GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

SUSTAINABLE FISHERIES COMMITTEE

Webinar

January 25, 2021

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The Sustainable Fisheries Committee of the Gulf of Mexico Fishery Management Council convened via webinar on Monday morning, January 25, 2021, and was called to order by Chairman Dale Diaz.

ADOPTION OF AGENDA
APPROVAL OF MINUTES
ACTION GUIDE AND NEXT STEPS

CHAIRMAN DALE DIAZ: I would like to call the Sustainable Fisheries Committee to order. The members of the committee are myself as Chair, Dr. Stunz as Vice Chair, Mr. Schieble, Mr. Anson, Ms. Bosarge, Mr. Donaldson, Ms. Guyas, Mr. Riechers, Mr. Strelcheck, Mr. Swindell, and Mr. Williamson.

The first item on the agenda is the Adoption of the Agenda. Are there any changes or modifications to the agenda?

MR. KEVIN ANSON: Yes, Dale.

CHAIRMAN DIAZ: Go ahead, Mr. Anson.

MR. ANSON: I would like to add, under Other Business, an update on the request to receive details about how the red snapper dead discards are counted against the commercial and recreational ACLs.

CHAIRMAN DIAZ: Okay, Mr. Anson. I've got it. Any other changes to the agenda? Any other items? Hearing none, is there any opposition to adopting the agenda? Hearing none, the agenda is adopted.

The next item on the agenda is the Approval of the November 2020 Minutes. Are there any additions or corrections to the 2020 minutes? Hearing none, are there any objections to adopting the November 2020 minutes? Then the minutes are adopted.

We're going to go through the Action Guide and Next Steps as we take up each item, and so, Dr. Froeschke, would you go through the action guide for Agenda Item Number IV, please, and then, when you're finished, you can just go ahead and proceed right on into your presentation.

FINAL ACTION AMENDMENT 48/RED DRUM 5: STATUS DETERMINATION CRITERIA AND OPTIMUM YIELD FOR REEF FISH AND RED DRUM

DR. JOHN FROESCHKE: Yes, sir. Good morning. A couple of things on Item Number IV. At the last council meeting, we had

noticed this Reef Fish Amendment 48/Red Drum 5: Status Determination Criteria Amendment for final action. During discussion of the document, there were some questions raised about the pros and cons of using SPR proxies to define the maximum sustainable yield for the data-limited stocks, and so the council asked for a presentation to look at some of the pros and cons of that approach, versus other approaches that might be used.

We have that presentation, and, depending on the feedback of that, we also have included the amendment in the briefing materials and noticed it for final action, if you want to review the document, and so that's what I have, and so we'll start with the presentation.

This is just a brief overview of status determination criteria, and these are the information for stocks that we manage to define overfishing and overfished status, and they're important to the council because fishery management plans must define this for each managed stock and using measurable criteria to do this.

Just a brief timeline for this particular document, and it's been on the action schedule since 2014, and there was actually a motion in 2012 that started this document. However, it remained a low priority. In 2017, we discussed that the Reef Fish and Red Drum FMPs are not in compliance with Magnuson, because we don't have some of these criteria defined for some of our stocks, and so there was a motion passed to elevate this to a higher priority status, and so we did that and began working on it.

This is sort of just the timeline, and kind of what I want to demonstrate with the slide is sort of just the schedule of when the council and the SSC have looked at this and kind of the items that they have focused on, and so, again, we started on this in 2017, and the SSC began by reviewing the maximum sustainable yield alternatives in the document, and, essentially, they reviewed it and provided comment a number of times.

Their feedback, in general, considered reviewing the SPR proxies for various stocks, and then the early alternatives in the early version of the document considered alternatives to data-limited stocks, based on the annual landings. Both the SSC and the Science Center had reviewed that and provided comments that ultimately led to removal of those options for the more recent versions of the draft that have been reviewed both by the Science Center and the council, and so the options in the

current document are consistent with both of their recommendations.

Some of the more recent reviews focused on the definitions of optimum yield that included scalars based on percentages of MSY and then continuing to use the escapement-based definition for red drum.

At the September meeting, after review, the document was approved for public hearings, and we held the public hearings virtually in November, and Emily provided a summary of the comments and feedback received in November, and, again, at that time, the council requested a presentation about the pros and cons of using SPR proxies for these data-poor stocks, and that's where we are today.

In the document, there are four actions, maximum sustainable yield proxies, the MFMT, or maximum fishing mortality threshold, the minimum stock size threshold, and the optimum yield. Based on previous discussions at the council, it seems the Actions 2, 3, and 4 seem fairly certain in the council's choices, and so, again, this presentation is just going to focus on Action 1.

Maximum sustainable yield proxies, there are different ways this could be done, but maximum sustainable yield is considered the largest long-term average catch that can be taken from a stock or complex without depleting the stock, and, essentially, in the graphic in the bottom-right panel, it's consistent with the OFL on an annual basis.

For assessed stocks, we typically use proxies, because we don't have the data, necessarily, to estimate directly maximum sustainable yield. In general, lower SPR proxies allow higher catches at higher risk of overfishing the stock and depleting it at some point, based on perhaps factors other than fishing. In general, stocks -- We have used SPRs between 30 and 40 percent for reef fish stocks, with the exception of red snapper and gray snapper, that are now managed at SPR 26.

Action 1 contains four alternatives directly related to the SPR and then a fifth that's more of a housekeeping kind of thing, and so I will focus on Preferred Alternatives 2 and 3, and this is sort of the basis of the discussion last time, and so Preferred Alternative 2 is for stocks and complexes that do not have an MSY proxy. The MSY proxy is the yield when fishing at 30 percent spawning potential ratio.

This preferred alternative would encompass stocks both that are

assessed as well as some stocks that are considered data poor, or data limited. In the Gulf, the way we typically consider these stocks is they do have reliable estimates of historical landings, but they may or may not have other kinds of information that are useful for determining harvest levels.

Preferred Alternative 3 addresses goliath grouper, and the issue is sort of the same. The difference is that goliath has some unique biological characteristics, in that it's long-lived and large, and it may not be as resilient to fishing as other reef fish stocks, and, from a management perspective, this is a harvest-prohibited species.

This table, if you can see it, summarizes the stocks and complexes that are encompassed by the various alternatives in the document. In the bold, black text, it indicates the species that have an accepted stock assessment. The not-bolded stocks are what we would consider data-limited stocks, and there are several of those included in complexes, and the subsequent slides will sort of summarize some of the tradeoffs of using either the SPR approach that we're using now in the document as the current preferred versus some of the other options that could be considered.

Again, this comes from the council request at the last meeting for a discussion about the pros and cons of using these proxies for data-poor stocks.

What I have here is just a small table, and this is by no means an exhaustive list of some of the pros and cons of using the SPR-based proxies for MSY, and, on the pro side, this is consistent with how we've managed both reef fish and coastal migratory pelagic stocks.

There is a strong scientific rationale for this approach, linking the productivity of the stock to the harvest advice, and this is the approach that's been recommended by the Science Center and the Southeast Fisheries Science Center that is responsible for doing the stock assessments and providing the basis for management advice.

In terms of the cons of this, this is really a data-rich requirement to fully make use of this, and not all stocks that we have are assessed, and some may or may not be assessed in the future, and then there's concern that this proxy-based approach may not be as directly measurable as some of the landings-based approaches.

The alternative in the early versions of this, just to reiterate what we have, is an alternative based on using annual landings, based on historical catch, to define maximum sustainable yield. There was a lot of discussion at the council level and at the SSC meetings, as well as input from the Science Center.

The primary concerns about using landings, from the SSC, was that the way we've done it in the past -- For example in defining annual catch limits for data-limited stocks, we have used average landings and the variance about that, and I think there is general scientific consensus that this can be used to generate sustainable levels, but not necessarily a maximum level, and there wasn't any confidence that this information could be used to define a maximum that's consistent with the definition of MSY.

In terms of the calibration issues, these data-poor stocks have not been calibrated to the FES, and so there could be some concerns about how to define an MSY based on currencies, and this would need to be changed, perhaps, when currencies are updated for management context. In terms of doing assessments on data-limited stocks, SEDAR 49 attempted this for several stocks, and only lane snapper was considered adequate for use, and, again, these data-limited stock assessment models require more input information than just landings, and they also don't produce MSY-based outputs, in terms of stock status.

Based on these kinds of information, the SSC acknowledged that there may be some challenges in implementing or measuring this information, based on the SPR proxies, but it is consistent with a sound scientific approach. In the event that we get this information, we'll be able to directly use it in management.

Just to summarize the concerns articulated from the Science Center and the SSC with the landings-based approach, it's that there is no confidence that the values that would arrive from the calculations that we've done, for example, in the Generic ACL Amendment, based on Tier 3 of the control rule, would achieve a maximum value, and it could probably produce a sustainable value.

In terms of the mechanics of using the landings, it would require selections of reference years and criteria that would need to be developed, and they generally revolve around stability of trends and things like that, and it would require some process, and it's unlikely to result in an outcome that is encouraging or consistent with the best scientific information that we have.

In terms of calibrating historical data, this would require routine updates, or, if the historical catch information changed, it may require frequent changes to the definition of MSY, using this approach.

One suggestion, from public comment, was to consider the technical guidance being developed through the CCC sub-groups, and they are working on a report that would create tiered advice for data-rich to data-limited stocks, as far as stock status requirements, and I have not seen this report, and it's not publicly available.

The timeline is expected to be in the coming year, but we haven't seen it, and I don't know when it would be available. One concern is that the guidance from this may not address the data-limited stock that we have and that the guidance may require more information than we have.

One approach is that we set the MSY definitions based on the preferred alternatives that we have now, and, in the event that new scientific information is available, it can always be revisited in the future, just as we do for all stocks.

To kind of wrap this up, the Magnuson Act and the National Standard 1 require stock status determination criteria for each managed stock. The current preferred alternatives in the document would satisfy this requirement. In the event that new scientific information is available, the council can always use this to revisit or modify the definition for SDC for any managed stock.

The SSC and the Science Center are in support of the current preferred alternatives, and have reviewed them a number of times, and so what we're looking for here is do you have any additional questions on this issue, and, if not, do you want to revisit the document and consider taking final action? I think that's my last slide. Any questions?

CHAIRMAN DIAZ: Thank you, Dr. Froeschke. Any questions for Dr. Froeschke?

DR. FROESCHKE: If not, Mr. Chair, just a brief -- I don't think we've received any new public comments on this since the last time I reviewed the document, and do you want to review the document?

CHAIRMAN DIAZ: This document is up for final action, and so, if

you can go through it quickly, and then -- We've been through it a number of times, and if you will just hit the actions and the preferreds, and then we'll see where the committee wants to go with it when you finish that, Dr. Froeschke.

DR. FROESCHKE: Okay. Let's bring it up. I'm ready. We'll started with Action 1, and it shouldn't take long, because we just covered this one. Action 1, as we just discussed, would define a maximum sustainable yield for reef fish stocks and red drum, and the Preferred Option 2b would set the yield when fishing at 30 percent SPR, and this would include a number of reef fish stocks and complexes.

Preferred Alternative 3 addresses goliath grouper separately, and, again, we mentioned this briefly, and it has some unique characteristics. It's less resilient to fishing, perhaps, and so the preferred option of a 40 percent spawning potential ratio would not affect the harvest on prohibition for the stock.

Preferred Alternative 4 addresses red drum, and red drum is managed quite differently than the reef fish stocks in the Gulf. There is an inshore fishery that's quite extensive, and harvest is prohibited, and it has been in federal waters since 1988. It's not an assessed species, and the current management is based on an escapement rate of juvenile fish to -- From the inshore areas to the offshore waters where the spawning stock resides, and it's based on a goal of 30 percent of those would have escaped, had there been no inshore fishery. This Preferred Option 4a is consistent with that current approach.

Preferred Alternative 5 is sort of a housekeeping procedure that would allow the council to expedite incorporation of new scientific information if they receive guidance on an updated MSY definition from the SSC, based on the outcome of an assessment, and they could directly implement this by noting it in a plan amendment, rather than going through a document with actions and alternatives, and so just two points to this. This recommendation from the SSC does not obligate the council to accept it, and so, if they prefer not to do that, they don't have to do that.

In the event that happened recently, where the SSC provided a range of options for MSY, as they did with gray snapper, then we would still go through a procedure with an action and alternatives for the council to consider, and so those are the preferred alternatives in Action 1. If there are no questions, we can go to Action 2.

CHAIRMAN DIAZ: Proceed, Dr. Froeschke.

DR. FROESCHKE: Action 2 defines the maximum fishing mortality threshold for stocks that this has not been defined, and it would apply the MFMT equal to the fishing mortality based on the MSY proxy determined in Action 1. This is would ensure that the maximum fishing mortality threshold and the MSY proxy are compatible for the managed stocks, and there is just two alternatives in this one. Again, the council selected this Preferred Alternative 2.

CHAIRMAN DIAZ: Any questions for Dr. Froeschke on Action 2? I am not seeing any. Can you proceed, Dr. Froeschke?

DR. FROESCHKE: Sure. Action 3 addresses the minimum stock size threshold, and this is essentially a biomass-based target, or threshold, in which, for a given stock, there is a biomass, a corresponding biomass, at MSY. However, it's acknowledged, through the process of management and uncertainty, that this biomass estimate may fluctuate through time, and this threshold allows the biomass to fluctuate below the biomass at MSY by some specified amount, such that the stock is not declared overfished and requires rebuilding until this amount. This adds some stability to the fishery and is consistent with how we've managed other stocks.

Alternative 2 is the way that MSST was historically defined for many stocks, using this one minus M approach, where M corresponded to the natural mortality, and this was given some consideration, and sometimes -- In some cases, the mortality rate is very low, and so you end up with a minimum stock size threshold that's very close to MSY, which can be problematic, in the event that the mortality estimate changes can change your definition of MSST.

In recent years, the council has gone away from this approach for some stocks, and the preferred alternative is MSST equals 75 percent of the biomass at MSY, in contrast to the Alternative 4, which is the 50 percent, and this is the lowest that could be set. The 75 percent tries to balance conservation with the feasibility for management, and there was some information provided by the Science Center that suggests that biomass was unlikely to fall below this level, in absence of some overfishing or stock depletion, and so this balances those needs.

Preferred Alternative 5 addresses some jointly-managed stocks with the South Atlantic Council, including goliath grouper,

mutton snapper, yellowtail, and black grouper, and it manages in a consistent -- I think there's a table below, and so, essentially, it's a consistent with the Preferred Alternative 3, with the exception of goliath grouper. I think there's a little table, if there are no questions. Otherwise, we can go to Action 4.

CHAIRMAN DIAZ: Any questions for Dr. Froeschke? Mr. Anson.

MR. ANSON: Thank you, Mr. Chair. Dr. Froeschke, I'm just curious, and I can't recall, but why does the South Atlantic have jurisdiction over goliath? Is that because of historical landings were higher in the South Atlantic's jurisdiction, or is there some other reason? Do you know?

DR. FROESCHKE: It's a joint stock. They don't have jurisdiction, necessarily. It's a single stock in the South Atlantic and Gulf region, and they have previously-established MSY criteria for goliath, whereas we have not.

MR. ANSON: Okay. Thank you.

CHAIRMAN DIAZ: All right. I am not seeing any other questions, Dr. Froeschke. Would you proceed to Action 4?

DR. FROESCHKE: Yes. Action 4, a couple of things. It's divided into two sub-actions, if you will, and 4.1 addresses reef fish, the reef fish stocks included in Action 1, as well as hogfish. Action 4.2 that we'll discuss in a minute covers red drum. The reason they're separate is that the no action alternative for reef fish and red drum are different, and so we addressed them in separate actions.

Preferred Alternative 2 would define the optimum yield as a percentage of MSY. Earlier versions of the document was based on percentages of the yield at FMSY, and the Science Center advocated for using this approach, which the council concurred, and 90 percent of MSY is thought to be consistent with the yield at 75 percent FMSY.

Preferred Alternative 3 addresses the shallow-water grouper, and this complex is broken because of nuances with black grouper, and black grouper is a jointly-assessed stock, and the assessment is quite old, but, in terms of the OFL, overfishing limit, in the Gulf, it's undefined, and so this group is broken out separately, but the preferred option, again, is 90 percent of MSY.

Preferred Alternative 4 addresses goliath grouper, and, again, this stock is different, and the council selected this formula-based approach, and Preferred Option 4d is kind of a two-part, and there's a formula for using the annual catch limit divided by the overfishing limit times MSY, or the proxy, or, in this case, since the ACL for this stock is zero, and has been for a long time, because of the harvest prohibition, the OY would remain at zero, based on that tag, where it says "or zero if the ACL equals zero". This is OY for reef fish stocks. Any questions, or we can go to red drum.

CHAIRMAN DIAZ: I am not seeing any hands up, Dr. Froeschke.

DR. FROESCHKE: Okay. Action 4.2, again, this is broken out separately from the reef fish stocks, because the no action alternative, Preferred Alternative 1, there is an existing definition of optimum yield for red drum that was defined, I believe in Red Drum Amendment 2, and it states that all red drum harvested from state waters, landed consistent with state laws and regulations, under a goal of allowing a 30 percent escapement of the juvenile population.

This is an escapement-based management approach, and it's consistent with how management is implemented for this stock. The Alternative 2 in the document uses more of an MSY approach, similar to what was discussed in Action 4.1 for reef fish, but, given this is consistent with the existing definition and how the fishery is currently managed, the council has selected Preferred Alternative 1, no action.

Those are the actions and preferred alternatives for the four actions in the document, and I don't have anything else, unless you have questions.

CHAIRMAN DIAZ: Any questions for Dr. Froeschke? Dr. Stunz.

DR. GREG STUNZ: Thank you, Mr. Chairman. I don't have a question for Dr. Froeschke, but it's just as much about this document, and I'm pretty much ready to move it forward, if you're willing, Mr. Chair. If you are, I am happy to make that motion.

CHAIRMAN DIAZ: Yes, please, Dr. Stunz. Proceed.

DR. STUNZ: What would help with that motion is our normal text for moving forward for final action documents like this, and I don't know if I should wait, Mr. Chair, for the normal --

CHAIRMAN DIAZ: I think that staff has our standard motion prepared, and they're pulling it up, and so there it is right there, Dr. Stunz. Okay. We'll take a minute while they get that on the board, and we'll read it, and then we'll see if we get a second.

DR. FROESCHKE: Mr. Chair, if I could interrupt just one moment before you --

CHAIRMAN DIAZ: Go ahead, Dr. Froeschke.

DR. FROESCHKE: One change that you may want to consider in this motion is there is not rulemaking associated with this document, and so there won't be any codified text, and so that part wouldn't be necessary.

CHAIRMAN DIAZ: Okay. Would it end at "implementation", and the rest of it would just be --

DR. FROESCHKE: I would just strike that part right there that's highlighted.

CHAIRMAN DIAZ: Okay. Dr. Stunz, are you okay with that language?

DR. STUNZ: Yes, Mr. Chairman. Would you like me to read that into the record?

CHAIRMAN DIAZ: Please.

DR. STUNZ: I move to approve the Reef Fish Amendment 48/Red Drum 5: Status Determination Criteria and Optimum Yield for Reef Fish and Red Drum and that it be forwarded to the Secretary of Commerce for review and implementation, giving staff editorial license to make the necessary changes in the document. The Council Chair is given the authority to deem any changes as necessary and appropriate. Mr. Chairman, that's my motion.

CHAIRMAN DIAZ: Thank you, Dr. Stunz. Dr. Stunz has put forth a motion. Is there a second?

MR. ANSON: I will second.

CHAIRMAN DIAZ: Thank you, Mr. Anson. All right. The motion is made and seconded. Ms. Levy, you had a question or a comment?

MS. MARA LEVY: Just that that last sentence -- I know you took out the codified text, but the whole thing really goes to the

codified text. **The prior sentence already gives staff editorial license to make changes to the actual amendment, and then what the act refers to is the council deeming the codified text as necessary and appropriate, and so my suggestion would be just to delete the last sentence.**

CHAIRMAN DIAZ: Dr. Stunz or Mr. Anson, do you all have any objection to removing that last sentence?

DR. STUNZ: No. **If that helps clean it up, that's fine with me.**

MR. ANSON: My only comment to that would be that the Council Chair would actually be the final say, whereas, in my mind, if you remove that last sentence, then it would just give staff editorial license without any oversight.

MS. LEVY: Can I respond to that?

CHAIRMAN DIAZ: Go ahead, Ms. Levy.

MS. LEVY: I mean, that's fine, but, even in the normal course of things, staff has editorial license to make changes to the document, and we clean it up and do editorial things to the actual document, and that never goes back to the Chair. The only thing that we would send back to the Chair, in the normal practice, are changes to the codified text.

MR. ANSON: Understood. I mean, it's not anything critical, but it's just my thoughts on it, and I will accept the change with the removal of the last sentence.

CHAIRMAN DIAZ: Thank you, Mr. Anson. Any other comments or questions about the motion before we take a vote? Dr. Simmons, this is a committee motion, and I don't believe it requires a roll call vote, and is that correct?

EXECUTIVE DIRECTOR CARRIE SIMMONS: Correct. Not at this time, Mr. Chair.

CHAIRMAN DIAZ: All right. **I am not seeing any hands up at this time, and so is there any opposition to approving the motion? Hearing none, and seeing none, the motion carries.**

I want to thank the staff and everybody that's put a lot of hard work into this document. We've been working on it for about three-and-a-half years, and it's a very complicated document, and I appreciate all your help, and especially you, Dr. Froeschke, for taking the time to try to explain it to us on so

many occasions, and we appreciate it.

We're going to move on in our agenda, and so the next action is Agenda Item Number V. Mr. Rindone, do you want to introduce that item, and then we'll have Dr. Powers do his presentation?

SSC RECOMMENDATIONS ON INTERIM ANALYSES SPECIES AND TIMING

MR. RYAN RINDONE: Sure, Mr. Chair. I have sent our draft schedule to Meetings, and my apologies if that was tardy getting to you guys, the draft interim analysis schedule. At minimum, if that could be brought up, just to provide some context.

CHAIRMAN DIAZ: I don't think it was in the briefing book.

MR. RINDONE: It wasn't, and my apologies. It was an oversight. This is what the SSC -- What you guys see on your screen right now, this is what the SSC discussed, and, essentially, what we're trying to do here is to, in a matrix, decision-making approach, schedule what we think we might need for interim analyses, considerate of things like Science Center workload, which representative index of abundance would apply to each species, when that index is typically available, like when the data are available, which also helps determine the terminal year and the delivery date, and then the delivery date is also affected by things like fishing seasons, things we anticipate being on the SEDAR schedule, and things we anticipate the SSC having to review.

There are many, many moving parts that are all kind of meshed together on this thing to get us to where we are right now, and then, at the bottom, you see some points to consider, and so an interim analysis we say could take approximately three months, and some will take much less time to complete, like red grouper, of which we've had a couple of iterations now. Others, like the one for red snapper, using the Great Red Snapper Count, could take more time, and so just to budget about three months to be completed, and, as they're repeated, they should take less time.

The SSC typically meets five times a year, and 2020 was definitely extraordinary, in terms of how many times the SSC met, but, typically, the council plans on five SSC meetings a year, and so five opportunities for review, and then it typically takes NMFS about six months to implement a management change, once it's transmitted to them by the council, and so you guys tell us to do a framework action, and we do it, and you guys say let's go final, and the clock starts then at about six months or so after the council submits that action to NMFS for

implementation. All those things kind of fold together into this, and so the SSC discussed all of these factors, and, Dr. Powers, if he's on, can speak to their deliberations.

DR. JOE POWERS: I don't have any presentation, but, basically, I'm giving you the SSC discussion and some of the concerns, and not really concerns, but rather things to think about as you go ahead.

Remember that these interim analyses are essentially designed to use an existing assessment and then updating it with a particular index of abundance and that sort of thing, and so, as Ryan mentioned, there are several key things there, and interim analyses take approximately three months to complete, and he mentioned that red grouper takes less, and, as we'll discuss later in the meeting for red snapper, it will have to take less. Then it takes time to actually convert that to TACs and so on.

There are some things that you should be -- Not only the council, but the -- Particular indices being used and how they get collected, and one of the things we mentioned was, for example, the larval survey is used for estimating trends in spawning biomass, but that larval survey has a fairly long lead time, in terms of the sampling process for those data, and so you have to be concerned with that as well.

Also, because the interim analysis is trying to focus on fishery-independent data, this year, 2020 anyway, has really been affected by the COVID pandemic, and so we may have to adjust these sorts of things.

All in all, basically, what we're saying is that the SSC thinks it's a good idea, and thinks that you have to be flexible in dealing with this, and so these sorts of schedules have to be revisited continually, and my last comment is that we -- At the SSC, we had this discussion about the interim analyses, and, then, later, we had discussions about the implementation of this, in terms of red snapper for this year, and so red snapper essentially violates some of those original assumptions about being able to do it within three months and so on, and so we have to be flexible, in terms of that, and we'll have a discussion of that, I think, later in this council meeting as well, but, in general, the SSC is supportive of the interim analyses and recognizes that we have to be flexible and be aware of some of the idiosyncrasies of the individual indices being used. Thank you.

CHAIRMAN DIAZ: Thank you, Dr. Powers. So is there any input

from the committee? Mr. Anson.

MR. ANSON: Thank you, Mr. Chair. Just a point of clarification, if either Ryan or Dr. Powers could maybe answer this, and I thought the interim analysis also typically used information, and this is fishery-dependent information, that would then just be added for the number of years or the year, to get the terminal year, as identified for the interim analysis, and is that correct?

DR. POWERS: Yes, that's correct, and I focused on the fishery-independent, because those are the things that are affected by things like what has happened this year in the COVID, but, if you look at that table, take, for example, the NMFS bottom longline index that's being used for red grouper.

Also, it's being updated by the actual catches that occurred in that interim period, and so, from that standpoint, it's all fishery-dependent, because you're using the catches that actually occurred, from what you know about the catches that actually occurred, and so both of those sets of information go into sorts of independent analysis, interim analysis. Excuse me.

MR. ANSON: Thank you.

CHAIRMAN DIAZ: All right. Any other questions for Dr. Powers or Mr. Rindone? Any other input related to interim analysis?

MR. RINDONE: Mr. Chair?

CHAIRMAN DIAZ: Go ahead, Mr. Rindone.

MR. RINDONE: Thank you, sir. Just to add that this isn't the only time that you guys will see this. Like you guys periodically see the SEDAR schedule, we will periodically bring this in front of you as well, and just as a heat check, to make sure that we are trying to capture the council's needs as we're looking forward into the future about things that you guys might want to consider taking another look at what the catch limits are for a species, or, at a minimum, doing a heat check on a species that might be in a rebuilding plan or that the public has had questions about, and so you guys will see this repeatedly in the future to gather more input. Thank you.

CHAIRMAN DIAZ: Ms. Guyas.

MS. MARTHA GUYAS: Thank you, Mr. Chair. I like the table, and

I appreciate you all for putting this together and having all these in one place. I guess the only thing I would say is that I think maybe we as a council need to keep thinking about ways that we can streamline the process once we get these interim analyses, so that we can actually implement that management advice in a timelier fashion. I feel like, if we're getting annual updates, six-plus months, I guess, to implement, after we've taken action, is a long time, and that's just my only thought, is I feel like we need to keep thinking about how to streamline that process.

CHAIRMAN DIAZ: I agree, Ms. Guyas. All right. I don't have any other hands up. If anybody has any more comments, they surely can make them at Full Council. Being as we don't have any more hands up, we're going to move to the -- Mr. Anson.

MR. ANSON: Sorry about that, Mr. Chair. I'm a little slow. Picking up on that comment that Martha just made, I mean, is that something that maybe could be added to a future agenda, relative to the process that is used by other council and other regional offices. Like on the west coast, for the commercial fisheries at least, I mean, they're pretty quick, and, granted, it's not as complicated, the assessments for a lot of those species, because it's just a single-sector harvest, but maybe there is something in there that, mechanically or administratively, they've been able to implement or use to allow those updates and the advice from those updates to be implemented and used more efficiently or quickly.

CHAIRMAN DIAZ: That's a good idea, Mr. Anson. Mr. Strelcheck.

MR. ANDY STRELCHECK: Just to add to Kevin's comment, I think that's a great suggestion, and we can certainly investigate that, and we can talk about, obviously, our current process and why there is a lengthy period of time in order to implement rulemaking, and we could certainly come back to you, and, if there's ways to streamline that and speed that up, then I'm sure we could bring that to you at a future meeting.

CHAIRMAN DIAZ: Ms. Bosarge.

MS. LEANN BOSARGE: Thank you, Mr. Chairman. I think one thing the council can do that we don't need to rely on anybody else in order to do is to get in the habit of, when we receive the interim assessment results and the catch advice from the SSC, that we need to put that in a document that addresses nothing but that issue.

I think we're so used to getting an assessment and really taking those results and trying to look at the fishery holistically and say, okay, well, based on these results, do we want to change some bag limits, or do we need to change some seasons, and what do we want to do, but I think, with the interim advice, we're really just going to have to focus on implementing that catch advice and not adding anything else to that document, and I think that will speed up the process, at least a little bit, from the portion of the process that the council actually controls.

CHAIRMAN DIAZ: Thank you, Ms. Bosarge. I don't have any other hands up at this time, and so we're going to take some of the suggestions that were recently made and kind of look into those. We're going to move to the next agenda item. Dr. Froeschke, did you want to introduce that next agenda item, before we get started on it?

REVIEW OF STANDARD BYCATCH REPORTING METHODOLOGY FOR THE GULF OF MEXICO AND JOINT FISHERY MANAGEMENT PLANS

DR. FROESCHKE: Yes, I'm happy to do that. This is Item Number VI, and it's going to be a presentation, I think from Mr. Hood at the Southeast Regional Office, and it's going to summarize a bit of work to-date and a plan in the future regarding bycatch, and all of our fishery management plans are required to have a process to collect, record, and report data on bycatch. There was a rule, final rule, effective in 2017 that defined standardized bycatch reporting methodology, and NMFS, in collaboration with the council, need to develop a document to define some of these methods and our procedures and practices in our region for our various fisheries.

The Southeast Regional Office will begin working on this, and we've had a few meetings, but this is going to be a process that will be carried out in the coming year, and they're going to give us a brief presentation on the progress to-date and the obligations for the council in the future.

CHAIRMAN DIAZ: I believe he said Mr. Hood is going to do the presentation. Are you ready, Mr. Hood?

MR. PETER HOOD: Yes, I am. This presentation was developed by Dan Moors, who is on the Gulf Branch, and he's one of our plan coordinators, and he was going to provide this update, but his life is a little chaotic right now. Anyway, he was trying to call in, and he was running into some problems, and so I'm sort of taking over for him.

The purpose of this presentation is to remind you basically of the requirements to review the SBRMs, which John touched on as being part of that final rule, and what that needs to do is outline what should be in the SBRM review and then also discuss progress and timing of the review. I should also add that this is just an update, and so we're really not asking you anything, and so you can relax a little bit.

What are SBRMs? The definition is an established, consistent procedure or procedures used to collect, record, and report bycatch data in a fishery, and the purpose of an SBRM is to collect, record, and report bycatch data that, in conjunction with other information, are used to assess the amount and type of bycatch, and there are SBRMs in each of our FMPs.

The council needs to review their SBRMs by February 21, 2022, and so that's roughly a year from now, and then review it once every five years, and what the plan looks at, or the review looks at, is basically the characteristics of bycatch occurring in fisheries, the feasibility of the methodology, from a cost, technical, and operational perspective, uncertainty of the data resulting from the methodology, and then how the data resulting from the methodology are used to assess the amount and type of bycatch occurring in the fishery.

In terms of bycatch characteristics, it's basically looking at the amount and type of bycatch, the importance of the bycatch, and estimating fishing mortality and the effect of the bycatch on the ecosystem. Feasibility is basically just -- It indicates that the methodology must be something that can be done, that it's feasible, and it's capable of being implemented.

In terms of data uncertainty, basically, the methodology must be designed such that uncertainty associated with the resulting data can be described qualitatively or quantitatively, and, basically, the council should try to minimize that uncertainty, where possible. Different degrees of data uncertainty may be appropriate for different fisheries, which could be as a result of just data quantity or quality. Then understanding the data, and so it certainly will assist in management, and it certainly is important when we do stock assessments.

In terms of data use, the council must address how data resulting from the SBRMs are used to assess bycatch in the fishery. The rule requires consultation with the SSC and/or Science Center staff to design considerations, such as data elements, sampling design, sample size, and reporting frequency.

Then the council must consider methods and techniques available to improve quality of the bycatch estimates.

Right now, where we are is we have a team set up that consists of both SERO and council staff, and we're working on a review, and it's going through FMP-by-FMP, and it's touching on those points that I just addressed, and then, this summer, we hope to have a draft ready, and we'll let the SSC review it, as well as you, and we'll take comments that we get from the SSC and you, and we'll put together a final document for you to finalize, and then NMFS then will provide a determination as to whether it's sufficient or not, and, as a result of this review, it may be that the council will want to take some further actions, and so that could result in an FMP amendment. Again, that's basically where we are, and, if anybody has any questions, I would be happy to answer them.

CHAIRMAN DIAZ: Any questions for Mr. Hood? Mr. Anson.

MR. ANSON: Thank you, Mr. Chair. Thank you, Peter, for the presentation. I am just curious about the Reef Fish FMP example slide, where it mentions state cooperation or other grant-funded programs, and so, in relationship to then use of any of that data from state or an outside program, that would just have to go through a review of the SSC, as long as it meets the criteria established in the plan?

MR. HOOD: If I understand what you're saying, yes, that would be something that would be brought in. I mean, in essence, we're sort of looking at what are the data elements that are out there and are there any -- With regard to the bycatch, are there any holes, and so, certainly, if there's some state information that is relevant to bycatch, that certainly would be included in the review.

MR. ANSON: Thank you.

CHAIRMAN DIAZ: I am not seeing any other hands up. We're going to see this again, and we'll get staff to bring it back to us as they make some progress. Ms. Bosarge, you had a question?

MS. BOSARGE: No, and so I think there was another slide in the presentation that I had printed out, and it was the slide that really kind of caught my attention, and it was an example of possible SBRM for the Reef Fish FMP, and it's talking about adopting the ACCSP release, discard, and protected species modules as the preferred methodology, and that that methodology wouldn't replace what we have, and that would be another

requirement on that fishery, in addition to everything that they have currently, and I don't know.

In light of seeing that that may be a result that's already out there before we do the review, I sure would like to emphasize that, as we're going through this review, and we are starting to look at additional regulations to improve bycatch reporting methodologies, that I hope that any additional regulations would really be focused on wherever the greatest uncertainties are in the bycatch.

Although we have some questions sometimes about the observer data for some of those reef fish fisheries, and is it possible that it's a little bit higher than what we're seeing in the observer data, that's still independently-verified data, and it's not voluntarily reported or anything -- It's being verified in some form or fashion by an independent group, and I think you can see that even in the assessments, when you look at the confidence that we put into what some of these removal numbers are between the different fleets.

The commercial fleet usually has the highest confidence level in what our data actually is for removals, whether it be bycatch or actual landings, and so I just -- You know, keep that in mind, and I feel like, you know, we tend to be the target most of the time, but this is more than just commercial, and we need to keep that in mind.

CHAIRMAN DIAZ: Thank you, Ms. Bosarge. Okay. Any other questions for Mr. Hood? Seeing none, we have one other item under Other Business. Mr. Anson, I know you had requested an update on red snapper discard counts against the ACLs, and maybe you could explain a little bit about what your concern is, and then we'll see who the appropriate staff member is to address it.

OTHER BUSINESS
UPDATE ON RED SNAPPER DISCARDS COUNTED AGAINST COMMERCIAL AND RECREATIONAL ACLs

MR. ANSON: Sure. Thank you. I brought this up I believe at the October meeting, and my question, or concern, is as it relates to the fish that are caught in the recreational fishery, and this applies to the states where the federal survey is conducted, and so Florida, Alabama, and Mississippi, but my concern is that the fish that are caught and released dead, thrown back dead, that those are being accounted for and tracked against the recreational ACL.

If that is the case, I wanted to confirm that, in the commercial side, that it was also being applied as the discards were being tracked against the commercial ACL, and that's all I was looking for, was to see whether or not the dead discards were being tracked against the ACL and then confirm, or determine, how the commercial dead discards were being tracked against the ACL and then as it pertains to the assessment, and so it's a circle, a full circle.

You've got dead discards from both sectors that are going into the assessment, so that you can account for the mortality from the fishery, for fishing activities, but then, likewise, when we have the outputs for management, and use in management, I just wanted to make sure that it was still being applied or those fish are being tracked equally, and so I was looking for a status of it.

We got a partial last meeting, with half of the question, and that was as it related to the accounting of the fish in the assessment, but then the other part was missing, relative to the ACLs.

CHAIRMAN DIAZ: Dr. Porch, would you be the appropriate one to respond to that?

DR. CLAY PORCH: Certainly with the recreational, we count the B2 when we're developing the ACL advice, and the B2 are basically fish that died, but the sampler didn't see them, and so it's not just fish that were thrown back already dead, but it could be fish that were kept that were not seen or fish that were used for bait or anything like that.

We calculate those as part of the landings in the assessment, which means the ABC implicitly includes those, and so they should be monitored with the recreational fishery landings, and so it's landings and fish that -- Basically, landings or kill that wasn't seen.

Commercial, we don't have exactly the same category like that, and presumably they're regulatory discards, and so we don't have a category that records, necessarily, that they were dead or alive when they hit the water, but I can just triple-check on that and get back with my staff that compute the commercial discards, but the bottom line is the ACL and ABC advice implicitly include B2 for the recreational, and so we monitor that way.

The ABC advice, and the way we allocate the quota, I don't believe it includes something similar, because there isn't exactly the same category, and so, therefore, I don't believe we monitor them like that, and so I don't know if anybody else, like Andy, wants to chime in on that, but I will double-check with staff, to make sure that I'm correctly characterizing this.

CHAIRMAN DIAZ: Mr. Strelcheck.

MR. STRELCHECK: Thanks, Chairman Diaz. Just to add to what Clay said, and I can't speak to the commercial fishery, but, with regard to recreational, I think the issue that Kevin is raising pertains to MRIP and the B1 catch, which is harvested, but not observed catch, and so that is included in the catch limit setting, and that's done by the Science Center, or through the SEDAR process, and we are using that, as well as landed catch, to monitor against the annual catch limit.

I think that certainly is something that could be revisited, and it's been a long-standing practice in the SEDAR process, and my understanding is, for most species, the B1 catch represents a small amount of the overall catch, but I certainly understand Kevin's concerns that it is counting against the quota and that the B2 catch, the discarded catch that's not observed, gets kind of deducted off the top, before catch limits are set, and so that's excluded from the catch limit monitoring.

CHAIRMAN DIAZ: Go ahead, Mr. Anson.

MR. ANSON: I know that everyone is busy, and you've got COVID, and I'm just wondering if that's a possibility that could show up on the next meeting, as far as getting to the bottom of it or finding out and having some information relative to that and how it is tracked?

CHAIRMAN DIAZ: Dr. Simmons, I'm going to refer to you. Is that something you think we could have an answer for by the next meeting?

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. I think we had a portion of this ready for the November council meeting, but we didn't have time to cover it, and I think there was a section that we didn't have ready yet, and I believe that will be ready in the spring, and I'm not exactly sure when in the spring it will be ready, and I think we would prefer to have both of those pieces before it goes back before the council again.

I was just talking to the Chair, and so perhaps we could put together just some information on how the B1 and B2 are handled and just have that available definitely in April, and we'll do the best we can to have the rest of it together by April. Thank you.

CHAIRMAN DIAZ: Thank you, Dr. Simmons. All right, and so I think we have a path forward, and we will be communicating with you, Kevin, on how this is proceeding. Dr. Porch.

DR. PORCH: We do have the answer, as far as it pertains to the so-called B1s, and we're consistent. The ACLs include the B1s, and so, therefore, we monitor with the B1s. The question that I understood is Mr. Anson wanted to know if the commercial fishery is treated similarly, in that the equivalent of B1 are counted against the ACL, or counted in the ACL, and then monitored as such, and that's where I wanted to be certain.

We do have disposition codes in the commercial data, and I am just not absolutely certain that it's incorporated -- You know, the ones that are dead and just not observed somehow, if they are incorporated in exactly the same way as the recreational B1s, because they are not exactly the same thing, and I can probably get an answer before the council meeting is over.

CHAIRMAN DIAZ: If you wanted to -- If you do get an answer, and you want to respond when we get to this at Full Council, you certainly could do that, Dr. Porch.

DR. PORCH: All right. Thank you.

CHAIRMAN DIAZ: All right. I don't see any other hands up. Is there any other discussion on this item? Is there any other business to come before this committee? Seeing none, that concludes our committee.

(Whereupon, the meeting adjourned on January 25, 2021.)

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