential data streams. The SEFSC replied that a desk MSE could use simulation testing to determine the data necessary to adequately assess a stock.

Council staff asked about ongoing efforts with the SEDAR Steering Committee regarding obtaining more timely advice about data-poor species that may not require the same level of complexity. The SEFSC noted that data-limited approaches have been ongoing within the SEFSC for some time, and that it was possible to review the dispositions of those data-limited species and their associated data to evaluate whether any of those species could be assessed using a data-limited analysis.

Mr. Chair, this concludes my report.