

FINAL
SUMMARY REPORT
SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
Full Council I

The Council approved the agenda for the meeting and the transcripts from June 2022.

Reports

NOAA Office of Law Enforcement, US Coast Guard, state agencies, and Council liaisons provided reports to the Council.

Update on Dolphin Management Strategy Evaluation stakeholder workshops

The Southeast Fisheries Science Center (SEFSC) is beginning work on a management strategy evaluation (MSE) for the Atlantic dolphin fishery. The goal of this project is to develop an index-based management procedure that may provide catch level and management advice that best achieves the multiple operational and regional management objectives of the fishery. As part of developing the MSE, the SEFSC will be holding a series of stakeholder workshops in the Fall and Winter of 2022/23 along the U.S. Atlantic coast to in part discuss dolphin management.

During the discussion of Dolphin Wahoo Regulatory Amendment 3 at the June 2022 Council meeting, it was noted that the MSE stakeholder workshops may also provide feedback on management topics within the amendment and may help with scoping. Since these workshops will not be fully completed by the December 2022 meeting, the Council directed staff to continue working on Regulatory Amendment 3 but bring the amendment for Council review at the March 2023 meeting.

DIRECTION TO STAFF:

- Continue work on Regulatory Amendment 3 but bring the amendment back for Council review at the March 2023 meeting instead of the December 2022 meeting.

Golden Crab and Spiny Lobster Advisory Panel Reports

The Spiny Lobster Advisory Panel met in Key Largo, Florida on June 29, 2022, to discuss areas closed to traps via Spiny Lobster Amendment 11 and to update their fishery performance report. The Golden Crab Advisory Panel met in Key Largo, Florida on June 30, 2022, to complete a fishery performance report. The Council reviewed input from both advisory panels and key points from their fishery performance reports. The Council directed staff to discuss the possibility of historic participant seats on the Golden Crab Advisory Panel during the closed session scheduled for their December 2022 meeting.

Commercial Electronic Logbook Amendment

Council staff delivered a presentation covering some background and progress to date on the amendment. This amendment is being developed jointly with the Gulf of Mexico Fishery Management Council to require commercial logbooks be submitted via electronic reporting forms instead of the currently used paper-based forms for the South Atlantic Snapper Grouper,

Atlantic Dolphin Wahoo, Atlantic and Gulf of Mexico Coastal Migratory Pelagics, and Gulf Reef Fish Fishery management plans. Staff presented a short video demonstrating how eTRIPs is used to enter a trip and went over a spreadsheet to compare current data fields and modifications that would be required for implementing an electronic logbook. The Council reviewed the draft purpose and need statements and had no modifications.

National Saltwater Recreational Fisheries Policy Update

Russel Dunn and Tim Sartwell, NOAA Fisheries, presented an overview of updates planned for the 2015 National Recreational Fisheries Policy. NOAA Fisheries is accepting comments on the policy from August 1 to December 31, 2022. Council members provided comments during the discussion and made suggestions to improve the policy.

Acceptable Biological Catch Control Rule Amendment

A public hearing and joint meeting of representatives from the Dolphin Wahoo, Golden Crab, and Snapper Grouper Advisory Panels (AP) were held via webinar in August, 2022. An additional in-person public hearing was held as part of the Council's public comment session on September 14, 2022. Council staff presented the draft amendment and decision document and provided a summary of the recommendations from the joint AP meeting. The Council made the following motions and gave the following direction to staff:

MOTION 1: APPROVE THE PURPOSE AND NEED STATEMENTS.

Purpose for Actions

The purpose of this amendment is to revise the acceptable biological catch control rule by clarifying the incorporation of scientific uncertainty and management risk, modifying the approach used to determine the acceptable risk of overfishing, and prioritizing the use of stock rebuilding plans for overfished stocks. Additionally, this amendment will specify conditions and procedures for using carry-overs and phase-ins in setting catch limits, including modification of framework procedures to accommodate implementation of carry-overs when applicable.

Need for Actions

The need for this amendment is to ensure catch level recommendations are based on the best scientific information available, prevent overfishing while achieving optimum yield, and include flexibility in setting catch limits as allowed by the Magnuson-Stevens Fishery Conservation and Management Act, and particularly in accordance with 2020 NMFS guidance on carry-over and phase-in provisions.

APPROVED BY COUNCIL

MOTION 2: CONFIRM ALTERNATIVE 2 UNDER ACTION 1 AS PREFERRED, WITH PREFERRED SUB-ALTERNATIVES 2B AND 2C.

Action 1. Modify the Acceptable Biological Catch Control Rule

Preferred Alternative 2. Specify an acceptable biological catch control rule for the Dolphin Wahoo, Golden Crab, and Snapper Grouper Fishery Management Plans that categorizes stocks based on the available information and scientific uncertainty evaluation and incorporates the Council's risk tolerance policy through an accepted

probability of overfishing (P^*). The Council will specify the P^* based on relative stock biomass and a stock risk rating.

When possible, the Scientific and Statistical Committee will determine the overfishing limit and characterize its uncertainty based on, primarily, the stock assessment or, secondarily, the Scientific and Statistical Committee's expert opinion. The overfishing limit and its uncertainty would then be used to derive and recommend the acceptable biological catch, based on the risk tolerance specified by the Council.

Acceptable biological catch for unassessed stocks will be recommended by the Scientific and Statistical Committee based on applicable data-limited methods. Unassessed stocks will be assigned the moderate biomass level, unless there is a recommendation from the Scientific and Statistical Committee for a different level, in which case the SSC recommendation regarding the appropriate level will be used.

For overfished stocks, the Council will specify a stock rebuilding plan (usually $T_{rebuild}$), considering recommendations from the Scientific and Statistical Committee and fishery management plan advisory panel, which will determine the acceptable biological catch while the rebuilding plan is in effect. Per requirements of the Magnuson-Stevens Act, the probability of success for rebuilding plans ($1-P^*$) must be at least 50%.

Control rule categories for assessments are described in [the draft amendment]. Default P^* values based on relative biomass and stock risk rating are shown in [the draft amendment].

Preferred Sub-Alternative 2b. Allow the Council to deviate from the default accepted probability of overfishing by up to 10% for an individual stock, based on its expert judgment, new information, or recommendations by the Scientific and Statistical Committee or other expert advisors. Accepted probability of overfishing may not exceed 50%.

Preferred Sub-Alternative 2c. When requested by the Council, the Scientific and Statistical Committee will specify the acceptable biological catch for up to 5 years as both a constant value across years and as individual annual values for the same period of years.

APPROVED BY COUNCIL

MOTION 3: SELECT ALTERNATIVE 2-SUB-ALTERNATIVE 2C UNDER SUB-ACTION 2.1 AND ALTERNATIVE 2 UNDER SUB-ACTION 2.2 AS PREFERRED.

Action 2. Allow phase-in of acceptable biological catch changes under the acceptable biological catch control rule

Sub-Action 2.1. Establish criteria specifying when phase-in is allowed.

Preferred Alternative 2. Allow phase-in of increases to acceptable biological catch, as specified by the Council. Allow phase-in of decreases when a new acceptable biological catch is less than:

Preferred Sub-Alternative 2c. 80% of the existing acceptable biological catch.

Sub-Action 2.2. Specify the approach for phase-in of acceptable biological catch changes.

Preferred Alternative 2. Phase-in acceptable biological catch decreases over no more than 3 years, as specified in **Table 5**. Acceptable biological catch increases may be phased-in as specified by the Council with advice from the SSC and AP.

APPROVED BY COUNCIL

MOTION 4: UNDER SUB-ACTION 3.1, SELECT ALTERNATIVE 2 AS PREFERRED WITH SUB-ALTERNATIVES 2D AND 2E AS AMENDED.

Action 3. Allow carry-over of unharvested portion of the annual catch limit under the acceptable biological catch control rule

Sub-Action 3.1. Establish criteria specifying circumstances when an unharvested portion of the originally specified sector ACL can be carried over from one year to increase the available harvest in the immediate next year. Carry-overs may not be delayed, and only amounts from the originally specified sector ACL may be carried over. Multiple sub-alternatives may be selected under Alternative 2.

Preferred Alternative 2. Allow carry-over of the unharvested portion of a sector's annual catch limit if the stock status is known, the stock is neither overfished nor experiencing overfishing, an overfishing limit for the stock is defined, and

Preferred Sub-Alternative 2d. ABC decreases are not being phased-in.

Preferred Amended Sub-Alternative 2e. there are **both in-season accountability** measures that restrict annual landings to the annual catch limit and post-season accountability measures that reduce the annual catch limit in the following year according to any landings overages in place for that stock and sector.

APPROVED BY COUNCIL

ADDITIONAL DIRECTION FOR STAFF RELATED TO ACTION 3:

- Note in the amendment discussion that additional conditions to annually qualify for carry-over can be added on a stock-by-stock basis
- Highlight in the amendment discussion that if overfishing occurs, stock no longer qualifies for carry-over.
- Council will specify whether fisheries with split seasons and sub-sector allocations (such as gear allocations) should be eligible for interannual carry-over on a case-by-case basis.

MOTION 5: UNDER SUB-ACTION 3.2, SELECT ALTERNATIVE 2 AS PREFERRED.

Sub-Action 3.2. Specify limits on how much of the unharvested portion of a sector annual catch limit may be carried over from one year to increase the sector annual catch limit in the next year.

Preferred Alternative 2. Allow carry-over of the unharvested portion of a sector's annual catch limit. The acceptable biological catch and the total annual catch limit may be temporarily increased to allow this carry-over. The temporary acceptable biological catch may not exceed the overfishing limit. The revised total annual catch limit may not exceed

the temporary acceptable biological catch or the total annual catch limit plus the carried over amount, whichever is less.

Multiple eligible sectors may use carry-over in the same year. Sector-specific amounts being carried over will be allocated entirely to the sector from which they came unless the sum of the specified total annual catch limit and all sector-specific amounts that could be carried over exceeds the overfishing limit. If the sum of the specified total annual catch limit and all sector-specific amounts that could be carried over exceeds the overfishing limit, the temporary acceptable biological catch will be set equal to the overfishing limit and the difference between the temporary acceptable biological catch and the specified total annual catch limit will be allocated according to sector allocation percentages defined in the fishery management plan.

APPROVED BY COUNCIL

MOTION 6: SELECT ALTERNATIVE 2 UNDER SUB-ACTION 4.1, SUB-ACTION 4.2, AND SUB-ACTION 4.3 AS PREFERRED.

Action 4. Modify framework procedures for the Snapper Grouper, Dolphin Wahoo, and Golden Crab Fishery Management Plans

Sub-Action 4.1. Modify Section I of the Snapper Grouper Framework Procedure to include a framework process to approve carry-overs.

Preferred Alternative 2. Modify the Snapper Grouper Fishery Management Plan framework procedure by adding the following language to Section I:

Single season adjustments to ABCs and ACLs to allow carry-over of unused sector ACL may be implemented through this framework procedure. This procedure is only available for use when the applicable ABC and ACLs were approved according to the ABC control rule authorizing carry-over and have been implemented pursuant to the FMP with the potential for carry-over already addressed.. This process is authorized as follows:

- a. When specifying an ABC and ACL for a stock, or through specific action on an existing ABC and ACL, the Council will determine whether carry-over will be authorized, if annual conditions cause a stock ACL or sector ACL to qualify for carry-over. In doing so, the Council will consider potential need for, and benefits of, carry-over for stocks that could become eligible according to criteria specified in the ABC control rule. The Council will also determine the duration of time when the specified ABC and ACL are effective. An amendment or framework that specifies carry-over for a stock will include analysis of the relevant biological, economic, and social information necessary to meet the criteria and guidance of the existing ABC Control Rule.
 - i. To support potential carry-over justification, a Term of Reference will be added for stock assessments to project the maximum amount of landings beyond the ABC that could be carried over in one year while not resulting in overfishing nor the stock becoming overfished within the projection period.
 - b. Following the conclusion of each fishing year, staff will notify the Council if any stocks and sectors for which carry-over is approved qualify based on the previous year's landings, potentially using preliminary landings estimates.

- c. If a sector qualifies for carry-over according to specifications of the ABC and annual landings meeting criteria specified in the ABC control rule, NOAA Fisheries will enact carry-over of eligible landings from the previous year.
- d. If the Council chooses to deviate from the criteria and guidance of the effective ABC control rule, this abbreviated process would not apply.

Sub-Action 4.2. Modify the Dolphin Wahoo Fishery Management Plan framework procedure to include a framework process to approve carry-overs.

Preferred Alternative 2. Modify the Dolphin Wahoo Fishery Management Plan framework procedure by adding the following language:

Single season adjustments to ABCs and ACLs to allow carry-over of unused sector ACL may be implemented through this framework procedure. This procedure is only available for use when the applicable ABC and ACLs were approved according to the ABC control rule authorizing carry-over and have been implemented pursuant to the FMP with the potential for carry-over already addressed.. This process is authorized as follows:

- a. When specifying an ABC and ACL for a stock, or through specific action on an existing ABC and ACL, the Council will determine whether carry-over will be authorized, if annual conditions cause a stock ACL or sector ACL to qualify for carry-over. In doing so, the Council will consider potential need for, and benefits of, carry-over for stocks that could become eligible according to criteria specified in the ABC control rule. The Council will also determine the duration of time when the specified ABC and ACL are effective. An amendment or framework that specifies carry-over for a stock will include analysis of the relevant biological, economic, and social information necessary to meet the criteria and guidance of the existing ABC Control Rule.
 - i. To support potential carry-over justification, a Term of Reference will be added for stock assessments to project the maximum amount of landings beyond the ABC that could be carried over in one year while not resulting in overfishing nor the stock becoming overfished within the projection period.
- b. Following the conclusion of each fishing year, staff will notify the Council if any stocks and sectors for which carry-over is approved qualify based on the previous year's landings, potentially using preliminary landings estimates.
- c. If a sector qualifies for carry-over according to specifications of the ABC and annual landings meeting criteria specified in the ABC control rule, NOAA Fisheries will enact carry-over of eligible landings from the previous year.
- d. If the Council chooses to deviate from the criteria and guidance of the effective ABC control rule, this abbreviated process would not apply.

Sub-Action 4.3. Modify the Golden Crab Fishery Management Plan framework procedure to include a framework process to approve carry-overs.

Preferred Alternative 2. Modify the Golden Crab Fishery Management Plan framework procedure by adding the following language:

Single season adjustments to ABCs and ACLs to allow carry-over of unused sector ACL may be implemented through this framework procedure. This

procedure is only available for use when the applicable ABC and ACLs were approved according to the ABC control rule authorizing carry-over and have been implemented pursuant to the FMP with the potential for carry-over already addressed.. This process is authorized as follows:

- a. When specifying an ABC and ACL for a stock, or through specific action on an existing ABC and ACL, the Council will determine whether carry-over will be authorized, if annual conditions cause a stock ACL or sector ACL to qualify for carry-over. In doing so, the Council will consider potential need for, and benefits of, carry-over for stocks that could become eligible according to criteria specified in the ABC control rule. The Council will also determine the duration of time when the specified ABC and ACL are effective. An amendment or framework that specifies carry-over for a stock will include analysis of the relevant biological, economic, and social information necessary to meet the criteria and guidance of the existing ABC Control Rule.
 - i. To support potential carry-over justification, a Term of Reference will be added for stock assessments to project the maximum amount of landings beyond the ABC that could be carried over in one year while not resulting in overfishing nor the stock becoming overfished within the projection period.
- b. Following the conclusion of each fishing year, staff will notify the Council if any stocks and sectors for which carry-over is approved qualify based on the previous year's landings, potentially using preliminary landings estimates.
- c. If a sector qualifies for carry-over according to specifications of the ABC and annual landings meeting criteria specified in the ABC control rule, NOAA Fisheries will enact carry-over of eligible landings from the previous year.
- d. If the Council chooses to deviate from the criteria and guidance of the effective ABC control rule, this abbreviated process would not apply.

APPROVED BY COUNCIL

MOTION 7: APPROVE ALL ACTIONS IN THE ABC CONTROL RULE AMENDMENT. APPROVED BY COUNCIL

Update on Climate Change Scenario Planning Initiative

Roger Pugliese, Habitat and Ecosystem Scientist, and Core Team Member representing the Council, provided an update on the current Phase, recent developments and an overview of the Narratives for Climate Scenarios developed during the Climate Scenario Planning Initiative. The effort has completed Scenario Creation, where, in June 2022, a group of 75 stakeholders attended a Scenario Creation Workshop and developed an initial set of scenarios, describing several different possible futures facing East Coast fisheries out to 2042. The effort has just completed Scenario Deepening, where two Scenario Deepening webinars were held in August 2022 where interested stakeholders reviewed, validated, and added details to the draft scenarios developed during the Scenario Creation Workshop. The Initiative is now moving into the Applications Phase which starts with Fishery Manager Brainstorming Working Sessions scheduled after the Council meeting in September/October 2022 to begin to identify the issues, ideas, and options that should be discussed at scenario planning conversations at Council and Commission meetings scheduled during Fall 2022, and subsequently at a Summit Meeting being scheduled for early 2023.

Note: The following agenda items were originally scheduled for session II of the Full Council but were moved up on the agenda to optimize time.

Staff Report

John Carmichael, Executive Director, went over activities that Council staff have been involved in since the June 2022 Council meeting.

Brief on pending litigation

Monica Smit-Brunello, NOAA General Counsel, briefed the Council on pending litigation in the Gulf of Mexico.

Habitat AP topics

Roger Pugliese, Habitat and Ecosystem Scientist, reviewed a draft of topics to develop the agenda for the meeting of the Habitat and Ecosystem Protection Advisory Panel, scheduled to take place in Charleston on November 1-3, 2022. The Council had no additional input.

Guidance regarding convening golden tilefish longline endorsement holders

Council staff requested guidance on whether to proceed with convening a meeting for holders of golden tilefish longline endorsements. Staff expressed some concern regarding groups of stakeholders that have not been brought in as advisors being convened and requested guidance from NOAA General Counsel. Monica Smit-Brunello advised that the Council consider creating an advisory panel (e.g., sub-panel of an existing AP, *ad hoc* group, focus group, working group) to obtain input from stakeholder groups and go through the established processes. Additionally, the Council discussed the importance of stating the need for bringing together various stakeholder groups. Regarding the golden tilefish longline endorsement holders, the Council will continue to consider whether they should be formalized into an advisory group as development of Amendment 52 moves forward.