

**Sustainable Fisheries Committee Report**  
**October 26, 2020**  
**Mr. Dale Diaz, Chair**

The Committee adopted the agenda (**Tab E, No. 1**) and approved the minutes (**Tab E, No. 2**) of the September 2020 meeting as written.

***Finalize Recommendations on Executive Order 13921 from Public Comments and from the Council (Tab E, No. 4)***

Dr. Simmons provided a draft list of items the Council will recommend to reduce burdens on domestic fishing. She noted that the Committee should discuss the items and comment on the ranking provided for the recommended actions. Following the September Council meeting, Council staff had followed up with the National Marine Fisheries Service (NMFS) headquarters regarding the inclusion of recommendations affecting the recreational fishing sector. She informed the Committee that recommendations affecting both sectors could be included in the Council's list of recommended actions.

Dr. Simmons reviewed the draft list of items, noting the ranking of each. Concerning the suggestion to remove the annual catch limit (ACL) for spiny lobster, she noted that this action may be inconsistent with the Executive Order as it would violate the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Committee members discussed the rationale for removing the catch limit for a stock that has limited local recruitment and the history of considerations for removing it. Ms. Mara Levy noted that if the action is retained, it should be reframed as a request to modify the Magnuson-Stevens Act to allow this stock to be exempt from the ACL requirement. It was noted that the Scientific and Statistical Committee (SSC) has expressed concern with setting an ACL for spiny lobster, which has a unique life history.

The Committee provided feedback on the ranked priorities for some actions, which are reflected in the revised draft list. The Committee also provided suggested ranking for three items on the list that were unranked. The Committee recommended a priority "A" for the development of a Commercial Electronic Logbook Program, "B" for a proposal to reduce burdens on the transfer of limited access permits that are renewable but expired, and "C" for a request to modify the Magnuson-Stevens Act to exempt spiny lobster from Annual Catch Limits. Staff will finalize and transmit the recommendations on behalf of the Council. Dr. Simmons informed the Committee that additional public comments on the Executive Order collected through the *Something's Fishy* tool are now available on the Council website under this agenda item.

***Summary Report from the Joint Section 102 Workgroup (Tab E, No. 5)***

Council staff summarized discussions held by the Joint Council Workgroup on Section 102 of the Modern Fish Act of 2018 (Workgroup). The Workgroup established a charge and a directive after reviewing alternative management strategies identified for further investigation at their first

webinar meeting. The Workgroup will reconvene in the first half of 2021 and report back to the Councils at that time.

***Allocation Review Procedures (Tab E, No. 6)***

Council staff reviewed definitions for a fisheries allocation review and for an evaluation of fisheries allocations for an amendment, then discussed allocation review procedures. The procedures presented were suggested by the Allocation Review Working Group and were discussed by the Standing and Socioeconomic SSCs. Procedures presented included the composition of the review panel, the content of the review notice, and the number of review tiers to establish. Council staff also presented the steps or stages to consider during the review and highlighted sections to include in the allocation review report. Alternatives to reset review timelines to determine the start of subsequent reviews were also provided. Committee members asked whether there would be an overlap between the allocation review guidelines considered by the South Atlantic and Gulf Councils. Staff noted that currently, each Council is developing guidelines most suitable to review their allocations.

Dr. Joe Powers (SSC Chair) indicated that the SSC expressed support for setting predictable timelines for reviews and for documenting the review process. He noted that several SSC members indicated their willingness to participate in the review process. Dr. Powers also noted the consensus position of the SSC is that the involvement of outside expertise in the review process would be useful.

Ms. Levy asked about what guidance the Committee may offer following the presentation. Staff indicated that the Committee could offer guidance, revise the procedures presented, and suggest additional procedures to include in the guidelines. Staff also noted that the Committee and the Council will have additional opportunities to offer recommendations on review procedures. Committee members recommended the inclusion of terms of reference (TORs) for allocation reviews and asked who would draft the TORs. Staff replied that the guidelines will specify that TORs will be drafted for each allocation review by the Allocation Review Working Group, and that the TORs would be submitted to the Council for approval.

Mr. Chair, this concludes my report.