

Sustainable Fisheries Committee Report
October 25, 2021
Dr. Greg Stunz, Chair

The Committee added an agenda item under *Other Business* to provide an update on the October International Commission for the Conservation of Atlantic Tunas (ICCAT) Advisory Committee meeting. The Committee then adopted the modified agenda (**Tab E, No. 1**) and approved the minutes (**Tab E, No. 2**) of the August 2021 meeting as written.

Draft Allocation Review Guidelines (Tab E, No. 4)

Council staff made a distinction between an allocation review and an evaluation of allocation options in a Fishery Management Plan (FMP) amendment. Staff then presented the draft allocation review guidelines. The draft guidelines describe the process for completing allocation reviews. Staff noted that the drafting of terms of reference and the publication of a *Federal Register* Notice (FRN) would precede the initiation of each allocation review. Staff discussed the membership of the allocation review panels and presented alternatives to be considered by the Committee.

Staff discussed allocation review tiers and noted, that in most cases, a routine review would be performed. Routine allocation reviews would mainly be based on readily available information and data such as the FMP objectives, stock status, historical landings and quota utilization rates, and discards. At its discretion, the Council would request additional data and information not included in routine allocation reviews. Staff described the intended roles of the Scientific and Statistical Committees (SSC) and advisory panels in the review process. Staff also discussed the Council's process to formally approve an allocation review and, if warranted, request the initiation of an FMP allocation amendment.

A Committee member inquired about the selection of independent experts who could serve on review panels. Staff indicated that before an allocation review, the Council would solicit applications from experts with the needed expertise and then select and appoint the reviewers. A Committee member noted that, consistent with the NMFS Allocation Review Policy, the inclusion of biological, socioeconomic and ecological factors should not be conditional. Staff noted that the guidelines would be modified to reflect the remark. A Committee member suggested that the review panel should, in addition to completing the allocation review, suggest alternative allocation methods to consider in the subsequent evaluation of allocation options in an FMP amendment. Staff noted the development of an amendment does not necessarily follow the completion of an allocation review. Staff further noted that the draft guidelines could be modified to reflect this suggestion should the Committee decide to include it in the guidelines.

Ms. Levy inquired about the potential inclusion of a review completion date in the FRN notice. She continued that specifying a completion date may be challenging due to unforeseen circumstances. Staff concurred and noted that guidelines could be revised if Committee indicates a maximum duration for allocation reviews. A Committee member asked whether the allocation review working group discussed the decision tree approach under consideration by the South Atlantic Council. Staff noted that the approach is still in development and indicated that

the working group received a presentation from John Hadley (South Atlantic Council staff) on the allocation review approach under consideration in the South Atlantic. A Committee member indicated they would like to see the document contain more explicit examples of the review factors while still allowing the Council to maintain flexibility to address reviews for a specific species. Committee members may suggest other revisions to the guidelines later this week or at a future Committee meeting. A Committee member inquired about the allocations listed in the Gulf Council's allocation review policy. Staff indicated that the allocations included in the Council's policy were deemed to be subject to the requirements of NMFS Allocation Review Policy.

SSC Recommendations on Using Field Experiments to Assess Alternative Mechanisms for Distributing Fish to the Recreational Sector (Tab E, No. 5)

Dr. Jim Nance (SSC Chair) summarized SSC recommendations relative to a presentation given to the SSC by Dr. Alexander Gordan (Southeast Fishery Science Center [SEFSC]) on using field experiments to assess alternative mechanisms for distributing fish to the recreational sector. Dr. Gordan's presentation described a proposed pilot program that would allow private anglers to fish outside the regular fishing season in exchange for participation in a data collection program. Dr. Nance noted that a draft exempted fishing permit (EFP) application was under development. He also indicated that gag grouper, red grouper, and red snapper were the species being considered for the experiment. Dr. Nance stated that SSC members recommended a localized experiment limited to small portions of the Gulf of Mexico.

A Committee member noted the similarities between the proposed experiment and the headboat fishing collaborative project. Mr. Strelcheck (NMFS Southeast Regional Office) noted the importance of stakeholders buy-in for this type of experiment and noted the agency's commitment to working with industry and the Council as the EFP is further developed. A committee member inquired about the hypotheses the pilot project will test. Dr. Walter (SEFSC) noted that the proposed experiment is a part of the Science Center's broader research agenda to better understand the needs of the recreational sector. He also noted that creative solutions should be considered to assist the Gulf Council in its efforts to address management challenges.

Report to Congress on Shark and Dolphin Depredation (Tab E, No. 6)

Ms. Karyl Brewster-Geisz from the Atlantic Highly Migratory Species (HMS) office provided a presentation discussing the 2021 Congressional Appropriation Act Joint Explanatory Statement (JES) to review, collect, and report on issues related to dolphin and shark depredation. The report to congress will include a quantification of the degree to which dolphin and sharks interfere with fishing sectors and provide recommendations for non-lethal deterrent methods. HMS is collecting input from a variety of government agency and public sources during the scoping period as well as conducting a literature search to inform the report. Specifically, the objectives of the report include defining depredation, identifying any other potential interactions, quantifying economic loss, and mitigating harm to dolphin and shark species. She stated the deadline for comment by the Council would be November 5th.

A Committee member presented a shrimp net that had been damaged by sharks feeding outside the gear, noted that a recent trip resulted in \$6,000 of repairs due to shark damage, and provided anecdotal information that shark damage of this magnitude had not been observed historically. Mr. Kevin Anson indicated that the State of Alabama, beginning last year, had included some questions about depredation on their state fishery-dependent surveys. He indicated that he could provide those data with HMS. Another Committee member stated that strict regulations associated with the Marine Mammal Protection and the Endangered Species Acts hinder research of non-lethal deterrent methods and encouraged HMS to offer some solutions to progress research needs.

The Committee discussed the most appropriate way to provide the requested feedback and the use of Council's "Something's Fishy" tool to solicit public input. Dr. Carrie Simmons said she had been in contact with Southeast Regional Office staff and agreed that querying the public testimony verbatim minutes from the past 5 years would be a good initial investigation; however, no determination had been made about which office would be responsible for that work. She continued that if that exploration was to be conducted by Council staff, an extension of the November 5th deadline would be required. NOAA staff replied that a minimal extension could be possible, but indicated they were also beholden to a stringent deadline for completing the Congressional report. Since the Committee met, Dr. Jack McGovern notified Council staff that the deadline for the letter was extended to November 12th and that SERO staff would search the Gulf Council minutes for key words for these efforts in the recent 5-year for potential inclusion into the report to Congress. Ms. Brewster-Geisz expressed interest in following up with Council staff on the potential use of the Council's "Something's Fishy" tool to determine if it would be an appropriate scoping method.

Other Business – ICAAT Update

The International Commission for the Conservation of Atlantic Tunas Advisory Committee convened on October 18th. During that meeting, updates were provided for bluefin tuna, yellowfin tuna, and shortfin mako sharks. Bluefin tuna catches have increased in the Gulf of Mexico recently, and it is likely that conservative management measures will remain in place for the fishery. Similarly, yellowfin tuna in the Gulf of Mexico appear stable and management is not expected to be modified. Projections for shortfin mako have resulted in a dire situation with recovery probability low over the next few decades, even with fishing greatly reduced or prohibited.

Mr. Chair, this concludes my report.