

**Presidential Executive Order on Removing Barriers to Fisheries
SAFMC RESPONSE & WORKING LIST OF TOPICS
September 2020**

The Executive Order directs Councils to develop a prioritized list of recommended actions to reduce burdens on domestic fishing and to increase production within sustainable fisheries.

Recommended actions may include changes to regulations, orders, guidance documents, or other similar agency actions.

Council recommendations, including proposals for initiating each recommended action within one year of the Order (May 2021), must be provided to NMFS by November 2, 2020.

Document History and Tasks

- This version of the document includes recommendations from the August 7 Executive Committee Meeting.
 - Removed items related to the recreational fishery, due the underlying commercial intent of the Executive Order.
 - Removed actions for stocks with status concerns.
 - Identified categorical (high, medium, low) rankings.
 - Identified some topics for further discussion in September.
- The Goal for the September review is to finalize items to include and determine priority order.
 - TOPICS ARE NOT IN COUNCIL PRIORITY ORDER.
 - Council priority order has not been determined.
 - Topics are numbered here for illustration only, to show how many topics are included overall and how the potential scoring will break out between the high, medium, and low categorizations applied in August.

High Priority Items – 9 items

- 1. Excessive delay in providing fishery disaster relief funding through NMFS.**
 - Several years often pass before for disaster relief financial support, such as that provided after hurricanes, is made available to fishermen and fishing industry businesses. Delays continue in the process to provide the allocated CARES funding to fishermen in the Southeast.
 - Action by: NMFS
 - Action: Request that NMFS improve the disaster relief process and developed efficient methods of distributing allocated relief funds. Relief funds should be distributed within 6 months of the disaster funds allocation by Congress.
 - Initiation: Through this EO response, SAFMC requests that NMFS immediately develop improved procedures for distributing relief funds.
 - 8/7 recommendation: Retain, consistent with EO intent.
- 2. The Council does not receive adequate information on stock removals including discards, fishing effort, or economic conditions.**
 - Action by: NMFS

- Action: Provide the SAFMC SAFE reports as required and described in the MSA.
 - Initiation Plan: Through this EO response, the SAFMC requests that NMFS provide SAFE reports by August 15 each year.
 - 8/7 recommendation: NMFS is supposed to provide this already.
- 3. The SEFSC lacks adequate resources to meet the data requirements of 3 Councils, HMS, ICCAT, and the states and Commissions of the region**
- Action by: NMFS
 - Action: Increase resources available to the SEFSC so it can comply with MSA standards and meet the expectations of national initiatives such as the stock assessment improvement program.
 - Initiation plan: Through this EO response the Council asks that NMFS address this immediately.
 - 8/7 recommendation: Adequate monitoring and increased access to fishery data is a critical need.
- 4. Inadequate fishery independent monitoring of resources managed by the SAFMC**
- Action by: NMFS
 - Action: Implement the following improvements in fishery independent monitoring:
 - Initiate adequate monitoring for Deepwater species, few of which can be assessed with existing information.
 - Restore longline surveying for tilefish to reduce stock assessment uncertainty.
 - Provide increased funding for SEFIS to fully support the SERFS and MARMAP components, address the priorities of the Fish Independent monitoring workshop, and fully support SEAMAP priorities.
 - Develop juvenile surveys for the priority stocks identified in the SAFMC Research and Monitoring Plan and considered in the NMFS Stock Assessment Prioritization Plan for the South Atlantic.
 - Initiation Plan: NOAA fisheries should include increased fishery independent funding for the South Atlantic beginning in 2021.
 - 8/7 recommendation: high. Mgmt. program not adequately supported by existing data system.
- 5. The distribution of managed species is changing on the Atlantic Coast. This will increasingly create access and constituent involvement issues in the fisheries and pose challenges to the 3 Councils that manage resources from Maine through Florida. It may also lead to changes in stock carrying capacity and thus MSY.**
- Action by: NMFS
 - Action: Provide financial support to the SAFMC, MAFMC, and NEFMC to pursue the Scenario Planning process initiated through the Northeast Region Coordinating Council.
 - Initiation Plan: The SAFMC, MAFMC, and NEFMC have initiated the Scenario Planning approach.
 - 8/7 Recommendation: include this topic.
- 6. The Wreckfish ITQ program has not been reviewed or evaluated for many years**
- Action by: Council

- Action: Evaluate the ITQ program and consider changes.
- Initiation Plan: Council will review the evaluation in September 2020 and consider initiating management action.
- 8/7 recommendation: Based on fishermen feedback, modernizing will remove some burdens such as paper tickets.

7. Commercial electronic logbooks

- Action by: Council
- Action: implement electronic logbooks via amendment
- Initiation Plan: Amendment started by Council, placed on hold while voluntary program developed.
- 8/7 recommendation: Poses a clear barrier

8. Oculina Area Modifications

- Action by: Council
- Action: Modify areas
- Initiation Plan: Actions are now under consideration
- 8/7 recommendation: Appropriate to consider

9. Snapper Grouper commercial permit ‘two for one’ provision limits fishery participation

- Action by: Council
- Action: evaluate performance of the two for one provision and consider if changes will provide social or economic benefits
- Initiation Plan: White paper for 2021
- 8/7 recommendation: Strongly aligns with EO intent and poses a clear regulatory barrier.

Medium Priority Items – 2 items

10. King Mackerel fishery landings are well below the ACL, fishing mortality rates are well below target, and the recent stock assessments suggested the ACL can be raised further.

- Action by: Council
- Action: Modify management actions through FMP amendment
- Initiation Plan: Council is working on an amendment to implement a revised ACL based on an assessment received in July 2020 and will consider regulatory changes directed at increasing commercial and recreational harvest.
- 8/7 recommendation: Stock status is good, but there may be a market or demand issue keeping landings low.

11. Consider removing the ACL for spiny lobster. The species is essentially an annual crop managed to optimize yield from the available stock because the US does not have management influence over the entire spawning population.

- Action by: Council and possible MSA modification
- Action: Develop an amendment to consider classifying Spiny Lobster as an annual crop; if the stock does not qualify under existing MSA guidance, request change in the MSA.
- Initiation Plan: Request a white paper for consideration in March 2021.
- 8/7 recommendation: Include.

Low Priority Items – 1 item

12. Spanish Mackerel early seasonal closures in the commercial sector.

- Action by: Council
- Action: Evaluate reasons for closure, allocations, and accountability measures.
- Initiation plan: Council initiated an amendment to modify trip limits but did not proceed based on analysis showing limited effectiveness. The Council will update the ACL and consider management changes once results of an updated assessment are received in late 2021.
- 8/7 recommendation: Appropriate to consider.

Further Discussion Items – 3 items

13. Impact of increasing shark depredation on fish stocks.

- Action by: NMFS, HMS
- Action: Evaluate the issue and improve available data. Consider allowing more removals, particularly of ‘problem’ sharks while conserving those where it is needed.
- Initiation Plan: The Council will identify the issue in its EO response and request NMFS take the requested action.
- 8/7 recommendation: Discuss in September.

14. Remove the ACL and AM requirements for data limited species

- Action by: Council
- Action: Consider a comprehensive amendment
- Initiation Plan: None in place at this time.
- Consider a white paper in March 2021 addressing how EC status could be applied to these stocks. One question is whether EC stocks be included in the existing snapper grouper aggregate bag limit.
- 8/7 recommendation: Discuss in September.
 - There is ongoing concern by the Council, and frustration by the fishermen, from applying science-based parameters such as ACLs to stocks with inadequate science. One obvious example of inadequate science is the list of stocks that the SSC did not consider to reach the ‘reliable catch’ threshold and were therefore rejected from consideration in ORCS ABC determinations.
 - The Council could consider if it is more effective to remove data limited species from the FMU or to reclassify them as EC species?
 - The Council could consider addressing issues and concerns through AMs. For example, removing AMs requiring in-season closures for stocks with inadequate data to support that level of accountability, or consider linking AMs to MRIP uncertainty as expressed through PSE values.
 - Consider replacing sector-specific ACLs with stock-specific ACLs for data limited stocks, based on the lack of adequate data to manage them with that level of intensity.

15. Allow federal permit and tag fees to be distributed to the Region where they are collected.

- Action by: NMFS
- Action: Change the fee policies so that fees are provided to the Region where collected and allow funds from tags or fees to be directed to fishery and data improvement projects to benefit the fishery that provides the funds.
- 8/7 recommendation: discuss further.
 - May be an MSA or higher-level policy issue
 - Current laws only allow NMFS to charge the administrative costs for any permits
 - These rules prevent any fees from benefitting the fishermen who pay them, even in cases where fishermen may support higher fees to support improved access, research, and monitoring.