

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

SUSTAINABLE FISHERIES COMMITTEE

Hyatt Centric New Orleans, Louisiana

January 29, 2018

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- 11 Kevin Anson (designee for Scott Bannon).....Alabama
- 12 Glenn Constant.....USFWS
- 13 Roy Crabtree.....NMFS
- 14 Dale Diaz.....Mississippi
- 15 Dave Donaldson.....GSMFC
- 16 Tom Frazer.....Florida
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- 18 Greg Stunz.....Texas
- 19 Ed Swindell.....Louisiana

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- 25 Johnny Greene.....Alabama
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- 28 John Sanchez.....Florida
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22  
23

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30

1 The Sustainable Fisheries Committee of the Gulf of Mexico  
2 Fishery Management Council convened at the Hyatt Centric, New  
3 Orleans, Louisiana, Monday afternoon, January 29, 2018, and was  
4 called to order by Chairman Paul Mickle.

5  
6 **ADOPTION OF AGENDA**  
7 **APPROVAL OF MINUTES**  
8 **ACTION GUIDE AND NEXT STEPS**  
9

10 **CHAIRMAN PAUL MICKLE:** I would like to convene the Sustainable  
11 Fisheries Committee, and we have a lengthy agenda, and I would  
12 like to -- Let me read the new members in, as I need to with the  
13 new formation of the committee. The Sustainable Fisheries  
14 Committee is made up of myself, Dr. Stunz, Mr. Anson, Dr.  
15 Crabtree, Mr. Diaz, Mr. Constant, Mr. Donaldson, Dr. Frazer, Mr.  
16 Matens, and Mr. Swindell. Let's move on to the agenda. Are  
17 there any changes to the agenda? Is there a motion to approve  
18 the agenda? Mr. Atran.

19  
20 **MR. STEVEN ATRAN:** I put in the briefing book a brief summary of  
21 the National SSC Meeting in San Diego that was held two weeks  
22 ago. If time permits, I would like to briefly go over that. If  
23 not, it's in the briefing book for you to look over.

24  
25 **CHAIRMAN MICKLE:** Thank you, Mr. Atran. Let me make a quick  
26 note. Thank you. All right. We have a motion, and is there a  
27 second on the agenda? We have a second. Any opposition? So  
28 moved. Moving on, let's go to the Approval of the Minutes.  
29 It's Tab E, Number 2.

30  
31 **MR. DALE DIAZ:** Mr. Chair, I make a motion that we approve the  
32 minutes.

33  
34 **CHAIRMAN MICKLE:** It's seconded by Mr. Matens. Any opposition?  
35 So moved. The motion carries. Let's go ahead and get into Item  
36 Number III on the agenda, the Action Guide and Next Steps, Tab  
37 E, Number 3, and Mr. Atran.

38  
39 **MR. ATRAN:** Thank you, Mr. Chairman. As you said, we have a  
40 very busy agenda. I think it's the busiest we've had since we  
41 formed this committee, and Agenda Item IV, Review of Mackerel  
42 Landings and Bag Limit Analysis, NMFS will go over those  
43 landings and review any changes in landings since the bag limit  
44 was changed from two to three persons per day, as of May 11,  
45 2017. This is for information only. There is no action  
46 required by the committee.

47  
48 Agenda Item V is an options paper on carryover of unharvested

1 quota. The primary purpose of this is to get a review on the  
2 SSC report on some simulation analysis that was done with red  
3 snapper and king mackerel of how periodic unharvest might affect  
4 either sustaining the king mackerel or the rebuilding plan for  
5 red snapper.

6  
7 Also, it's not on the action guide, but we've had some staff  
8 discussions about perhaps trying to find ways to simplify some  
9 of the ranges of alternatives, and so I think we would like to  
10 maybe go through the alternatives and see if the committee is  
11 interested in making some changes to those.

12  
13 Agenda Item VI is Public Hearing Draft of Amendment 49,  
14 Modifications to the Sea Turtle Release Gear and Framework  
15 Procedure for the Reef Fish Fishery. At this point, we have an  
16 amendment that we feel is just about ready to go to public  
17 hearings, and we would like the committee to recommend preferred  
18 alternatives, and, if you have any other modifications, and  
19 hopefully nothing major, suggest those and recommend whether or  
20 not to go ahead and hold public hearings on Amendment 49. This  
21 would be a webinar public hearing for this amendment. If we go  
22 ahead as we anticipate, we would be bringing a final draft to  
23 the council to review and approve at the next council meeting in  
24 April.

25  
26 Agenda Item VII, Draft Policy and Outreach on Descending Devices  
27 and Venting Tools, as you may remember, or may not remember, at  
28 the last council meeting, the council decided not to go forward,  
29 at least at this time, with an amendment to require the use of  
30 descending devices and/or venting tools, but, instead, to adopt  
31 a policy encouraging their use and to develop an outreach  
32 program, and so we have those draft policy and outreach program  
33 documents in the briefing book for you to review.

34  
35 Also, at the request of the council, we drafted a letter in  
36 regard to the National Resource Damage Assessment Program, the  
37 NRDA, in support of the distribution, use, and research for  
38 descender devices, and so we're asking you to review that letter  
39 and let us know if you would approve that letter being sent out.

40  
41 Agenda Item VIII is a Review of Ecosystem Approaches to Fishery  
42 Management by the Gulf Council and Other Regional Approaches,  
43 and that will be a review of what other councils are doing, as  
44 far as ecosystem approaches to fishery management, versus what  
45 we're doing, and the committee has asked whether or not to  
46 recommend initiating a fishery ecosystem plan or a policy for  
47 the council to consider at a further meeting.

48

1 The staff will also briefly update the committee on the  
2 Ecosystem-Based Fishery Management Regional Roadmap progress and  
3 provide a timeline for the council on that.

4  
5 Agenda Item IX is Reef Fish Charter/For-Hire Permit Transfers  
6 and Potential Management Actions. This is an action that the  
7 council requested staff begin to develop some documentation for  
8 regarding an issue of some reef fish charter vessel operators or  
9 owners temporarily transferring their permits when the federal  
10 season is closed, in order to try to get around the requirement  
11 that federally-permitted vessels not fish in either federal or  
12 state waters when the federal season is closed. We do want to  
13 consider, if warranted, if we need to proceed with some action,  
14 and, if so, what potential management measures might be  
15 appropriate.

16  
17 Agenda Item X, Environmental Assessment and Exempted Fishing  
18 Permits for Lionfish Trap Testing in the Gulf and South  
19 Atlantic, NOAA staff will review an application for an exempted  
20 fishing permit for lionfish trap testing in the Gulf and the  
21 South Atlantic, and that will include an environmental  
22 assessment, which has already been prepared for that. The  
23 committee should review this information and vote whether or not  
24 to recommend to the Full Council to recommend that NMFS approve  
25 this EFP or whether more information is needed.

26  
27 Agenda Item Number XI, Discussion on Dead Zone Regarding the  
28 RESTORE Act, this had to be postponed from an earlier meeting,  
29 because Mr. Constant was unable to make that meeting, and so  
30 hopefully we can get the presentation this time. This was the  
31 result of, in 2017, having an extremely large red tide, the  
32 largest ever -- Excuse me. Hypoxic zone off of Louisiana, the  
33 largest that has ever been recorded, and so we're asking Mr.  
34 Constant to lead a discussion on potential efforts by the U.S.  
35 Fish and Wildlife Service to address the issue through their  
36 Natural Resource Damage Assessment Program.

37  
38 This doesn't require any action by the council. However, if the  
39 council wishes, they may choose to recommend that we draft a  
40 letter regarding the use of RESTORE Act funds on this particular  
41 issue.

42  
43 Then, finally, under Other Business, as I indicated before, if  
44 time permits, the National SSC Meeting was held in San Diego two  
45 weeks ago, and I attended, along with three members of our SSC,  
46 and there will be a comprehensive report forthcoming sometime  
47 later this year, but I just had a very brief summary of my  
48 impressions of that meeting and on the main theme, which was

1 management strategy evaluations. Thank you, Mr. Chairman.

2  
3 **CHAIRMAN MICKLE:** Thank you, Mr. Atran. All right. Just to  
4 look at the agenda and what our large plate is today, it looks  
5 like Mr. Atran was kind enough to provide me some time allotment  
6 windows, to try to keep on track. We are a little bit ahead of  
7 schedule, but we would like to shoot for a target recess of  
8 11:30, with our midday break, and so let's go ahead and jump  
9 straight into Item Number IV, Review of Mackerel Landings and  
10 Bag Limit Analysis. That's from SERO, and I would assume that's  
11 Susan Gerhart.

12  
13 **REVIEW OF MACKEREL LANDINGS AND BAG LIMIT ANALYSIS**

14  
15 **MS. SUSAN GERHART:** Thank you, Mr. Chair. If we look at Tab E-  
16 4, we have the king mackerel landings, starting with the  
17 commercial. The first table is this year's landings, and we did  
18 open the Western Zone on July 1 and closed on October 7, at 98  
19 percent of the quota.

20  
21 The Northern Zone opened on October 1. If you recall, that  
22 season was changed from July 1 to October 1 about a year ago.  
23 That one is still open, and it's about 88 percent, but my  
24 understanding, from talking to several of the fishermen, is that  
25 most of the fish have moved south now, and so they don't expect  
26 to catch a whole lot more.

27  
28 The southern hook-and-line is just getting started, because the  
29 fish are just getting there, and they've caught about half of  
30 the quota so far, and then the gillnet, at the time that we  
31 submitted this for the briefing book, they had not started  
32 fishing. The opening is the day after Martin Luther King, which  
33 is January 16 this year, and they chose to wait a couple of days  
34 before starting, because of weather and other concerns.

35  
36 Recall that this is a small fleet, and so they work together to  
37 determine when to fish. They have caught 88 percent of the  
38 quota at this point, and, as is usual, the fleet got together  
39 and chose two boats to go out and fish the rest of the quota,  
40 which Mr. Kelly told me earlier that they expect to do on  
41 Wednesday of this week. After that, if they are finished  
42 fishing and the quota is met, we will shut them down.

43  
44 The second table is last year's landings. Because this isn't a  
45 January through December, we have completed landings for last  
46 year now. We only closed the Western and Southern hook-and-line  
47 Zones, and the Northern Zone did not reach a high enough quota  
48 for us to close, and the gillnetters -- Again, they generally

1 stop fishing when they reach about 85 percent of the quota, and,  
2 at some point, they decided not to go out and catch the rest of  
3 the quota, and so that one never closed either.

4  
5 If you go to the next page, we show the recreational landings  
6 for this year and last year. Again, the recreational season  
7 started on July 1, and so we only have two waves of data that  
8 incorporate this year. Last year is mostly complete, and there  
9 was only 44 percent of the quota that was caught for the  
10 recreational sector last year.

11  
12 Just to point out that Spanish and cobia are not included on  
13 here, and those are stock ACLs, and the quotas for those have  
14 not been met.

15  
16 The council also requested an analysis of a change in landings,  
17 due to the increase in the bag limit. The bag limit was two  
18 fish per person per day, and it was increased to three, and that  
19 was effective in May of last year, and so we only have three  
20 waves of landings with the higher bag limit to compare, and so  
21 the first table shows simply the landings by wave, and you can  
22 see for every wave, this year, or for 2017, was lower than those  
23 in 2016, with the lower bag limit, and so increasing the bag  
24 limit -- Now, we did have 2016 was a rather high landings year,  
25 and so 2017 is back to a little bit more normal.

26  
27 We also looked at the proportion of trips landing the bag limit  
28 of two fish versus three fish. In 2016, we had 12 percent  
29 landing the two-fish bag limit and about 5.6 percent were  
30 actually landing three, even though that wasn't the legal bag  
31 limit in 2016. In 2017, we saw a decrease in the number landing  
32 the two fish, but about the same number landing the three fish,  
33 even though it was legal in 2017, or most of 2017. That is the  
34 extent of the analysis that we have, if you have any questions.

35  
36 **CHAIRMAN MICKLE:** Thank you, Susan. Are there any questions or  
37 comments? Mr. Anson.

38  
39 **MR. KEVIN ANSON:** Sue, the proportion of trips landing king  
40 mackerel, that's of trips with king mackerel, correct?

41  
42 **MS. GERHART:** Yes, that's correct.

43  
44 **MR. ANSON:** Thank you.

45  
46 **CHAIRMAN MICKLE:** Mr. Diaz.

47  
48 **MR. DIAZ:** Thank you for that report, Ms. Gerhart. I have got

1 about twenty notes on my page, and you actually covered almost  
2 all of them, and so I think you did a very good job, but what  
3 strikes me, when I read through this, is the commercial side  
4 last year, for 2016/2017, basically it was a typical year. They  
5 generally catch most of their quota, or right up close to it.  
6 It looks to me like 2017/2018 is shaping up to be a typical  
7 year. They are probably going to do about like they have been.

8  
9 I want to stress the recreational landings. For 2016/2017, we  
10 left almost 3.5 million pounds unharvested, and Ms. Gerhart said  
11 that was a heavy harvesting year, and I think that's playing  
12 out, in the way Waves 4 and 5 are comparing from 2016/2017 and  
13 2017/2018, the way that plays out so far. The three-fish bag  
14 limit has, so far, in just those two waves, and I know that's  
15 early and it's not a lot of data, but it's not really showing  
16 anything, that that's making much of a difference.

17  
18 I know there is a lot of people at the table that don't agree  
19 with me, but it does bother me, and I'm not sure it's in the  
20 best interest of the nation to leave so many fish unharvested.  
21 I am not proposing to do anything, but I like us to review these  
22 things, because we can reflect on them and see where we're at.

23  
24 Like I said, I just don't think it's in the greatest interest of  
25 the nation to leave that many fish unharvested. At some point  
26 in time, we're going to have to really evaluate what the proper  
27 thing to do with king mackerel is. Thank you, Mr. Chair.

28  
29 **CHAIRMAN MICKLE:** Thank you, Mr. Diaz. Robin.

30  
31 **MR. ROBIN RIECHERS:** I just wanted to make a note, for the  
32 council, that, last week, our commission took action to actually  
33 move from a two-fish to a three-fish bag limit in state waters,  
34 which obviously many of the fish are caught there, and we will  
35 do that as quickly as we can, so that it will be in place for  
36 much of the rest of the season this year. That goes into effect  
37 twenty days after it's filed with the Secretary of the State,  
38 and so I don't know the exact date of that at this point in  
39 time, but it will be in effect, and then we will pick it up for  
40 our season next year as well.

41  
42 **CHAIRMAN MICKLE:** To that point, Robin, the Mississippi DMR has  
43 it on their agendas as well coming up at their meeting in  
44 February, and so, after the outcome of that, we'll increase to a  
45 three-fish bag limit and go to the Secretary and move on  
46 forward, and so just to voice that here with everybody. Is  
47 there any other discussion with these landings? Roy.

48

1 **DR. ROY CRABTREE:** Martha, has Florida gone up to three fish?

2  
3 **MS. MARTHA GUYAS:** Yes, we have. I think it went into effect  
4 around the same time as the federal rule, I think. It's been so  
5 long since we did that rulemaking.

6  
7 **CHAIRMAN MICKLE:** Any other discussion? I hate to do this, but  
8 when was the last stock assessment, and when is the next one? I  
9 hate to drag that thing back up. We seem to get stuck on it,  
10 but could we just return, at Full Council maybe, with a quick  
11 drop-in of when the last one was and when the next one is?

12  
13 Just a little chatter on the docks, but we don't get the  
14 landings we quite did recreationally, because, most of the time,  
15 they are floating out stinger hooks out the back of the boat,  
16 and they're just not getting them like they used to, but, again,  
17 that's nothing to drive anything with, but, again, it seems to  
18 be a somewhat targeted fishery on the recreational side during  
19 tournaments.

20  
21 It's tournament-driven, at least in our little slice of the  
22 Gulf, but you've just got to keep your eye on it and just make  
23 sure that the resource is there. The gear type targeting from  
24 commercial to recreational is very different as well, and so  
25 that's all. Any other discussion, before we move on? All  
26 right. Let's move on to Item Number V, which is an Options  
27 Paper for Carryover of Unharvested Quota, Tab E, Number 5, and  
28 Mr. Atran.

29  
30 **OPTIONS PAPER - CARRYOVER OF UNHARVESTED QUOTA**

31  
32 **MR. ATRAN:** Thank you. If Dr. Lorenzen is ready with his  
33 presentation of the SSC review of simulations, I think it would  
34 be helpful to go over that first, because that deals directly  
35 with the alternatives that are in Action 1 of the options paper.

36  
37 **CHAIRMAN MICKLE:** Sure. No problem. That would be Tab B,  
38 Number 11. Dr. Lorenzen, are you ready? Thank you. We have  
39 got the presentation pulled up. This was emailed to council  
40 members, if you're looking for it, and it is on the updated  
41 file, I thought, or that's where I found it anyway. Go ahead,  
42 Kai.

43  
44 **SSC REVIEW OF SIMULATIONS**

45  
46 **DR. KAI LORENZEN:** The scope of work, what we were asked for  
47 here was to review the simulations provided by the Southeast  
48 Fisheries Science Center of the effects of carryover unused ACL

1 for red snapper and king mackerel and to review the draft  
2 generic amendment and comment on the scientific basis for the  
3 alternatives in the amendment.

4  
5 I want to briefly show you a few outputs of those analyses, and  
6 the first one is for red snapper, and there was an initial  
7 analysis done that was looking at the percentage of unharvested  
8 quota that can be carried over without negatively impacting the  
9 red snapper rebuilding plan, and, in short, the result of that  
10 was that carryover of up to 20 percent did not affect the  
11 rebuilding schedule.

12  
13 Then the more detailed request that was presented at the SSC  
14 webinar in October was fleet-specific carryover events that are  
15 consecutive carryover that are discounted for natural mortality  
16 and carryover caps at 95 percent of the OFL. The goal was to  
17 demonstrate how those scenarios would impact on the rebuilding  
18 plan.

19  
20 What they did was basically run with the last stock assessment  
21 base model that came out of the benchmark assessment in 2014  
22 with updated landings data to 2016 projections, beginning in  
23 2017, and so they provided these simulations with sort of two  
24 projection scenarios here. It was basically, using F rebuild,  
25 the fishing mortality rate under the rebuilding plan, but also  
26 running one with F SPR of 26 percent, which is relevant to  
27 defining the overfishing limit. Then they had different ways of  
28 adjusting for M and applying the OFL cap or not applying the OFL  
29 cap.

30  
31 To give you an idea of how the actual underages were set up, on  
32 the left-hand side in this table, you can see -- They basically  
33 forced certain underages into the model at different times, and  
34 you can see, for example, in 2017, there was an assumed 20  
35 percent underage in the private recreational sector, and then,  
36 in 2018, there was an underage of 20 percent in the recreational  
37 for-hire and so on, and so this is basically what goes into that  
38 simulation as the underage scenarios.

39  
40 Going to the results, there is a projected -- This is the  
41 projected yield for the rebuilding scenario, and then you have  
42 the various carryover scenarios here, and so you have the  
43 triangles are the yields applying the cap, and the circles are  
44 not applying the cap, and so you can see the underages  
45 occurring.

46  
47 Then, in the following years, the carryover is occurring, and  
48 you can see that, overall, the OFL cap had a fairly major effect

1 on the carryover yield, and so the OFL cap basically capped the  
2 carryover relatively low. The M adjustments had relatively  
3 little effect, and that's to be expected, because the natural  
4 mortality rate of red snapper is very low.

5  
6 The fact that you are seeing this -- This was a question that  
7 was brought up in the SSC, the fact that you're seeing those  
8 variations getting larger, and this is really driven by the  
9 inputs to the model, and so the greatest overall underages were  
10 put into the model in the later parts of that time series, and  
11 so this doesn't imply that, as we go along in time, those  
12 variations will get larger. This is simply what was put into  
13 the model.

14  
15 This is what shows the rebuilding of the SPR, and you can see,  
16 again, there is the rebuilding projection without underages and  
17 carryover. That's at the bottom, and then you can see the  
18 rebuilding under those various carryover scenarios, and you can  
19 see that, in all the carryover scenarios here, rebuilding, in  
20 fact, is not only on the same timeframe, but it may occur  
21 slightly more rapidly.

22  
23 The reason for that is that, since the stock is increasing quite  
24 rapidly overall, and so we're in a situation where, essentially,  
25 when you leave the fish in the water, growth and their  
26 reproductive contributions sort of outweigh the effect of  
27 mortality, and so, if you keep the fish in the water a little  
28 longer, which you do, not through the carryover, but through the  
29 fact that you have an underage to start with, you end up with a  
30 situation that rebuilding actually happens slightly faster.

31  
32 You can see that none of these scenarios cause problems for the  
33 rebuilding schedule. Some allow somewhat faster rebuilding,  
34 and, basically, you have a tradeoff here. The scenarios that  
35 leave the most fish in the water, and so the ones where you have  
36 an OFL cap, give you the fastest rebuilding, and so there is a  
37 bit of a tradeoff, but none of these scenarios would cause a  
38 problem for maintaining that rebuilding timeline.

39  
40 The analysts pointed out important assumptions and caveats. The  
41 first one here is this is not meant to be for management advice.  
42 It's somewhat hypothetical, and there are a lot of assumptions  
43 that have to be made in setting these things up. Basically,  
44 they're saying that it should be expected to hold for underages  
45 up to about 20 percent, but they haven't tested really extreme  
46 underages.

47  
48 It only applies if the carryover is applied to the fleet in

1 which the underage occurred, and the reason for that is that the  
2 fleets have different selectivities, and so, if you apply an  
3 underage in one fleet to another fleet, you're dealing with the  
4 fact that those are actually catching fish at somewhat different  
5 ages and with different growth and mortality and so on.

6  
7 Also, very importantly, the same approach is not expected to  
8 hold for an overage and subsequent underage. Remember that all  
9 they simulated is underages. They have not looked at what  
10 happens when you throw overages into the mix.

11  
12 There was a second study on Gulf of Mexico king mackerel, and  
13 it's basically the same questions, and I am not going to go  
14 through the details of the results of this, but I want to give  
15 you a quick overview.

16  
17 The important thing to remember here is that the Gulf of Mexico  
18 king mackerel is not overfished and not undergoing overfishing,  
19 and neither the commercial nor the recreational sector land  
20 their allocated catch, typically, which means there is a sort of  
21 fairly routine underage, but that occurs because people just  
22 don't fish so hard for it, and so, basically, if you take that  
23 underage and you carry it over, it's quite unlikely that, in the  
24 next year, that would all be taken, because, generally, the  
25 fishery is not taking its allotted catch.

26  
27 The simulation scenario that Dr. Schirripa provided actually  
28 assumed that the stock would be fished at the limit, and so at F  
29 SPR 30, except when the underages or the carryover occur, but it  
30 basically assumed an increase in fishing pressure on this stock  
31 to the maximum level of the F SPR 30.

32  
33 Basically, the result here was that carryover, under these  
34 assumptions, had no effect on the future status of the Gulf of  
35 Mexico king mackerel stock, and so, basically, what the  
36 simulations have shown is that the carryover, according to the  
37 provisions that are in the draft generic amendment, are unlikely  
38 to impact negatively on the rebuilding timeline of red snapper  
39 or the status of king mackerel.

40  
41 None of the alternatives explored resulted in the lengthening of  
42 the rebuilding timeline for red snapper, and some tradeoffs are  
43 evident between catch levels and the speed of rebuilding, but  
44 it's very unclear how generalizable these results are. Remember  
45 that we have basically case studies for two fisheries here, one  
46 that is rebuilding and typically fished at F rebuild, below the  
47 F SPR at 26 percent, and the other that also tends to be  
48 underfished, most of the time.

1  
2 The question is how does this apply to stocks with different  
3 life histories and to fisheries that may be overexploited, and  
4 so it's somewhat unclear, and so there were some general  
5 comments from the SSC.

6  
7 One was that carryover is likely to be appropriate and effective  
8 only when the underage has occurred due to regulatory actions or  
9 if you have something like the buffer or for some reason you  
10 closed that fishery early. Then it's a reasonable assumption  
11 that those fish that were not harvested will remain and one can  
12 carry that over. It would be particularly problematic if the  
13 underage had occurred due to stock decline. We will come to red  
14 grouper tomorrow, where that seems to be happening. There is an  
15 underage, but it's probably related to reduced stock levels, and  
16 so that is, obviously, a situation where you wouldn't want to  
17 carry over.

18  
19 The scientific information that we have available, which is sort  
20 of limited simulation scenarios for two fisheries, does not  
21 provide a strong basis for choosing between the alternatives set  
22 out in the draft document or for generalizing performance to  
23 other fisheries, and it's very important to note that the same  
24 procedures can't be used for carryover of overages, or payback  
25 provisions, and they may be problematic when we have a mixture  
26 of underages and overages in the timeline, which was not  
27 explored.

28  
29 Finally, one comment is that one alternative to that proposed  
30 framework, which is somewhat complex, is it might involve things  
31 like actually rerunning projections with updated catches, and  
32 so, all of this, what we're discussing here, is in the situation  
33 where we have projections that were run at the end of the stock  
34 assessment for multiple years and then we set the ABCs based on  
35 that.

36  
37 Then we enter into these carryover provisions, but, also, one  
38 could, in principle, of course, update projections with more  
39 recent landings, which would then account for all the processes  
40 that are happening, the growth and the mortality and so on, but  
41 it would involve an additional step, and so, rather than just  
42 getting the catches and going into the carryover, it would  
43 involve then going back to the Science Center or the Regional  
44 Office and rerunning those projections. That would give you  
45 slightly better estimates of what will be available in the  
46 following years, but it requires more effort. Thank you.

47  
48 **CHAIRMAN MICKLE:** Thank you, Dr. Lorenzen. Are there any

1 questions for Kai? Steven.

2  
3 **MR. ATRAN:** Not a question, but just a clarification. You  
4 mentioned, with the red snapper review, that none of the  
5 simulations included overages, and I believe that was the same  
6 for the king mackerel simulations.

7  
8 **DR. LORENZEN:** Correct.

9  
10 **MR. ATRAN:** Thank you.

11  
12 **CHAIRMAN MICKLE:** Anything else? Thank you, Kai. Now we can  
13 swing back to the options paper, and is that correct, and it's  
14 Tab E, Number 5.

#### 15 16 **REVIEW OF OPTIONS PAPER**

17  
18 **MR. ATRAN:** That's correct. It is titled "Carryover Provisions  
19 and Framework Modifications". It's still in a draft form. If  
20 the council approves it, we're going to try to come back with a  
21 completed amendment for your review in April, and that will  
22 depend upon what we can do. The primary author of this is out  
23 on paternity leave at the moment, but I think the rest of us can  
24 probably handle it.

25  
26 This has five actions in the document, and, if we can go to  
27 Action 1, which is on page 9, it's titled "Eligibility for a  
28 Carryover Provision for Managed Finfish Species in the Gulf of  
29 Mexico", and this deals with which species would or would not be  
30 allowed to have ACL underage adjustments. The wording is a  
31 little bit confusing. We are thinking that perhaps we could  
32 simplify some of the wording on here, and we also had some staff  
33 suggestions on some of these alternatives.

34  
35 Alternative 1, no action, says that we will not have an underage  
36 carryover for any species. If you wanted to adopt that, then  
37 this options paper is dead, and there is no need to proceed with  
38 it. We always have the no action alternative.

39  
40 Alternative 2 would allow underage carryovers except for those  
41 stocks that are currently in a rebuilding plan. As I said, I  
42 wanted to get the results of the simulations, which had  
43 indicated that, in those simulations, underage carryovers were  
44 not going to have much of an effect on the rebuilding plan.  
45 Again, as I said, that only included simulating underharvests  
46 and not overharvests.

47  
48 We do have some staff saying that perhaps this should be

1 removed, and I think perhaps an alternative would be to say  
2 that, instead of excluding stocks in a rebuilding plan -- I will  
3 stop there, but, at any rate, based upon the analysis, this may  
4 not be a necessary alternative.

5  
6 Alternative 3 would not allow stocks to have carryovers if there  
7 was not an ACL closure, if we just got to the end of the fishing  
8 year and the fishermen simply didn't catch their total amount.  
9 The reason for that is because we don't know why they didn't  
10 catch their total amount. Is it because the stock is in decline  
11 or simply because they didn't put out enough effort to catch it?

12  
13 Irregardless, Alternative 3 would not allow a carryover for  
14 stocks that did not have an ACL closure. We do have a staff  
15 suggestion that it be revised slightly to state that this would  
16 only apply to non-IFQ species, and we have a separate action  
17 that deals with the IFQ species.

18  
19 Alternative 4 would exclude stocks that do not have sector  
20 allocations. It would only apply to stocks that are managed  
21 under a stock ACL, and that means that there is no recreational  
22 and commercial allocations. It's just a single stock ACL. We  
23 really don't see why this should make a difference, plus I  
24 believe most of the stocks covered under Alternative 4 would be  
25 covered under Alternative 3, and so staff is recommending that  
26 Alternative 4 be removed from the document or moved to  
27 Considered but Rejected.

28  
29 Alternative 5 would exclude any stocks from carryover that were  
30 not based on a quantitative stock assessment. Basically, that's  
31 our data-poor stocks in which we did set ACLs, but they were  
32 based either on Tier 3 of our ABC control rule, which just bases  
33 it on what the average catch was over a ten-year period, plus or  
34 minus some adjustment, or based upon the methods used in the  
35 data-limited methods toolkit, which we applied to several stocks  
36 under SEDAR 49 and ended up with an ABC recommendation only for  
37 one of them, lane snapper.

38  
39 These are not really based upon a strong knowledge of the life  
40 history of the stock, and so these are only approximations of  
41 what we think should be the OFL and the ABC, and they may or may  
42 not be accurate, and so this alternative would say don't have  
43 any carryovers on these stocks, and then Alternative 6 would  
44 exclude stocks which are being managed through an apportionment  
45 with an adjacent fishery management council, in this case,  
46 obviously, the South Atlantic Council.

47  
48 If we have a transboundary stock and we've split it up, since

1 this action would involve changing the ABC -- We can't change an  
2 ABC without getting the other council involved, and so we're  
3 recommending that Alternative 6 -- That that not be allowed to  
4 be a carryover.

5  
6 Basically, the only alternative that staff is definitely  
7 recommending be removed is Alternative 3 and that you perhaps  
8 consider Alternative 2 for removal, based upon the results of  
9 the simulation analysis. I will stop there, if anybody has any  
10 questions.

11  
12 **CHAIRMAN MICKLE:** Are there questions or comments?

13  
14 **DR. GREG STUNZ:** Steven, when I was reading through this, it is  
15 kind of confusing trying to figure out exactly what the  
16 differences are between all these alternatives, but could we  
17 combine some of these, to streamline this? For example, 5 and 6  
18 are almost the same, other than you just put those two  
19 exceptions into one alternative, I guess, is what I'm seeing.

20  
21 **MR. ATRAN:** Certainly you could combine them. I think the idea  
22 was to try to give you a discreet list of possible exceptions,  
23 and, if you're interested, about three pages onward, Table 2.1.1  
24 lists those stocks that would be affected by each of these  
25 alternatives, and there is quite a bit of overlap, and so, in  
26 the case of -- You said combine Alternatives 5 and 6, and  
27 Alternative 6 would only apply to black grouper, mutton snapper,  
28 and yellowtail snapper. None of those are listed under  
29 Alternative 5, and so that would be giving you a larger universe  
30 of stocks that would be excluded from carryovers.

31  
32 **CHAIRMAN MICKLE:** Mr. Diaz.

33  
34 **MR. DIAZ:** Just a comment. If we happen to choose the one for  
35 data-poor stocks, the actual title of this paper includes red  
36 drum, and so we have to take that out of the title, also.

37  
38 **CHAIRMAN MICKLE:** Mr. Atran.

39  
40 **MR. ATRAN:** Could you repeat that, please?

41  
42 **MR. DIAZ:** I was just saying that Number 5 deals with data-poor  
43 stocks, including those, and the title of this paper actually  
44 has red drum mentioned in the options paper name, and so I was  
45 just pointing that out.

46  
47 **CHAIRMAN MICKLE:** Mr. Atran.

48

1 **MR. ATRAN:** At the moment, we don't allow any harvest of red  
2 drum in federal waters, and so I'm not sure that, either way, it  
3 would affect the red drum harvest.

4  
5 **CHAIRMAN MICKLE:** Ms. Levy.

6  
7 **MS. LEVY:** Just to the point about combining them, I think the  
8 issue with combining them is that it doesn't then allow you to  
9 consider and address the specific needs to exclude or not  
10 exclude a certain group, and so 5 is looking at basically  
11 applying the carryover only to those that have peer-reviewed  
12 stock assessments, whereas Alternative 6 is then applying it to  
13 everything except those managed by species that are apportioned  
14 over more than one council, and so they're very distinct, and  
15 you can have separate decisions yes or no on either of those,  
16 and, if you combine them, then you're basically having to make a  
17 decision about all of it at one time, even though there are very  
18 different reasons for including or excluding them.

19  
20 **CHAIRMAN MICKLE:** Any other discussion? Mr. Anson.

21  
22 **MR. ANSON:** Steven mentioned a couple of alternatives that staff  
23 had recommended for removal, to streamline the document, and one  
24 of those was Alternative 4, if I remember correctly, and I am  
25 trying to read that one, to understand the removal for that one,  
26 and except those which are currently managed under a stock ACL,  
27 and so, Steven, can you elaborate a little bit more as to why  
28 staff chose that, because Dr. Lorenzen mentioned something that  
29 it would probably be better to kind of keep those species in  
30 there that have sector allocations, because then it would be  
31 more efficient in applying that overage, or underage, to that  
32 particular sector.

33  
34 **CHAIRMAN MICKLE:** Mr. Atran.

35  
36 **MR. ATRAN:** One reason is that most of the stocks covered in  
37 Alternative 4 are also covered in Alternative 3, and so it's a  
38 little bit duplicate, and, also, the primary difference here is  
39 we're talking about, where we have sector allocations, an  
40 underage would only apply to the specific sector that  
41 underharvested its quota.

42  
43 Where we don't have sector allocations, you could still end up  
44 with, perhaps, a fishery that is closed early, because the  
45 entire ACL is met early, but, if that turns out to be an  
46 incorrect assessment, there is really -- I don't see the reason  
47 why you would want to have that be any different from just  
48 looking at an individual sector.

1  
2 You get a fishery that's being fished by the combined  
3 recreational fishery sectors, and, if you carryover the  
4 underharvest, then the combined fishery gets the benefit of the  
5 carryover, rather than just one sector, and so I wasn't -- I  
6 didn't see the reasoning for excluding those specific stocks,  
7 but, as I said, the other reason is that there's a lot of  
8 overlap, if you look at that table that was up on the screen  
9 before, between Alternatives 3 and 4, and so perhaps we don't  
10 need both of those alternatives.

11  
12 **CHAIRMAN MICKLE:** Any other discussions? Is there a timeline  
13 that we're shooting for on this one, on this paper? Do I need  
14 to encourage the group in any way or form? Mr. Schieble.

15  
16 **MR. CHRIS SCHIEBLE:** I am going to need a little help from the  
17 Chairman here. We're not on the committee, but are we able to  
18 make a motion for another alternative, not being on the  
19 committee?

20  
21 **CHAIRMAN MICKLE:** Not until Full Council, is my understanding,  
22 and is that correct?

23  
24 **MS. LEANN BOSARGE:** At Full Council, you could make that motion,  
25 but, if you want to have discussion, you are more than welcome  
26 to chime in, if the Chairman will allow, and have some  
27 discussion, and so I guess people would have something to think  
28 about between now and Full Council.

29  
30 **MR. SCHIEBLE:** Well, I sent our request to council, in an email,  
31 and so it's listed there, but I can pretty much tell you exactly  
32 what we're thinking here. We're looking for an Alternative 7 to  
33 be added, if possible, and it would basically just state the  
34 carryover of unused portion of any managed reef finfish species  
35 and coastal pelagic, period.

36  
37 **CHAIRMAN MICKLE:** That's a suggested motion, but, again, we have  
38 to wait until Full Council for a non-committee member to make a  
39 motion, but, again, if there is anyone inclined to entertain the  
40 motion, I wouldn't be opposed, if it's brought by, just  
41 following protocol, a committee member. Dr. Frazer.

42  
43 **DR. TOM FRAZER:** Thanks, Paul. If it's okay, I would just like  
44 a little clarification on why you might want that.

45  
46 **CHAIRMAN MICKLE:** Chris.

47  
48 **MR. SCHIEBLE:** Well, it seems like, when looking at that list of

1 species, that, if we don't combine some of the existing  
2 alternatives, that some will be left out, and that would cover  
3 the majority of what we need.

4

5 **CHAIRMAN MICKLE:** Dr. Crabtree.

6

7 **DR. CRABTREE:** I think the point is there are good reasons to  
8 leave some species out. If you have a species, for example red  
9 grouper, and they can't catch the ACL. The fishermen are all  
10 telling us that the stock is in decline, and we're going to see  
11 abundance indices this week that confirm the stock has declined,  
12 and so why would we take a species where they can't catch the  
13 quota to begin with and then carry, potentially, millions of  
14 pounds over and add it to the next year's quota? It just  
15 doesn't really make sense.

16

17 I don't think it necessarily hurts anything, because they  
18 probably wouldn't catch it again the next year, but where this  
19 came from was when we had a fishery that was closed, and red  
20 snapper was a lot of it, where we have that 20 percent buffer,  
21 or we closed it too early and left fish out there. In that  
22 case, it makes sense to carry it over, and king mackerel is  
23 another good example, with the recreational fishery. It really  
24 doesn't make a lot of sense to carry that underage over and add  
25 it to the next year, because they can't even catch the quota  
26 they already have.

27

28 I will come back to Alternative 4, because I tend to agree with  
29 Steve that I don't think we need that one in there. **I will make  
30 a motion to move Alternative 4 to the Considered but Rejected.**

31

32 **CHAIRMAN MICKLE:** All right. The motion is, in Action 1, to  
33 move Alternative 4 to Considered but Rejected. Do I have a  
34 second? It's seconded by Dr. Frazer. **Is there any opposition?  
35 The motion carries.**

36

37 Is there any additional discussion on the carryover of  
38 unharvested quota of non-IFQ finfish species? Mr. Atran.

39

40 **MR. ATRAN:** Thank you. One other thing on Action 1, before we  
41 get totally out of it. As I indicated, we think we can probably  
42 come up with some less confusing wording for the alternatives in  
43 Action 1, and so I assume that we would have editorial license  
44 to revise them, as long as we don't change the intent?

45

46 **CHAIRMAN MICKLE:** Is there any opposition for staff to have that  
47 liberty? Okay. That seems concurrent with the group. Thank  
48 you.

1  
2 **MR. ATRAN:** Thank you. Action 2, as I said earlier, we have a  
3 separate action.  
4

5 **MS. BOSARGE:** Mr. Atran, can I interrupt you for just a second?  
6 Sorry. Our lunch with the Admiral is actually scheduled for  
7 like four minutes from now, just a couple of minutes from now.  
8 As long as you all were done with that Action 1, if it's okay  
9 with the Chairman, could we break now for our lunch?

10  
11 **CHAIRMAN MICKLE:** My question is to Mr. Atran. Can Action 2 be  
12 pulled off in four minutes?  
13

14 **MR. ATRAN:** Probably not.  
15

16 **CHAIRMAN MICKLE:** I had to ask. All right.  
17

18 **MS. BOSARGE:** That sounds great then. We're going to break now  
19 for lunch, and I don't want to keep the Admiral waiting, and so  
20 we will break for lunch. We are scheduled to have lunch from  
21 11:15 to 12:45, and so I will see you all back here at 12:45.  
22 Thank you.  
23

24 (Whereupon, the meeting recessed for lunch on January 29, 2018.)  
25

26 - - -  
27

28 January 29, 2018  
29

30 MONDAY AFTERNOON SESSION  
31

32 - - -  
33

34 The Sustainable Fisheries Committee of the Gulf of Mexico  
35 Fishery Management Council reconvened at the Hyatt Centric, New  
36 Orleans, Louisiana, Monday afternoon, January 29, 2018, and was  
37 called to order by Chairman Paul Mickle.  
38

39 **CHAIRMAN MICKLE:** I think, when we broke for lunch, we had  
40 completed Action 1. Is that true, Mr. Atran?  
41

42 **MR. ATRAN:** Yes, that is correct, unless anybody has something  
43 further they want to say.  
44

45 **CHAIRMAN MICKLE:** I think there was some further discussion, but  
46 we had agreed that, at Full Council, it would flesh itself out,  
47 and so let's continue on to Action 2 within Tab E, Number 5, to  
48 resume where we were with carryover.

1  
2 **MR. ATRAN:** Thank you, Mr. Chairman. Action 1 was set up so  
3 that you can choose multiple preferred alternatives, if you  
4 want. Action 2, which is parameters for applying the carryover  
5 provision to species managed under IFQ programs, is designed so  
6 that you can only select one preferred alternative.

7  
8 What this action does is it only allows carryovers if there is a  
9 relatively small amount of underage to carry over. If the  
10 underage exceeds a certain amount, then there is no carryover.  
11 What it says in the discussion is that, in the past, IFQ  
12 programs typically have some underage, but it has ranged from as  
13 little as a half-a-percent to as much as 55.98 percent, and that  
14 was for the other shallow-water grouper category in 2014, and so  
15 we can see some rather substantial underages, at times, in this  
16 fishery.

17  
18 Alternative 1 is the no action alternative. It does not  
19 establish parameters for applying the carryover provision, as  
20 outlined in Action 1, to species managed under IFQ programs in  
21 the Gulf. I believe that means that IFQ species would be  
22 treated exactly the same as the non-IFQ species, unless that  
23 alternative that would exclude them is adopted in Action 1, in  
24 which case there would be no carryover at all. That is my  
25 interpretation of this.

26  
27 Alternative 2 and Alternative 3 and Alternative 4 are all  
28 identical, except that Alternative 2 would allow a carryover  
29 only if the underage from the commercial ACL amounts to less  
30 than 2 percent of the commercial ACL. Alternative 3 would allow  
31 the underage carryover only if it's less than 5 percent, and  
32 Alternative 4 would allow the carryover only if it's less than  
33 10 percent. Mr. Chairman.

34  
35 **CHAIRMAN MICKLE:** Is there any discussion? Dale.

36  
37 **MR. DIAZ:** Steven, when I read the discussion, I see that the AP  
38 made a comment that they did not favor this action at all, but  
39 part of the rationale is it says that the Reef Fish AP thought  
40 that, if a shareholder couldn't harvest their allocation in a  
41 fishing year, it was unlikely that they would be able to harvest  
42 it in the following year.

43  
44 If there was a -- Say we did a small carryover, and the  
45 carryover would go to that entire commercial sector and then be  
46 divided up there from there, and so we wouldn't be dealing with  
47 it on a shareholder basis. We would be dealing with it across  
48 the whole commercial sector, and so can you elaborate on that

1 any?

2  
3 **MR. ATRAN:** I believe you're correct. My understanding, and, if  
4 there are any fishermen here who are fishing under IFQs, maybe  
5 they could correct me, but my understanding is that the  
6 fishermen who fish under IFQs will try to spread out their catch  
7 so that they still have fish to catch at the end of the year,  
8 and, as a result, if they overestimate their needs, they may end  
9 up with a slight underharvest of their IFQs.

10  
11 As this is written, I believe you're correct that that  
12 individual fisherman doesn't benefit from his underage, but it  
13 just would go into the pool and then be distributed among all  
14 fishermen.

15  
16 **CHAIRMAN MICKLE:** Any other discussion? Ms. Bosarge.

17  
18 **MS. BOSARGE:** I do remember, in Mississippi, during the public  
19 hearing that we had a while back that was geared towards  
20 commercial, that that was one of the things that they were  
21 actually interested in, was having some sort of carry forward or  
22 rollover provision for their fishery. I remember they were  
23 really interested in that, and so I'm not sure, but it might be  
24 something that we want to delve into further with our  
25 stakeholders and see.

26  
27 **CHAIRMAN MICKLE:** Mr. Diaz.

28  
29 **MR. DIAZ:** At this point, I am in favor of leaving it in, and,  
30 over time, as we flesh this document out, see what kind of  
31 public testimony we have on it, and so I think the range of  
32 alternatives is reasonable.

33  
34 **CHAIRMAN MICKLE:** Any other discussion? All right. Moving on.

35  
36 **MR. ATRAN:** The next action is Action 3, and it's on page 19.  
37 It's establishment of a fixed buffer between the acceptable  
38 biological catch and the overfishing limit under the carryover  
39 provision. As I'm sure that you're aware, when there is a full  
40 stock assessment, the SSC determines the OFL from the stock  
41 assessment, and then it determines how much to reduce that to  
42 create an ABC from the ABC control rule.

43  
44 The alternatives, other than the no action alternative here,  
45 which says don't establish a fixed buffer, would state that  
46 there should be some minimum between the OFL and the ABC of  
47 either -- Under Alternative 2, the ABC cannot exceed 95 percent  
48 of the OFL. Under Alternative 3, it's 90 percent, or

1 Alternative 4 is 85 percent.

2  
3 One of the complicating factors is that our current ABC control  
4 rule frequently results in a buffer that's less than 5 percent,  
5 and so, if we're going to have something that says we always  
6 have to have at least a 5 percent or 10 percent or 15 percent  
7 buffer, in many cases, that would probably override the ABC  
8 control rule, and so this seems to be in conflict with our  
9 current ABC control rule.

10  
11 We are supposed to get back to making revisions to that later in  
12 the year, but, as of right now, it's in conflict, and it may be  
13 that the best thing to do at this time is to take this out of  
14 the document.

15  
16 **CHAIRMAN MICKLE:** Thank you, Mr. Atran. I agree. **I think it's**  
17 **in conflict, and I think I will make a motion now that we look**  
18 **at Action 3 as Considered but Rejected.**

19  
20 **MR. DIAZ:** I will second that.

21  
22 **CHAIRMAN MICKLE:** Any discussions? Does everybody understand  
23 the conflict that is occurring? Ms. Levy.

24  
25 **MS. LEVY:** I sort of view this whole carryover system that is  
26 being contemplated here as amending the ABC control rule, such  
27 that you can carry over a portion of the unused quota, thereby  
28 automatically increasing an ABC, potentially, by some amount and  
29 doing that -- You're setting up a system whereby the SSC is okay  
30 with that process, and so it's automated, and it just happens.

31  
32 I don't see it in conflict with the ABC control rule. I feel  
33 like, by this amendment, we would be modifying the ABC control  
34 rule to allow for this whole process. It seems reasonable, to  
35 me, to consider some sort of buffer, at least at this stage.

36  
37 Are you going to say then that you're going to allow the  
38 carryover so that you have an ABC that's up to or equal to the  
39 OFL and you're going to allow all of that to be carried over,  
40 and, if that's true, granted, some of the buffers now are less  
41 than 5 percent, but some of them aren't, and how close, as a  
42 policy matter, do you want that ABC to get to the OFL when  
43 you're carrying over this unused quota, as we've been calling  
44 it?

45  
46 **CHAIRMAN MICKLE:** As a question, how many species would fall  
47 into this scenario of these Alternatives 2 through 4 of this  
48 carryover provision? Do we know, ballpark? Is it the majority

1 or the minority?

2  
3 **MR. ATRAN:** I don't know off the top of my head, but, of the  
4 stocks where we have done stock assessments and used the ABC  
5 control rule, I think -- I suspect it's the majority of the  
6 species to which we have applied the ABC control rule, and, in  
7 some cases, the SSC has deviated from the control rule, because  
8 they think that the ABC is being set too close, and I know they  
9 did that with gag, and they have done it with a couple of other  
10 species.

11  
12 **CHAIRMAN MICKLE:** Ms. Levy.

13  
14 **MS. LEVY:** I believe, if you look at Table 2.3.1, it has a  
15 comparison of the percent difference between OFL and ABC for  
16 stocks which would be affected by this amendment, and so you can  
17 see what the current differences are, and there are a few that  
18 are less than 5 percent, but it doesn't look like the majority  
19 are, and so you just might want to take a look at that.

20  
21 **CHAIRMAN MICKLE:** Any other discussion? We have a motion on the  
22 floor. Mr. Diaz.

23  
24 **MR. DIAZ:** The motion on the floor, I guess we could either  
25 withdraw it or -- I did second the motion, but, based on the  
26 discussion at this point, I would be in favor of just leaving it  
27 in, until we flesh all of this out, and so I'm going to be  
28 voting against the motion on the floor.

29  
30 **CHAIRMAN MICKLE:** All right, and so we had a motion that worked  
31 and then a vote switch, and so -- I would like to get more  
32 discussion, but maybe we should revisit this at Full Council. **I**  
33 **will withdraw my motion.** All right, and so let's keep moving  
34 on. We're heading toward Action 4, Mr. Atran.

35  
36 **MR. ATRAN:** Thank you. Action 4 is adjustments to the carryover  
37 provision. Under this action, other than for the Alternative 1  
38 -- Alternative 1 would allow the entire ACL underage to be  
39 carried forward. Alternatives 2 and 3 would only allow a  
40 portion of the underharvest to be carried forward.

41  
42 Alternative 2 would reduce the amount of unused ACL by the mean  
43 natural mortality rate of the subject species. Basically, that  
44 is applying the formula that we've been using, the old formula  
45 that we've been using, for setting MSST, where we say one minus  
46 M, and we multiply that by the amount of underage.

47  
48 In a species such as red snapper, which has a natural mortality

1 rate of 0.09, you would be setting the carryover at 91 percent  
2 of the underage, and then, depending upon the mortality rate,  
3 that would affect the carryover.

4  
5 That was when we felt that there might be some issues with fish  
6 that are unharvested dying anyway from natural causes before  
7 they have a chance to be caught in the next year, and so perhaps  
8 that ought to be taken into account. The simulation analysis  
9 that NMFS does seems to indicate that that's not really an  
10 issue.

11  
12 Alternative 3 would simply set a fixed proportion of the  
13 underage to be carried over, and there are three options.  
14 Option 3a would reduce it by 5 percent, Option 3b would reduce  
15 it by 10 percent, and Option 3c would reduce it by 15 percent.  
16 In other words, you would be carrying over 95 percent, 90  
17 percent, or 85 percent of the underage, depending upon which  
18 option is selected, and this is one of the actions that staff  
19 has recommended be moved to Considered but Rejected.

20  
21 **CHAIRMAN MICKLE:** Dr. Stunz.

22  
23 **DR. STUNZ:** I was just going to say that it seems like we're  
24 splitting hairs here just a little bit, and, based on Dr.  
25 Lorenzen's presentation, and, also, I don't know -- Steven,  
26 maybe you can shed some light on this, but the fact that they're  
27 in the water is also contributing as well, but it's not quite  
28 factored in here either, but I would be in favor of removing  
29 this.

30  
31 **CHAIRMAN MICKLE:** Ms. Levy.

32  
33 **MS. LEVY:** Just when you're thinking about this, I guess one  
34 question I had, based on the comment about using natural  
35 mortality rate as a reduction, is I understood the presentation,  
36 but, to me, it said it was red-snapper-specific, and that has a  
37 very low natural mortality rate, and so I assume there might be  
38 other stocks that would be included in this process that might  
39 have higher natural mortality rates, and so, to kind of just  
40 dismiss it based on the presentation as something that you don't  
41 want to consider, I'm a little bit hesitant about that.

42  
43 If there are other reasons why it's not appropriate or you  
44 wouldn't want to consider it, then I think you should discuss  
45 those, because the presentation, to me, was very narrowly  
46 focused.

47  
48 **CHAIRMAN MICKLE:** Mr. Atran.

1  
2 **MR. ATRAN:** The alternative would apply to all the species  
3 covered under this amendment, but I just selected red snapper as  
4 one example, and it does have one of the lowest natural  
5 mortality rates of the stocks that we manage. I believe greater  
6 amberjack has a natural mortality rate of 0.25, if I remember  
7 correctly, and so, in that case, the formula would result in 75  
8 percent of the underage being carried over.

9  
10 **CHAIRMAN MICKLE:** Dr. Porch.

11  
12 **DR. CLAY PORCH:** Just to point out that this might be a little  
13 more complicated than it needs to be. You're, effectively, kind  
14 of double-counting natural mortality, and I'm not sure what the  
15 -- Particularly Alternative 2, I am not sure what the motivation  
16 for that is.

17  
18 I think there are some comments in that report that my staff put  
19 together on the carrying over the underages for king mackerel  
20 and red snapper, where one of the requests was to somehow  
21 discount for natural mortality, and I guess this is related to  
22 that, but it's really not necessary, and, again, it's  
23 effectively double-counting natural mortality, because, when we  
24 go our projections, we're accounting for the natural mortality  
25 already.

26  
27 **CHAIRMAN MICKLE:** Any other discussion? Mr. Anson.

28  
29 **MR. ANSON:** Just I guess to follow-up on Clay's point, so I  
30 understand it, but I understand, in the initial ABC or OFL  
31 calculation that that mortality for that year will be assessed,  
32 but, if you're talking about taking those pounds that would have  
33 been harvested in that year and then taking them in the next  
34 year, there is going to be some natural mortality in those  
35 pounds, I think was the intent, and you're saying that's not an  
36 appropriate way to calculate that?

37  
38 **CHAIRMAN MICKLE:** Dr. Porch.

39  
40 **DR. PORCH:** Right. You don't need to do that. When we update  
41 the projections, it's actually already accounting for all of  
42 that, and so there is no real reason to do that. I think the  
43 key point is that, as long as the cumulative landings over the  
44 years that you're interested in are less than the cumulative ABC  
45 in every year, then the stock will do as well or better than it  
46 would have if you had been taking the ABC all along.

47  
48 **CHAIRMAN MICKLE:** Dr. Lorenzen.

1  
2 **DR. LORENZEN:** I have a comment on this, because this was  
3 something that confused me as well, but I think the issue of  
4 double-counting the natural mortality would arise if you did in  
5 fact update the projections, but I think, here, we're looking at  
6 a scenario where we have projections in place for multiple  
7 years, and we are just doing the carryover and not updating the  
8 projections, in which case I believe it would be appropriate to  
9 discount for natural mortality.

10  
11 **CHAIRMAN MICKLE:** Dr. Porch.

12  
13 **DR. PORCH:** It's still true though that, if you're taking the  
14 same total amount of catch, but you take it later -- In other  
15 words, if you take less at first and take more later, as long as  
16 that cumulative sum stays less than the cumulative sum of the  
17 ABC, the stock is going to do as well or better than it would  
18 have before. It is always better to take less now and then take  
19 more later, because the stock has an opportunity to grow.

20  
21 You might be able to come up with some weird counterexamples,  
22 and I haven't been able to think of one yet, but I think the  
23 exception happens when you get new information, like we have  
24 with red grouper, which says the projections maybe were too  
25 optimistic, and so that's a completely different case, where now  
26 we get new information that is like updating the assessment, and  
27 it says the original assessment was too optimistic.

28  
29 **CHAIRMAN MICKLE:** Mr. Anson.

30  
31 **MR. ANSON:** Just a minor point for clarity and consistency. In  
32 Alternative 2, it talks about most recent accepted quantitative  
33 stock assessment, and I'm just wondering if we should add "peer  
34 reviewed" after "quantitative", to make it consistent with other  
35 mentions or references to assessment in the document.

36  
37 **CHAIRMAN MICKLE:** Dr. Stunz.

38  
39 **DR. STUNZ:** Steven, I have a question for you. You said staff's  
40 recommendation on this action was to remove, but was the basis  
41 for that what we've just been talking about here with Clay and  
42 the double-counting of the mortality, or was their reasoning  
43 again? I'm sorry, but I didn't quite catch that.

44  
45 **MR. ATRAN:** Part of it had to do with Clay's statement about  
46 double-counting natural mortality, and the other part had to do  
47 with the simulation runs seemed to indicate that the natural  
48 mortality rate was not really going to be much of a factor, at

1 least for the two species that were looked at, red snapper and  
2 king mackerel.

3

4 **CHAIRMAN MICKLE:** Dr. Stunz.

5

6 **DR. STUNZ:** I was going to say, if that's the will of the  
7 committee, I am fine making a motion to move this action to  
8 Considered but Rejected.

9

10 **CHAIRMAN MICKLE:** We have a motion. Is there a second? It's  
11 seconded by Dr. Frazer. Is there any opposition? Madam Chair.

12

13 **MS. BOSARGE:** Clay, I have a question. Can we do the math and  
14 guide me through it? If you, you being the scientist, tell the  
15 fishermen that you can kill a hundred fish this season, and they  
16 only kill ninety fish, and so you have ten left to carry over,  
17 but say that particular species has a 10 percent natural  
18 mortality, and so one of those ten is going to die,  
19 theoretically, before we get a chance to catch them the next  
20 year. If, the next year, we still go kill ten, because that was  
21 our carry-forward, the ten, plus there is one that died, we  
22 really killed one too many, right?

23

24 **DR. PORCH:** That's if there is nothing coming in behind them,  
25 but, the next year, you have the new recruits coming into the  
26 fishery as well. If you were just looking at one age class of  
27 fish and following it, I can see where your logic is going, but  
28 we're looking at a population that adds members to it each year,  
29 and so, the next year, you have the incoming fish as well to  
30 account for.

31

32 **CHAIRMAN MICKLE:** All right. Dr. Frazer.

33

34 **DR. FRAZER:** Thanks. I am intrigued by this idea that, if you  
35 look at the cumulative landings, as long as they're less than  
36 the cumulative ABC, then you're probably in good shape, and I  
37 don't think it's relevant, necessarily, to this action item, but  
38 I think, in Full Council, maybe we can come back and talk about  
39 it in Action Item 1, because we might be able to write a more  
40 general alternative to this one, and so I'm just reminding  
41 myself to bring this back.

42

43 **CHAIRMAN MICKLE:** All right. Is there any other discussion  
44 toward the motion on the floor? We do have a second. All  
45 right. **Is there any opposition to the motion? The motion**  
46 **carries.** Can we move on to Action 5? Mr. Atran.

47

48 **MR. ATRAN:** Thanks, Mr. Chairman. Action 5 is modifying the

1 framework procedure that we have in, I guess, all of our FMPs  
2 for making changes in order to incorporate these underharvest  
3 carryovers. Alternative 1 says don't modify the framework  
4 procedure. We can't do the underharvest carryover without doing  
5 a modification.

6  
7 Alternative 2 would modify the closed framework. Now, just as a  
8 reminder, we have I think it's three types of framework  
9 procedures that we can do. Closed frameworks are procedures  
10 that are done automatically when certain conditions are met.  
11 For example, a quota closure is done automatically when the  
12 quota is met or projected to be met, and there is no action  
13 needed by the council once they have decided what the quota  
14 should be. That's a closed framework procedure.

15  
16 The abbreviated documentation process is a certain number of  
17 procedures that can be done without as extensive of an analysis  
18 as would be required through a full framework procedure. These  
19 are some of the more routine items that don't have a major  
20 impact on the stock, and those have been previously defined in  
21 the abbreviated framework procedure, and so Alternative 3 would  
22 make a modification to that.

23  
24 Alternative 4 is for everything else that we can do through a  
25 framework procedure, and we can already, through the open  
26 process -- I believe we can do these overage adjustments, but  
27 that is the most time-consuming method to use, and so, as I  
28 said, Alternative 1 would not make any modifications to the  
29 framework procedures.

30  
31 Alternative 2 would modify the framework procedure, and it would  
32 modify that item within the closed framework procedure. The  
33 other items say what other conditions can be done, and this  
34 would adjust the ABC, ACL, ACT, and quota for species,  
35 subspecies, species groups, sectors, or components of a sector  
36 to allow for the carryover of unused ACL, as determined by the  
37 ABC control rule, and so this is authorizing -- I don't know if  
38 maybe we need to specify that it's a temporary adjustment, but  
39 this would authorize an automatic adjustment if the conditions  
40 are met.

41  
42 Alternative 3, which is the abbreviated documentation process,  
43 all it does is it adds "ABC" where you see it highlighted.  
44 Specification of MSY, OY, and associated management parameters,  
45 where the new values are calculated based on previously-approved  
46 specifications, and that just means that, if MSY was estimated  
47 to be a certain value in one stock assessment, and the next  
48 stock assessment MSY calculated the same way, but with different

1 data, and it comes out a little bit different, then that new MSY  
2 can be used automatically and it doesn't require action to  
3 change it. To this, the ABC would be added. Again, my thinking  
4 is perhaps that ought to be specified as a one-year ABC or a  
5 temporary ABC, as opposed to a permanent change.

6  
7 Then Alternative 4, which is to modify the standard process, it  
8 lists items that can be done that are not considered routine or  
9 significant, but they can be adjusted under the standard  
10 documentation process, and that includes implementation or  
11 changes to in-season accountability measures for closures and  
12 closure procedures and trip limit implementation or change,  
13 designation of an existing limited access privilege program,  
14 implementation of gear restrictions, and then the next paragraph  
15 would be implementation of post-season accountability measures,  
16 and I am not going to read the whole thing.

17  
18 This is actually not specific to allowing ABC adjustments,  
19 because, as I said, that is already allowed under the standard  
20 documentation process. This alternative is in here in order to  
21 make sure that our framework procedure is consistent among all  
22 our different FMPs, and it would make it consistent among the  
23 Reef Fish, Coastal Pelagics, Red Drum, Coral, Spiny Lobster, and  
24 Shrimp FMPs, and so this is more of a housekeeping item than  
25 anything else, or at least that's my interpretation.

26  
27 The council can choose multiple alternatives in here. They  
28 don't have to choose just one, and so, if you only want to allow  
29 the closed procedure, you could select just that, and you may  
30 want to select Alternative 4 also, in order to do this  
31 terminology adjustment. If you want to allow any of the  
32 procedures to be used, then you can make 2, 3, and 4 all  
33 preferred alternatives.

34  
35 **CHAIRMAN MICKLE:** Is there discussion with Action 5? Ms. Levy.

36  
37 **MS. LEVY:** I just wanted to clarify. The piece of it that is  
38 set up to change the closed framework, adjust the ABC, ACL, ACT,  
39 that is specific to automating whatever you choose to do in this  
40 amendment, in terms of the carryover procedure, and so it  
41 doesn't have to come back to the council. You have selected all  
42 the parameters, this percentage at this time, and it would just  
43 be a matter of doing it through a rulemaking.

44  
45 You can add that it's temporary, or one year, but I think the  
46 fact that it says "as determined by the ABC control rule" says  
47 that, because we're setting up a carryover procedure that's a  
48 one time unless redone type of thing, and so it would be like a

1 temporary rule, probably like we do for the closures and stuff.

2  
3 The one down below, the adding the ABC to the abbreviated  
4 documentation process, that's not about applying this control  
5 rule. That's about having the ability to adjust the ABC based  
6 on adjustments to MSY and OY under this abbreviated process the  
7 same way, and so you wouldn't necessarily have to do the regular  
8 documentation piece, but it's not limited to like a year. It's  
9 if you update the MSY and the OY values, and that translates to  
10 updating the ABC, that you could do that through the abbreviated  
11 process.

12  
13 **CHAIRMAN MICKLE:** All right. Any other discussion? Does that  
14 complete this -- Ms. Gerhart.

15  
16 **MS. GERHART:** I just wanted to point out that this is including  
17 the CMP and Spiny Lobster FMPs, changes to those framework  
18 procedures, and those are joint FMPs with the South Atlantic  
19 Council, and so they would have to -- I don't know that we can  
20 do this in a generic Gulf -- It would have to go to the South  
21 Atlantic. The whole amendment will have to go to the South  
22 Atlantic for approval, because it affects those FMPs that we're  
23 joint with.

24  
25 **CHAIRMAN MICKLE:** All right. Thank you. I think that wraps it  
26 up for Agenda Item V, the Options Paper for Carryover of  
27 Unharvested Quota. We will move on to Item Number VI, Public  
28 Hearing Draft of Amendment 49, Modifications to the Sea Turtle  
29 Release Gear and Framework Procedure for the Reef Fish Fishery.  
30 This is Tab E, Number 6, and Dr. Simmons.

31  
32 **PUBLIC HEARING DRAFT - AMENDMENT 49 - MODIFICATIONS TO THE SEA**  
33 **TURTLE RELEASE GEAR AND FRAMEWORK PROCEDURE FOR THE REEF FISH**  
34 **FISHERY**

35  
36 **DR. CARRIE SIMMONS:** Thank you, Mr. Chairman. I will be very  
37 quick. I am going to review Tab E, Number 6, and I also want to  
38 go over the Law Enforcement Technical Committee comments. They  
39 were very brief on this document, and so I would like to start  
40 with that, if that's okay with the committee.

41  
42 Staff reviewed this document by webinar, and the Law Enforcement  
43 Committee made a couple of recommendations. They made no formal  
44 motions on it. However, they suggested this is -- I am reading  
45 from Tab E, Number 11. I started with the law enforcement  
46 recommendations, and it's on page 3.

47  
48 They asked that we add some more specifications about the new

1 gears that are pictured for this document, and they also  
2 suggested that we add website links, so that the manufacturer  
3 information could be provided for those gear types, and so I am  
4 going to talk about those things as I go through the document.

5  
6 We have tried to accommodate that, but we did not put the  
7 website links in. One of the reasons that we decided not to do  
8 that was because some of these gears can be made by the  
9 fishermen, and there aren't website links for them, and, in  
10 other cases, we didn't want to endorse a certain type or style.  
11 These are just examples of these new gears that we're adding  
12 into the regulations to provide flexibility to the fishery. I  
13 can stop there and see if there is any questions about the law  
14 enforcement comments.

15  
16 **CHAIRMAN MICKLE:** Are there questions? All right. Continue.

17  
18 **DR. SIMMONS:** I will go back to the Tab E, Number 6. I will  
19 start on page 10 with the purpose and need, and, again, this  
20 document is primarily administrative. It impacts the commercial  
21 and charter/headboat reef fish permit holders, and it's based on  
22 the 2015 release protocols technical memo from the Science  
23 Center.

24  
25 The purpose is to allow the use of three new sea turtle release  
26 gear types and streamline the process for allowing commercial  
27 and charter/headboat reef fish permit holders to use additional  
28 sea turtle and other protected species release gear types and  
29 handling procedures after they are approved by the Science  
30 Center.

31  
32 The need is to provide flexibility to participants in the  
33 federal commercial and charter/headboat reef fish fishery in  
34 complying with the regulations and to develop the process that  
35 allows changes in the release gear requirements and handling  
36 procedures for sea turtles and other protected species to be  
37 implemented more quickly. I will stop and see if there is any  
38 feedback on the purpose and need.

39  
40 **CHAIRMAN MICKLE:** Is there feedback? All right.

41  
42 **DR. SIMMONS:** Okay, and so let's go to Action 1. We have two  
43 alternatives, and it's on page 12. Alternative 1 is the no  
44 action alternative. It would not modify the regulations to  
45 allow the use of these newly-improved sea turtle release gears.  
46 Alternative 2 would modify the regulations for vessels with  
47 commercial or charter vessel/headboat Gulf reef fish permits to  
48 allow the use of the new collapsible hoop net, the dehooking

1 device, and the small sea turtle hoist to release incidentally-  
2 hooked sea turtles.

3  
4 We did try to add some more information in about those new  
5 gears, or devices, and so, if you go down a little bit, to page  
6 13, this shows the collapsible hoop net, and this is just an  
7 example, again, of the net. Then it shows how it collapses on  
8 itself, if you go to the next figure.

9  
10 Then the other device is the small sea turtle hoist, and there  
11 is a photograph there, an example, and then, if you go down a  
12 little bit further, there is a diagram, and so we've put some  
13 numbers in there and some more information in there, and we will  
14 continue to work with the Science Center on providing additional  
15 information about building these new devices, but this is where  
16 we are right now.

17  
18 Just to let you know, these two new devices -- Where do they  
19 currently stand in the current regulations, because, again, this  
20 is just providing more flexibility, based on what is currently  
21 required. If we could go to Appendix A, and I am jumping around  
22 on you, but, this collapsible hoop net and small sea turtle  
23 hoist, these are more compact. They would replace or could be  
24 used in place of the dip net for both types or sizes of  
25 freeboard height that is currently required, and so you could  
26 carry these instead of the current dip net. I will stop there  
27 and see if there's any questions or if you need more  
28 information.

29  
30 **CHAIRMAN MICKLE:** Mr. Diaz.

31  
32 **MR. DIAZ:** I believe we're trying to move this document, so we  
33 could do something with it the next meeting or two, and I would  
34 like to move that, in Action 1, that we make Alternative 2 the  
35 preferred.

36  
37 **CHAIRMAN MICKLE:** While they are drawing it up, we have Action  
38 1, Alternative 2 as the preferred as the motion. While they're  
39 drawing it up, do we have a second? It's seconded by Dr. Stunz.  
40 **With that, is there any opposition? The motion carries.**

41  
42 **DR. SIMMONS:** I had some more information about that dehooker.  
43 Do you want me to go through that really quickly, just for the  
44 public at least?

45  
46 **CHAIRMAN MICKLE:** Please.

47  
48 **DR. SIMMONS:** There is other dehookers that are currently

1 allowed, like we have in the appendix there. The new one, they  
2 are suggesting it is more appropriate for removing a range of  
3 hook sizes, and it can be used for removing the lightly-embedded  
4 hooks up to 10/0 in size. It can be used in place of the short-  
5 handled dehooker for external hooks and the short-handled  
6 dehooker for internal hooks, and there are some devices  
7 currently in that appendix that will cover both, and so you only  
8 have to carry one. There is a photograph of that on page 16.  
9 If there are no questions, I will move to Action 2.

10

11 **CHAIRMAN MICKLE:** Please.

12

13 **DR. SIMMONS:** Okay. Action 2 is just -- It would modify our  
14 reef fish framework procedure, and, again, this is just  
15 streamlining the process, so we don't have to go through a full  
16 plan amendment the next time we make these types of changes.  
17 Alternative 2, compared to the no action alternative, would  
18 allow changes to the release gear and handling requirements for  
19 sea turtles and other protected resources under the abbreviated  
20 document process of the open framework procedure.

21

22 Again, the purpose is just, in the future, that we can move a  
23 little quicker on this and streamline the process to provide  
24 more flexibility to the council and the industry, and so, if you  
25 go to page 20, it just highlights those changes that we would  
26 make if you select Alternative 2 as the preferred.

27

28 **CHAIRMAN MICKLE:** Is there discussion? Dr. Crabtree.

29

30 **DR. CRABTREE:** I will move that we select Alternative 2a and b  
31 as the preferred.

32

33 **CHAIRMAN MICKLE:** We have a motion and a second. This is Action  
34 2, Alternative 2a and b. I will let them get it up there. Mr.  
35 Diaz.

36

37 **MR. DIAZ:** I would just like to add that I think moving in this  
38 direction is a good thing to do, because these gears are  
39 approved through a process that's already in place, and so we're  
40 not really approving the gears every time. This is stuff that  
41 is done through National Marine Fisheries Service, and so this  
42 is something where the gear can be out there for the end user to  
43 have access to it quicker, and it should be something that helps  
44 to protect the targeted species quicker, and it should have a  
45 positive effect on the resource. Thank you, Dr. Mickle.

46

47 **CHAIRMAN MICKLE:** Johnny Greene.

48

1 **MR. JOHNNY GREENE:** I'm not on your committee, but I deal with  
2 this stuff on a daily basis, and this may seem kind of mind-  
3 numbing to some of us at the table, and I understand why, but  
4 this is stuff that we have to carry on the boat.

5  
6 Personally, my dip net is about ten feet in length, and it  
7 becomes cumbersome to store it, and you're on a Coast Guard boat  
8 with ten or twelve people a day, and trying to get a ten-foot  
9 pole out and hitting somebody in the head when you've having to  
10 deal with things, and not to mention the full duffle-bag of  
11 materials that goes along with it, from PVC collars and  
12 couplings from inch-and-a-half to three inch, the pliers, the  
13 specific line cutters, all of the stuff that goes with it.

14  
15 I mean, it's a full duffle-bag, and so anything that we can do  
16 to mitigate the process I think would be very beneficial,  
17 because it is challenging sometimes to keep up with it, and so,  
18 while it seems like it's kind of a technicality type of thing  
19 that we have to go through, it will relieve some, and so I  
20 understand that there's a reason why.

21  
22 I can't remember, for the life of me, why we had to have this  
23 stuff to begin with, but it's required, and we have to have it,  
24 and it's one of those things, and so, with that being said, when  
25 we come to Full Council, I will be in full support of this.

26  
27 **CHAIRMAN MICKLE:** Thank you. Any other discussion on Action 2?  
28 All right.

29  
30 **DR. SIMMONS:** Just to tie things up, we decided, at the last  
31 meeting, that we would just hold a webinar public hearing on  
32 this document, and then we will post a YouTube video with the  
33 preferred alternatives. We'll collect online comments and  
34 report those out to the council and prepare this document for  
35 final action in April.

36  
37 **CHAIRMAN MICKLE:** Okay. Does anybody have any opposition to  
38 that? Okay. Thank you, Dr. Simmons. We need to vote on the  
39 motion on the floor. It has been seconded. **Is there any**  
40 **opposition to the motion in Action 2 to make Alternative 2,**  
41 **Options a and b, the preferred? With no opposition, the motion**  
42 **passes.**

43  
44 With that, we will move on to Item VII on the agenda, which is  
45 Draft Policy and Outreach for Descending Devices and Venting  
46 Tools, Tab E, 7(a) and (b) and (c) and Tab E, Number 11. This  
47 is Mr. Atran.

1 **DRAFT POLICY AND OUTREACH - DESCENDING DEVICES AND VENTING TOOLS**  
2 **DRAFT POLICY**

3  
4 **MR. ATRAN:** Thank you, Mr. Chairman. At the last council  
5 meeting, the council looked at an options paper that staff was  
6 developing to either require venting or descending tools under  
7 certain conditions, and, after discussion, the council decided  
8 not to proceed with that amendment. I believe part of the issue  
9 was that -- I forget the name of the program, but there was a  
10 program that was giving out free descending devices that would  
11 be hampered if we made it a requirement rather than just a  
12 recommendation.

13  
14 The council directed staff instead to draft a policy on the use  
15 of venting tools and devices, descending devices, and also  
16 develop an outreach plan for these devices and also to draft a  
17 letter encouraging programs such as what I just discussed for  
18 instructing fishermen on the proper use of such devices.

19  
20 We have got three documents that are in your briefing book, and  
21 the first one, which is Tab E, Number 7(a), is the draft council  
22 policy on the use of venting tools and descending devices. Now,  
23 I wasn't sure how extensive you wanted to get into this policy  
24 statement. I have seen it two ways, one where it's very brief,  
25 just a couple of sentences, and that's the policy statement.  
26 I've seen others where there is a very involved discussion as to  
27 what the policy is and why it is, and so I kind of did it both  
28 ways in one document.

29  
30 We started with the policy statement as just a two-sentence  
31 policy, and it states that the Gulf of Mexico Fishery Management  
32 Council encourages the use of venting tools or descending  
33 devices, as appropriate, when releasing fish. The purpose of  
34 this policy is to maximize the likelihood of survival of  
35 released fish.

36  
37 Then a little bit more expansion on the purpose. Fish that  
38 survive being caught and released contribute to the spawning  
39 stock biomass and are available to be caught again. This policy  
40 helps to achieve the objective of National Standard 9 of the  
41 Magnuson-Stevens Fishery Conservation and Management Act, which  
42 states that conservation and management measures shall, to the  
43 extent practicable, a, minimize bycatch, and, b, to the extent  
44 that bycatch cannot be avoided, minimize the mortality of such  
45 bycatch.

46  
47 Then the rest of this document is background material. Most of  
48 this, I took out of that draft options paper that the council

1 decided not to proceed with, providing a lot of background  
2 information about the efficacy of these different devices. I  
3 did add a little bit of information on exactly what barotrauma  
4 is and why it's of concern to us. Obviously, it's when the  
5 gases expand inside the fish's abdominal cavity and it's unable  
6 to control itself and get back down without some assistance, and  
7 that's the brief answer.

8  
9 I also went to see where we had some information about how  
10 successful venting and descending devices are, and I'm sure  
11 there's a lot more information than what I came up with, but I  
12 was trying to be brief. We had some information from a couple  
13 of our SEDAR stock assessments, the greater amberjack assessment  
14 from 2014, and that was SEDAR 33, and the red snapper assessment  
15 from 2013, which was SEDAR 31.

16  
17 In those assessments, that was -- Those assessments covered a  
18 period when venting was required and then not required, and so  
19 both of those regulations, or lack of regulations, were in  
20 effect over the period covered by the stock assessment, and so  
21 the assessment scientists evaluated the information that was  
22 available on survival of fish, of these species caught from  
23 various depths, and they had two different release mortality  
24 rates that they used, depending on whether the fish was caught  
25 during a time when venting was required versus being caught at a  
26 time when venting wasn't required.

27  
28 For greater amberjack, if you go to the table on the bottom of  
29 page 2, SEDAR 33, which was for greater amberjack, concluded  
30 that, overall, release mortality was about 10 percent for  
31 greater amberjack when they were vented, versus 22 percent  
32 without venting, and so it was a considerable improvement when  
33 venting was properly used, which I think is an important  
34 consideration.

35  
36 For red snapper, there was a little bit more detailed  
37 information, because the survival of the fish was depth-  
38 dependent, and, in general, the recreational sector catches red  
39 snapper in shallower water than the commercial sector, and so we  
40 had two sets of release mortality, depending upon whether you  
41 were talking about recreational or commercial fishing.

42  
43 For recreational, the stock assessment said that release  
44 mortality was about 10 percent to 11 percent with venting,  
45 versus 21 to 22 percent without venting. For the commercial  
46 sector, it was 55 to 88 percent with venting, versus 74 to 95  
47 percent without venting, and so it's a considerable improvement  
48 for the recreational sector, at least. It's still a pretty

1 good-sized improvement on the commercial sector, although they  
2 are pretty big numbers even with the improvement.

3  
4 If we can go to the next table on the next page, we don't have  
5 any local information on the effectiveness of descending  
6 devices, and, by the way, I hope everyone knows what I'm talking  
7 about, and I think everybody here does, but descending devices  
8 have been used, and I believe they are required -- Well,  
9 actually, I don't know if they're required or not, but they are  
10 used out on the west coast, and the Pacific Fishery Management  
11 Council, in their documentation, has reported how well these  
12 work at improving survival rates for some of their rockfish,  
13 some of their bottom species, and they reported it by depth  
14 intervals.

15  
16 There is three species that they reported, the canary rockfish,  
17 the yelloweye rockfish, and cowcod, which I think that's also a  
18 rockfish, and what they found was -- They called surface  
19 mortality a fish that was released without the use of descending  
20 devices, but was caught from one of these depths, what the  
21 survival was, and you can see, if we just look at the canary  
22 rockfish, if it was caught in shallow depths of ten fathoms or  
23 less and released, just released at the surface, they said that  
24 there was a mortality rate of about 21 percent. As they went to  
25 deeper waters, it got larger, and, below thirty fathoms, there  
26 was 100 percent mortality of ones that were released at the  
27 surface.

28  
29 When descending devices were used, right near the surface, there  
30 wasn't that much of a difference. It was 20 percent versus 21  
31 percent, but, as they went deeper, at ten to twenty fathoms,  
32 they were still getting 20 percent release mortality instead of  
33 37 percent. Then, at twenty to thirty fathoms, they were  
34 getting still 20 percent release mortality instead of 53  
35 percent.

36  
37 At thirty to fifty fathoms, remember, at this depths, we were  
38 getting 100 percent mortality without the descending devices,  
39 and they said 33 percent with the descending devices, and, below  
40 fifty fathoms, it was 31 percent. Those bottom two categories,  
41 I have seen some other documentation from the Pacific Council  
42 that is using slightly different numbers, but it was still --  
43 Their mortality at those deeper depths was still in the 30 to 40  
44 percent range, but the numbers might have deviated slightly from  
45 this.

46  
47 Below a hundred fathoms, they were still reporting 100 percent  
48 mortality, even when the descending devices were used, but, if

1 you look at this table, you can see there's a fairly dramatic  
2 change, especially at the deeper depths, on the survival of  
3 these fish when they're brought to the surface and then  
4 released, and so the descending devices do seem to be very  
5 effective, particularly at the deeper depths.

6  
7 The other thing that's in this document, if we scroll down a  
8 little bit more, to where the venting tool and descending device  
9 paragraphs are, and it's at the bottom of this page, and I had a  
10 -- Because we don't really have a definition -- I am not sure if  
11 there's a definition for venting tool in the regulations. I  
12 know there isn't for a descending device, and people are still  
13 getting these things wrong.

14  
15 It was just a couple of weeks ago that I was asked to respond to  
16 an email that we received from somebody asking if it was okay to  
17 use a fish hook to puncture the stomach sticking out of the  
18 fish's mouth as a venting tool, and the answer is no.

19  
20 I tried my hand at coming up with a fairly generalized  
21 description of what a venting tool is and what a descending  
22 device is, and I showed that to the Law Enforcement Technical  
23 Committee, and they had some minor editorial suggestions, which  
24 are incorporated into those two paragraphs that I have.

25  
26 Most of it had to do with eliminating unnecessary verbiage. For  
27 the venting tool, I finished with saying a device that is not  
28 hollow, such as an ice pick, is not a venting tool, and I  
29 originally said, although it may be possible to use such a  
30 device to vent a fish, in the absence of a venting tool.

31  
32 The Law Enforcement Technical Committee suggested that we remove  
33 that particular wording, "although it may be possible", because  
34 that's not part of a definition, and it might produce some sort  
35 of a loophole, and so we took that out, and then, on descending  
36 devices, I had some wording that it's an instrument that can  
37 return a fish to depth with minimum injury to the fish. The  
38 fish should not be returned to the bottom, but to a depth  
39 sufficient for the fish to be able to recover.

40  
41 They suggested just simplifying that to say a descending device  
42 is an instrument that must release fish at a depth sufficient  
43 for the fish to be able to recover, and so those were the two  
44 changes from my original wording to what the Law Enforcement  
45 Technical Committee had suggested.

46  
47 Actually, that was all that the Law Enforcement Technical  
48 Committee had to say on this, and so I'm not going to go over

1 the committee report in detail. Do you want to discuss this, or  
2 should we just go on to talking about the outreach program that  
3 Emily has put together?  
4

5 **CHAIRMAN MICKLE:** I think we should discuss it a little bit,  
6 just to keep the eye on the prize. Go ahead, Dr. Stunz.  
7

8 **DR. STUNZ:** Thanks, Mr. Chairman, and thanks, Steven, for  
9 putting this together. I like the policy, and you were sort of  
10 asking a question, I think, in the beginning about whether it's  
11 just really short, brief thing or more substantive, and I like  
12 what you have got here. I mean, it starts off brief, and then  
13 you back it up with some other things, for those that want to  
14 read further beyond why did we arrive at this particular policy.  
15

16 I would add a couple of suggestions and just some points to the  
17 comments that you made. There is a lot of new, recent  
18 literature, and I know this is a pretty dense Sustainable  
19 Fisheries agenda today, and so I would be happy to work with you  
20 offline, Steven, to get you some of that information, as it is  
21 particular to red snapper, clearly showing that it's working  
22 real similar to the rockfish table that you had there and that  
23 kind of thing. I am forgetting, and there was one other point  
24 that I wanted to make, but I will go ahead and stop, if someone  
25 else has something, and I will think of what it is here in a  
26 minute.  
27

28 **CHAIRMAN MICKLE:** Any other discussion? All right. Mr. Anson.  
29

30 **MR. ANSON:** I'm curious. Is this policy statement -- How will  
31 this be advertised? Is this something that is going to be on  
32 the website, or is it going to be at the bottom of publications  
33 that we create? I am just wondering, because people still have  
34 confusion as to what a venting tool is, and so we might want to  
35 flesh that out, or add a short description, if this policy  
36 statement is going to be kind of separated from the rest of the  
37 document anywhere else.  
38

39 **MR. ATRAN:** I think maybe that, in part, is getting into the  
40 outreach program, but, yes, certainly it would be on our  
41 website, and I'm not sure exactly how else. That might be  
42 something we might want to discuss after I review the outreach  
43 program.  
44

45 **CHAIRMAN MICKLE:** Dr. Stunz.  
46

47 **DR. STUNZ:** I thought of what my other thing was as well. Just  
48 as a general comment, obviously, at the last meeting in October,

1 three or four months ago or whenever it was, and I think we made  
2 a lot of progress, and I know it was the holidays, but I am  
3 still skeptical, a little bit, about we're just now developing  
4 this policy, and the season is going to be here right after our  
5 next meeting. Is this policy really doing anything to help us  
6 out, in terms of reducing the discard rate, and that's what I  
7 don't know, and that's why I wanted a little more teeth of an  
8 amendment or something, but I think -- At least I am willing to  
9 see where this goes, at least at this point, but that was my  
10 other point.

11  
12 Steven, related to this, I do have another question for you  
13 regarding -- If you could scroll back to that Table 2.1.1 for  
14 amberjack and red snapper and looking at the release rate from  
15 these different fisheries, and do we have -- I keep finding  
16 myself having to go back in other documents, and sometimes  
17 they're not even completely consistent, about what is the  
18 discard -- What is the actual rate, and not the mortality coming  
19 from that, but the discard rate, for example, from the  
20 recreational fishery, and I don't know if we break it out by  
21 for-hire and private, and I'm not real sure, but then, in the  
22 commercial fishery.

23  
24 I mean, these are the mortality rates from what is discarded,  
25 but what would be useful, and I'm not telling you to include it  
26 in this policy statement, but it would be very useful, for the  
27 discussions around this topic here, of what percentage of the  
28 fish are discarded in those particular sectors, and is that  
29 summarized anywhere, do you know, in a table?

30  
31 It's in different documents, but in a nice table like this of  
32 what -- If you're getting 10 percent release mortality, 10  
33 percent of what? How many were actually released? That's what  
34 I was trying to get at.

35  
36 **MR. ATRAN:** Let me ask Dr. Porch if I'm correct that, on the  
37 MRIP numbers, isn't that Type B2 catches, fish that are caught  
38 and released?

39  
40 **CHAIRMAN MICKLE:** Dr. Porch.

41  
42 **DR. PORCH:** Yes, B2 is the total number released alive, and then  
43 those are discounted by the assumed release mortality rate.

44  
45 **CHAIRMAN MICKLE:** Dr. Stunz.

46  
47 **DR. STUNZ:** That's what I'm looking for, and, if we need a  
48 motion, Mr. Chairman, tell me or not, or maybe at the next

1 meeting, where we actually have just a nice table, like you've  
2 got right here, with what those actual discards are. For  
3 example, in the private recreational fishery, how many fish are  
4 discarded?

5  
6 **MR. ATRAN:** I think, for those parts of the Gulf that are still  
7 covered under the MRIP program, and those species, we can give  
8 you how many Type B2 discards there are versus what the total  
9 catch is. That would not, at least for the most recent years,  
10 would not include Louisiana, and it wouldn't include Texas for  
11 any years.

12  
13 **DR. STUNZ:** I guess, as the first cut, could we just see what we  
14 have? Maybe that's part of, when I go digging through these  
15 documents and trying to find that, that I am struggling a little  
16 bit, and it would be interesting to know what bang for our buck  
17 are we getting when you have these other estimated release  
18 mortality rates and how many are actually being released. Even  
19 if it's not complete, it would still be informative, and maybe  
20 we can go from there at the next meeting.

21  
22 **MR. ATRAN:** If you want, at least for these two species,  
23 assuming I have time to get on the website, I can probably dig  
24 that number off of the MRIP website in time for the Full Council  
25 meeting.

26  
27 **DR. STUNZ:** That's fine. I mean, amberjack is great, but red  
28 snapper is mainly what I am referring to here, and that would be  
29 good.

30  
31 **CHAIRMAN MICKLE:** It sounds like a motion is not needed for the  
32 request, and so it's just a staff request made on the floor, and  
33 so, with that, it sounds like we're going to see something at  
34 Full Council. Mr. Matens.

35  
36 **MR. CAMP MATENS:** Thank you, sir. Another item that I am  
37 curious about, and I remembered from previous meetings, is that,  
38 at 150 feet, there was some sort of break point between  
39 barotrauma without using a venting device. Where I'm going with  
40 that is that it would be silly to use a venting device at twenty  
41 feet, but is there a number at which point we would want to  
42 recommend a venting device, a depth, and I seem to remember 150  
43 feet, which is -- These numbers, twenty to thirty fathoms, spans  
44 that, and, Steven, do you know anything about that?

45  
46 **MR. ATRAN:** Well, it increases continuously as you go deeper,  
47 but it seemed as though -- I believe 120 feet was the point at  
48 which it really got to be low survival rates, and that seems to

1 be supported by these rockfish surface mortality numbers and  
2 also, to a lesser extent, because we don't know the exact depths  
3 by the red snapper commercial versus recreational release  
4 mortality rates.

5  
6 It would take a little bit of digging. Some of the species, the  
7 SEDAR documentation does have the estimated mortality rates by  
8 depth, but I don't have that with me, and I couldn't get it for  
9 you in time for this meeting, but, as I recall, in the  
10 literature that I have seen, it generally considers 120 feet to  
11 be about the breakpoint.

12  
13 **CHAIRMAN MICKLE:** Dr. Stunz.

14  
15 **DR. STUNZ:** That's what I was going to say. I offered to talk  
16 with Steven offline, to not bog it down, but, since you brought  
17 it up, I want to go there, because it is an important point, at  
18 least in my eyes. It is, in the western Gulf of Mexico at  
19 least, 150 to 180 feet is when you -- When you get beyond that,  
20 you're talking about dead fish.

21  
22 I think, in this policy document, we could do some things,  
23 Steven, like say that, say, well, if you're going to keep fish  
24 and you're fishing beyond 150 let's say, or we'll come up with  
25 whatever depth that is that's appropriate, then maybe that's the  
26 fish you want to keep, but, if you're fishing shallower than  
27 that, that's where the descending devices really shine and can  
28 really improve your discard mortality rate.

29  
30 That refined data is now available, and so that would be very  
31 useful to have in that policy for those that really want to know  
32 where -- If an angler doesn't want to kill fish, then how can  
33 they fish in a wise manner to decrease that discard mortality  
34 rate?

35  
36 **CHAIRMAN MICKLE:** Mr. Anson.

37  
38 **MR. ANSON:** We may have had some discussion during this  
39 committee meeting or during Outreach and Education, but one  
40 thing that I think we've talked about before is -- It is an  
41 education, and 120 feet of water that you're fishing in isn't  
42 120 feet where you caught the fish, and so there is going to  
43 have to be some education, at least in this table format, to  
44 make sure that it is at 120 feet that the fish is caught and not  
45 at forty feet down in 120 feet of water.

46  
47 At 120 feet, you need to use the venting tool, because, if you  
48 catch the fish in thirty or forty feet of water, that fish

1 probably doesn't need a venting tool, and so it's all part of  
2 that education and outreach thing that we'll need to kind of  
3 sort out.

4  
5 **CHAIRMAN MICKLE:** Yes, I agree completely. The education part  
6 is expensive, we all know, but it's so valuable, and it kind of  
7 catches fire again when the education really takes hold. It  
8 starts getting passed down, and it becomes more efficient, but  
9 it's just that initial -- It's a large financial and time  
10 commitment to get it going.

11  
12 Even when I talk to some of the captains who have fished for  
13 thirty and forty years, a lot of them don't even fish near the  
14 bottom anymore, and that's part of that education aspect of you  
15 don't need to fish all the way to the bottom. You can fish  
16 halfway, or whatever depth that the bite is on, and you can  
17 still decrease -- There's lots and lots of little things that  
18 you can do to decrease barotrauma. Camp.

19  
20 **MR. MATENS:** To that point, of course, where I fish, we fish a  
21 lot of rigs, and my personal experience is the more desirable  
22 fish are not on the bottom.

23  
24 **CHAIRMAN MICKLE:** That's what I have found, yes. Agreed. All  
25 right. Any other discussion? Are we going to move on to E-  
26 7(b), the outreach plan?

27  
28 **PROPOSED OUTREACH PLAN**  
29

30 **MR. ATRAN:** Tab E, Number 7(b) is an outline for a proposed  
31 outreach plan for a venting and descending policy that Emily  
32 Muehlstein put together, and I think this probably still needs  
33 to be fleshed out a little bit more. This is just a general  
34 overview of how that outreach program would work.

35  
36 Traditional communications methodologies, this would probably be  
37 an answer to how are we going to get information about our  
38 policy out to the fishing public, and she lists a website, and  
39 the website would include a best practices page with descending  
40 and venting information, and that gets directly into what Dr.  
41 Stunz was talking about a minute ago.

42  
43 Perhaps have a slideshow on the home page that might give more  
44 information or instructions for how to properly vent or use  
45 descending devices, and, as I said, include in the policies and  
46 procedures, which would be what we just went over.

47  
48 There would also be a press release that would be sent out to

1 our press release contact list, the listserv, and published on  
2 our website, and it would also be put into our newsletter  
3 article, and the newsletter also goes out on the listserv and is  
4 published on the website.

5  
6 There is also what she calls Web 2.0 communication  
7 methodologies, and that is using other types of social media and  
8 putting a blog that would be promoted on Twitter and on  
9 Facebook, and these blogs would include a link to the website  
10 with the slideshow, and, again, sent as a newsletter article,  
11 and then the third part of this is network utilization via  
12 direct contact.

13  
14 Rather than try to put together our own fully-formed outreach  
15 program from scratch, make use of where other organizations  
16 already have such programs going, and one source might be to use  
17 our Outreach and Education Technical Committee, in order to get  
18 direct contact from each member for cross-promotion, so that we  
19 could put our policies and our information on their websites and  
20 their social media and vice versa. That is something that Ms.  
21 Muehlstein said that she would discuss at the annual Outreach  
22 and Education Meeting.

23  
24 Sea Grant is another source of communication, and, again,  
25 direct contact with our Sea Grant state partners for cross-  
26 promotion and attending the Sea Grant meetings, the Gulf States  
27 Sea Grant meetings, to ask for cross-promotion.

28  
29 Another one would be to look at agencies that already have some  
30 program, the Sanctuary programs, the Southeast Regional Office,  
31 and the state agencies, where those agencies already have an  
32 outreach, as far as venting and descending devices and best  
33 practices. Again, we would use some cross-promotion there.  
34 Then work with the NGOs, through direct contact, to enhance  
35 their outreach programs, and, again, some cross-promotion.

36  
37 **CHAIRMAN MICKLE:** Ms. Bosarge.

38  
39 **MS. BOSARGE:** Thanks. I was looking at that network  
40 utilization, and I think that that Outreach and Education  
41 Technical Committee is going to be a really valuable asset for  
42 this particular enterprise, and you mentioned, because it's a  
43 very well-connected group, and that's our AP, and I am  
44 wondering, Steven, when is their annual meeting? I was just  
45 wondering if it might happen prior to red snapper season for  
46 recreational anglers, so that we could have that push coincide,  
47 hopefully, with that.

48

1 **EXECUTIVE DIRECTOR DOUG GREGORY:** That meeting has not been  
2 scheduled. If there is a particular time -- If you want it  
3 scheduled before June --

4  
5 **MS. BOSARGE:** Well, that's great. I am glad that it hasn't been  
6 scheduled yet. We can get it when we need it.

7  
8 **EXECUTIVE DIRECTOR GREGORY:** Right.

9  
10 **MS. BOSARGE:** Sounds great. Thanks.

11  
12 **CHAIRMAN MICKLE:** Dr. Stunz.

13  
14 **DR. STUNZ:** Well, sort of to Chairwoman Bosarge's point, what  
15 would be useful -- This sounds like a good plan, Steven, and I  
16 would like to see some timelines for these milestones that  
17 you've got listed here. Like, for example, when will the  
18 website -- Personally, I am not going to hold you to these exact  
19 timelines, if you put something there, but just some general  
20 sort of structure, so we know when they can expect to see some  
21 of these things.

22  
23 Then I would also add, at the bottom there, when you talk about  
24 other networks, the agencies that have actually funded to do  
25 this work, which has been Sea Grant, the National Marine  
26 Fisheries Service, through NOAA's variety of programs, and  
27 several others, including NFWF, they will have resources and  
28 things. I mean, obviously, they want to promote the work that  
29 they funded and the implications of that.

30  
31 Then my last question that I have is just more of a  
32 philosophical question for maybe the committee and the council  
33 as we proceed down there, and I guess, at this point, maybe  
34 after this next snapper season, and that is so how do we know if  
35 we're effective?

36  
37 Let's say this campaign is the best we could have hoped for and  
38 every vessel is using descender devices, and it's working great,  
39 or let's say nobody uses it and no one pays attention to it, and  
40 I don't have a good feeling now of how are we going to gauge the  
41 success on this.

42  
43 What I am hoping is maybe, in some of the outreach plans, maybe  
44 there is some -- It's still kind of touchy-feely, but maybe  
45 there is some surveys or something about how likely were you to  
46 use this before, or how likely are you now, or did you use it,  
47 and I guess what I'm getting at is, if we don't have teeth in an  
48 amendment that requires something like this, how do we know how

1 good we're doing with this policy?

2

3 **CHAIRMAN MICKLE:** Ms. Guyas and then Mr. Gregory.

4

5 **MS. GUYAS:** I guess, to feed off of that, I've got a couple of  
6 other suggestions to add to this list that somewhat feed into, I  
7 think, where Greg is going.

8

9 One thing that I think that I would like to see is the council  
10 doing some kind of partnership or something with these grant  
11 recipients that are getting these devices and distributing them.  
12 I mean, that should be a priority, I think, if we're going to do  
13 some kind of outreach. We need to be working with those people  
14 and trying to reach the people that they are giving devices to.

15

16 Then that may be a way to measure their use and see what they  
17 think about them. Is it working for them? In what situations  
18 does it work and what does it not? We have done some of that  
19 within our agency, and we're certainly happy to help be part of  
20 this effort and be at the table through the technical committee.

21

22 I will mention one other thing that has been helpful to us, I  
23 think, is we have created a bunch of YouTube videos about how to  
24 use some of these different devices, and that seems to be easy  
25 for people. I mean, if they get one, they can watch it, and  
26 that's how people learn how to do things these days, is they go  
27 to YouTube and watch a couple of videos, and then they figure it  
28 out from there.

29

30 It also would probably be a good idea to -- I know that there  
31 are other partners out there that would want to work with the  
32 council on this, probably, like maybe some recreational fishing  
33 industry folks. They may be willing to get involved here and  
34 have ideas about how to get our message out there. We wouldn't  
35 necessarily get that feedback from the technical committee, but  
36 those are people that we probably need to be talking to.

37

38 If we can get into publications like *Florida Sportsmen* and  
39 *Louisiana Sportsmen*, those sorts of magazines, and that's what  
40 people are reading to kind of figure out what they're going to  
41 be up to the next month or so when they're planning their  
42 fishing trip, and so that would be awesome to tap into those  
43 kinds of resources. Thanks.

44

45 **CHAIRMAN MICKLE:** Thank you. Mr. Gregory.

46

47 **EXECUTIVE DIRECTOR GREGORY:** Thank you. I just wanted to point  
48 out that a good example, again, is Florida Sea Grant. They have

1 done surveys to ask people if they're using devices and what are  
2 the barriers to using devices and that sort of thing. In  
3 conversation with the RESTORE people, and we certainly intend to  
4 put it in a letter in support of that program, and we have told  
5 them that measuring the effectiveness of these devices is a  
6 critical part of it and not just to give them out and forget  
7 about it.

8  
9 We are aware of those needs, and any research organization that  
10 is working with these devices are, I would hope, surveying and  
11 trying to determine the effectiveness, but, if you've been  
12 involved in these stock assessments, you've got to understand  
13 how difficult it is to take the actual research data and  
14 translate it into a value of effectiveness that has minimal  
15 uncertainty.

16  
17 When we first did stock assessments in the 1980s, the late  
18 1980s, we took the existing literature, and it hasn't changed  
19 much. You get down around ninety feet or a hundred feet, the  
20 survival becomes much less, and I think in red snapper, or reef  
21 fish, we assumed an original 20 percent release mortality, and  
22 that pretty well has stuck.

23  
24 It's hard to translate all of that into a definitive release  
25 mortality that you can put into a stock assessment, but that's  
26 certainly the goal of what everybody is trying to do here,  
27 because that produces more fish, if it works, and, if it does  
28 work, we want those more fish to appear in the stock  
29 assessments, and so we clearly are all on the same page on this.

30  
31 **CHAIRMAN MICKLE:** Thank you. Mr. Anson.

32  
33 **MR. ANSON:** Just to follow up on Martha's comment earlier,  
34 Martha, I think the SeaQualizer folks are doing a follow-up  
35 survey with the folks that received the SeaQualizer, and I was  
36 asked a questionnaire about a year after I received mine.

37  
38 I will make a comment, just to throw it out there, and we can  
39 talk about it in the future, but one thing, I guess, that I feel  
40 like we're having a little difficulty is kind of reaching out to  
41 those folks that are kind of on the fringe, if you will, that  
42 maybe don't go fishing hardcore all the time, and they just fish  
43 occasionally, and they may go out with their friends every  
44 little bit.

45  
46 Seeing that there is some money available through RESTORE that  
47 normally isn't available for these types of things, and I am not  
48 suggesting necessarily for this one, but trying to recruit

1 someone who is kind of a well-known figure that might cross the  
2 divide, if you will, of fishermen, some sort of a public  
3 personality that maybe we can hire, or maybe through a  
4 partnership can hire, to do a PSA, if you will, but to have  
5 somebody that is not considered to be a fisherman or engaged in  
6 the hobby, but they could do a YouTube video or something like  
7 that that would be entertainment value into and of itself, let  
8 alone the actual message of the venting and the benefits of  
9 venting, to try to get more people kind of hemmed into --  
10 Regional management is more than just fishing.

11  
12 There is some science, and there is other things, but there  
13 might be an opportunity in there, if we have some money, some  
14 extra money, that would be able to hire somebody that would have  
15 a little bit more face recognition and would probably have a  
16 little bit more of a chance to bring some more people in that  
17 normally wouldn't want to or be interested in the topic.

18  
19 **CHAIRMAN MICKLE:** Glenn Constant.

20  
21 **MR. GLENN CONSTANT:** I think, to your point, Doug, the process  
22 right now is, in the Natural Resource Damage Assessment, the  
23 selection process for prioritizing projects is ongoing. I know  
24 they're talking about those things, and they're interested in  
25 what kinds of metrics, and certainly input from this body would  
26 be welcome.

27  
28 There is going to be public input, and so, even when these  
29 projects come out, there will be preferred alternatives and then  
30 other alternatives that will, I guess, go through the public  
31 process and then ultimately, with input from bodies like this,  
32 alter the projects accordingly, and so there is not -- It's not  
33 going to be final when this list comes out, and so I would maybe  
34 have something ready, in terms of input.

35  
36 I guess, to your point, Kevin, the second round of funding is  
37 not far into the future as well, and so having something maybe  
38 in the way of project planning or project design, to reach out  
39 to those folks, might be something to consider.

40  
41 **CHAIRMAN MICKLE:** Thank you for that. Mr. Swindell.

42  
43 **MR. SWINDELL:** Listening to all of this conversation brings back  
44 to my memory that I think one of the best places to go to help  
45 this whole thing get to the core of fishing and barotrauma and  
46 so forth improvement is with vessel owners.

47  
48 I mean, people that go fishing for snapper are on somebody's

1 boat. They don't do it by themselves, and so Sea Grant and the  
2 technical committees and all these other people, they need to be  
3 talking to people that have vessels. These are the people that  
4 will have the equipment, and these are the people that should be  
5 taught how to use it.

6  
7 It's not the individual that -- An individual fisherman goes out  
8 with a -- A friend goes out with somebody on a boat, and he  
9 doesn't know -- Is it important for him to know how to use it  
10 and what equipment and so forth, or is the person on the vessel  
11 that always is out there fishing for snapper?

12  
13 I think that we need to get a little more work done to the  
14 people that own vessels that go offshore fishing, and I don't  
15 know how to do it. I don't know how to identify them and so  
16 forth, but I'm just saying that it's vessel people, people that  
17 have vessels that are using their vessel to go offshore fishing,  
18 and they are bringing friends with them to go fishing. These  
19 are the people that need to be aware of what to do with this  
20 equipment, and it's a lot less cumbersome than trying to deal  
21 with all fishermen that have licenses to go offshore fishing.  
22 Thank you.

23  
24 **CHAIRMAN MICKLE:** Ms. Bosarge.

25  
26 **MS. BOSARGE:** I think we have a pretty good contact with Yamaha.  
27 Maybe we could kind of lean on them some too, and I'm sure they  
28 have a contact list for their customer base. Maybe they could  
29 push some stuff out too, and we could reach out to those sorts  
30 of groups.

31  
32 I think that would be good, and then, Mr. Constant, yes, if you  
33 would keep us apprised of when those public comment periods are  
34 going to be, and I think, as a council, we can give some formal  
35 feedback and comment that way, to hopefully encompass some of  
36 Greg's comments about don't just push them out and we would  
37 really like to see some sort of measure of success and things  
38 like that through the RESTORE Act.

39  
40 **CHAIRMAN MICKLE:** Mr. Swindell.

41  
42 **MR. SWINDELL:** I think things like marina operators. They know  
43 who is going offshore. That's a good group of people for us to  
44 nail down, to say, hey, people, help us here with this fishery  
45 resource. Get your people that are going offshore to help with  
46 that, the vessel sales people and vessel repair clubs or  
47 whatever, vessel operations.

48

1 I just keep coming back to trying to get information from  
2 recreational fishermen and all is difficult, because there are  
3 so many of them out there. If you could concentrate on the  
4 group and the vessel owners and operators or whatever, if you  
5 can get him to understand how important this is and spend more  
6 time getting Sea Grant and other people to pay attention to  
7 that, to see if we can get information to them. Go to marinas,  
8 and go down to the marinas and sit there, and, if you see a big  
9 boat going offshore, take the time to see if you can get his  
10 time to talk to him. Thank you.

11  
12 **CHAIRMAN MICKLE:** Glenn Constant.

13  
14 **MR. CONSTANT:** Do we have some sort of idea on what we would  
15 want them to measure, in terms of success? I mean, is there  
16 something that exists that we could get to them today, because I  
17 don't know that we need to wait until public hearings. We could  
18 probably get it to them sooner.

19  
20 **CHAIRMAN MICKLE:** Dr. Stunz is going to jump in here, but, yes,  
21 understanding the success is not just using devices, but using  
22 them correctly, and that should be a metric that we should not  
23 lose sight of.

24  
25 **DR. STUNZ:** Right, and I really see this as two different  
26 avenues to both Mr. Swindell's and Mr. Constant's points. I  
27 think the easy battle is getting people to use these things and  
28 the awareness and the outreach and that sort of thing.

29  
30 In fact, many groups have already done that. There has been  
31 surveys, and there is all these good videos that Martha is  
32 talking about that really show, for example -- Many anglers  
33 don't know about them, but, when they are told about them, they  
34 really want to use them, and the American Sportfishing Society,  
35 with a bunch of partners, like Yamaha and others, have  
36 distributed thousands of these across the Gulf and the South  
37 Atlantic, and so all of that is very positive.

38  
39 Of course, even our own AP, which we're going to hear, based on  
40 their report, this is something they really want, and so that  
41 part is easy, and that buy-in is an easy sell. Where I am  
42 struggling with this -- The science is solid as well, that, at  
43 certain depths, this has real utility, but, where I am  
44 struggling, is where does the numbers end up with Clay, for  
45 example, and his shop?

46  
47 When they really begin to start saying, okay, how did we really  
48 reduce the discard mortality if these are in the fishery, and

1 that's the disconnect. That's the effectiveness that I am most  
2 interested in, and I know that we can show effectiveness of  
3 angler willingness to use it. In fact, we already have.

4  
5 That's why I was wanting these numbers that I asked you about,  
6 about what is the total discard rate among all these different  
7 sectors of the fishery, so we can really know, if we reduced the  
8 mortality by X percent, how many fish are we really saving kind  
9 of thing, and so that's the -- I think that's going to be the  
10 difficult part for us, is that, if it's being used and it's  
11 positive, which I think it will be, how does Clay really get to  
12 that building that into the assessment, so that, ideally, those  
13 using this fishery can get some credit for those reductions in  
14 mortality?

15  
16 **CHAIRMAN MICKLE:** Robin.

17  
18 **MR. ROBIN RIECHERS:** I am not on your committee, but thank you  
19 for recognizing me. I am going to follow-up on what Glenn was,  
20 I think, trying to say and maybe help him in expressing to  
21 everyone kind of what the needs are going to be. RESTORE, as I  
22 understand it, won't have another bucket open until 2019, to be  
23 advertised in 2018, and so, if you want a plan going into 2019,  
24 you're going to need to have that proposal ready and available  
25 to them to start reviewing whenever they open up for application  
26 again.

27  
28 I think what he was referring to though was Natural Resource  
29 Damage Assessment, which, as I understand it, they're going to  
30 be a region-wide restoration plan coming out sometime in 2018.  
31 As part of that plan, there could be a consideration of these  
32 kinds of tools, possibly, but what they're going to need is some  
33 notion of what the lift is going to be if you do this, and so  
34 you're going to have to create that write-up and provide it to  
35 them now, so that it could possibly be in the draft plan, and  
36 then it will get published, and then it could go to a final  
37 plan, possibly, that makes the cut of alternatives there.

38  
39 I think what he was asking is, if we get -- I think we've got  
40 the workings of it right here, but, if we can basically pull  
41 that together and feed that to the group that's working on the  
42 region-wide restoration plan now, we may be one step ahead in  
43 getting it into the plan early, as opposed to waiting in the  
44 public comment period and trying to push it forward. That's  
45 kind of where I know it -- Glenn, do you have anything different  
46 on those time tables?

47  
48 **CHAIRMAN MICKLE:** Mr. Constant.

1  
2 **MR. CONSTANT:** No, I think that's right, and I would just point  
3 out that it's actually the Open Ocean Trustee Implementation  
4 Group, and that's just a detail, but I think the timelines are  
5 about what you mentioned.  
6

7 The other thing is the second restoration planning effort, which  
8 I am not sure if that's 2019 or 2020, but this 2017 restoration  
9 plan that's about to come out, which will have some  
10 consideration for descender devices and other mortality-  
11 reduction proposals, is going to -- There is an option to get  
12 that into this 2017, but, also, to kind of stake a claim of need  
13 if it doesn't necessarily make it into this plan, that the  
14 priorities for the subsequent planning cycles really should  
15 reflect the council's interest in that regard, and so it's kind  
16 of coming on the same timeline, even though it's two separate  
17 issues.  
18

19 **CHAIRMAN MICKLE:** Mr. Gregory.  
20

21 **EXECUTIVE DIRECTOR GREGORY:** I just wanted to make the committee  
22 aware that we have met with the Open Oceans people, and we've  
23 been in regular contact with them, and, in your briefing book,  
24 under Tab E, Number 7(c), is a draft letter that, if the council  
25 approves it, we're sending to the Open Oceans people as a  
26 preliminary effort to say, hey, we want you to do this, and  
27 we're onboard, and we'll write you a strong support letter when  
28 needed.  
29

30 **DRAFT LETTER IN SUPPORT OF FUNDING DESCENDING DEVICE**  
31 **DISTRIBUTION**  
32

33 **CHAIRMAN MICKLE:** Great lead-in. Yes, let's move on to the next  
34 one and bring that letter up. Like Mr. Gregory said, Tab E,  
35 Number 7(c) is the letter.  
36

37 **EXECUTIVE DIRECTOR GREGORY:** We are telling them that we want to  
38 be a part of this. We want to be an active player with them on  
39 this, and we're just pushing that regard as much as we can.  
40

41 **CHAIRMAN MICKLE:** It looks like we need a motion. Dr. Stunz.  
42

43 **DR. STUNZ:** I guess I need to know what the motion -- I'm fine  
44 with this letter, but a motion to forward this along is the  
45 motion you need? **Then I will make the motion that we forward**  
46 **the letter to the Open Ocean Trustee Implementation Group**  
47 **regarding the use of descending devices and venting tools to**  
48 **reduce discard mortality to increase survival of released fish.**

1  
2 **CHAIRMAN MICKLE:** We have a motion on the board. Is there any  
3 discussion? Do we have a second? We have a second. **Any**  
4 **opposition? The motion carries.** All right. The last item for  
5 Item VII is the Law Enforcement Technical Committee Comments,  
6 Tab E, Number 11. Mr. Atran.

7  
8 **MR. ATRAN:** I had already pointed out some editorial suggestions  
9 that the Law Enforcement Technical Committee had under the  
10 definition of a venting tool and a descending device, which have  
11 been incorporated into the discussion that's in the policy  
12 statement. At some point, if anybody has any further discussion  
13 on that, let me know. They were intended to be broad enough to  
14 encompass a wide variety of devices, but still prohibit things  
15 like using a fishing hook as a venting tool.

16  
17 **CHAIRMAN MICKLE:** Understood. Is there any discussion? All  
18 right. With that, I guess we're a little bit earlier, but we're  
19 staying on track a little bit, and so, with permission from  
20 Madam Chair to take a break, and I will turn it over to you.

21  
22 **MS. BOSARGE:** I think that's a good idea. Let's take a break,  
23 and we will start back up at 2:30.

24  
25 (Whereupon, a brief recess was taken.)

26  
27 **CHAIRMAN MICKLE:** Let's go ahead and move into Item Number VIII  
28 on the agenda, Ecosystem Approaches for Fisheries Management by  
29 the Gulf of Mexico and Other Regional Approaches. Dr. Kilgour.

30  
31 **REVIEW OF EAFM BY THE GULF COUNCIL AND OTHER REGIONAL APPROACHES**

32  
33 **DR. MORGAN KILGOUR:** Thank you, Mr. Chair. I have a  
34 presentation that pretty much goes through the white paper that  
35 is Tab E, Number 8(a), and this has been an effort that was  
36 basically funded by the CRP grant, and also it's something that  
37 we needed to do, as a council, and I have attended several  
38 ecosystem workshops and meetings over the past year to kind of  
39 culminate in this analysis or basically summary of the regional  
40 approaches for fishery ecosystem management in other areas and  
41 also to look and see what the Gulf Council has been successful  
42 in implementing ecosystem management in.

43  
44 I am happy to take questions as we go along, and I'm hoping to  
45 get through this in the short amount of time that I was  
46 allotted, and I'm a little happy that we are ahead of schedule,  
47 because this got away from me.

1 Ecosystem management is a big -- It's been a big push nationwide  
2 from NMFS to come up with some ecosystem-based fishery  
3 management, and the little infographic on the right kind of goes  
4 through what is single-species management, and ecosystem  
5 approaches to fisheries management include a single species, its  
6 environment, potentially other interacting species. Ecosystem-  
7 based fisheries management is looking at multiple species in  
8 their environment when you're making management decisions to  
9 ecosystem-based management, which is the whole enchilada.

10  
11 Right now, the Gulf Council has been very successful at doing  
12 ecosystem approaches to fisheries management. The one thing  
13 that sets us apart from other councils is we're the only council  
14 that is not in the development process of a fishery ecosystem  
15 plan or policy, which would elevate it to ecosystem-based  
16 fisheries management.

17  
18 The requirements in Magnuson-Stevens for councils are to  
19 integrate ecosystem considerations into fishery conservation and  
20 management actions, to minimize the impacts of fishing on  
21 ecosystems, and it also authorizes NOAA Fisheries to provide  
22 technical advice and assistance to develop and design an EBFM  
23 program.

24  
25 Before I get into what other regions are doing, I kind of wanted  
26 to talk about what a fishery ecosystem plan is. It's not  
27 prescriptive, and it does not have management teeth. Meaning,  
28 when you have a plan, it doesn't convey management action. It's  
29 kind of a guiding principles and best practices document on how  
30 do we incorporate ecosystem components into our management.

31  
32 There have been several approaches, and each council has  
33 tailored their plans and policies to what is specifically needed  
34 by their region, and NOAA has some guidance also on what an  
35 ecosystem plan is that can be pulled from as well.

36  
37 I am going to briefly go through what other regions are doing  
38 for ecosystem management. The New England Fishery Management  
39 Council has initiated the development of a fishery ecosystem  
40 plan, where they have outlined the purpose and objectives, and  
41 they are having staff and partners run simulated management  
42 strategy evaluations to bring back to the council. Their  
43 ecosystem plan is going to focus on the Georges Bank ecosystem.

44  
45 The Mid-Atlantic has developed an ecosystem approach to  
46 fisheries management policy. When you look at the document,  
47 it's not very clear to me what the difference between the policy  
48 and an ecosystem plan is, but they conducted a series of

1 workshops on forage fish, climate change, species interactions,  
2 and ecosystem-level habitat workshops. They developed this  
3 policy where they are also developing an unmanaged forage fish  
4 species omnibus amendment, which is the same as a generic  
5 amendment for us.

6  
7 The South Atlantic has completed a fishery ecosystem plan, and  
8 they're working on a new one. The first ecosystem plan that  
9 they completed is very similar to our existing coral management  
10 plan. The new issues that they are investigating are forage  
11 fish actions, methodologies for completing an FEP, and they're  
12 looking at several different avenues on that, and they have  
13 already established preliminary priorities.

14  
15 The Caribbean Fishery Management Council has initiated the  
16 development of a fishery ecosystem plan. They have an outline  
17 and a strategy, and I think the intent is to eventually move  
18 towards island-based fishery ecosystem plans.

19  
20 The North Pacific has completed one fishery ecosystem plan and  
21 is initiating a second one. It's a policy and planning  
22 document, and it's guidance. It identifies information and data  
23 gaps, and it identifies sources of uncertainty and refines  
24 management tools, and so they have an Aleutian Island ecosystem  
25 plan, and now they're working on the Bering Sea ecosystem plan.

26  
27 The Pacific Fishery Management Council has completed an FEP, and  
28 it's the California Current FEP. It's an informational  
29 document. One thing the Pacific plan outlines is that, every  
30 year, at the March meeting, they look at what is the state of  
31 the California current and kind of develop how the ecosystem  
32 initiatives are working in that region once a year, every year.

33  
34 The Western Pacific, they have basically island-based fishery  
35 ecosystem plans, where they look at each individual island as an  
36 ecosystem, and they manage the single species within that  
37 ecosystem plan.

38  
39 The Gulf Council has done a lot on ecosystem management. From  
40 2004 to I think about 2010, there was an ecosystem grant that  
41 had a series of ecosystem workshops around the Gulf looking at  
42 ecosystem information and trying to get public input on  
43 ecosystem priorities. It's my understanding that those were not  
44 very well attended. Of those nine workshops, I think a total of  
45 forty to fifty people total showed up.

46  
47 There was a four-council initiative, working with NMFS, to  
48 develop an attitudes and values survey, and that was presented

1 in 2007. There were also a series of ecosystem modeling  
2 workshops, where they were trying to come up with an overarching  
3 ecosystem model to kind of use as a management strategy  
4 evaluation, and, ongoing, we comment on ecosystem-related  
5 products and policies, including the ecosystem roadmap that was  
6 a national policy developed in I believe it was 2016, and the  
7 Gulf of Mexico IEA, or the Gulf of Mexico Ecosystem Status  
8 Report. The Gulf Council has also started incorporating red  
9 tide events and the impacts of red tides on reef fish stock  
10 assessments, and the Gulf Council had an Ecosystem SSC for ten  
11 years.

12  
13 FMP-specific management measures for reef fish, it incorporates  
14 other fisheries, and it includes habitat information. There is  
15 the development of the stressed area, multispecies aggregates,  
16 how other fisheries may affect management benchmarks, such as  
17 bycatch reduction devices of juvenile red snapper in the shrimp  
18 fishery. Adjust harvest level to respond to environmental  
19 events and establishment of marine reserves.

20  
21 Shrimp and spiny lobster have a lot of the same overarching  
22 themes of incorporating other fisheries, looking at  
23 environmental parameters, and so, for shrimp in particular, the  
24 OY in Shrimp Amendment -- I am not going to say which amendment,  
25 and I should know this, but the aggregate OY was developed based  
26 on other benchmarks, and so it wasn't just catch per unit effort  
27 in the shrimp fishery, but it was also what are the thresholds  
28 on the shrimp fishery, such as sea turtle bycatch and juvenile  
29 red snapper bycatch. Those were big components of how the  
30 aggregate OY was developed.

31  
32 Spiny lobster, there is also the discussion of external  
33 recruitment, and there is also the low landings trigger that was  
34 developed in Regulatory Amendment 4, where, if landings don't  
35 meet a certain threshold two years in a row, go back and  
36 reevaluate, because it must mean that environmental conditions -  
37 - Not must mean, but it could mean that environmental conditions  
38 have changed, and so management measures need to be reevaluated.

39  
40 Coral, all of the coral amendments and the FMP are multispecies  
41 amendments, and there are habitat areas of particular concern.  
42 Again, it's similar to the South Atlantic's first FEP, and  
43 coastal migratory pelagics is a joint plan, based on species  
44 ranges, and migratory pattern changes have resulted in changes  
45 of management boundaries.

46  
47 Ecosystem-based fisheries management is not increasing  
48 complexity, and so one of the things that these ecosystem plans

1 have is basically a best practices document that -- What does  
2 the council want to see as going forward on the science side of  
3 things, so that perhaps NMFS can better tailor their strategies  
4 to better aid management decisions.

5  
6 It can be having somebody come and talk about long-term gradual  
7 shifts in carrying capacity, strong trophic linkages, major  
8 shifts in population dynamics, and all of these things are areas  
9 for the ecosystem-based fishery management approach.

10  
11 There are lots of items that address ecosystem policies, and the  
12 Gulf Council is one of the few councils that has the ecosystem  
13 status report not once, but also an updated ecosystem status  
14 report.

15  
16 We have the National Ecosystem-Based Fishery Management Policy,  
17 and, in that, it said that we need to develop regional plans,  
18 and so, right now, all of the other councils have their FEP or  
19 draft FEP documents that these regional plans are pulling from,  
20 and the Gulf Council, and I'm the council staff representative,  
21 we're working together to look at those ecosystem plans, but,  
22 really, it's Science-Center-driven regional plan, because we  
23 don't have a clear document outlining what the Gulf Council's  
24 ecosystem policies are.

25  
26 About that plan, these regional plans are under development, and  
27 this is the very tiny timeline, but I just wanted to highlight  
28 that, hopefully, there is a regional plan sometime in the July  
29 to August region, and those are not hard-and-fast deadlines.  
30 This is a pretty significant undertaking by one Southeast  
31 Fisheries Science Center staff member, at this time, looking at  
32 the Gulf, and they have divided the Southeast Region into the  
33 three different councils, and so each staff member pulled one  
34 council.

35  
36 She is working very hard on that, and she's asked for a lot of  
37 input from the Southeast Regional Office and from the council  
38 staff to provide her with input on the roadmap, but there should  
39 be a draft that would be ready to present to the Gulf Council  
40 hopefully by the August council meeting, but, again, this is not  
41 a hard-and-fast deadline. These are hopeful deadlines. I think  
42 that's about it, and I tried to go really quickly, because I  
43 think I was slotted for fifteen minutes, and so I'm happy to  
44 take any questions.

45  
46 **CHAIRMAN MICKLE:** Questions or discussion? Ms. Bosarge.

47  
48 **MS. BOSARGE:** Dr. Kilgour, I am hoping that, as that plan is

1 developed, it can be somewhat proactive and forward-looking,  
2 and, in that, I am hoping that maybe we can have some  
3 information on what our region can expect when we start to see  
4 more impacts from climate change.

5  
6 I think we are kind of unique, versus the east coast or the west  
7 coast, where it's a north/south coastline, and they're seeing  
8 the results already. They are seeing species move north or move  
9 south, based on changes in temperature and things like that, and  
10 so maybe -- I think that would be something that would be very  
11 helpful for the council to have a better understanding of, so  
12 that as we start to see changes, we might be able to understand  
13 what is driving them, before they show up in our fisheries, and  
14 so that would be interesting.

15  
16 **CHAIRMAN MICKLE:** Dr. Kilgour.

17  
18 **DR. KILGOUR:** I think that is definitely part of what the  
19 regional plan is, but I can tell you right now that how that's  
20 being developed right now is based on what are current -- In my  
21 understanding of reading the document, what are current projects  
22 that the Southeast Science Center and partners working on that  
23 address ecosystem management.

24  
25 It's not necessarily a Gulf-Council-driven document, because we  
26 don't have an ecosystem plan, and so one of the things in the  
27 action guide that I was asking for is does the council want to  
28 develop some type of formal ecosystem plan, where we outline  
29 that these are things that are important to council management  
30 and should be discussed, as appropriate, when available, so that  
31 not only do we have a clear direction of where the council wants  
32 to go towards implementing information into management measures,  
33 but we can also -- It also gives the Science Center a clear  
34 direction of what types of things would really benefit  
35 management that we can do in-house.

36  
37 Right now, there seems to be a little bit of a disconnect  
38 between the two, and it shouldn't be that way, but they're  
39 slammed over there, just as we are over here, and so, if we  
40 develop something in partnership, that could be more -- We're  
41 working on it, and we're getting a lot better, but that's one  
42 question.

43  
44 Does the council want to come up with some type of document or  
45 plan or any type of policy statement or something eventually, or  
46 do we want to wait for the regional plan to come out and then  
47 comment on that? Both are perfectly acceptable.

1 **CHAIRMAN MICKLE:** Mr. Anson.

2  
3 **MR. ANSON:** I think my take on that would be to wait for the  
4 Science Center and see what their comments are, not knowing how  
5 intensive it's going to be to run the models or the analysis  
6 that we or the Science Center deems is important. I mean,  
7 that's going to be, I think, a critical factor.

8  
9 We don't want to get into a situation, necessarily, that we're  
10 slowing down the process, particularly since this isn't  
11 prescriptive, as you said, and so I guess we've got to kind of  
12 ally what our needs and wants are relative to what the resources  
13 are, and the resources are financial and human, and we're in an  
14 environment where it seems like we won't be seeing any dramatic  
15 increase, and so we've got to kind of work within our means, and  
16 that might be limited, I guess, as to what we could do.

17  
18 **CHAIRMAN MICKLE:** Madam Chair.

19  
20 **MS. BOSARGE:** I think I concur with you, Kevin. I think that  
21 was spot-on. Thank you.

22  
23 **CHAIRMAN MICKLE:** Dr. Frazer.

24  
25 **DR. FRAZER:** Thank you, Paul. We just had a discussion earlier  
26 in the day about potentially having a special SSC that has to  
27 deal specifically with ecosystem-related issues, and I think  
28 you're right that we probably don't have to have a plan, but  
29 maybe we could encourage the staff, at this time, to develop  
30 some time of a white paper or a document that might lay out what  
31 a plan might look like or why would we want to pursue these  
32 types of things and what are the advantages, because I don't  
33 think that's too big of a lift, actually.

34  
35 **CHAIRMAN MICKLE:** That directed request toward a specialized  
36 group would outline kind of the directives, which would drive  
37 what we think is important in the Gulf, from the specialists  
38 that are in this fledging little committee, but understanding  
39 what ecosystem assessments could possibly entail, especially in  
40 the Gulf, is truly terrifying to me, when you think about how  
41 complicated our web is, our food web, and the variabilities we  
42 see within our region of the Gulf.

43  
44 There was some real fascinating work, just to put it in the  
45 perspective of how many different things there are to talk about  
46 when we start saying the "E" word. In the Mid-Atlantic, they  
47 did an analysis looking at a recruitment of certain species  
48 during wet years and dry years, and they saw such a large

1 influence and low mortality in the young age classes, and  
2 recruitment was so much higher in certain discharges of each  
3 year that it was really impacting what's going on in the  
4 fishery.

5  
6 When you would have a really wet year, two to three years later,  
7 you would have this beautiful recruitment class, or cohort, come  
8 through the fishery, and it was so dependable that they actually  
9 have started grabbing onto that, and I have always wanted to  
10 take that to my commission, as we've had some really wet years,  
11 and some species do really well, and some really don't, and so  
12 to identify that and keep that in mind, to kind of go toward  
13 management. That's one little tiny piece of what ecosystem  
14 management could possibly entail, is wet versus dry, and that's  
15 just estuarine production causing variability in recruitment,  
16 and so that's just one tiny little thing when we start getting  
17 into the "E" word. Dr. Frazer.

18  
19 **DR. FRAZER:** Along those lines, one of the things that we  
20 struggle with, I think, is that we deal with stock assessments  
21 and things that take place in five-year timeframes, if we're  
22 lucky, and we're always getting kind of tagged a little bit for  
23 not being able to be responsive enough to things that happen in  
24 the environment that might allow us to make a quick decision for  
25 the betterment of the people that are trying to exploit the  
26 resources.

27  
28 In some cases, if you have a red tide, for example, you might  
29 push it down a little bit, but, if you're able to identify a  
30 really good recruitment year, for example, you might be able to  
31 allow people to access more fish, and so I like the idea of the  
32 ecosystem plans potentially providing some flexibility in the  
33 management process.

34  
35 **CHAIRMAN MICKLE:** Agreed. Dr. Kilgour.

36  
37 **DR. KILGOUR:** That would be something that you would identify in  
38 an ecosystem plan. I don't think I stressed very well that an  
39 ecosystem plan does not mean an ecosystem model. It means what  
40 are things that are important, and it can be in the level of a  
41 single species, and red tide is very important for groupers, and  
42 so, for groupers, we would really like you to incorporate red  
43 tide events into the stock assessment.

44  
45 It could be something very direct like that, or it could be  
46 broader statements. It could also be somebody from the  
47 Southeast Science Center coming to present that this is the  
48 state of the Gulf once a year, and we had a really bad hypoxia

1 year, and we had a big red tide event, something like that, to  
2 just notify the council that these are things that are going on  
3 that are going to show up in your stocks.

4  
5 They could say that we had a really great recruitment year and  
6 the conditions were perfect, and so it's something that -- That  
7 could be outlined in an ecosystem plan, but I really want to  
8 stress that an ecosystem plan, or ecosystem-based management, is  
9 not necessarily an ecosystem model. That is one small component  
10 to it. It could be a lot more flexible and a lot more  
11 informative for the council than a specific model that the  
12 inputs really dictate what the outputs are.

13  
14 **CHAIRMAN MICKLE:** Agreed. I agree with that statement, and it's  
15 not truly an ecosystem model, but, without proper scientific  
16 understanding about these ecosystem variations, they can sneak  
17 their way in, and we're going to approach the tipping point.

18  
19 When we have an ecological tipping point occur within a certain  
20 parameter of temperature, like Ms. Bosarge said, or nutrient  
21 loads or anything like that, at what quantitative stage do you  
22 identify that as important enough to address in a stock  
23 assessment? That is the very delicate thing that we need to  
24 understand if we move forward in this. Even though it's not an  
25 ecosystem model, it has the impact on models and accounting for  
26 that in the model. Dr. Stunz.

27  
28 **DR. STUNZ:** Morgan, after your presentation, and correct me if  
29 this isn't right, but it seems like we're going a lot of the  
30 components that would be in the FEP, but just they haven't been  
31 formalized into an FEP, and I don't know if that's correct or  
32 not, but, in just reading through this -- Maybe that would help,  
33 in terms of just sort of seeing where we're going with this,  
34 because where I struggle with this, and I am an ecologist and I  
35 understand this, but I still -- Now, sitting around this  
36 management table, I struggle a little to figure out how does  
37 this really inform us in management advice when we need a yield  
38 stream for red snapper, let's say?

39  
40 How does it really all come together, and you provided some  
41 examples of what others are doing, but maybe, as we continue  
42 this discussion, having some real concrete examples of, well,  
43 here is something exactly that we could do in the Gulf, and this  
44 is how it would sort of play out, would at least help me, and I  
45 don't know about others, to look at the bigger picture of how  
46 does this all come together in our day-to-day operations of  
47 doing allocations and how many fish can we catch this year and  
48 that sort of thing. I feel, based upon what you have shown

1 here, that we're probably doing a lot of this, but we just  
2 haven't really structured it into this FEP that you are talking  
3 about.

4

5 **CHAIRMAN MICKLE:** Mr. Anson.

6

7 **MR. ANSON:** I suspect that we'll start out kind of slow, and  
8 it's kind of an emerging science. I mean, you've got to get  
9 folks that will get into the data maybe a little bit more and  
10 look at it on a little bit different level and try to look at  
11 some interactions and such of different parameters.

12

13 At least initially, I just see it as being a guide, but it won't  
14 be a definitive guide. It won't be something that says here is  
15 a smoking gun and then we incorporate that into an assessment or  
16 something directly, because, even with a red tide event, not  
17 every red tide event is the same.

18

19 You may have the same satellite image with the same  
20 concentration of cells that you did the previous time, but some  
21 other factors may be affecting what the recruitment for red  
22 grouper is. It may not be the same recruitment level, and so  
23 you may not get the same mortalities as you did in the previous  
24 event, and so you have to get out there in the field and kind of  
25 evaluate that, and then, over time, as we get more information,  
26 it will help, I guess, resolve or help us feel more confident in  
27 that particular piece of information, and maybe that will take  
28 us to the next step, to actually incorporate some of that data  
29 directly into an assessment and produce outcomes or management  
30 decisions.

31

32 **CHAIRMAN MICKLE:** Dr. Kilgour.

33

34 **DR. KILGOUR:** Just as a side note, we were really lucky that we  
35 got that red tide as a fishing fleet on our stock assessment,  
36 but I want to highlight that that was primarily done by a post-  
37 doc, and so, without the need, the direct need, outlined that  
38 this is a council need and that we need to start incorporating  
39 these things and we want them in our stock assessments, it's  
40 really hard for stock assessment scientists to incorporate  
41 those.

42

43 I mean, they're stressed to the max, and so, without those post-  
44 docs or those things that the Science Center can point to as  
45 these are direct management actions that they want information  
46 on, it's really hard for them to get those post-docs and the  
47 funding to fund those types of positions to give you the  
48 information that you want.

1  
2 **CHAIRMAN MICKLE:** Is there any other discussion? Dr. Kilgour.  
3  
4 **DR. KILGOUR:** As usual, I am clear as mud, but I had a couple of  
5 different things go around the table. It would be a little bit  
6 -- If the committee could tell me if they want some type of  
7 informal document after this roadmap, regional roadmap, comes  
8 out to say these are the things that you could include in a  
9 fishery ecosystem plan, or is that way too far ahead of time and  
10 you will wait to see the ecosystem plan? Either way is fine,  
11 but I just want to know how to prioritize.  
12  
13 **CHAIRMAN MICKLE:** My question to you is, when you say "they",  
14 who are you talking about?  
15  
16 **DR. KILGOUR:** That is the Science Center, who is coming up with  
17 the regional plan.  
18  
19 **CHAIRMAN MICKLE:** Got you. I was just confused. Dr. Frazer  
20 made a suggestion that we ping the special SSC for -- That would  
21 be interesting to see there, but it sounds like you all are  
22 slammed, and everybody is slammed, and any guidance on which  
23 route to go? I think I am definitely in support of getting some  
24 requests from the specialized group on how to proceed forward,  
25 but I am not quite sure which group. Ms. Bosarge.  
26  
27 **MS. BOSARGE:** The regional plan, the draft, is going to be out  
28 sometime mid-year, I guess it looks like, according to that  
29 slide, June to August. When that draft comes out, would it be  
30 productive to have that be on the agenda for the SSC to look at,  
31 and we have that new Special Ecosystem SSC, and we could pull in  
32 that expertise and try and get some feedback from them. Would  
33 that be a productive exercise?  
34  
35 **CHAIRMAN MICKLE:** It's a good first test for that new group.  
36 Dr. Kilgour.  
37  
38 **DR. KILGOUR:** One last comment. I just wanted to note that that  
39 Special Ecosystem SSC is not an ecosystem scientist SSC, and  
40 it's an ecosystem modeler SSC, which means that there is going  
41 to be a heavy emphasis on ecosystem models and not necessarily  
42 the management and how do we make ecosystem science available  
43 for management outside of a model, and so I just wanted to  
44 highlight that the Standing SSC will have those ecosystem  
45 scientists and that expertise, but the modeling component is,  
46 hopefully, going to be incorporating ecosystem modelers, and so  
47 they're not mutually exclusive.  
48

1 **CHAIRMAN MICKLE:** Agreed. Dr. Frazer, I've got you, but, again,  
2 at this point, aren't we trying to figure out the nuts-and-bolts  
3 of what actually would be important on the ecosystem to actually  
4 look at and then bring the management in on the backside, after  
5 initial probing from this group? Dr. Frazer.

6  
7 **DR. FRAZER:** I guess what I was thinking -- I mean, I don't want  
8 to move ahead just to charge blindly ahead here, but what I'm  
9 trying to think about is can we work on some type of a guiding  
10 document that might help us better understand how ecosystem  
11 types of information might be incorporated into the management  
12 process, and then we can start to think about what a plan might  
13 look like.

14  
15 I am not advocating that we create a plan at this point, but  
16 just an information document. That's one thing, and then I  
17 would also say I'm not sure that this special SSC, the Ecosystem  
18 SSC, is all ecosystem modelers. I think there might be some  
19 discussion about that when we get to Full Council, and I think  
20 that's what Robin was talking about.

21  
22 **CHAIRMAN MICKLE:** Thank you. Robin.

23  
24 **MR. RIECHERS:** I am just curious, because we've had this  
25 discussion around the table before, and John or you may recall  
26 the details, when we had some of that extra money. Where did we  
27 end that process? Did we have a document that kind of outlined  
28 some of the things you're talking about now? I was kind of  
29 recalling we might have had something like that.

30  
31 **DR. KILGOUR:** We do, and I think it's near 200 or 300 pages, but  
32 it's basically the synopsis of those workshops, but it didn't --  
33 The Ecosystem SSC was charged with developing a fishery  
34 ecosystem plan. A strawman plan was never even developed, and I  
35 think they worked on it several times, and they got to a point,  
36 and it just never progressed farther.

37  
38 That ecosystem money that initiated the establishment of that  
39 Ecosystem SSC and had all those workshops, there is a report  
40 that has all of that information in it, but it didn't end in any  
41 type of outline document, that I am aware of that, we could use  
42 as an ecosystem plan. That was the intent, but I don't think it  
43 ever made it that far.

44  
45 **CHAIRMAN MICKLE:** Robin.

46  
47 **MR. RIECHERS:** I am not on your committee, and so I apologize  
48 for taking up the time, but I think, if we go back to that

1 document, in response to your question, Tom, I think that would  
2 actually be able to be part of that whole notion of here is a  
3 quick summary document of the kinds of things that we could be  
4 looking at and the things that we would want to consider, and we  
5 might be able to get from Point A to Point B pretty quickly with  
6 not a whole lot of work, which I think is one of the troublesome  
7 parts of this conversation.

8  
9 While we would love to say charge ahead, I think part of the  
10 problem is, when you're struggling to get assessments and other  
11 things, like we struggle to get, it's hard to say let's go take  
12 on this squishy thing that's even going to be harder to get our  
13 arms around and difficult for us to really incorporate into the  
14 current system. I think that's kind of the difficulty, but I  
15 think we may have a document that will help us move down that  
16 road a lot quicker.

17  
18 **CHAIRMAN MICKLE:** Dr. Porch.

19  
20 **DR. PORCH:** Thanks. I just wanted to reaffirm the Center's  
21 interest in going down this path, and, in fact, we have staff  
22 working with Dr. Kilgour on the ecosystem-based fishery  
23 management roadmap.

24  
25 Like many of you, we're very reticent about going down the path  
26 of these complicated ecosystem models at this point. We've got  
27 a lot of basic information that we need to collect first, and we  
28 certainly wouldn't advocate, any time soon, using them for  
29 management advice, but what we can do is cut out some bite-sized  
30 chunks, identify some drivers that are really important, and  
31 study them closer.

32  
33 You could do things like -- Someone already mentioned the red  
34 tide, which we are using in some of our assessments. Things  
35 like menhaden, if you allowed them to increase in abundance  
36 above their current MSY, would that increase the MSY of some of  
37 the other stocks? That sort of thing.

38  
39 I think there are some concrete things that we can do that would  
40 be really exciting, but we just need to work together. The Gulf  
41 has a lot of expertise, and the Center can't do it by itself,  
42 and the councils can't do it by themselves, but, if we put  
43 together some teams that really focus on some of these fairly  
44 obvious drivers, I think we can make a lot of progress.

45  
46 **CHAIRMAN MICKLE:** Mr. Anson.

47  
48 **MR. ANSON:** To Dr. Porch's point, it sounds like, from that last

1 example you gave of Gulf menhaden, it's going to be much broader  
2 than just taking in scientific observations and such and that  
3 you're trying to assess tradeoffs then of how species are  
4 managed, in that, if you put the gas pedal on one species, it's  
5 going to affect other species.

6  
7 That sounds like it's even opening up twofold or threefold in  
8 complexity, potentially, as far as, again, the analysis of the  
9 information and then the value of that relative to its -- It's  
10 not prescriptive information, and so I get a little concerned, I  
11 guess, when you talk about that and menhaden, and, again, if we  
12 loosen or restrict harvest and see what the benefit to other  
13 species would be.

14  
15 **CHAIRMAN MICKLE:** Dr. Porch.

16  
17 **DR. PORCH:** I would say it can get complicated, in some cases,  
18 but it doesn't have to be. There may be some really obvious  
19 drivers, and we may be able to identify some key factors that we  
20 should consider, just like with the red tide. The complicated  
21 part is figuring out how some measure of red tide intensity  
22 translates into mortality, but, when you do that work, it's not  
23 that complicated to incorporate into a stock assessment.

24  
25 In fact, we have already, and that's not to say that there is  
26 not always room for improvement, but I think there is things  
27 that you can identify that are important drivers in the system  
28 besides fishing, and we find a way to incorporate them in our  
29 management advice.

30  
31 **CHAIRMAN MICKLE:** Any other discussion? All right. Dr.  
32 Kilgour, do you have what you need, or would you like a motion?

33  
34 **DR. KILGOUR:** I think I have that, eventually, you would like  
35 some type of strawman document to look at, but this will happen  
36 after the regional roadmap is presented to the council, and I  
37 can work with Dr. Karnauskas, who is developing that for us,  
38 with coming up with some type of brief strawman-type document to  
39 show to you after that is given to the council, and is that what  
40 I am understanding? It's some type of very brief strawman  
41 document, and these are the things that you could include, after  
42 you see the regional plan, or no? I am getting mixed messages.

43  
44 **CHAIRMAN MICKLE:** A motion would resolve that. Can I ask for a  
45 motion, just to move things along, so we can keep moving down  
46 the agenda? Dr. Frazer.

47  
48 **DR. FRAZER:** I will take a stab at a motion here. **The motion is**

1 to direct staff to develop a document that outlines the  
2 component parts of a fishery ecosystem plan after the roadmap.  
3 Again, I am not trying to forge right ahead, and so whatever  
4 works in your schedule and is convenient for staff is fine for  
5 me.

6  
7 **CHAIRMAN MICKLE:** Is this the motion? Do we want to specify  
8 within the motion after the -- What was it? I do have a second  
9 from Dr. Stunz. Is there any discussion to this motion? Ms.  
10 Bosarge.

11  
12 **MS. BOSARGE:** Morgan, can we use the document that we already  
13 have that Robin was referencing, or do you have to create  
14 another one?

15  
16 **DR. KILGOUR:** I won't necessarily be creating a whole new  
17 document. I will pull heavily from that, but I would want to  
18 shorten that up a lot and just pull the highlights, if that's  
19 acceptable, and perhaps incorporate new information that we have  
20 since that document was written.

21  
22 **CHAIRMAN MICKLE:** Dr. Stunz, to that point.

23  
24 **DR. STUNZ:** I just have a quick question to Leann's point.  
25 Robin was mentioning like this 200-page document, and is that  
26 the same one, because I was envisioning a little more of a  
27 hands-on -- More of a summary tool that allows us to get our  
28 hands around it and not get lost in a huge document.

29  
30 **CHAIRMAN MICKLE:** All right. We have a motion, and we have a  
31 second, and we've had discussion. **Is there any opposition to**  
32 **the motion on the board? The motion carries.**

33  
34 **DR. KILGOUR:** Thank you.

35  
36 **CHAIRMAN MICKLE:** Thank you. All right. We are going to move  
37 on to Item Number IX, Reef Charter/For-Hire Permit Transfers and  
38 Potential Management Actions, Tab B, Number 9, and Dr. Diagne.

39  
40 **REEF FISH CHARTER/FOR-HIRE PERMIT TRANSFERS AND POTENTIAL**  
41 **MANAGEMENT ACTIONS**  
42 **PRESENTATION**  
43

44 **DR. ASSANE DIAGNE:** Thank you. There is a document in the  
45 briefing book, and that would be Tab B, Number 9(a), but we have  
46 prepared a short presentation to support the discussions. Just  
47 a little bit of background, by way of introductions. Here, we  
48 have the major regulatory actions of interest to us.

1  
2 One would be Amendment 25/17, which established the indefinite  
3 limited access on reef fish for-hire permits. The second  
4 element of note would be Amendment 30B, which, of course, would  
5 prevent federal for-hire reef fish permits to fish in state  
6 waters when federal waters are closed. The third element of  
7 note would be Amendment 40, which split the recreational red  
8 snapper quota into a private angling component and a federal  
9 for-hire component.

10  
11 The last point here that we would like to note is the fact that  
12 individual states have been establishing their own season in  
13 state waters for red snapper recreational fishing, and, here,  
14 just as a reminder, we have the various seasons for the  
15 individual states as well as the federal red snapper  
16 recreational season. Starting in 2015, we have the two seasons,  
17 one for the private angling component and the second one for the  
18 federal for-hire component.

19  
20 As we just mentioned, federal for-hire reef fish vessels cannot  
21 fish for red snapper, to be specific, in state waters when the  
22 federal waters are closed, and that is a result of Amendment  
23 30B. During council discussions, it was noted that the  
24 regulations that we have may provide incentives for  
25 strategically transferring one's permit to be able to fish  
26 during the state seasons and then moving to the federal seasons  
27 and so on and so forth.

28  
29 In response to that, the council requested that we look into  
30 this a little further, to see whether we could identify patterns  
31 that would suggest that such a behavior was taking place.

32  
33 Just as a reminder, here we have limited access, an indefinite  
34 one, and so it's normal, natural attrition, if you would, of the  
35 number of permits. It is very mild, and, on average, we lose  
36 about let's say twenty-five or twenty-six permits a year.

37  
38 If you know look at the transfers, not too many permits have  
39 been transferred. It's about 200, and I have the exact number,  
40 but it's 220 or so are transferred, on average, per year, for  
41 the time interval that we have here. This is on an annual  
42 basis, but, to try to pick up on a potential trend, then we went  
43 and looked at the transfers on a monthly basis.

44  
45 We did two things. The first thing we have done is essentially  
46 to take the time series and decompose it to try to pick up two  
47 signals. The first signal would be the time trend, which we  
48 have in the second box here, and the second box -- The first box

1 is just the observed time series, and the second one below is  
2 the time trend, and we see a generally-increasing time trend.

3  
4 The third one picks up the seasonality, and, here we have one  
5 peak, and that peak corresponds to the month of May.  
6 Essentially, that would make sense, because people would like to  
7 have their transfers completed before the federal red snapper  
8 season, which traditionally begins on June 1. Finally, the very  
9 last panel at the bottom, that is simply the unknowns, I guess,  
10 plus the random component.

11  
12 The second thing that we tried to do was to look at the  
13 effective dates of the transfers and see whether we would  
14 identify a pattern here, and the red lines are the beginning of  
15 the red snapper seasons.

16  
17 If, for example, we had a lot of points before the red line,  
18 meaning before the start of the red snapper season, and then a  
19 lot of points after the season, meaning that folks would  
20 transfer their permits before the season and after the season,  
21 in some type of a systematic pattern, then we would think that  
22 we were able to capture this, but, at this point, looking at  
23 this chart, there is really no indication that there is a  
24 systematic pattern that would suggest a strategic transferring  
25 of the permits before the season and after the season to take  
26 advantage of state and federal seasons.

27  
28 In a nutshell, these were the analyses that we conducted, and we  
29 will now offer some conclusions. What we can say now is that we  
30 were not able to identify any pattern that would suggest that  
31 federal for-hire reef fish permit owners strategically  
32 transferred their permits pre and post the federal season to  
33 take advantage of both seasons, and, again, this does not really  
34 suggest that such a behavior does not exist, but what we can say  
35 for sure is that, at this point, we were not able to identify  
36 it.

37  
38 Another element to consider is that the permit that we have is a  
39 reef fish permit. It is not a red snapper permit. If one  
40 wanted to transfer their permit to take advantage of the red  
41 snapper season in federal and state waters, that operator would  
42 also forego all of the other reef fish that we manage in federal  
43 waters, and I mean by that that you would have to forego the  
44 greater amberjack, the gray triggerfish, et cetera, and I am not  
45 sure that that is a tradeoff that would be worthwhile.

46  
47 Another thing that we can consider is the fact that perhaps a  
48 fleet owner can easily do this by simply dedicating a vessel, or

1 a couple of vessels, to fishing in state waters and dedicating  
2 the remainder of the fleet to fishing in federal waters.

3  
4 Finally, our regulatory landscape is changing very rapidly, and  
5 any number of things that are under consideration should be able  
6 to, essentially, shut down this practice if it existed, and, by  
7 that, I am thinking about state management, depending on the  
8 direction that it goes, and the implementation of the electronic  
9 reporting for charter/for-hire, and that would also put,  
10 definitely, a stop to this, if it existed, and, finally, the  
11 potential for further development of Amendment 41 and 42, if the  
12 council decided to proceed.

13  
14 Should the council think that there is something there, which we  
15 haven't been able to identify, we would be listening for some  
16 suggestions, and then we will, I guess, go to the next step.  
17 Thank you for the short presentation, and that's what we have.

18  
19 **CHAIRMAN MICKLE:** Robin.

20  
21 **MR. RIECHERS:** Assane, I certainly appreciate the analysis, and  
22 clearly we can see that, from 2008 and 2009, we were in the  
23 neighborhood of 15 percent, and it jumped up to about 18  
24 percent, or seventeen-and-a-half, on average, for four or five  
25 years, and now we're up, the last three years, into the 20  
26 percent range, and so something has caused an increase, which  
27 may or may not be anything associated with transferring for  
28 purposes of state and federal, but I guess my question is, from  
29 the analysis you did, is there any way to identify, by vessel,  
30 the comings and goings of a permit, either with a unique permit  
31 number or with a unique vessel ID number, because that's really  
32 what we're getting at, I think, is are you transferring it away,  
33 transferring it back, and next season transferring it away and  
34 transferring it back.

35  
36 I thought, maybe in a previous analysis in the last six months,  
37 you all presented something that said that you did detect some  
38 of that, but it was a very small amount, but I may be wrong.

39  
40 **DR. DIAGNE:** Yes, and let me take the first point first.  
41 Looking at the percentage, you are absolutely correct that it  
42 picks up, but that is mainly a result of the fact that the  
43 number of permits itself is shrinking, and so it's more or less  
44 the same number of transfers, but on a smaller base than the  
45 percentage will show an upward trend.

46  
47 In the second part, yes, that is what we thought, and then we  
48 went ahead and looked a little further into it. Essentially,

1 what you suggested, that is what we tried to do here, because  
2 these are the effective dates of the transfers, by permits, of  
3 all of the permits that were transferred at least four times.  
4 All of the transfers are here, and so, should we have a bunch of  
5 points to the left and to the right of a specific line, which  
6 indicates the red snapper season, the start of it, then  
7 definitely we would have concluded that there is strategic  
8 behavior to transferring those.

9  
10 Again, it is possible that someone out there is doing this, but,  
11 based on our analysis of the data, we cannot really conclude  
12 that it is at the level of widespread behavior, meaning that  
13 would go towards policy.

14  
15 **CHAIRMAN MICKLE:** Robin, to that point?

16  
17 **MR. RIECHERS:** I will ask it a different way then. Assane, of  
18 the two-hundred-and-twenty-something that occur each year, did  
19 you all go in and look -- I mean, I appreciate the big scatter  
20 plot, but did you go in and look at vessels that transferred  
21 multiple times during this yearly time series that we have here?

22  
23 **DR. DIAGNE:** Yes, and these are vessels that transferred --  
24 These are permits that were transferred more than three times,  
25 but, now, if you wanted to, let's say, for example, look at the  
26 destination, if that is what you're getting at, of the  
27 transfers, and let's say, for example, the permit from Vessel A  
28 went to Vessel B and came back, that would be, I guess, a much  
29 more difficult undertaking, because the entities themselves  
30 change, and, by that, I mean that a permit can leave from Entity  
31 A to Entity B, but Entity B is just a corporation with the owner  
32 and let's say a relative or a spouse or a partner of that,  
33 something of that nature.

34  
35 Had we picked up a trend of note, then perhaps that would be  
36 worth looking at that, but, based on the trend that we picked  
37 up, the seasonality, the trend, and, here, the effective date,  
38 it seems to me that that is not something that would yield  
39 anything, but, as a council, if you direct us to essentially  
40 look at each and every transfer, in terms of the origin and the  
41 destination, we could certainly, I guess, spend the time and  
42 also do that.

43  
44 **CHAIRMAN MICKLE:** Mr. Boyd.

45  
46 **MR. DOUG BOYD:** Thank you, Mr. Chairman. I'm not on the  
47 committee, but I do have a question for Assane. The real proof  
48 would be in observations. Law enforcement, I would assume,

1 knows the vessels that are going out during the red snapper  
2 season that are federally permitted. Did you ask law  
3 enforcement if they also observed, on the water, those same  
4 vessels fishing in state waters in the off seasons?  
5

6 **DR. DIAGNE:** I believe that the issue here was discussed by Mr.  
7 Atran, Steven, during the Law Enforcement Committee, and they  
8 did not really suggest anything of that nature. That's all the  
9 information that I have.

10  
11 **MR. BOYD:** Thank you.

12  
13 **CHAIRMAN MICKLE:** I've got Dr. Stunz and then Mr. Anson and then  
14 Mr. Sanchez.

15  
16 **DR. STUNZ:** Sort of both to Robin's and Doug's points, there is  
17 probably a lot of reasons that you transfer a permit, obviously,  
18 and we have no way of knowing why, and, even if you knew, you  
19 would have to rely on that they're telling you the truth, I  
20 guess, and things.

21  
22 You never really know for sure, but I am wondering if some of  
23 what we're trying to tease out of this is being lost in the  
24 whole reasons for transferring permits, and you made one example  
25 of they're not willing to give up other reef species just for  
26 red snapper, but, if you looked at it on a state-by-state basis,  
27 where you only have red snapper, such as the western Gulf, you  
28 might begin to see that pattern.

29  
30 I am not telling you to go back at this point, because there is  
31 a lot of moving parts in this whole thing now, but is there --  
32 Have you looked at it on a state-by-state transfer basis, and  
33 also one last thing, before I finish. Related to the point, but  
34 I'm sure the fleet knows who potentially might be fishing in the  
35 federal season and then switching it out and fishing in the  
36 state seasons as well.

37  
38 **CHAIRMAN MICKLE:** Mr. Anson.

39  
40 **MR. ANSON:** I guess I wanted to get some more clarification, but  
41 it's to Dr. Stunz's comment and Robin's comment. I guess I  
42 understand what you're saying, Dr. Diagne, about the timing  
43 doesn't appear to match up, necessarily, but, to Dr. Stunz's  
44 comment that it might be different, the fishery might be  
45 different from state to state, and then you mentioned that all  
46 of the permit transfers here were for permits that were  
47 transferred three or more times in a year, and is that correct?  
48

1 **DR. DIAGNE:** More than three times.  
2  
3 **MR. ANSON:** What is a transfer? What constitutes a transfer?  
4 Is it each time the permit is transferred? If a vessel had the  
5 permit, let's say, in February and then transferred to another  
6 vessel, that is one transfer, right? Then take that second  
7 vessel and transferred it back to the original vessel, and that  
8 would just be two transfers, correct?  
9  
10 **DR. DIAGNE:** Yes, and, with permission, I will address his point  
11 first. Essentially, you will have a transfer every time there  
12 is a change in the vessel and the permit holder relationship.  
13 It could be that the permit holder becomes a corporation of some  
14 sort, or vice versa. It could be that it goes to a different  
15 vessel and so on. Every time there is any type of change, it is  
16 recorded as a transfer, and, in terms of showing the effective  
17 dates here, we requested, from the Permits Office, all of the  
18 transfers, essentially, and we looked at the effective dates of  
19 those.  
20  
21 It was too many to put on a chart, and so those that were  
22 transferred less than three times in this time period, which was  
23 2008 to 2016, we figured that we could drop those and look at  
24 the other part.  
25  
26 As far as looking at the transfers by state, no, we didn't go to  
27 that step, and, if we were to do that, I guess it will be mostly  
28 for certain states, because some of the states have a very  
29 limited number of permits. Again, this is akin to proving that  
30 someone is innocent, and you can't do it. The only thing you  
31 can say, at the end of the day, is I do not have evidence to  
32 convict them, if I could use that analogy.  
33  
34 We can look at this, I guess permit-by-permit, and, if, as a  
35 council, you direct us to do so, we certainly will do our best  
36 to further investigate this, but, at this point, it seems to me  
37 that we may find a case here and there, but it doesn't, at  
38 least, indicate yet that this is calling for a major, wholesale  
39 change.  
40  
41 **CHAIRMAN MICKLE:** Mr. Sanchez.  
42  
43 **MR. JOHN SANCHEZ:** Thank you, and I would just want to mention,  
44 I guess, what we've heard for years too, is that the same  
45 industry has asked repeatedly for electronic logbooks, and that  
46 would certainly show where they're fishing and where they're not  
47 fishing, and it might shed some light on this, although this  
48 seems to say what folks may be concerned about isn't really

1 happening on any grand scale, but the logbooks, I think, would  
2 tell us.

3

4 **CHAIRMAN MICKLE:** Dr. Shipp.

5

6 **DR. BOB SHIPP:** Assane, I am still uncertain what constitutes a  
7 transfer. What kind of paperwork is involved, and how  
8 complicated is it to affect a transfer?

9

10 **DR. DIAGNE:** I think I will rely on Ms. Gerhart or Dr. Stephen  
11 or Ms. Levy to explain more about the paperwork, but I think it  
12 takes about three weeks to a month to do it, and you have to  
13 submit the paperwork to NMFS to signify a change in one of these  
14 relationships.

15

16 **CHAIRMAN MICKLE:** Susan.

17

18 **MS. GERHART:** The paperwork that is filled out for a transfer is  
19 very similar to the application that you fill out for the  
20 permit. It's just, essentially, the same thing, and what we've  
21 always given as guidance is to allow at least thirty days for  
22 the processing of an application or a transfer.

23

24 **CHAIRMAN MICKLE:** Thank you. Mr. Anson.

25

26 **MR. ANSON:** Dr. Diagne, do you have any sense as to what  
27 percentage of those transfers were transfers that were done less  
28 than three times in a year?

29

30 **DR. DIAGNE:** Yes, and, for the permit transfers, 31 percent of  
31 the permits were transferred once in the time period that we  
32 looked at. 27 percent of the permits were transferred twice,  
33 and 18 percent of the permits were transferred three times, and  
34 so if you took, I guess, the sum of that, essentially, 76  
35 percent of the permits were transferred three times or less  
36 during the time interval that we looked at, and we are talking  
37 about a total of 982 unique permits during that time interval.

38

39 **CHAIRMAN MICKLE:** Dave Donaldson.

40

41 **MR. DAVE DONALDSON:** Kevin, you mentioned per year, but it's  
42 actually from 2008 through 2016.

43

44 **DR. DIAGNE:** Yes, correct.

45

46 **MR. DONALDSON:** So it's more than a year.

47

48 **CHAIRMAN MICKLE:** Mr. Diaz.

1  
2 **MR. DIAZ:** I think Dr. Diagne -- From what I can see of his  
3 analysis, it's a pretty good analysis, and one key thing he said  
4 is it doesn't appear to be happening on a large scale, but I  
5 don't doubt that it is happening on a small scale, and I did  
6 read through all of the public comments that are posted on our  
7 website, and it's mentioned at least one time in our public  
8 comments, somebody saying that somebody transferred a permit to  
9 fish in state waters.

10  
11 The only reason that I mention that is this the type of thing  
12 where the public could probably help law enforcement a lot, by  
13 giving them some tips and some real-life names of people that,  
14 if they really think it's happening, if they could tip law  
15 enforcement off and let law enforcement look into it, and that  
16 might be a way that something could be done about it. I don't  
17 know where to go from here with this. Thank you, Mr. Chairman.

18  
19 **CHAIRMAN MICKLE:** Mr. Anson.

20  
21 **MR. ANSON:** It was brought up a couple of meetings ago, and I  
22 don't know if it's going to be a permanent change in how the  
23 Service looks at these permits, but I thought, for this last  
24 fishing year, you made the announcement that anybody who had  
25 their vessel associated with a permit, that vessel would be  
26 considered a charter vessel for the remainder of the year,  
27 regardless of whether or not they had the permit on it, and is  
28 that going to be a permanent change, because that could help  
29 clean up some of this stuff.

30  
31 **CHAIRMAN MICKLE:** Mr. Diaz.

32  
33 **MR. DIAZ:** I think the significant thing there, Kevin, and they  
34 can correct me if I'm wrong, but what I think they said is that,  
35 if they transferred the permit, they couldn't fish in federal  
36 waters again that year, but if they transferred the permit to  
37 fish in state waters, I don't know that there is a federal  
38 violation there, and so I think the violation would only occur  
39 if they went back out into federal waters.

40  
41 **DR. DIAGNE:** Also, we have to keep in mind that the transfers  
42 can straddle multiple calendar years. If my purpose is to fish  
43 let's say from June 1 to July 15, which has been, at times, the  
44 federal for-hire season, then I can do that and transfer my  
45 permit and fish in state waters for the remainder of the year  
46 and wait, presumably, until May 20 of the following calendar  
47 year to re-transfer, and so then, looking on a year-by-year  
48 basis, is not going to be helpful, also.

1  
2 **CHAIRMAN MICKLE:** Any other discussion? All right. I guess we  
3 will move on to the -- Is there anything else, Dr. Diagne, on  
4 that? Okay. Let's go ahead and move on to Item IX, the Law  
5 Enforcement Technical Committee Comments, from Mr. Atran.

6  
7 **LAW ENFORCEMENT TECHNICAL COMMITTEE COMMENTS**

8  
9 **MR. ATRAN:** The Law Enforcement Technical Committee reviewed  
10 this issue, back in October, and they didn't have Assane's very  
11 good presentation or any written material. It was mainly a  
12 discussion among the staff and the members of the Law  
13 Enforcement Technical Committee.

14  
15 We did indicate that one of the options that we had come up with  
16 for addressing this problem, if there is a problem, would be to  
17 limit the number of times that a permit could be transferred in  
18 a year. The Law Enforcement Technical Committee members felt  
19 that that would be an enforceable option, and they couldn't come  
20 up with any other alternatives themselves, and so that's the  
21 only thing that we had.

22  
23 There was a couple of other items that were pointed out, and one  
24 of the committee members noted that there's another issue that  
25 exists for dual-permitted vessels, those that have both a  
26 commercial and a for-hire permit on them, and those vessels,  
27 when they have two permits, are limited to a maximum of four  
28 crew members when they are operating as a commercial vessel.

29  
30 If there is more than four aboard, it's considered a charter  
31 vessel, but, once they have transferred their charter vessel  
32 permit off to another vessel, then that is no longer considered  
33 to be a dual-permitted vessel, and they are no longer subject to  
34 the maximum crew size when fishing commercially. I don't know  
35 if that really is an issue or not, but it is a change for the  
36 vessel.

37  
38 The other thing that was noted is that staff, and I think this  
39 was NOAA staff, was giving some numbers out about how many  
40 mackerel permits were transferred as well as how many reef fish  
41 permits, and it's a similar percentage of permits for both the  
42 coastal migratory pelagics and for the reef fish, and there was  
43 no explanation as to why the mackerel permits should have the  
44 same percentage of transfers, since that fishery has not been  
45 subject to a quota closure. That was a bit of confusion, but  
46 those were the main items that came out of the Law Enforcement  
47 Technical Committee discussion.

1 **CHAIRMAN MICKLE:** Thank you, Mr. Atran. Is there any discussion  
2 on that? Thank you. Let's move on to Item X, Environmental  
3 Assessment and Exempted Fishing Permits for Lionfish Trap  
4 Testing in the Gulf and South Atlantic, and Ms. Gerhart.

5  
6 **ENVIRONMENTAL ASSESSMENT AND EXEMPTED FISHING PERMITS FOR**  
7 **LIONFISH TRAP TESTING IN THE GULF AND SOUTH ATLANTIC**  
8 **PRESENTATION ON PROGRAMMATIC LIONFISH EA**  
9

10 **MS. GERHART:** Thank you. We have gotten three applications for  
11 exempted fishing permits relative to using traps to fish for  
12 lionfish in federal waters, and we wanted to talk about those  
13 three requests as well as an environmental assessment that our  
14 staff has been putting together to analyze the impacts.

15  
16 The exempted fishing permits that have been applied for are  
17 requesting authorization to test a different variety of traps,  
18 and I will show you those different traps in a moment. They are  
19 covering different areas throughout the Southeast, and this is  
20 not just the Gulf, but also the South Atlantic, and they are  
21 primarily in deep water, outside of where recreational divers  
22 would be spearfishing for lionfish.

23  
24 The three applications that we received, the first was from the  
25 Florida Keys Commercial Fishermen's Association, and you've  
26 heard about this exempted fishing permit application already  
27 from Mr. Bill Kelly. They are requesting 400 traps, and there  
28 is actually four areas with four different types of traps and  
29 twenty-five of each trap.

30  
31 Keys Fisheries is looking to test a couple of different types of  
32 traps. They have two areas that they are looking at. We are  
33 still getting some more information for this application, but we  
34 believe they're looking at 1,500 traps, and it may be 3,000  
35 traps, because there are two areas, and we weren't clear if it  
36 was a total of 1,500 or 1,500 in each.

37  
38 Then Reefsavers has also put in a request, and they have five  
39 different areas that they are going to fish in throughout the  
40 Gulf and South Atlantic, and it's a total of 5,000 traps for the  
41 second year of the program.

42  
43 The purpose is, like I said, mostly they are to test  
44 effectiveness of the gear. There are different trap types, and  
45 they also are looking to deplete lionfish in deeper water, where  
46 spearfishing cannot go in there to do that, and there is also an  
47 impetus to develop a commercial fishery for lionfish in the Gulf  
48 and South Atlantic, and most of these have some sort of aspect

1 that promotes lionfish to consumers.

2  
3 These are the different trap types that are being proposed. The  
4 first one is the basic spiny lobster trap, wooden trap, with a  
5 modified throat on it to prevent some of the bycatch. Number 2  
6 on this slide is a wire lobster trap, and Number 3 is a sea bass  
7 pot, and Number 4 is a wire fish trap, or a pinfish trap, and  
8 then Number 5 is what we often call the Gittings Trap, because  
9 Dr. Steve Gittings at NOS has developed this trap, but it's a  
10 collapsible FAD-based trap, and you have seen this on previous  
11 presentations as well.

12  
13 Here are the various locations that these are being proposed  
14 for. First of all, the one labeled as EFP Number 1, which is in  
15 orange up off the coast of North Carolina, that is a South  
16 Atlantic EFP that's already been granted, and it involves  
17 modified Maine lobster traps.

18  
19 EFP Number 2, which is in yellow, there are four areas, and  
20 those are the Florida Keys Commercial Fishermen's areas, one off  
21 of South Carolina, one off the east coast of Florida, the  
22 Florida Keys, and then off the Tampa Bay area.

23  
24 EFP Number 3 is Keys Fisheries, and that is in blue, and you see  
25 that in southwest Florida, there is the two areas that they  
26 would be using. Then the Reefsavers isn't quite correct on this  
27 map. There are actually five areas with 500 traps or so at  
28 each, one off of Louisiana, off of Alabama, Pensacola, Tampa,  
29 Jacksonville, and South Carolina. That's six areas and not  
30 five.

31  
32 The environmental assessment that we're working on is designed  
33 to look at these applications as a whole, because we don't want  
34 to continually manage through exempted fishing permits. We want  
35 to see how these will impact as a whole, as well as look at  
36 potential effort for future EFP applications. We want to look  
37 at impacts on various parts of the environment, just as we would  
38 in any other environmental assessment, and then look at  
39 mitigation conditions that we could set for the EFPs, to make  
40 them appropriate.

41  
42 Our impacts analysis considers four actions. The first is the  
43 types of traps that will be allowed, the second is the locations  
44 that they will be allowed to fish in, the third is the number of  
45 traps per area that will be allowed, and fourth is whether these  
46 traps would use bait or not. Of course, the impacts that we're  
47 looking at include those of bycatch, entanglement, particularly  
48 of protected resources, and then habitat impacts from the effect

1 of the traps.

2  
3 Some of the potential mitigations that we're looking at, in  
4 terms of trap types are, for example, for lobster traps, they  
5 are required to have a certificate for each trap, and so one of  
6 the mitigations would be to require that only traps that have  
7 that certification, those certificates, would be allowed to be  
8 used, and so no additional lobster traps would be added out into  
9 the environment. The same thing is true for black sea bass pots  
10 as well.

11  
12 The locations, some of the closures, for example, there is a sea  
13 bass closure for black sea bass pots on the east coast, and  
14 there are also closed areas for Bryde's whale and for right  
15 whales, and then, in the Florida Keys National Marine Sanctuary,  
16 we're looking at a depth restriction as well. They have to be  
17 deeper than a certain level.

18  
19 We're also looking at determining how many traps per year and  
20 the number of traps per area that could be put out without  
21 having significant impacts on the environment. Then, of course,  
22 the bait question is whether fish attracting devices are enough  
23 or if bait would be allowed as well.

24  
25 The process for this is that we would first -- What we did first  
26 was to work with the applicants, to make sure they had a  
27 complete application, all the parts that are required for an  
28 exempted fishing permit application, and now we're bringing it  
29 before the council, and those three applications are in your  
30 briefing book for you to make a recommendation to NMFS whether  
31 to approve or disapprove these EFPs.

32  
33 We will also, shortly, put out a Federal Register notice with a  
34 thirty-day, potentially down to fifteen-day, comment period. I  
35 put thirty-day, but it can go anywhere from fifteen to forty-  
36 five days, but that's for the public to comment on these  
37 applications as well. We will put out one Federal Register  
38 notice for all three at the same time.

39  
40 Once we have had all the input from the council and from the  
41 public, we will complete the EA and make the decisions on the  
42 mitigation factors and then issue the EFPs to the applicants, if  
43 they are approved.

44  
45 We are aiming for an April 1 approval time, and that's because  
46 most of these guys are using lobster traps, and they are using  
47 lobster vessels, and the fishing season for lobster ends at the  
48 end of March, and so the exempted fishing permit would allow

1 them to fish with those traps outside of the regular lobster  
2 season for lionfish only. All of these EFP applications are  
3 only going to be looking at catching lionfish. That is the  
4 quick and dirty of those.

5  
6 Now, we do have, in the audience, Mr. Kelly, who is one of the  
7 applicants, and is Mr. Glass here from Reefsavers? No, but Bill  
8 Kelly is here, and so the other two applicants are not here,  
9 but, if you have questions for Mr. Kelly, and I know you've  
10 asked him questions before, but, if you have any further  
11 questions, and, if you have questions on the other applications,  
12 I can do my best to answer those as well.

13  
14 **CHAIRMAN MICKLE:** Mr. Swindell.

15  
16 **MR. SWINDELL:** Thank you, Mr. Chairman. I assume that the traps  
17 have the typical escape hatch, biodegradable, on all of the  
18 traps, and I assume these are not just traps that are going to  
19 keep lionfish in forever and ever while they sit on the bottom,  
20 should they be lost, and is that correct?

21  
22 **MS. GERHART:** Yes, all of the traps have the same configuration  
23 as they would legally, with the exception that they are doing  
24 some changes in terms of the throat size, to reduce the bycatch.

25  
26 **CHAIRMAN MICKLE:** Dr. Stunz.

27  
28 **DR. STUNZ:** Sue, I've got a question for you on that process and  
29 timeline slide that you had. What is the requirement for the  
30 follow-up of the EFP? They go out and do the study, but are  
31 they required to send a report to you guys?

32  
33 I am just wondering, and it would be nice to know what the  
34 effectiveness was or how well they were used and that sort of  
35 thing, and then a follow-up question to that is I noticed that  
36 you were talking about some design with multiple replicate areas  
37 with different types of experimental traps, and are these groups  
38 required to work with your Science Center or other scientists  
39 for valid study design and that sort of thing, so we can draw  
40 appropriate conclusions?

41  
42 **MS. GERHART:** We do request that any EFP applicants or anyone  
43 that receives an EFP does supply a report to us at the end of  
44 that time. Part of what we have done in helping them design  
45 these applications, or complete these applications, was to make  
46 sure that they had a fairly good design as part of what they're  
47 going to do, in terms of the comparison of the trap types, and  
48 so that was a beforehand thing, rather than a during.

1  
2 **CHAIRMAN MICKLE:** Susan, a quick question. With the two-year  
3 EFPs, is there a year-end report halfway through, to see if  
4 everything is still on the rails?  
5  
6 **MS. GERHART:** It's not standard, but we could require that. If  
7 that's the council's suggestion, we'll take that into  
8 consideration.  
9  
10 **CHAIRMAN MICKLE:** Mr. Anson.  
11  
12 **MR. ANSON:** Sue, will the vessels that will be deploying and  
13 retrieving these traps, will they also have commercial permits,  
14 or is the requirement not to have a commercial permit associated  
15 with the vessel?  
16  
17 **MS. GERHART:** I believe most of the ones that are going to be  
18 using the lobster traps will have the commercial permits, and I  
19 am not sure with the black sea bass pots, because we don't use  
20 black sea bass pots in the Gulf. They're used in the South  
21 Atlantic, and I'm not entirely sure how that's going to work,  
22 and so there may have to be an exemption for that as well.  
23  
24 **CHAIRMAN MICKLE:** Is there any other discussion? Ms. Bosarge.  
25  
26 **MS. BOSARGE:** I was looking at your map, and it's a little hard  
27 to tell exactly where these things are at, but I was a little  
28 concerned. On the side, it says depth range sixty-five feet to  
29 500, and EFP Number 1 is 110 to 140 foot, and EFP Number 2 is  
30 sixty-five to 300 feet, and then Number 3 is 150 to 300 feet.  
31  
32 I am not a lionfish expert by any means, but they are associated  
33 with structure, right? Okay, and so I'm assuming these traps  
34 are going to be somewhat close to coral, but not in coral, and I  
35 am thinking about this from the perspective of the shrimp fleet.  
36 We don't want anything to do with coral, and so, if the traps  
37 are in the coral, we're not going to have an issue with it,  
38 because we're not going to be around them, but where are they  
39 going to put them down at? Are we going to have some  
40 interactions between the shrimp fleet and these traps? Are they  
41 going to only be in areas with coral, or are they going to be on  
42 open bottom at times, right outside the coral, or where are they  
43 going to be?  
44  
45 **MS. GERHART:** Well, I don't think the intention is to put them  
46 on the coral. That wouldn't be something that we would want  
47 them to do, because that would be impacts there. Obviously, if  
48 you're working down in the Keys, they are going to be nearby

1 coral, and it's near structure, and so it doesn't necessarily  
2 have to be coral, but there is structure.

3  
4 I imagine that there are possibilities, just like with any other  
5 traps that may be out there, that there could be interactions  
6 between fisheries, but we're looking at the numbers that we  
7 think are appropriate to have for testing, but not so many that  
8 it's a lot of traps that are out there.

9  
10 **MS. BOSARGE:** So we don't really have any distinct information  
11 on where the traps are going to be dropped?

12  
13 **MS. GERHART:** We do have coordinates in each of those  
14 applications of where the traps will be. I am not sure that I  
15 can answer it better than that.

16  
17 **MS. BOSARGE:** I will get with staff offline and see if maybe  
18 they can put some of that information in and overlay it with  
19 some shrimp trawl tracks and just make sure that we're not going  
20 to be real close to each other, because fishermen tend to get a  
21 little frustrated in those situations.

22  
23 **CHAIRMAN MICKLE:** Mr. Anson.

24  
25 **MR. ANSON:** I assume, if the EFPs are approved, and if there  
26 aren't any apparent mitigation issues or anything that would  
27 have to be taken, that this could become an allowable gear and  
28 an allowable fishery, and so it will be expanded, and I guess  
29 I'm -- For our part of the Gulf, the entity that supplied the  
30 EFP related to Photo Number 5, we were just concerned about  
31 those, because they are relatively light, and, during storms,  
32 they may not be retrieved, and so there is quite of few of them  
33 that are listed, at least in total.

34  
35 I know each individual site will be less than that, but I am  
36 just concerned about that, because they will have to be  
37 physically picked up before any storms and such, and just the  
38 logistics of that could be difficult.

39  
40 **CHAIRMAN MICKLE:** Dr. Crabtree.

41  
42 **DR. CRABTREE:** Well, I mean, where I see this going is, if we  
43 can identify types of traps that are effective at catching  
44 lionfish and have acceptable bycatch levels, and if we can  
45 figure out places where you can put them that don't have  
46 interactions with other types of fishing gears and problems, we  
47 would get to a point where we exempt those types of traps from  
48 the overall fish trap prohibition and allow these guys to go out

1 and commercially fish for lionfish.

2  
3 Then the question becomes how many of those traps do we want to  
4 have, and we don't know that yet, because that's going to depend  
5 on how many interactions are there and how much bycatch is  
6 there, and we clearly have a problem with lionfish, and if we  
7 can, to some extent, reduce the population and keep it smaller  
8 than it otherwise might be, I think that's a positive thing,  
9 and, if fishermen can do this and make money off it, that's a  
10 positive thing for the economy, and it's positive for food  
11 production, in terms of getting lionfish on the tables.

12  
13 The question is just can you do that and keep the undesirable  
14 parts of this, habitat damage and interactions with other  
15 fisheries and ropes going to the surface, all those kinds of  
16 things, bycatch, and can you do that in a way that the benefits  
17 outweigh the consequences of it, and I don't know the answer to  
18 that.

19  
20 We don't have enough budget in the government to go out and  
21 collect these things, and the only practical way that I see that  
22 we can do it is that we produce a market for them. We're pretty  
23 good at overfishing things, and what we need to do is overfish  
24 lionfish and depress the population.

25  
26 **CHAIRMAN MICKLE:** Ms. Levy.

27  
28 **MS. LEVY:** Thanks, and so I just wanted to make sure that  
29 everyone is clear. When we're talking about potentially, in the  
30 future, exempting them from the trap prohibition and setting up  
31 -- That would be the council's function, right, and so, right  
32 now, we're talking about NMFS approving EFPs to go out and test  
33 these things, but, ultimately, if there is a decision that there  
34 is going to be an exemption from the trap prohibition and  
35 there's going to be some sort of allowance for these things,  
36 then that's going to be a council decision, and so that's not  
37 something that is just going to happen automatically.

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

40  
41 **MS. BOSARGE:** Then my other question was the 400 traps from the  
42 Florida Keys Commercial Fishermen -- I was a little familiar  
43 with that, because it's been brought to our attention before,  
44 but why so many more traps for the other two, the 1,500 and the  
45 5,000? What was the -- Are they testing a lot more types of  
46 traps with those, and, therefore, we need --

47  
48 **CHAIRMAN MICKLE:** Susan.

1  
2 **MS. GERHART:** I think they have six different areas, first of  
3 all, and I believe that one is using just the two types of  
4 traps, or maybe just the Gittings type of trap, and so they just  
5 want to get a good sample size in those six different areas, to  
6 see how that works.

7  
8 **CHAIRMAN MICKLE:** Ms. Levy.

9  
10 **MS. LEVY:** Just so that might be what's being requested in the  
11 application, but I think NMFS is still in the process of doing  
12 their environmental assessment analysis and things like that,  
13 and so it could be that the request is for 5,000 traps, but that  
14 NMFS decides that a more appropriate level is X amount of traps.  
15 I think that's the maximum, and so there could be a level below  
16 which it's still testing and that NMFS would feel comfortable  
17 authorizing that might not be 5,000.

18  
19 **CHAIRMAN MICKLE:** Dr. Crabtree.

20  
21 **DR. CRABTREE:** While 5,000 may sound like a lot of traps, put it  
22 in the context of the lobster fishery, and I think they're  
23 fishing around 450,000 traps, and I suspect there are a couple  
24 million blue crab traps in the water, but I don't really know  
25 the number, and then you have a whole other set of stone crab  
26 pots, and so, if you put it in the context of how many traps are  
27 out there legally fishing in other fisheries, it's a pretty  
28 small number.

29  
30 **CHAIRMAN MICKLE:** Susan.

31  
32 **MS. GERHART:** One thing I wanted to point out is, in our  
33 environmental assessment, although we're looking at the numbers  
34 that these three applications are proposing, we will actually  
35 analyze the impacts of a larger number of traps, so that, if we  
36 do have additional applications in the future that are doing  
37 different types of testing, because we don't want to do the same  
38 type of testing over and over, but, if we get another  
39 application that looks at a different type of testing, we would  
40 have that covered through this environmental assessment as well.

41  
42 **CHAIRMAN MICKLE:** Ms. Bosarge.

43  
44 **MS. BOSARGE:** Don't get me wrong. I am not like adamantly  
45 opposed to this or anything. I think it's a great EFP to come  
46 before us, and it solves a multitude of problems at once, and it  
47 hopefully provides some benefit to the consumer, and so I am  
48 excited about that, but I just want to make sure that we ask all

1 the tough questions upfront and make sure that we resolve any  
2 conflict that may be there before they arise, and that's all.

3  
4 **CHAIRMAN MICKLE:** I think it's a great program, but I just want  
5 to make sure that the findings are scientifically viable to  
6 approach some of the questions and concerns that we've talked  
7 about today. With that, do we have the letter to -- Are you  
8 finished, Susan? Okay.

9  
10 We have the letter to bring up here, and it's Tab E, Number  
11 10(b). Any discussion on the letter presented? All right. I  
12 guess we will proceed to Tab E, Number 10(c), (d), and (e), the  
13 actual permits themselves. Susan, are we going to present these  
14 in tandem or separately?

15  
16 **LIONFISH EXEMPTED FISHING PERMITS**

17  
18 **MS. GERHART:** These were included in the briefing book for you  
19 all to review and present questions, but I wasn't going to go  
20 through them in any more detail.

21  
22 **CHAIRMAN MICKLE:** I was just checking. Thank you. Ms. Bosarge.

23  
24 **MS. BOSARGE:** I was just going to say that we do have Bill Kelly  
25 in the audience, and I didn't know if maybe, since he is one of  
26 the authors of the application, if he wanted to add anything to  
27 this discussion or if he any pertinent information that might be  
28 relevant, or are we doing well?

29  
30 **CHAIRMAN MICKLE:** Are there any questions for Mr. Kelly? It  
31 sounds like he has something to approach with. Mr. Kelly.

32  
33 **MR. BILL KELLY:** Madam Chair and council members, thank you so  
34 very much. I would like to clarify a couple of points here.  
35 Number one, we are not pursuing a commercial fishery in any  
36 shape or form here. Our goal is to eliminate lionfish.

37  
38 The concept of our program is proof of concept that we can come  
39 up with a device that will very efficiently harvest lionfish and  
40 diminish those numbers. We already, to some extent, know what  
41 device works best, but we want to see if we can improve on that.  
42 We can take a standard wire and wood lobster trap and annihilate  
43 lionfish. We're already in the process of doing that.

44  
45 I have over thirty fishermen in the Florida Keys that are  
46 lobster fishermen that are catching over 10,000 pounds of  
47 lionfish each year in an eight-month season. I have one  
48 fishermen, down south of Pulley Ridge, that has caught 8,000

1 pounds of lionfish in the four weeks that he's been fishing  
2 following Hurricane Irma.

3  
4 They were a third-of-a-pound apiece, on average, because they're  
5 spawning right now, and so we're talking 24,000 lionfish, and we  
6 already sell them. There is no limits on the catch, no size  
7 limits or no nothing, and we get \$5.50 to \$6.25 a pound, but  
8 what we have is we have problems.

9  
10 They are filling our lobster traps so fast, in certain areas,  
11 that we can't catch lobsters. I would much rather than have a  
12 \$10.25 a pound lobster in my trap, and a whole bunch of them,  
13 than a bunch of juvenile lionfish that I might be getting \$5.50  
14 a pound for, and so that's problematic.

15  
16 Like I said, we already know we can catch them, and we're doing  
17 a fantastic job of it. What we're trying to do is make room for  
18 the lobsters and help our marine environment for indigenous  
19 species, like maybe groupers and cobia, acquire a taste for  
20 them, because they've got the right mouth morphology.

21  
22 Again, our intent is proof of concept, and we would then take  
23 that to each of the coastal states who have invasive species  
24 mitigation programs and funding, and I have already been  
25 approached by several major department stores and so forth that  
26 have flown in their vice presidents to talk with us, offering  
27 very healthy donations to our project if we would give them  
28 exclusive rights to the sale of those lionfish, and that's  
29 something that we would do.

30  
31 Anything that we would catch under this testing program would be  
32 sold, and the fishermen would receive a per diem for their  
33 activities, generally speaking pulling these traps twice a  
34 month, and the proceeds and revenue generated from the sale of  
35 those fish would go back into each state's mitigation fund to  
36 cover the expenses and help pay for the program.

37  
38 It's pretty simplistic there, and it also provides for a very  
39 high-profile educational process and community awareness,  
40 through Johnson Communications, a guy named Pete Johnson, and he  
41 was IGFA Public Relations Counsel, one of the largest databases  
42 in the world of indoor and outdoor sports writers and so forth.

43  
44 We have worked it out with Mel Bell and Dr. Marcel Reichert at  
45 the South Carolina Department of Natural Resources to do  
46 necropsies and so forth, and our biggest hurdle has been  
47 acquiring a permit to test in our own backyard in the Florida  
48 Keys National Marine Sanctuary. There has been a change of

1 management down there, a sweeping change, and we now expect that  
2 we would receive approval from that.

3  
4 Both councils have already endorsed this program, and we think  
5 we can be very efficient at it, and that's our goals and  
6 objectives. A new wire mesh fish trap fishery in the Gulf of  
7 Mexico or in the South Atlantic, absolutely not. The use of 100  
8 traps per location, four design locations, and the other thing  
9 that -- Just a final comment here is we would incorporate, on a  
10 number of these traps, a device designed by Brent Rader at R3  
11 Digital Designs that does minute computer work for the federal  
12 government by contract, as an outside contractor.

13  
14 He can take a standard five-by-seven lobster funnel, plastic  
15 funnel, and he'll put an optical camera recognition device in  
16 that funnel that costs less than two-bucks to make. It's  
17 smaller than the one in your iPhone. He will make that funnel  
18 for under thirty-bucks, and it's battery operated.

19  
20 A lionfish swims up, and the optical camera device opens the  
21 door, and it lets the lionfish in. If a porgy swims up, it  
22 won't happen. If a grunt swims up, it won't happen, and so it  
23 virtually eliminates bycatch. Rader and R3 Digital Sciences has  
24 already received some NOAA funding to test that device, but they  
25 want to see the long-haul. They want to see deepwater exposure,  
26 and they want to see what rapid pulling and recovery from trap-  
27 hauling devices and so forth will do to that equipment, and  
28 that's part of our testing program.

29  
30 We have had extensive discussions regionally here with Dr.  
31 Crabtree and staff, and we have talked with Joann Delaney that  
32 handles permitting for the marine sanctuaries and so forth, and  
33 we have said, look, this is really dragging out here. We're in  
34 our fifth year of trying to do this.

35  
36 We had a million-dollars in sponsor in line to finance this  
37 project, but it's growing old, and so we've asked them if they  
38 couldn't please accelerate this process. We would like to see  
39 some sense of resolve between the National Marine Sanctuary and  
40 NOAA by the end of March, or we may reconsider things and pull  
41 our permit request. Thank you.

42  
43 **CHAIRMAN MICKLE:** Thank you, Mr. Kelly. Robin.

44  
45 **MR. RIECHERS:** This is really to NMFS. Mr. Glass, in his  
46 application, there is some difference between the numbers that  
47 he has on his cover sheet, and even then it's different than  
48 what he has in the back of his proposal as well, and so I'm

1 assuming, in your presentation, you all have consulted with him  
2 and pared that down to the 5,000 in question, or made sure  
3 that's the right number?

4  
5 **MS. GERHART:** Yes, that's correct. That number that was in  
6 there was much larger, and we have worked with him to define  
7 that and the locations as well.

8  
9 **CHAIRMAN MICKLE:** Any other discussion? Mr. Diaz.

10  
11 **MR. DIAZ:** I am going to try to throw a motion out there and  
12 just see where it goes. **Motion to recommend to National Marine**  
13 **Fisheries Service to move forward with the implementation of the**  
14 **three lionfish EFP requests and to add a one-year update report**  
15 **to the requirements for the EFPs.**

16  
17 **CHAIRMAN MICKLE:** Madam Chair.

18  
19 **MS. BOSARGE:** This is a question for Mara. Mara, we usually  
20 vote, and we have it on the schedule for Thursday to vote on  
21 exempted fishing permits, in general, and so do we want to make  
22 this motion now, because we're essentially voting on the  
23 exempted fishing permit with this motion, or is this supposed to  
24 happen on Thursday? Does it matter?

25  
26 **MS. LEVY:** Well, basically, it's a committee motion, and so I  
27 don't think it -- It's going to go to Full Council anyway, and  
28 so I don't really think it matters.

29  
30 **CHAIRMAN MICKLE:** All right. The motion on the board is to  
31 recommend that NMFS move forward with the implementation of the  
32 three lionfish EFPs and to add a one-year update report to the  
33 requirements of the EFPs. I know the EFP process is highly  
34 standardized, and does that report need standardization, or  
35 could it be just a full data query on kind of the permits that  
36 my little state issues is kind of what you've caught, and the  
37 summary statistics is -- Just an inquiry and what that annual  
38 report would be. Susan.

39  
40 **MS. GERHART:** We don't have a standard form for those reports,  
41 but we can work it out with the applicants what we would want  
42 them to have.

43  
44 **CHAIRMAN MICKLE:** Sure. Just checking.

45  
46 **MS. GERHART:** If you want to talk to us later about suggestions,  
47 that would be great.

48

1 **CHAIRMAN MICKLE:** All right. Terrific. Mr. Sanchez, are you  
2 seconding or wanting to contribute? Okay. A second by Mr.  
3 Sanchez. Mr. Diaz.

4  
5 **MR. DIAZ:** I just want to say that I totally agree with what Dr.  
6 Crabtree said earlier, and I do have a few things that I guess  
7 that I am concerned about, but I have faith that National Marine  
8 Fisheries Service is going to do the best they can when they put  
9 these EFPs together to try to work out whatever kinks they can,  
10 but some good points were made, and it gave me a little bit of  
11 pause.

12  
13 Leann made a good one, because it's hard for shrimpers to see  
14 small buoys at nighttime, particularly, and I do worry about  
15 habitat damage and those types of things, but I do think this  
16 problem is big enough that we need to be a little bold, and, all  
17 in all, I think us moving forward with these EFPs is the right  
18 thing to do for the other resources. Thank you.

19  
20 **CHAIRMAN MICKLE:** All right. Any further discussion? We have a  
21 motion, and we have a second. **Is there opposition? The motion**  
22 **passes.**

23  
24 With that conclusion, Susan, is that all that was presented in  
25 that? All right, and so, moving on to Item XI, Discussion on  
26 Dead Zone Regarding RESTORE Act Activities, Tab E, Number 10,  
27 and Mr. Glenn Constant.

28  
29 **DISCUSSION ON DEAD ZONE REGARDING RESTORE ACT ACTIVITIES**

30  
31 **MR. CONSTANT:** Thank you. Just for clarity, it's listed as  
32 RESTORE activities, and I think this was a follow-up to a  
33 discussion that we had about how we could help the council find  
34 influence in directing the sources of funding available through  
35 Deepwater Horizon to take care of the issues with the dead zone  
36 and hypoxia, and so it won't just be RESTORE, but I think it  
37 also includes the National Resource Damage Assessment, and it  
38 maybe more appropriately includes that pot of money.

39  
40 For the Fish and Wildlife Service and DOI, when we started  
41 thinking about how we would address hypoxia, in the context of  
42 deepwater funding, it made sense to us to go through an  
43 organization that had a direct connection to the -- That was  
44 very strongly connected to the needs at the national scale, and  
45 it's such a huge issue, dealing with the entire Mississippi  
46 River Basin and the Atchafalaya River Basin, that we decided the  
47 right way to do that was through the Gulf of Mexico Alliance.

1 If you're not familiar with GOMA, the acronym, they're a  
2 501(c)(3) nonprofit that was formed in 2004. The governors of  
3 the five Gulf states coordinated this alliance to deal with  
4 issues leading to a healthy Gulf, and so that fit right along  
5 with the mission and expectations for our Gulf restoration  
6 program.

7  
8 I think Laura Bowie, who is the Executive Director, wanted to be  
9 here today, and she could give you a much better accounting of  
10 what GOMA's role is and how closely they are connected to the  
11 national effort, but she wasn't able to be here, and she also  
12 asked me to pass on that she would be willing to come and speak  
13 to the council at the next meeting, or any other meeting.

14  
15 That national effort is an EPA-led group called the Gulf of  
16 Mexico Watershed Nutrient Reduction Task Force, and the task  
17 force has Gulf hypoxia action plans that they update, and I  
18 think the last one was in 2008, but it has updates recently, and  
19 so you can see the umbrella plan at that national large scale  
20 and their intent. Mostly, it's nutrient reduction.

21  
22 The way they implement and step down those national goals, it's  
23 through state nutrient reduction plans, and so all the states in  
24 the watershed have or are in the process of having and  
25 developing nutrient reduction plans.

26  
27 According to Laura and the folks at GOMA, when we asked what's  
28 the most important place right now that you think the council  
29 could lend support to influence real, meaningful assistance to  
30 reducing the dead zone and hypoxia in the Gulf, their  
31 recommendation was that these step-down plans, because of the  
32 local nature of the plans at the state level and the more local  
33 level and their pertinence to those kinds of tasks that are  
34 variable regionally -- When you look at what it is that is  
35 needed in the northern parts of those drainages, it's a lot  
36 different than in the southern parts of those drainages, and so  
37 there is a value in advancing those state level and local level  
38 plans to accommodate those national goals.

39  
40 Her recommendation was that, much like the barotrauma letter of  
41 support that was considered today, that we suggest the council  
42 consider writing letters of support to Ms. Laurie Rounds, who is  
43 the Open Ocean Trustee Chair, as well as to the Gulf Coast  
44 Ecosystem Restoration Council, and that would be Mr. Scott  
45 Pruitt, who is the Council Chair, or his designee, in support of  
46 the furthering development of the state action plans. That is  
47 our recommendation today. If that suits the council, we will  
48 take that back to Laura, and she can help us detail what that

1 looks like from therein.

2  
3 **CHAIRMAN MICKLE:** Thank you, Mr. Constant. Is there discussion?  
4 Ms. Bosarge.

5  
6 **MS. BOSARGE:** I just wanted to thank Mr. Constant for all his  
7 efforts. As you know, I brought my newspaper article to the  
8 last council meeting about the dead zone and how this year's  
9 dead zone was the largest on record thus far, and I know how you  
10 all love my pet projects, but anyway.

11  
12 He followed up, and I said, look, this has got to be a once-in-  
13 a-lifetime opportunity that we actually have enough money,  
14 coming through BP and that horrible event that happened, that  
15 maybe we could actually address the dead zone in some meaningful  
16 way and have it mitigated or reduced somehow.

17  
18 Glenn was very kind, and he followed up immediately, and he  
19 helped to try and get us the information that we would need to  
20 write letters to the right people and say the right things in  
21 the letter, ask for very specific things of this is what we  
22 would like to see you do, and I think one of the comments he  
23 made is that, if you write the letter to the correct person and  
24 then say, hey, in your next round of proposals, where you  
25 actually go out and you're asking stakeholders to submit  
26 proposals for some project, tell them that you want that to be a  
27 priority. You want those types of proposals to be submitted.

28  
29 In other words, proposals that would somehow reduce or mitigate  
30 the dead zone, and that's a great, specific ask to tell these  
31 people, so that you actually garner proposals that will address  
32 what you want to address, and he helped us understand all of the  
33 spaghetti that is this BP funding, and we won't even get into  
34 that graph.

35  
36 I am hoping that the council will be okay maybe writing some of  
37 these letters, and we can't make anything happen, but we can  
38 essentially say, hey, we are the Gulf Council, and we manage the  
39 resources in federal waters of the Gulf of Mexico, and this is  
40 important to us, and we hope it will be important to you and  
41 please continue to focus on this.

42  
43 The tough part is that a lot of this, obviously, comes from  
44 upstream. It's runoff, nutrient runoff, further up the  
45 Mississippi River, and then it comes out down here in our  
46 backyard, and so there has to be a coordination outside of just  
47 our Gulf region. There has to be that coordination, and those  
48 plans are in place further upstream. The plans have been

1 written to mitigate that nutrient runoff, but the problem is  
2 they don't have the money to fund them, and so it is affecting  
3 us.

4  
5 Anyway, I hope that -- I am not going to put a motion on the  
6 board, because it's my policy to try not to make motions, as  
7 Chairman, but I would like some feedback from the council. Are  
8 you amenable to writing those types of letters and voicing our  
9 support for mitigation of the dead zone?

10  
11 **CHAIRMAN MICKLE:** Dr. Stunz.

12  
13 **DR. STUNZ:** I am certainly supportive of that, but one thing,  
14 Leann, that I wanted to bring up to the group related to this,  
15 and it goes along with sort of our ecosystem and this FEP  
16 discussion that we had earlier with Morgan, but a group of  
17 scientists from NOAA, from NMFS, and then NOS, at Stennis, was  
18 putting together -- It was called this Fisheries Monitoring  
19 Workgroup and Workshop, and it was specifically to understand  
20 hypoxia better.

21  
22 They contacted me about -- They were looking for academic  
23 scientists, I guess, that were somehow linked to the council,  
24 and I had a schedule conflict, and I referred Tom, and I think  
25 he had the same, and so I don't think either of us attended, but  
26 they're having another one, and, Doug, I can let you and your  
27 staff more when I know details of what it was about, but it's  
28 exactly what you're saying, to somehow bring more awareness to  
29 the dead zone, and they sort of put out a survey, and they were  
30 wondering if we, around this table, really look at the dead zone  
31 directly and how it affects fisheries and some questions like  
32 that.

33  
34 I don't really know how it links up with Clay's group or Roy or  
35 anything like that, and so I wish -- Maybe I will try to get  
36 some more details between now and Full Council, but there is  
37 some other sort of side activities going on that sort of  
38 dovetail together to what you're talking about here.

39  
40 **MS. BOSARGE:** Anything that comes up like that, if you would  
41 inform Doug or myself or staff, but we would love to know about  
42 those sorts of things, and I did a little bit of research on it,  
43 and I can see where a lot of the funds that have been thrown at  
44 the dead zone thus far are to study it and research it, and  
45 that's great, and I understand that. You need to know what  
46 you're up against before you try and solve the problem, but I do  
47 hope that we can direct some funds at actually reducing nutrient  
48 runoff, which we know that's part of the dead zone problem.

1  
2 Yes, we can research some, but I actually want to stop the stuff  
3 from going in the river, and so I hope that we can get to that  
4 point where the funds will actually be directed at that, because  
5 that seems like the end game, and so, the letter. Are we okay  
6 with letters or not?

7  
8 **CHAIRMAN MICKLE:** To open it up and to focus the conversation,  
9 is there opposition to council staff drafting a letter for our  
10 support in funding dead zone reduction proposals? Mr. Matens.

11  
12 **MR. MATENS:** Thank you, Dr. Mickle. There are very few people  
13 here that don't know what a sticky-wicket this is. I am looking  
14 at my friend, Dave Donaldson. This is the farming states of the  
15 Midwest and their farming practices, and none of us on the Gulf  
16 States put any, to speak of, put any amount of fertilized  
17 nutrients into this water.

18  
19 Louisiana has been working on this for a long time, and I am all  
20 for a letter from an organization like this that is broader than  
21 just poor old Louisiana here, or poor old Texas. We take the  
22 hit. We have the dead zone, and so I'm all for it, and I  
23 certainly think it's a great idea, and, from my personal  
24 perspective, the more definitive the letter is, the better.

25  
26 Not just what are you guys going to do, but, if we can come up  
27 with some ideas, and Glenn might be a help there, of things that  
28 we think should be done, whether we control them or not, let's  
29 go out there and do that. I don't know how many of you guys  
30 have dove in the dead zone, but there are no fish. It's just  
31 that simple, and so thank you very much.

32  
33 **CHAIRMAN MICKLE:** Thank you, Mr. Matens. It's certainly an  
34 issue in Mississippi, and I hear it from the commercial and  
35 recreational sector, that the dead zone impacts the fisheries on  
36 many different levels, but I want to emphasize the importance of  
37 understanding the scientific side of the dead zone.

38  
39 We have had some wetter years than last year. In 2011, the  
40 great flood of 2011, when the Mississippi River was flooded all  
41 the way up to St. Louis, the dead zone wasn't as big back then,  
42 and so I don't know what literature is out there to  
43 understanding it, and so let's keep it in parallel with  
44 understand the dead zone as well as throwing money at the  
45 reduction of nutrient loads.

46  
47 Are there any other discussions or opposition for requesting to  
48 staff to draft this letter of support? All right. We will move

1 on. Any other overall discussion on the dead zone or questions  
2 for Mr. Constant? All right.

3  
4 To move us along, that brings us to our last agenda item, which  
5 is Other Business, and we do have one item on Other Business  
6 addressing the National SSC Discussion. Mr. Atran brought that  
7 up this morning, and, circling back, Mr. Atran.

8  
9 **OTHER BUSINESS**  
10 **NATIONAL SSC SUMMARY**

11  
12 **MR. ATRAN:** Thank you, Mr. Chairman. Two weeks ago, we held a -  
13 - Not us, but there was a National SSC Workshop that was held in  
14 San Francisco. That is actually the old name. This is the  
15 sixth one of these that's been held, and that's what it used to  
16 be called. Somewhere along the way, they changed the name to  
17 the National Meeting of the Scientific Coordination Subcommittee  
18 of the Council Coordinating Committee. National SSC Meeting is  
19 a little bit shorter than that.

20  
21 I attended it, as did three of our SSC members. A fourth member  
22 who was scheduled to attend had to cancel out, because he had  
23 the flu, but we had very good representation. Joe Powers, David  
24 Griffith, and Bob Gill were the SSC members who attended.

25  
26 The overriding theme of this meeting was discussing management  
27 strategy evaluation, or MSE, as a method to come up with  
28 management approaches, and I am somewhat of a neophyte on MSE,  
29 and it's not quite what I thought it was, and it's not quite  
30 apparently what anybody thinks it is.

31  
32 Even though there was a definition put up on the screen early in  
33 the presentation, over all three days, the question kept  
34 recurring of what do we mean by MSE, but, basically, it's a way  
35 of evaluating multiple scenarios, management scenarios, to  
36 examine the tradeoffs, the pluses and minuses, and it's also a  
37 way to deal with uncertainty by using all of these simulations  
38 and looking at a reasonable scope of possible variations in  
39 those scenarios.

40  
41 You don't want to get into too many uncertainties and too wide  
42 of a scope, or it can become unmanageable. One of the councils  
43 indicated that they had one MSE approach where they ended up  
44 with around 200 scenarios, which is probably too many.

45  
46 Basically, it's a reiterative process, somewhat similar to  
47 adaptive management, for those of you who are familiar with  
48 that. It involves specifying management objectives and coming

1 up with some quantifiable measures for how successful you are in  
2 meeting those objectives, identifying management options,  
3 evaluating the performance of each option across a range of  
4 objectives, and accounting for uncertainty, and that's where the  
5 model simulations come in.

6  
7 Then it's communicating the results to decision makers and  
8 stakeholders, and, based on communicating those results, that  
9 may call for a reevaluation of the objectives and then repeat  
10 the cycle until a solution comes up that everybody can live  
11 with. It's not intended to come up with the optimal solution,  
12 but rather something where everyone agrees that the tradeoffs  
13 are reasonable.

14  
15 One of the large emphasis is the involvement of stakeholders.  
16 There was a strong emphasis that they should be much of what is  
17 the driving force behind this. A lot of what at least what I  
18 thought of as management strategy evaluation, and I think what a  
19 lot of other people thought, which is just to do the  
20 simulations, look at the results, make adjustments and do more  
21 simulations and so forth, that's kind of leaving the  
22 stakeholders out of it, and, as envisioned at this workshop,  
23 that's not a full MSE.

24  
25 They said you can call this an MSE Lite or a Desktop MSE, but  
26 it's not the full project. The full project should have heavy  
27 evaluation from stakeholders, and this involves not just the  
28 people who show up at meetings like this, but also what they  
29 refer to as the invisible stakeholder, the fishermen and the  
30 others who have an interest in the resource, but they never come  
31 to these meetings.

32  
33 It was suggested that this is a major role that the social  
34 scientists can play in identifying who these people are and  
35 coming up with ways to reach out to them to get them involved in  
36 the process, and so, when you look at what I just mentioned, as  
37 far as the points that make up an MSE evaluation, I think we're  
38 pretty much doing all of that, but we're not doing it in a  
39 coordinated manner that the MSE approach follows, and so NMFS is  
40 in the process of hiring an MSE specialist for each of the  
41 Science Centers.

42  
43 In the future, they are going to be promoting this approach more  
44 and more as a basis for management. Now, even though they're  
45 hiring them at the Science Center, MSE, by itself, is not  
46 strictly a scientific process. It combines the scientific  
47 evaluation with the stakeholder process, to try to come up with  
48 management solutions, and I think that's where it differs from

1 what we're currently doing, where we have the scientific  
2 process, but then our stakeholder involvement is more or less  
3 limited to just holding public hearings, usually toward the end  
4 of the process, to ask people to pick from which alternatives we  
5 present to where they want.

6  
7 The MSE process would get stakeholders involved at every step  
8 along the way, and so, in the interest of time, that's all I'm  
9 really going to say about this. There was a lot presented, and  
10 much of it ended up being over my head.

11  
12 There was some interesting examples of where MSE is being used,  
13 and we're planning to use it in the coral reefs for identifying  
14 potential habitat areas of particular concern, and we've also  
15 used what would probably be called the MSE Lite on some other  
16 things, like evaluating red tide issues with red grouper and a  
17 few other things like that, but I believe that, as we go along,  
18 we are going to get more involved in the MSE process.

19  
20 There will be a more comprehensive report, and it will be  
21 produced by the Pacific Fishery Management Council, who were the  
22 hosts for this meeting, and that should come out sometime later  
23 this year, and so, basically, that was my overview of what I  
24 came away with from the meeting without getting into a lot of  
25 details. Thank you, Mr. Chairman.

26  
27 **CHAIRMAN MICKLE:** Is there discussion? All right. Is there any  
28 other business to come before this committee? With that, I will  
29 conclude the Sustainable Fisheries Committee.

30  
31 (Whereupon, the meeting adjourned on January 29, 2018.)

32  
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