

Sustainable Fisheries Committee Report August 24, 2022 Dr. Greg Stunz, Chair

The Committee adopted the agenda (**Tab E, No. 1**) and approved the minutes (**Tab E, No. 2**) of the April 2022 meeting as written.

Presentation on NOAA's Climate Southeast Regional Action Plan (Tab E, No. 4)

Dr. John Quinlan (NOAA Fisheries) gave a presentation on the agency's Southeast regional action plans for climate change. Dr. Quinlan noted that NOAA Fisheries climate strategy is a proactive approach to increase production, delivery, and use of climate-related information to fulfill the agency's mandates. The strategy includes seven objectives to reduce impacts and improve resilience with evolving ocean and climate conditions. The objectives range from building and maintaining an adequate science infrastructure to developing climate-informed reference points.

Dr. Clay Porch (SEFSC) emphasized the ambitious goals of the Regional Action Plan. He indicated that many of these objectives would be difficult to achieve given that Maximum Sustainable Yield cannot be computed for several managed species; therefore, assessing long-term management goals are confounded by a changing climate. He stated that using novel management approaches, such as interim analysis, could be beneficial to working through these challenges.

Committee members expressed interest in the data available to assist in climate-related fisheries management issues. Dr. Stunz, Committee Chair, noted that staff drafted a comment letter and encouraged Committee members to offer suggestions and recommend additions, as warranted. Andy Strelcheck (SERO) suggested that, in addition to the comments in the draft letter, the Council could consider outlining specific actions and recommendations of interest that align with Council priorities. Council staff noted the importance of a continued engagement with the process and indicated that suggestions and recommendations provided by the Council would be included in the final letter.

Draft Comment Letter on NOAA's Equity and Environmental Justice Strategy (Tab E, No. 5)

The Committee received a draft comment letter concerning NOAA Fisheries' Draft Equity and Environmental Justice Strategy, which reflects comments made by the Council during its June 2022 meeting. The Committee was encouraged to review the letter and consider any further comments before full Council.

Recommendations on Acceptable Biological Catch (ABC) Control Rule (Tab E, No. 6)

Dr. Jim Nance (Chair, Scientific and Statistical Committee [SSC]) reviewed the SSC's July 2022 discussions about the development of revisions to the Council's ABC Control Rule. The SSC began revisionary work with the aid of the SEFSC at its May and July 2022 meetings, and will

continue this work during 2022 and early 2023. The SSC is exploring these revisions to better assess and account for scientific uncertainty in the stock assessments and other catch analyses it reviews. The current ABC Control Rule has been found to generate unreasonably narrow buffers between the overfishing limit (OFL) and ABC, due to an insufficient accounting of scientific uncertainty. Even though the current ABC Control Rule has been in use since 2011, the SSC is not required to use the current rule for recommending catch advice. More information on the current ABC control can be presented; however, the revisions being proposed to the current rule will be substantial.

Presentation on Mechanisms and Options for Automating Catch Advice from Interim Analysis (Tab E, No. 7)

Council staff presented how updates to catch advice following interim analyses might be implemented in a more automated fashion. Interim analyses typically use data, such as a fishery-independent index, from the previous year to inform any proposed modifications to catch advice. Interim analysis is a SEFSC tool developed for understanding stock health and trends between stock assessments. The purpose of this tool is to capture a more real time understanding of stock health as stock assessments often have a terminal year of data that is 1-2 years old. Currently, interim analyses that result in SSC-recommended changes to the OFL and ABC for a species are presented to the Council, and then the Council requests that staff initiate a framework action (Reef Fish) or framework amendment (Coastal Migratory Pelagics) to modify the catch limits. This process usually takes the Council about 6-8 months, followed by another 6-month review, comment period, and implementation process for NMFS. By the time the catch advice is able to be implemented, it is already two years old (or more).

Council staff demonstrated options for automating the implementation of SSC-approved changes to the OFL and ABC, and the resultant changes on the ACLs and ACTs, within certain thresholds for consideration by the Council, potentially bypassing the need for the Council to initiate and review a document under every instance. Such an automated process will reduce the time between the SSC's recommendations being finalized and catch limits being updated via regulatory document, without defraying transparency and opportunity for stakeholder input on the proposed changes.

Committee members discussed potential hurdles to the process, including National Environmental Policy Act requirements that would still be required of the rulemaking and implementation process. Some Committee members thought the simplicity of the automation was advantageous, noting that all other aspects of the process would still remain open to the public. A Committee member asked if the Council could intercept the automation process if it wanted to explore a catch limit different than that which would result from automation. Council staff replied that the Council would always have that ability, and would simply need to make that desire known to initiate the typical regulatory amendment process to revise the catch limits for a species. NOAA General Counsel stated that the current abbreviated framework process could be used to further automate the current process to changing the catch limits; however, current NEPA requirements would limit the extent to which changes to the catch limits could be expedited. The Committee encouraged further communication with the New England and Mid-

Atlantic Fishery Management Councils on their methods, and to explore possible parallels for implementation in the Gulf, as well as qualifying reduced time for implementation.

Overview of Research Set-Asides (RSA) Timeline, Composition, and Draft Objectives (Tab E, No. 8)

Council staff presented an overview of next steps for evaluating the potential for a RSA program in the Gulf. A Committee member recommended that the work group consider focusing on applied science that would support fishery management needs as a goal of the RSA program. He also urged the work group to not be constrained to the design of the RSA programs of the New England and Mid-Atlantic Councils, but to consider what would work best in the Gulf. Another Committee member noted that Mr. Gill has been instrumental in exploring RSAs and inquired why he is not listed as a work group participant. Mr. Gill responded that he didn't feel a need to participate and commented that there are strong individuals comprising the work group. He also cautioned against making the work group too large and acknowledged his plans to sit in on meetings when possible. A Committee member then inquired how the Council members were selected to be on the work group. Mr. Diaz responded that he made selections based upon expressed interest from Council members, while considering a balance of membership.

Discussion on the Florida Pompano Petition for Federal Rulemaking Letter (Tab E, No. 9)

Mr. Strelcheck reviewed a petition letter for rule making for Florida pompano and provided an overview of the guidelines for establishing a federal Fishery Management Plan. A Committee member stated that the state of Florida has been successfully managing Florida pompano, along with African pompano and permit as a complex for several decades. A Committee member asked about the motivation for the petition and was informed by SERO staff that the petition was the result of a petition letter and that the agency was obligated to explore management options. The Committee agreed that more information would need to be collected and presented at a future meeting before making any determination on potential federal management.

The Committee recommends, and I so move, **to request staff begin work on a presentation that addresses the factors that need to be considered when contemplating the need for federal conservation and management of Florida pompano.**

Motion carried with one abstention.

Mr. Chair, this concludes my report.