

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL
 SUSTAINABLE FISHERIES COMMITTEE

Hilton Palacio del Rio Hotel San Antonio, Texas

August 23, 2021

VOTING MEMBERS

- 10 Dale Diaz.....Mississippi
- 11 Kevin Anson (designee for Scott Bannon).....Alabama
- 12 Leann Bosarge.....Mississippi
- 13 Dave Donaldson.....GSMFC
- 14 Martha Guyas (designee for Jessica McCawley).....Florida
- 15 Robin Riechers.....Texas
- 16 Chris Schieble (designee for Patrick Banks).....Louisiana
- 17 Andy Strelcheck.....NMFS
- 18 Greg Stunz.....Texas
- 19 Troy Williamson.....Texas

NON-VOTING MEMBERS

- 22 Susan Boggs.....Alabama
- 23 Billy Broussard.....Louisiana
- 24 Jonathan Dugas.....Louisiana
- 25 Phil Dyskow.....Florida
- 26 Tom Frazer.....Florida
- 27 Bob Gill.....Florida
- 28 Lisa Motoi.....USCG
- 29 Bob Shipp.....Alabama
- 30 Joe Spraggins.....Mississippi

STAFF

- 33 Assane Diagne.....Economist
- 34 Matt Freeman.....Economist
- 35 John Froeschke.....Deputy Director
- 36 Beth Hager.....Administrative Officer
- 37 Lisa Hollensead.....Fishery Biologist
- 38 Ava Lasseter.....Anthropologist
- 39 Mary Levy.....NOAA General Counsel
- 40 Natasha Mendez-Ferrer.....Fishery Biologist
- 41 Emily Muehlstein.....Public Information Officer
- 42 Ryan Rindone.....Lead Fishery Biologist/SEDAR Liaison
- 43 Bernadine Roy.....Office Manager
- 44 Camilla Shireman.....Administrative & Communications Assistant
- 45 Carrie Simmons.....Executive Director
- 46 Carly Somerset.....Fisheries Outreach Specialist

OTHER PARTICIPANTS

- 49 Clay Porch.....SEFSC

1 Kerry Marhefka.....SAFMC
2 Kevin McIntosh.....NMFS
3 Jim Nance.....SSC
4 John Walter.....SEFSC

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1 The Sustainable Fisheries Committee of the Gulf of Mexico
2 Fishery Management Council convened on Monday afternoon, August
3 23, 2021, and was called to order by Chairman Dale Diaz.

4
5 **ADOPTION OF AGENDA**
6 **APPROVAL OF MINUTES**
7 **ACTION GUIDE AND NEXT STEPS**
8

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

14
15 The first order of business is the Adoption of the Agenda. Are
16 there any modifications or other business that anybody would
17 like to add to the agenda? Seeing none, is there any opposition
18 to adopting the agenda? The agenda is adopted.

19
20 Item Number II on the agenda is Approval of the June 2021
21 Minutes. Are there any corrections or modifications to the
22 minutes? Seeing none, is there any opposition to adopting the
23 minutes for June 2021? The minutes are adopted.

24
25 We only have two items that we're going to go through today, but
26 both of them are pretty much informational in nature, and we're
27 going to let Dr. Diagne go through the action guide and next
28 steps for each one of them as we come to them, and so, Dr.
29 Diagne, can you go ahead and go through the action guide and
30 next steps for Agenda Item Number IV?

31
32 **UPDATE ON HISTORICAL CAPTAIN PERMITS CONVERSION**
33

34 **DR. ASSANE DIAGNE:** Yes, Mr. Chair. Good afternoon. The first
35 item is going to be an update on the historical captain permits
36 conversion. Mr. McIntosh from the Permits Office is going to
37 update the council on the number of historical captain permits
38 that have been converted into regular, or standard, federal for-
39 hire permits. The committee has an opportunity to discuss the
40 information presented and ask questions. Thank you.

41
42 **CHAIRMAN DIAZ:** Thank you, Dr. Diagne. Mr. McIntosh, are you
43 on? If you're ready, you can go ahead and start with your
44 presentation.

45
46 **MR. KEVIN MCINTOSH:** Okay. Perfect. Thank you. I'm here today
47 to provide the council with an update on that final rule to
48 replace historical captain permits with the limited access Gulf

1 charter/headboat permits.

2
3 As a little background, the final rule was effective on May 21,
4 2020. At that time, a total of sixty-one historical captain
5 permits were eligible to convert to the limited access Gulf
6 charter/headboat permits. There were thirty-one of the coastal
7 migratory pelagic charter permits and thirty of the reef fish.

8
9 There were an additional six historical captain permits that
10 were not eligible, based on the final rule, because they were
11 issued after October 25, 2018, and, of those six, three of them
12 were the migratory pelagics and three of them were the reef
13 fish.

14
15 As of today, we have converted -- Out of those sixty-one that
16 were originally eligible, we converted fifty-nine of them, and
17 so that leaves two that have remained non-converted, one of the
18 coastal pelagics and one of the reef fish, and they are both on
19 the same vessel with the same permit holder. These permits are
20 set to expire next March 31, 2022, and I have reached out to
21 this permit holder several times, and left some messages, and I
22 just haven't heard anything back.

23
24 We're hoping, at the very worst, because this ends in June of
25 2022, that, during their next renewal, if they were to submit a
26 renewal, we would reach out to them and let them know that they
27 can convert, and that's what I've got.

28
29 **CHAIRMAN DIAZ:** Thank you, Mr. McIntosh. Do we have any
30 questions for Mr. McIntosh? Mr. Schieble.

31
32 **MR. CHRIS SCHIEBLE:** Just a quick one. Do you know what state
33 the one permit holder is in that you are not able to reach?

34
35 **MR. MCINTOSH:** I can tell you in one second. It looks like they
36 are in Florida. It's an individual and not a business, and so
37 they're in Destin, Florida.

38
39 **CHAIRMAN DIAZ:** Ms. Bosarge.

40
41 **MS. LEANN BOSARGE:** I had requested this information, and so I
42 just wanted to first thank NMFS for bringing that to us, and I
43 guess maybe give ourselves a pat on the back. I think, for
44 once, we got something right as a council.

45
46 I think this request had originally come from Louisiana, saying,
47 hey, you know, can we look into this, and, you know, just
48 judging by how many people have made that conversion, I think it

1 was definitely a worthy endeavor, but I did have one question,
2 and you may have addressed it, and I might have just missed
3 this, and so, when we worked on that document, we also looked at
4 some letters that were out there to fishermen, those letters
5 that were essentially good for a historical captain permit, if
6 you acted upon that.

7
8 During our deliberations with this amendment, we had considered
9 also allowing those letters the same flexibility as the regular
10 historical captain permits and allow them to be converted to
11 regular permits, but, at that time, there were quite a few of
12 those letters out there, and we weren't sure how many might be
13 acted upon, how many were still in the fishery that would act
14 upon it, and so we were hesitant about doing that, but what did
15 happen was, when we enacted that amendment, those letters --
16 There was a cutoff date, and, if you had not taken that letter
17 and turned it into a historical captain permit by that date,
18 then that letter was now null and void, and it goes away
19 forever.

20
21 How many of the letters were actually converted? I wonder if we
22 missed an opportunity to, you know, completely convert all of
23 the potential historical captain permits, and so how many were
24 there? Do you know?

25
26 **MR. MCINTOSH:** The last time I checked, and I can get you the
27 official number, but it's plus or minus one or two on this,
28 there was about sixty-six letters that were never redeemed.

29
30 **MS. BOSARGE:** Right. Okay. So that tells me there was probably
31 only like two or three that were redeemed, and that was probably
32 the couple of people that were still in the fishery. However,
33 when they redeemed those, they now have a historical captain
34 permit, and we, you know, have given flexibility to the
35 historical captain permits, these sixty-one, I think there were,
36 on your slide, and allowed them to be converted into a regular
37 permit, and, if we allowed those two or three that are now still
38 on the books to do the same, I think that would be, you know,
39 fair and equitable, given what we've done thus far.

40
41 They are, obviously, still in the fishery, and so I wondered if
42 we could get some feedback from the group on possibly taking
43 that up and finally kind of coming to closure with some of these
44 historical captain permits in this fishery.

45
46 **CHAIRMAN DIAZ:** All right. I am looking around, to see if
47 there's any comments to that. Ms. Boggs.

48

1 **MS. SUSAN BOGGS:** I am not on your committee, but thank you for
2 recognizing me, and I know of two of these historical captain
3 permits that redeemed their letters, after our discussion, I
4 believe, in October of 2019. They have their historical captain
5 permits now, and one of them is looking to build a boat, but he
6 doesn't want to build a boat until he sees that maybe the
7 council will take action on this, and the other one is kind of
8 the same way, and so that's two that have contacted me
9 personally about this issue. Thank you.

10
11 **CHAIRMAN DIAZ:** Thank you, Ms. Boggs. I am not seeing any other
12 comments. Go ahead, Ms. Bosarge.

13
14 **MS. BOSARGE:** A couple of them have reached out to me as well,
15 and so, if you want to take this up during Full Council, and let
16 people think about it, we can, Mr. Chairman, or, I mean, if
17 there's no further discussion, I would be happy to throw out a
18 motion, you know, to address those couple outstanding historical
19 captain permits and allow them to be converted as well. I will
20 leave it in your hands. Whichever way you think is better.

21
22 **CHAIRMAN DIAZ:** If you have a motion that you would like to put
23 on the board, this would be an appropriate time to do it.

24
25 **MS. BOSARGE:** All right. I will do my best. I haven't written
26 it down yet. **So to initiate -- The motion is to initiate a**
27 **document which allows conversion of the recently-issued**
28 **historical captain permits to conventional permits.**

29
30 Staff, you all can help me wordsmith that, if you want to put
31 some adjectives in there, specific fisheries, or maybe
32 "conventional permits" is not the right word, but I think you
33 get the general feeling though. I will entertain any kind of
34 wordsmithing you would like.

35
36 **CHAIRMAN DIAZ:** Any suggested changes from the staff on Ms.
37 Bosarge's motion? Mr. Strelcheck.

38
39 **MR. ANDY STRELCHECK:** I am supportive of the motion, and I guess
40 I'm curious to hear from staff if there's a document that we're
41 working on that maybe we can include this in, just to cut down
42 on some of the administrative burden, in terms of developing a
43 separate document to address this issue.

44
45 **CHAIRMAN DIAZ:** Let's see if we get a second for the motion, and
46 then we'll entertain some discussion. Right now, the motion
47 reads: Staff initiate a document which allows conversion of the
48 recently-issued historical captain permits to conventional

1 permits.

2

3 **MR. STRELCHECK:** I will second.

4

5 **CHAIRMAN DIAZ:** Second by Mr. Strelcheck. Now is there any
6 further discussion? Dr. Simmons.

7

8 **EXECUTIVE DIRECTOR CARRIE SIMMONS:** Thank you, Mr. Chair. We
9 might be able to put it in the framework action for vermilion
10 snapper, perhaps, where we're looking at the catch levels. We
11 haven't really gotten very far with that document yet, but it
12 should be a framework action that's pretty straightforward, and
13 I assume this would be fairly straightforward as well.

14

15 **CHAIRMAN DIAZ:** Ms. Levy.

16

17 **MS. MARA LEVY:** We could think about that. I mean, this
18 involves CMP and Reef Fish. It might end up being more
19 complicated, because, depending on how that document is
20 structured, if you have an EA for NEPA purposes, you might have
21 to have a lot more information in it about fisheries. Last
22 time, I think we did an abbreviated framework with a CE for NEPA
23 purposes, and so I think maybe staff should talk about the most
24 efficient way to get it done, because there might be more than
25 what we're thinking about right now.

26

27 **CHAIRMAN DIAZ:** Dr. Simmons, who would be the most appropriate
28 person on your staff to give us an idea about how many people
29 we're talking about here?

30

31 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Diagne.

32

33 **CHAIRMAN DIAZ:** Dr. Diagne, can you speak to that?

34

35 **DR. DIAGNE:** Yes, Mr. Diaz. Just to second the comments that
36 were made by Ms. Levy, perhaps a more straightforward route is
37 to develop an abbreviated framework to address these permits.
38 As you recall, when the council looked at this, we did develop
39 an abbreviated framework to allow the conversion of permits, and
40 so we could incorporate a lot of that information by reference
41 and use the same procedures, essentially develop an abbreviated
42 framework and allow these outstanding historical captain permits
43 the flexibility to convert into standard federal for-hire
44 permits. That perhaps would be the easiest route, given the
45 fact that we have both CMP and Reef Fish permits in it.

46

47 **CHAIRMAN DIAZ:** Dr. Diagne, do you have an idea of exactly how
48 many people, or an approximation of how many people, this

1 particular document would affect?
2

3 **DR. DIAGNE:** From discussions with Mr. McIntosh, it seems to me
4 that it would be three people. If my recollection is not
5 accurate, perhaps he could speak up and correct me, but, more or
6 less, three individuals, I think, or entities, I would say.
7

8 **CHAIRMAN DIAZ:** All right. We have a motion on the board. I am
9 not seeing any other hands up, and so we're going to go ahead
10 and vote on this motion. **All in favor of the motion, signify by**
11 **saying aye; all opposed. The motion carries.**
12

13 Lastly, I would like to also commend Mr. McIntosh and National
14 Marine Fisheries and, Mr. McIntosh, anybody else that helped
15 with this. I think being able to convert fifty-nine of sixty-
16 one eligible permits and only having one entity outstanding is
17 pretty good, and I appreciate you all's hard work, and I also
18 agree with Ms. Bosarge, and I think this was a good thing for
19 the council to do, and I think it was very worthwhile.
20

21 If there is no other discussion on this issue, and I'm not
22 seeing any, we're going to move to our next agenda item. Dr.
23 Diagne, will you go through the action guide and next steps for
24 Agenda Item Number V, please?
25

26 **NS 1 TECHNICAL GUIDANCE SUBGROUP 3 TECHNICAL MEMO - MANAGING**
27 **WITH ANNUAL CATCH LIMITS (ACLs) FOR DATA-LIMITED STOCKS IN**
28 **FEDERAL FISHERY MANAGEMENT PLANS**
29

30 **DR. DIAGNE:** Yes, Mr. Chair. For this agenda item, the
31 committee will look at National Standard 1 technical guidance, a
32 tech memo, essentially, for managing with ACLs for data-limited
33 stocks in federal fishery management plans.
34

35 The committee will receive a summary of the SSC's discussion on
36 NS 1 technical guidance, this tech memo, which is, again, for
37 managing with ACLs for data-limited stocks, and the committee
38 should review the information provided and ask questions about
39 the tech memo, as well as any of the SSC's recommendations.
40

41 **CHAIRMAN DIAZ:** Thank you, Dr. Diagne. Mr. Rindone, we have you
42 listed as next, I guess to start the discussion off on this
43 item, and so Mr. Rindone.
44

45 **MR. RYAN RINDONE:** Yes, sir, and I fully intend to hot-potato it
46 right over to Dr. Nance. Ms. Mary McPherson from Silver Spring
47 attended virtually part of the SSC meeting and briefed us on
48 this technical guidance memo and, generally, annual catch limits

1 have been effective tools for preventing overfishing in many
2 fisheries, and, for data-limited fisheries, our current ACL-
3 based management has advanced through improvements in data
4 collection, but situations remain where data limitations make it
5 challenging to manage some stocks with ACLs.

6
7 What this technical guidance aims to do is look at alternative
8 approaches for satisfying the statutory requirements for
9 managing stocks to an ACL, which still need to be expressed in
10 terms of some quantity of fish, whether it's pounds, numbers, or
11 something else, but, understanding the need for flexibility in
12 that definition, NMFS came up with this guidance, and Dr. Nance
13 will take it from there.

14

15 **CHAIRMAN DIAZ:** All right. Dr. Nance, if you're ready.

16

17 **DR. NANCE:** Thank you, Mr. Chair. Can I have Slide Number 11,
18 please? As was mentioned, we had a presentation from the
19 National Standard 1 Technical Guidance Sub-Group 3, and they
20 presented their technical memorandum to us at the SSC meeting.

21

22 I think, as each of you are aware, an ACL is used as a metric to
23 prevent overharvest and is associated with accountability
24 measures. Since around 2007, a standard ACL is expressed either
25 in number of fish or weight of fish, but there are going to be
26 occasions where, in a data-limited situation, you may not be
27 able to have that information, and so this technical memo was
28 recently developed to try to address those issues and allow some
29 guidance for that.

30

31 This figure is presented in the technical memorandum, and it
32 just gives a brief outline of some of the different options that
33 are available. Obviously, if you have biomass, or you have
34 numbers, then you can go down that left side of the screen, to
35 be able to create an ACL. If you don't have that information,
36 maybe you have other biological comparisons that you can make,
37 like an index of some kind, some type of F, fishing mortality,
38 rate, or you can have some type of length frequency, and so you
39 can use different metrics to be able to develop an ACL.

40

41 During our discussions at the SSC meeting, we talked about some
42 different things that may be able to be used. For example, an
43 ACL expressed as a rate could be used when a stock assessment
44 provides an estimate of fishing mortality and the maximum
45 fishing mortality threshold has been defined. If this approach
46 is taken, the ACL would be expressed in F, instead of the amount
47 of fish.

48

1 If you had -- Another example is an indicator-based approach
2 using length data could be used as a way to indirectly inform a
3 rate description for an ACL, and, as we talked about these
4 different methodologies that could be used, considering the
5 length-based approach, the SSC agreed that spiny lobster may
6 make a good candidate species for exploring these approaches,
7 since this stock is largely managed by size, only by size
8 limits. Additionally, a few deepwater species may benefit from
9 an alternative ACL, as described in this memorandum, and that,
10 Mr. Chairman, ends my presentation from our deliberations at the
11 SSC.

12
13 **CHAIRMAN DIAZ:** Thank you, Dr. Nance. Are there any questions
14 for Dr. Nance? At some point in time, whenever we do have maybe
15 a Spiny Lobster Committee meeting, it might be a good idea to
16 bring this up at that committee meeting and see if there is any
17 interest, at that time, in using that method.

18
19 Seeing no further questions, is there any other business to come
20 before the Sustainable Fisheries Committee? Seeing none, we're
21 adjourned.

22
23 (Whereupon, the meeting adjourned on August 23, 2021.)

24
25 - - -
26