

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

SUSTAINABLE FISHERIES COMMITTEE

Perdido Beach Resort Orange Beach, Alabama

January 28, 2019

**VOTING MEMBERS**

- Dale Diaz.....Mississippi
- Kevin Anson (designee for Scott Bannon).....Alabama
- Leann Bosarge.....Mississippi
- Doug Boyd.....Texas
- Roy Crabtree.....NMFS
- Dave Donaldson.....GSMFC
- Martha Guyas (designee for Jessica McCawley).....Florida
- Chris Schieble (designee for Patrick Banks).....Louisiana
- Greg Stunz.....Texas
- Ed Swindell.....Louisiana

**NON-VOTING MEMBERS**

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- Jonathan Dugas.....Louisiana
- Phil Dyskow.....Florida
- Tom Frazer.....Florida
- Paul Mickle (designee for Joe Spraggins).....Mississippi
- Robin Riechers.....Texas
- John Sanchez.....Florida
- Bob Shipp.....Alabama

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- Matt Freeman.....Economist
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- Morgan Kilgour.....Fishery Biologist
- Mara Levy.....NOAA General Counsel
- Emily Muehlstein.....Public Information Officer
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TABLE OF CONTENTS

1  
2  
3 Table of Contents.....3  
4  
5 Table of Motions.....4  
6  
7 Adoption of Agenda and Approval of Minutes.....5  
8  
9 Action Guide and Next Steps.....5  
10  
11 Presentation: Saltonstall-Kennedy (S-K) Research Program:  
12 Background, Process, and Transparency.....5  
13  
14 Draft: Replacement of Historical Captain Permits with Standard  
15 Federal For-Hire Permits.....14  
16  
17 Discussion and Selection of Allocation Review Triggers.....18  
18  
19 Public Hearing Draft Generic Amendment - Carryover of  
20 Unharvested Quota.....35  
21  
22 Adjournment.....52  
23

- - -

TABLE OF MOTIONS

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17

PAGE 43: Motion in Action 3 to make Alternative 2 the preferred alternative. The motion carried on page 43.

PAGE 44: Motion in Action 3 to make Alternatives 3 and 4 the preferred alternatives. The motion carried on page 44.

PAGE 45: Motion in Action 1 to make Options 2b and 2c in Alternative 2 the preferred options. The motion carried on page 46.

PAGE 46: Motion in Action 2 to make Option 2b in Alternative 2 the preferred option. The motion carried on page 47.

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1 The Sustainable Fisheries Committee of the Gulf of Mexico  
2 Fishery Management Council convened at the Perdido Beach Resort,  
3 Orange Beach, Alabama, Monday morning, January 28, 2019, and was  
4 called to order by Chairman Dale Diaz.

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

10 **CHAIRMAN DALE DIAZ:** I would like to call the Sustainable  
11 Fisheries Committee to order. The members of the committee are  
12 myself, Mr. Swindell, Mr. Banks, Mr. Anson, Ms. Bosarge, Mr.  
13 Boyd, Dr. Crabtree, Mr. Donaldson, Ms. Guyas, and Dr. Stunz.

14  
15 First off on the agenda is the Adoption of the Agenda. Are  
16 there any changes to the agenda? Seeing none, the agenda is  
17 adopted. Next up is Approval of the Minutes. Any changes,  
18 edits, or comments on the minutes? Any opposition to adopting  
19 the minutes? Seeing none, the minutes are adopted.

20  
21 For Action Guide and Next Steps, we're going to do like we did  
22 at the last meeting. Right before each agenda item, we are  
23 going to take up the action guide and the next steps for that  
24 agenda item, so it's fresh on our minds. The first item on the  
25 agenda that we're going to take up today is a presentation on  
26 the Saltonstall-Kennedy Research Program from Mr. Fraga, Jorge  
27 Fraga.

28  
29 **PRESENTATION: SALTONSTALL-KENNEY (S-K) RESEARCH PROGRAM:**  
30 **BACKGROUND, PROCESS, AND TRANSPARENCY**  
31

32 **MR. JORGE FRAGA:** Hello, and thank you for having me. My name  
33 is Jorge Fraga, and I'm with JRD & Associates, and we're a  
34 contractor that was hired by NOAA Fisheries in Silver Spring.  
35 Usually Dan Namur or Cliff Cosgrove, the head of the S-K Grants  
36 Program, the Saltonstall-Kennedy Grants Program, would be doing  
37 these presentations, but I am filling in for them, and so I will  
38 do kind of an abridged version, and this is kind of a lead-in to  
39 the feedback session that's going to be held tomorrow after the  
40 council meeting tomorrow, around 5:30.

41  
42 To kind of give you a background on the S-K Grants Program, the  
43 S-K Grants Program began in 1954. The funding that is provided  
44 for the program is derived from a transfer from the Department  
45 of Agriculture to NOAA from duties on imported fisheries  
46 products. 30 percent of those duties are made available to NOAA  
47 and placed in the promote and develop account.

1 Since 1979, Congress has used a portion of those promote and  
2 develop funds to offset funding for other NOAA programs in the  
3 annual appropriation. Funds left in that, after the offset,  
4 remain available for the S-K Grants Program. In that Grants  
5 Program, they run a competitive grant competition that you may  
6 all be aware of, and I will describe it a little more in detail,  
7 and there is a national S-K Grant Program.

8  
9 No less than 60 percent of that fund has to be used for external  
10 financial assistance awards. Usually about 95 percent external  
11 is used, and those funds are supposed to be used for the U.S.  
12 fishing industry for research and development projects.

13  
14 The program's objective is basically to address the needs of the  
15 fishing communities. It's basically to optimize the economic  
16 benefits in the context of rebuilding and maintaining  
17 sustainable fisheries and practices and in dealing with the  
18 impacts of conservation and management measures. All the  
19 projects have to demonstrate an impact to the fishing industry.

20  
21 The program seeks applications, like I mentioned, that  
22 demonstrate those direct impacts. The priorities that those  
23 applications are submitted to are set yearly by NOAA Fisheries,  
24 and you will see that they get feedback from different  
25 constituents. All proposals are peer reviewed. They go through  
26 a pre-proposal review, a technical review, and then a panel  
27 review, and I will talk about that in a little more detail in a  
28 second.

29  
30 Between 2010 and 2018, over \$13 million in funding was awarded  
31 to fifty-one projects in the Southeast Region. Many of those  
32 projects were in states under the Gulf of Mexico Fishery  
33 Management Council. Those projects funded seek benefits to both  
34 commercial and recreational fisheries.

35  
36 In regard to those priorities that the projects are submitted  
37 under, those priorities get feedback from the regional councils,  
38 NMFS leadership, the NMFS Regional Office, the Science Centers,  
39 and the fisheries commissions, and they get updated accordingly,  
40 those priorities, usually in a very general sense, to make sure,  
41 but specific enough so they can submit something that is worth  
42 the research and development.

43  
44 To kind of discuss the process, the process is -- In the middle,  
45 it's to do a two-page pre-proposal review, and this pre-proposal  
46 review is basically done to kind of to tell the person -- It's  
47 to encourage or not encourage, but usually it's to encourage,  
48 whether that project will actually kind of -- It's we encourage

1 you to apply and do the twenty-page proposal.

2  
3 What we wanted to do is have them not spend all that time and  
4 burden in creating a twenty-page proposal, and that takes a lot  
5 of work, and it really never had a chance to get awarded, and so  
6 they do a pre-proposal review, and they've got three reviewers,  
7 and usually it's internal and external to NMFS, and then they do  
8 a technical review that they can submit, and it's about twenty  
9 pages.

10  
11 The technical review, the scores are ranked, and they get  
12 feedback throughout the entire process, through those  
13 constituents shown on the left, and then, after those get  
14 ranked, they go into panel review. The panel review is three  
15 per each region, and they are usually folks that are external to  
16 NOAA Fisheries, and they are not academia, and then, finally,  
17 they do a grant.

18  
19 To kind of give you the numbers of what was seen in FY18, there  
20 was 517 pre-proposals, 155 full proposals, over 2,500 reviews  
21 were done on these, and thirty-eight funded projects were done,  
22 and so about \$9 million was awarded. The process takes about  
23 425 days, and so, basically, by the time they're selected,  
24 they're already starting the new process, and so a lot of time  
25 and effort is spent.

26  
27 Now, when the priorities are set and the S-K programs are  
28 selecting it, we consider the whole fisheries supply chain each  
29 year, and then we identify those fishery community needs to do a  
30 constant evaluation of are we selecting the right projects, are  
31 they doing the research and development that will address  
32 certain parts of the supply chain.

33  
34 In the past, there has been mostly -- In the S-K Fisheries Act,  
35 the main intent was to promote, develop, and market in the  
36 fisheries supply chain, and so there has been a push to set the  
37 priorities towards the latter half of that supply chain, which  
38 is the process fish and the sell fish, mostly the sell fish.  
39 Not many projects in the past have been -- Most of the projects  
40 being selected are either to grow fish or catch fish. In the  
41 last couple of years, there's been a little more of a trend to  
42 get more of those in the sell fish area.

43  
44 Some of those, to kind of go down in that promote, development  
45 and marketing, with those program changes in 2019, they went  
46 from four priorities to three. The first priority is one that's  
47 been there for many years, which is promote, development, and  
48 marketing. Priority 2 is marine aquaculture, and the last one

1 is a new one, which is -- I am not going to read it, but it's  
2 support of science that leads to promote, development, and  
3 marketing. Those applications have to submit a proposal that  
4 shows that that project, that technology, that science, will  
5 lead to promote, development, and marketing the fishing  
6 industry.

7  
8 I guess you're asking, well, who is this JRD guy, this  
9 consultant, and we were hired about a year ago to take a look at  
10 the process. It was taking 425 days, a long time, a lot of  
11 reviewers, and so, for the first year, we were looking at  
12 assessing -- That's Number 2, assessing the current process and  
13 taking a look at where could efficiencies be gained.

14  
15 They spend so much time to focus on making sure that the program  
16 has the integrity needed, but a long time is spent, and we also  
17 looked at the first one, which is, okay, you're awarding these  
18 projects, but what is the results? Is it actually impacting the  
19 fishing industry?

20  
21 There is a lot of requirements for the grant applicants to show  
22 their results dissemination, but nobody knows where they can  
23 find those results, and, based on our analysis, we found out  
24 that they are sharing the information, but not many people in  
25 the fishing industry know where, and, hence -- I kind of went  
26 through it.

27  
28 We basically scanned the people through all the regions, and we  
29 provided some reports, and I'm kind of giving you a graph that  
30 is -- There you can see, on the project selection, it's very  
31 high. That's where they spent most of the time. When they get  
32 the projects awarded, they monitor the projects, and they  
33 basically make sure that they deliver on what they said they  
34 were going to deliver, and so there is some -- So much time is  
35 spent on making sure that they are selecting the projects that  
36 the results -- There is no focus on how that's getting  
37 communicated, or, if there's a good finding, how can it get used  
38 by more folks and more stakeholders in the fishing industry.

39  
40 The next graph is kind of just showing what we would prefer it  
41 to look like, and, hence, the reason -- Basically, the last  
42 slide basically is the purpose of tomorrow's feedback session.  
43 It's to get feedback. It's basically a focus group, and we  
44 invite anyone that is in the fishing industry to give us  
45 feedback on the results and what is the best way to communicate.  
46 Is it through a conference? What type of projects do you want  
47 to see?

48

1 What we're seeing, and we're doing these feedback sessions at  
2 almost all the council meetings, and we're still scheduling  
3 some, and we kind of got a little delayed because of the past  
4 couple of weeks, but, basically, it's trying to get feedback on,  
5 well, what's the best way to communicate to the fishermen,  
6 what's the best way to communicate to academia? You found these  
7 results, and how do you share it? What type of projects are you  
8 interested in?

9  
10 The feedback, obviously, is going to come back, and Dan, who is  
11 leading the NOAA Fisheries grants, will use that and see what he  
12 can leverage for other grants as well, and so, with that said,  
13 and I skipped kind of the last slide, but that was pretty much  
14 it. Are there any questions?

15  
16 **CHAIRMAN DIAZ:** Thank you, Mr. Fraga. That was a good  
17 presentation. Any questions for Mr. Fraga? Ms. Bosarge.

18  
19 **MS. LEANN BOSARGE:** Not a question so much as just kind of a  
20 comment for the group and for all those powers-that-be that make  
21 those decisions. You said that a lot of this money comes from  
22 tariffs on imports of seafood, correct?

23  
24 **MR. FRAGA:** Yes.

25  
26 **MS. BOSARGE:** I haven't looked at those numbers since about  
27 2015, but I think, in 2015, shrimp made up about a third of  
28 those imports, and the bulk of the shrimp in this country that  
29 are domestically caught come from the Gulf of Mexico and the  
30 South Atlantic, by and large, and so, hopefully, that will just  
31 be kept in mind, that, if about a third of those tariffs are --  
32 Essentially, the shrimp industry, that's on our back, right?

33  
34 Globalization was not our friend, and our prices are where they  
35 were decades ago, and so it's made it very difficult for the  
36 shrimp industry, and so just keep that in mind when you pick  
37 your projects, and maybe we can try and funnel those funds to  
38 where the men and women that are in that industry are hurt the  
39 most.

40  
41 **MR. FRAGA:** I will take those comments and questions to Dan  
42 tomorrow, and, tomorrow, we will have someone from the Southeast  
43 Regional Office with me, and so he will be able to answer those  
44 S-K questions and kind of take that feedback back to  
45 headquarters, and I will be writing those down as well.

46  
47 **CHAIRMAN DIAZ:** Dr. Mickle.

48

1 **DR. PAUL MICKLE:** Thank you. I heard you say a fisherman  
2 engaging in all these different things, but I studied the S-K,  
3 as I'm always chasing money, as a lot of state directors are,  
4 and there is a lot more to that, and I'm assuming that you're  
5 trying to reach out to all these groups, the dealers and the  
6 processors and the fishermen and all the aquaculturists, and I  
7 know that you are, but it's so intricate to have everybody at  
8 the table, and there is so many cutting-edge things, as far as  
9 what's going on right now in the Gulf of Mexico with these  
10 restoration funds.

11  
12 People are learning how to do all sorts of different things. We  
13 have a new shrimp processing in Mississippi, and it's a whole  
14 new thing, and even folks in Mississippi don't quite understand  
15 it. We're trying to push these new technologies, and I see the  
16 S-K as this kind of bridge to allow that to happen, as far as  
17 research and getting input for research monies to go down those  
18 roads, because it's hard for, as you know, private industry to  
19 invest in such unknown things, and S-K is that bridge, in my  
20 opinion. Thank you.

21  
22 **CHAIRMAN DIAZ:** I have a couple of questions for you, Mr. Fraga.  
23 You said thirty-eight projects were funded in 2017, and how many  
24 of those --

25  
26 **MR. FRAGA:** 2018.

27  
28 **CHAIRMAN DIAZ:** 2018. How many were in the Gulf of Mexico out  
29 of that thirty-eight?

30  
31 **MR. FRAGA:** I could get you those numbers. I don't run the  
32 program, and I'm just doing the feedback, but I could get you  
33 those numbers before I leave. I know it received the second-  
34 most awards, after GARFO.

35  
36 **CHAIRMAN DIAZ:** You can let me know on a break. Would it be  
37 possible to build into the S-K grant proposal process that the  
38 people that are seeking the funds have, in their proposal, a  
39 method on how they could disseminate some of this information?

40  
41 **MR. FRAGA:** That is already a requirement. They do have a data-  
42 sharing plan as well. The thing is they do it, and they check-  
43 mark it, and how to -- There is a disconnect somewhere, and  
44 that's what we're trying to find out. Yes, they might be  
45 communicating those results, and sometimes they communicate it  
46 to a focus group, and it's only three people go to that focus  
47 group, and it doesn't go anywhere after that.

48

1 It's kind of, well, what's the next step, or what's the best  
2 method? Is it a journal, or is it publications? Sometimes, for  
3 fishermen, we've heard a lot, and actually which we had never  
4 considered before, YouTube videos, just small, little snippets  
5 of what they found, but then we heard, on the other side,  
6 depending on the constituents, that's not the way to go.

7  
8 One of the options is maybe to do one annual conference for S-K.  
9 Well, as we're getting feedback, they're saying, well, that's  
10 another conference to add to all of our other conferences, and  
11 that's a lot of money, and so those are the type of feedback,  
12 but, yes, that's what we're trying to find out, but, yes, all  
13 the applicants have to -- That's actually one of the big  
14 requirements and one of the criteria to get evaluated on.

15  
16 **CHAIRMAN DIAZ:** Are there other questions? Mr. Anson.

17  
18 **MR. KEVIN ANSON:** I am not familiar with the S-K program and the  
19 application process and proposal review and everything, but is  
20 there not already something in there, as far as the final report  
21 is concerned, that the investigators have to provide that maybe  
22 it could be organized or condensed in such a way that you maybe  
23 identify a species, identify whether it's marketing and that  
24 type of thing, and so it's like a one-pager, and then it  
25 provides like some of the results of what they found for their  
26 particular project, and so that can be something that could be  
27 input or accessed via the web, and, if someone wanted to search  
28 on a specific region or species or a particular process, then  
29 they can find that, and they would bring up all of those  
30 projects that hit that, and they could read the title or  
31 whatever.

32  
33 **MR. FRAGA:** I smiled, Kevin, because that's actually something  
34 we're actually looking deeper into, because that feedback we  
35 received as well. Actually, I'm glad, because, all the points  
36 you hit, we're looking at, and we're actually kind of organizing  
37 it and giving that recommendation to the folks. Thank you.

38  
39 **CHAIRMAN DIAZ:** Dr. Stunz.

40  
41 **DR. GREG STUNZ:** Well, thank you, Chairman, and, Kevin, I think  
42 you're hitting on some bigger points. It's beyond maybe even  
43 the S-K program, and, coming from academia, as someone that  
44 competes for these and does the work and writes the reports and  
45 publishes in academic journals, which probably no one really  
46 reads.

47  
48 I don't even know how many people read the reports, but I just

1 want to make a point here that this issue is a lot bigger, and  
2 the fact that we're talking about it, I'm glad, but we don't do  
3 a good job, as scientists, of conveying that information back to  
4 groups like the Gulf Council of why it's relevant.

5  
6 I mean, it kind of happens, but I would make a suggestion that  
7 groups like yours, and maybe, Roy, if you're talking about the  
8 Cooperative Research Program or MARFIN or whatever, that you  
9 strengthen those applications that are coming out of that  
10 research.

11  
12 In other words, we get criticized all the time of, well, you  
13 just did a study, and it's sitting on a shelf, and no one even  
14 knows about it, and that's true, to a large extent, I think, and  
15 I think it works on both sides, where the groups doing the work,  
16 but also the agencies funding, there is sort of this disconnect.

17  
18 Now, I don't have a great solution, but I think just getting it  
19 out and talking about it more, and maybe, perhaps, as a council,  
20 we could request studies that come from this program that are  
21 relevant to the Gulf, to have a short presentation or something,  
22 and that's just a start, but we've got to move a long way in  
23 academics to really make sure the work we're doing is getting  
24 out there, and we just haven't done a good job of that.

25  
26 **CHAIRMAN DIAZ:** Are there other questions for Mr. Fraga?

27  
28 **DR. TOM FRAZER:** Thank you for the presentation. I enjoyed it.  
29 I have a couple of follow-ups, one on Greg's and one on Leann's  
30 points. Leann made the point that a large number of tariffs, or  
31 dollars, are generated by the shrimp fishery in the Gulf of  
32 Mexico, but it gets to this idea of, when you're actually  
33 reviewing these proposals at the end of the day, and you've got  
34 a program director, or a program manager, and you've got a  
35 panel, how much discretion is on the program director to  
36 actually make those funding decisions, and is there an objective  
37 kind of decision tree, I guess? If 30 percent of the dollars  
38 are coming from the Gulf of Mexico fisheries --

39  
40 **MR. FRAGA:** They don't make those decisions on -- They make the  
41 decision based on the evaluations of the reviewers, and so the  
42 pre-proposal review is to get the encouragement, and the  
43 technical review is to make sure that, kind of at the high  
44 level, they're technically-sound projects, that the project is  
45 impacting the fishing industry, there's a benefit and it's  
46 technically sound and feasible, and then the next phase is the  
47 panel review.

48

1 They look at if it's technically sound, but not so much. It's  
2 more on what's the impact to the community and industry, and you  
3 will see it's a similar table to this. It's three from each  
4 region, and there are usually business folks from the fishing  
5 industry and marketing organizations, and they make that  
6 evaluation. What it does is it ranks it based on those scores,  
7 and you will see, in that panel review, those top scores  
8 sometimes go a little lower, or actually get flipped completely,  
9 and usually what we're seeing is a 50 percent change in that  
10 ranking order in the last couple of years.

11  
12 **DR. FRAZER:** That's exactly my question, right, and so there's a  
13 fair amount of discretion by the program manager to make those  
14 funding decisions. The panel, essentially, is an advisory  
15 panel.

16  
17 **MR. FRAGA:** He doesn't veer from the scores, kind of. He won't  
18 change one to move it up if that score doesn't -- On those  
19 decisions, I'm not there, and I can't fully answer that, and I  
20 can take it back to him, but he does not have discretion to pull  
21 a number ranked eighty and put it up to fund just because he  
22 thinks that's a better project, if that's what the question is.

23  
24 **DR. FRAZER:** Yes, that's a little bit of the question. Again,  
25 it gets to this -- I mean, when I looked at some of the figures  
26 that you had, there is a lot of upfront costs, and there is  
27 hundreds of proposals submitted, and there is a lot of time that  
28 goes into those, and there is even more time in technical  
29 reviews and panel reviews, and, ultimately, your problem here is  
30 that you don't have much time and effort disseminating that  
31 information, but, from my perspective, an academic's  
32 perspective, if you're going to submit a proposal, you want to  
33 know what the likelihood is that you might actually get some  
34 support.

35  
36 For example, if 30 percent of your funds were generated from  
37 revenues based in the Gulf of Mexico, and 30 percent of your  
38 projects were going to be funded in the Gulf of Mexico, I might  
39 feel better about doing that, but, if 90 percent of your  
40 projects that you actually support are ending up in the Pacific,  
41 then that's not a wise investment of my time, but a lot of  
42 people may not know that, and you could probably cut down your  
43 costs, or the time that people invest in their submissions, if  
44 they knew what the priorities were going to be and how those  
45 funding decisions were going to be made. Thank you.

46  
47 **CHAIRMAN DIAZ:** Any other questions? Dr. Simmons.

48

1 **EXECUTIVE DIRECTOR CARRIE SIMMONS:** Thank you, Mr. Chairman. We  
2 found a link to the 2018 studies, and we will send that around  
3 to the council and staff. It looks like nine projects were  
4 funded. That's for the whole Southeast though, and so that  
5 includes the Gulf, the South Atlantic, and the Caribbean, and  
6 you can actually look at the title of the projects and the  
7 universities that are involved in it, and so we'll send that  
8 around for everyone to look at the link.

9  
10 **MR. FRAGA:** Thank you, Carrie.

11  
12 **CHAIRMAN DIAZ:** Thank you, Dr. Simmons. Any further questions?  
13 Seeing none, thank you, Mr. Fraga. Very good presentation.  
14 Good job. All right. Next up on the agenda is the replacement  
15 of historical captain permits with standard federal for-hire  
16 permits. The way we're going to do this is Dr. Diagne is going  
17 to do the action guide and next steps, and then, after that,  
18 we're going to go to Ms. Muehlstein, and she's going to take  
19 care of the For-Hire AP summaries and the written public comment  
20 summaries after that, and so, Dr. Diagne.

21  
22 **DRAFT: REPLACEMENT OF HISTORICAL CAPTAIN PERMITS WITH STANDARD**  
23 **FEDERAL FOR-HIRE PERMITS**

24  
25 **DR. DIAGNE:** Thank you, Mr. Chair. Good morning. For this  
26 agenda item, we are going to essentially present an updated  
27 version of the document you discussed in October. We were  
28 slated for final action, but, as you know, final action will  
29 have to be postponed at least until the next council meeting,  
30 and so we will review the document and highlight the revisions  
31 that we have made to the document based on your comments and on  
32 your requests during the last council meeting. Thank you. I  
33 will turn it over to Ms. Muehlstein to summarize the comments.

34  
35 **MS. EMILY MUEHLSTEIN:** Okay. Thank you. Starting with the  
36 recommendation from our Ad Hoc Charter and Ad Hoc Headboat  
37 Advisory Panels, they both expressed support for replacing  
38 historical captain permits with the standard federal for-hire  
39 permits. We did produce a video on this amendment to get public  
40 comment from the folks around the Gulf, and we received six  
41 written comments in response to that video, and I will just go  
42 ahead and sort of quickly summarize what those comments said.

43  
44 It was said that historical captain permits should be replaced  
45 with regular for-hire permits, that historical reef permits  
46 should be permanent for captains that currently own boats, and  
47 that those captains that don't have boats should be given five  
48 years to get one, and so they didn't want to penalize folks who

1 had that historical captain endorsement, but wasn't currently  
2 running a vessel.

3  
4 It was also said that requiring historical captains to be on the  
5 vessel had been very burdensome. The historical permit has no  
6 value, because it can't be transferred, and so converting those  
7 endorsements to standard for-hire permits would be very  
8 beneficial for those captains in that situation.

9  
10 It was also mentioned that it is wrong that historical captains  
11 must be onboard the vessel to fish, and so the historical  
12 captain should be converted, and then it was also said that  
13 captains who have maintained their historical captain permits  
14 deserve to have standard for-hire permits instead. They are  
15 obviously not just in this for a profit, and, if they were, they  
16 would have not kept operating under that historical endorsement,  
17 and so that summarizes what we heard.

18  
19 **CHAIRMAN DIAZ:** Thank you, Ms. Muehlstein. Dr. Diagne.

20  
21 **DR. DIAGNE:** Thank you, Mr. Chair. Now we will review the  
22 document, the updated version of the document, which is in your  
23 briefing book. Before we start this discussion, I would like to  
24 note that, essentially, the document does not include any status  
25 quo alternative, no action, and then Alternatives 1, 2, and 3,  
26 which is the format that we are used to dealing with and seeing  
27 here.

28  
29 The reason for that is because this document, this regulatory  
30 action, is developed as an abbreviated framework. That is the  
31 first thing, and the second thing is, because it is deemed not  
32 significant, in terms of its action, it is a categorical  
33 exclusion, and so, essentially, in this type of abbreviated  
34 framework, the only thing that is needed is for the document to  
35 clearly state what it is that the council intends to do, and  
36 that is why, when you go over the document, you don't see a  
37 status quo alternative and then Alternatives 1, 2, and 3, which  
38 you will go and compare, and I just wanted to note that.

39  
40 As you recall, the last time you saw this document, options were  
41 offered, in terms of passenger capacity, but, after you made  
42 your final decision, those options were removed from the  
43 document, and, essentially, the revised version only states the  
44 intent of the council going forward.

45  
46 That being said, this document addresses the conversion, or the  
47 replacement, if you would, of thirty-two historical captain CMP  
48 permits and thirty-one reef fish historical captain permits.

1 Because most of the captains, thirty-one of them, own or possess  
2 both CMP and reef fish permits, and one of them only has a CMP,  
3 this action, as written, would impact those thirty-two captains.  
4 Those thirty-two captains are the ones that would be eligible to  
5 replace their permits with corresponding standard, if you would,  
6 for-hire permits.

7  
8 The council also decided to maintain the passenger capacity on  
9 the permit, meaning, while one is converting their, for example,  
10 historical captain permit to a standard for-hire CMP permit, the  
11 passenger capacity on the historical captain permit will be  
12 maintained and would be the passenger capacity on the new permit  
13 to be issued. That is a decision that the council has made  
14 during your discussion in October. You have also made it very  
15 clear that these thirty-two captains are the ones intended to  
16 receive, or to be eligible, if you would, for the replacement  
17 that is being offered.

18  
19 A second issue that was discussed had to do with the sixty-seven  
20 outstanding letters of eligibility that are still, I guess, out  
21 there, and what the council decided was that anyone who requests  
22 their historical captain permits in the interim, and, by the  
23 interim, we mean between, I guess, October and the final  
24 implementation date of this action, would receive a historical  
25 captain permit.

26  
27 However, those, I guess, newly-issued historical captain permits  
28 would not be eligible for the replacement offered in this  
29 action, and that is the decision the council made in October,  
30 and, as a result, when we went back, in this document, in the  
31 appendix, we listed all of the permits that are eligible to be  
32 replaced with standard permits. Appendix A at the end of this  
33 document lists those permits, the thirty-two CMP and the thirty-  
34 one reef fish permits.

35  
36 The IPT met after the council meeting and discussed the process,  
37 if you would, by which folks would replace their permits, and  
38 the Permits Office thought about it and give us some advice and  
39 some guidance, which is reflected in the document, and,  
40 essentially, as we envision it, the process would take two  
41 years, at most.

42  
43 Let's say within two years, because the permits are replaced on  
44 one's birthday, and so let's say, if someone's birthday is in  
45 January, and we just approved this, that person would not really  
46 know about it until the following year and so forth, and so,  
47 within that timeframe, when one's permit comes due for renewal,  
48 the historical captain would submit the renewal application,

1 but, if he or she is eligible to have their permits replaced,  
2 they will be issued a standard, if you would, for-hire permit  
3 with the same passenger capacity as listed on their initial  
4 permit.

5  
6 One last point, one last decision, the council made in October,  
7 which is reflected in the document, is that, upon the  
8 implementation date of this action, all remaining outstanding  
9 letters of eligibility would be voided, and so, essentially, if  
10 one has one of those letters, they have, I guess, between now  
11 and the final implementation date of this amendment to claim, if  
12 you would, a historical captain permit, with the caveat that it  
13 would not be eligible for replacement.

14  
15 These are the decisions that the council made in October, and  
16 these decisions are reflected in the document, and I guess, at  
17 the next council meeting, if that is the council's intent, we  
18 will bring it back for final action. Thank you.

19  
20 **CHAIRMAN DIAZ:** I am going to open it up for discussion. We did  
21 go over this a good bit in October, and so the final decision,  
22 as Dr. Diagne said, to actually move forward with this document  
23 will not take place until we meet again, probably in April, and  
24 so does anybody have any problems with the way the document sits  
25 currently? Mr. Anson.

26  
27 **MR. ANSON:** I am trying to recall if we had any discussion in  
28 October, but, Dr. Crabtree, was it your intent to try to mail  
29 letters to all the people on file, letting them know of this  
30 pending, or, if it's approved as final, will you send a letter  
31 out to folks?

32  
33 **DR. ROY CRABTREE:** I have not seen anything that has been sent  
34 out. I think that's a question we could ask Sue Gerhart when  
35 she gets here, and I think she will be here tomorrow, and so I  
36 don't know if that happened or didn't happen. I do know,  
37 because I have had one or two of them speak to me, that there  
38 are a couple of people who got their permit after October, and I  
39 think it's just a matter of do we want to stand by October, or  
40 do you want to go ahead and let some additional people in, but,  
41 at this point, I can't really tell you how many additional  
42 people that might be, because I haven't -- We've been shut down  
43 for too long.

44  
45 **DR. DIAGNE:** Mr. Chair, that's it for this one.

46  
47 **CHAIRMAN DIAZ:** Dr. Diagne, you're up next, on the next agenda  
48 item, and it is the discussion and selection of allocation

1 review triggers.

2

3

### DISCUSSION AND SELECTION OF ALLOCATION REVIEW TRIGGERS

4

5 **DR. DIAGNE:** Thank you. Let's first look at the action guide.  
6 We will present and review, very briefly, the types of triggers  
7 that are included in the policy and in the procedural  
8 directives, because we discussed those in the past.

9

10 From the committee, we request the committee to review,  
11 essentially, the draft letter that we are proposing, and, in  
12 that draft letter, we suggest some allocation triggers that  
13 would be suitable for the Gulf allocations. Upon reviewing that  
14 letter and offering modifications, if needed, a committee, and  
15 perhaps later a council, motion would be needed for us to  
16 finalize the letter and submit it to NMFS. We will go over a  
17 short presentation that we have put together to refresh our  
18 memories, and then we will finish with the letter itself, the  
19 draft letter.

20

21 Again, we will review, briefly, the allocation review triggers,  
22 as mentioned in the policy and in the directive. As you recall,  
23 the allocation review policy recommends the use of an adaptive  
24 management process for allocation reviews, and, by this, what is  
25 meant is that it should follow an ongoing process of evaluating  
26 the management objectives and ascertain whether these have been  
27 met and adjusting our strategies in response.

28

29 One key thing is that the process includes re-evaluation, if you  
30 would, and updating, if needed, of the management goals and  
31 objectives, to ensure that they are still relevant to the  
32 current conditions and needs, and, as you recall, you have been  
33 through this exercise, I guess, in the previous meetings,  
34 because you have recently completed this for the Reef Fish FMP  
35 objectives, and that is reflected in the reallocation amendment  
36 that is going forward, and it is still under development.

37

38 Just a few definitions. In terms of allocations, fisheries  
39 allocations, by that it is meant that this is a direct and  
40 deliberate distribution of the opportunity to participate in a  
41 fishery, and this distribution is amongst identifiable and  
42 discreet user groups or individuals.

43

44 In terms of allocation review, this is, if you would, a checkup,  
45 we can call it, an allocation checkup. It is not what we are  
46 doing in an amendment, but it is what is done prior to that to  
47 determine whether the amendment itself is needed, and so it is  
48 the evaluation that leads to the decision of whether or not the

1 development and evaluation of allocation alternatives, or  
2 reallocation alternatives, is warranted.

3  
4 Finally, the evaluation of fisheries allocation options for an  
5 FMP amendment, that would be the amendment itself, with  
6 alternative reallocations and the analysis and so forth, and so  
7 the allocation review is really a much lighter process, if you  
8 would. It is a simply a checkup to determine whether we should  
9 go to the next step. For example, if we took the red snapper  
10 reallocation amendment going forward, as an example, we are past  
11 the allocation review stage. We are, in effect, developing an  
12 amendment with alternatives to reallocate, potentially, the  
13 resource between the different user groups.

14  
15 In terms of the triggers, our responsibility, or yours, rather,  
16 as a council, is to identify allocation review triggers by  
17 August of this year, or as soon as practicable, if you would,  
18 and the review triggers are the criteria for initiating the  
19 allocation reviews. The three types of criteria that are  
20 considered, or suggested, in the policy are the indicator-based  
21 triggers, the public-interest-based triggers, and, finally, the  
22 time-based triggers.

23  
24 This graph summarizes the adaptive management process, as  
25 suggested by the policy, and we can see here, skipping 1a for a  
26 second, three stages of three steps, 1, 2, 3, and then an  
27 intermediate step. What we are trying to do is have the council  
28 select the criteria, or the triggers, if you would, that would  
29 allow us to move from 1 to 2 and stop there, essentially, to be  
30 able to say, okay, if this, this, and this criteria are met, we  
31 should move and look at the allocation trigger, and the  
32 remainder is for another discussion, if you would.

33  
34 We see here the three types of triggers. I will start, I guess,  
35 from my right with the time triggers. The time triggers would  
36 be a straight shot from there to the allocation review, and,  
37 over there, what you would need is essentially a timeframe, and,  
38 here, it is given as an example, an interval of ten years.

39  
40 Then we have the public interest triggers, and we will discuss  
41 that in more detail, because it could follow the council's  
42 process, or it could be a more directed request, if you would,  
43 through a solicitation, such as a direct solicitation for  
44 comment or asking for petitions and the like.

45  
46 Here, we would have an intermediate step, and that is the 1a,  
47 because, if you use public interest triggers, you are still  
48 going to use indicator-based triggers in the intermediate step,

1 because let's say, following public interest, the council would  
2 then look at a series of indicators to make a determination  
3 before proceeding to the allocation reviews, and so,  
4 essentially, the indicator triggers, which are the very first,  
5 or the very last that I will discuss, could be used within the  
6 public interest process.

7  
8 The indicator triggers are the first one over there and the last  
9 one to talk about here, and that would be a direct shot, but  
10 these are fairly difficult to use in this format, because, in  
11 this format, one would have to set up a process by which those  
12 indicators have to be monitored.

13  
14 The indicators to be used freely, quote, unquote, within the  
15 public interest process in Step 1a, but, if you want to use them  
16 separately, you have to, first of all, establish a structure,  
17 meaning the process by which these indicators would be tracked  
18 and then thresholds that, when met, would trigger, if you would,  
19 the allocation review, and so these are the three types, and we  
20 will say a little more about them.

21  
22 Now we start again, and this time with the indicator-based  
23 criteria, and, as you recall, optimum yield is defined as  
24 maximum sustainable yield as reduced by relevant factors, and  
25 those could be economic, social, and ecological factors. If one  
26 wanted to develop indicator-based criteria, they could possibly  
27 be derived from those same criteria mentioned in the OY  
28 definition.

29  
30 For indicator-based criteria, they could be used as a single  
31 criterion or in combination, and, again, as we said before, if  
32 this is the approach to be taken, the council must predetermine  
33 the thresholds to be used and establish a process to follow to  
34 track the performance of these indicators.

35  
36 For public-interest-based criteria, or triggers, these could  
37 happen in one of three ways: following the ongoing public input  
38 process that we have, through a more direct solicitation of  
39 public comments, and, finally, via formal initiatives, such as  
40 petitions.

41  
42 Because the council has a transparent process that is open to  
43 the public for input, essentially, using the ongoing public  
44 input process that we have would be the most natural, if you  
45 would, extension or use of this, and, within the public input  
46 process, of course, there are ample opportunities for the public  
47 to provide feedback and express issues, if you would, when it  
48 comes to allocation or reallocation.

1  
2 Time-based criteria is pretty straightforward. This would  
3 entail a periodic review of the allocation, based on a schedule,  
4 and this approach has the benefit of being less subject, if you  
5 would, to political pressure and council dynamics. It could be  
6 suitable, and it is in fact the most suitable for fisheries  
7 where a conflict amongst the different user groups make these  
8 types of decisions, I guess, fairly difficult, if not  
9 infeasible.

10  
11 Now, what are the allocations that we have here in the Gulf that  
12 would be subject to this policy? We discussed this within a  
13 working group and got advice from NOAA GC, and, essentially, our  
14 allocation between the commercial and recreational sectors, the  
15 allocation that we have within a sector, intrasector, and, by  
16 that, we mean the red snapper allocation between the private  
17 anglers and the federal for-hire, the allocations that we have  
18 between zones and gear types, the allocations that we have  
19 between councils, and, finally, the allocations that we may have  
20 between the five states, should you proceed and take final  
21 action on Amendment 50, all of those allocations would be  
22 subject to this policy and would be subject to allocation  
23 review.

24  
25 Just to refresh our memories, these are the allocations between  
26 sectors that we have, meaning between the commercial and  
27 recreational sectors, and they range from, of course, the red  
28 snapper to king mackerel.

29  
30 The allocations that we have within a given sector, this was a  
31 result of sector separation, in which you allocated the  
32 recreational red snapper ACL between the federal for-hire and  
33 the private angling components. We also have three allocations  
34 between councils, meaning between us and the South Atlantic, and  
35 those would be black grouper, yellowtail snapper, and mutton  
36 snapper. We also have king mackerel allocations between zones  
37 and gear type. The allocation between sectors, for king  
38 mackerel that is, are included in the first table that we  
39 showed.

40  
41 Now we know or we have discussed the types of triggers, or  
42 criteria, if you would, to be considered, and we have identified  
43 our fisheries that would be subject to the policy. The next  
44 step would be to consider the selection of triggers that would  
45 be appropriate for these allocations.

46  
47 As we discussed, the time-based triggers would be  
48 straightforward and very simple. The public-interest-based

1 criteria would benefit, because they would really fit in our  
2 process, which is a fairly open process that offers also  
3 frequent opportunities for the public to provide comments.

4  
5 The indicator-based criteria are the most challenging, if you  
6 would, because they would require the selection of indicators,  
7 the establishment of a tracking process and thresholds, and, in  
8 fact, if one decided to do this, you would create a more onerous  
9 process than the allocation review itself that it is created to  
10 serve, and so it will be, I guess, in a sense, doing more work  
11 than the ultimate objective that you are trying to achieve.

12  
13 We have to mention that the review triggers are not mutually  
14 exclusive. The council could then select a single trigger or a  
15 combination of triggers.

16  
17 Now, if you look at the fisheries that we have the allocations,  
18 we have some fisheries that are managed under an IFQ, limited  
19 access privilege programs, and we have some that are not,  
20 meaning everything else, and we separated them like this for a  
21 particular reason. The reason is that the Magnuson Act requires  
22 that we review the IFQ programs every five years for the initial  
23 review and, subsequently, between five and seven, but no more  
24 than seven, years afterwards.

25  
26 For our two IFQ programs, we have gone through the initial  
27 review. As you recall, we finished not too long ago the grouper  
28 and tilefish review, and so, for both of those programs, the  
29 next reviews should be within seven years of the previous one.  
30 In fact, we are getting ready to start the second review of the  
31 red snapper program, I guess next week or so, and so, for those  
32 stocks and those allocations, we would suggest using a time-  
33 based criteria, time-based triggers, and have those set at seven  
34 years, because it would fit nicely with the mandated review  
35 process, and so, every time we review the IFQ program, we would  
36 then also go through the allocation review during that same  
37 process, where we set it at seven years.

38  
39 For all other allocations that we have, all the others,  
40 including the red snapper recreational allocation between the  
41 for-hire and the private angling, greater amberjack, gray  
42 triggerfish, the king mackerel, black grouper, mutton, and  
43 yellowtail snapper, for these, we are suggesting a combination  
44 based on time-based triggers as the primary trigger and then  
45 using the process that you already have, the council process, as  
46 the secondary trigger.

47  
48 The reason for this is that the combinations based on indicator-

1 based triggers would be too cumbersome, because we would have to  
2 establish the processes that we talked about, and the second  
3 reason is that using public comments as the secondary triggers  
4 would allow us to make use of those indicators, but as a  
5 complement, if you would, to the public input process. We are  
6 still going to use the indicator-based, but just as a complement  
7 to the public-interest-based approach, and so this combination  
8 that we are suggesting would allow the flexibility to plan our  
9 reviews.

10  
11 Here, we have put a scenario with a variety of years, and we  
12 have two things in mind. One would be to stagger the reviews so  
13 that we would not have a bunch of these to do in a particular  
14 year, and, two, to recognize, I guess, some of the reality of  
15 our management, and, by that, I mean, for example, that, for the  
16 red snapper intrasector, which is the result of sector  
17 separation, we have set the shortest review on this example  
18 here, because sector separation, as we know it, is scheduled to,  
19 I guess, sunset in 2022.

20  
21 I guess, initially, during this 2018 and forward, we added four  
22 years, and that would be 2022, and now, in fact, it's less than  
23 that. It's three years, but the four years would be better than  
24 three, because the next is we have five years for the red  
25 snapper allocations between the states. If you decided to go  
26 final with Amendment 50 and implement it, then, five years after  
27 that, we would review the allocations between the states, at  
28 least based on this schedule.

29  
30 We picked six years for greater amberjack and triggerfish,  
31 essentially to move away from four, five, and then six, and, as  
32 we mentioned, the IFQ programs would be reviewed -- We have the  
33 flexibility to review them within seven years, and so then we  
34 picked seven years for the IFQ programs, and then we skipped  
35 nine for a very good reason, because, of course, a multiple of  
36 four times two would be eight.

37  
38 Then, if we picked eight years, we would have too many reviews  
39 on that particular year, and so then, for the king mackerel  
40 allocations between sectors, zones, and gear types, we would do  
41 that at nine years. Then, finally, our allocations between us  
42 and the South Atlantic, we are suggesting that we would review  
43 those after ten years.

44  
45 Obviously, in year-ten, we would have to do that and then also  
46 review the red snapper allocation between the states, but that  
47 would be the second review, five and then we'll go to ten, but  
48 the -- Yes.

1  
2 **CHAIRMAN DIAZ:** Mr. Riechers.

3  
4 **MR. ROBIN RIECHERS:** Sorry, and I'm not on your committee, Dale,  
5 but I just want to follow-up. I mean, this is both a notion of  
6 the time interval that we could do this in, but it's also trying  
7 to create a workload notion for staff as we work through these  
8 processes, and so anything, really, past -- For instance, red  
9 snapper and the five-year review, all of this can be shifting as  
10 we're talking about it, because some of these aren't done yet in  
11 a way that would allow those clocks to start ticking, and so I  
12 guess we probably shouldn't get too hung up on the notion of  
13 this being a process for mitigating the workload, until we  
14 really get some of this set in stone, because, until that were  
15 to happen, this may not be the sequencing that we end up with,  
16 but I want to make sure that you are laying it out with that  
17 thought in mind. I mean, that's as I understand it, that you're  
18 also trying to consider workload activities here.

19  
20 **DR. DIAGNE:** Yes, that is exactly correct, yes, because,  
21 obviously, let's say a five-year here today, should final action  
22 be in two years, for example, the count is something totally  
23 different. Absolutely, yes, that's correct.

24  
25 All of that being said, none of this would preclude the council  
26 from reviewing a particular allocation based on, for example,  
27 relevant new information, for example this data calibration that  
28 would be completed, or for any other reasons the council would  
29 see fit. This is simply to satisfy the requirement as stated in  
30 the allocation review policy. In addition to this, the council  
31 can, at any moment, review any allocation based on reasons that  
32 are sufficient for this council.

33  
34 We could discuss this, and, should the council have suggestions  
35 to change or shift these, or modify this, we will certainly try  
36 our best to accommodate those, and, if this is the direction  
37 that the council would like to go, a motion for us to finalize  
38 this and submit it to NMFS would be welcome. Thank you.

39  
40 **CHAIRMAN DIAZ:** Okay. Any discussion?

41  
42 **DR. DIAGNE:** I'm sorry, Mr. Chair, but Dr. Simmons just reminded  
43 me that, in fact, what it is that we just talked about here, we  
44 have also included that in a draft letter, which is in your  
45 briefing book, and Ms. Roy will put that on the screen, but it  
46 essentially just says this, what it is that we went through.

47  
48 **CHAIRMAN DIAZ:** Okay, and so the draft letter basically outlines

1 what Assane just went over. It's just a draft, and so, if folks  
2 have feelings or intentions on doing something different, any  
3 comments to the staff would be very helpful. Ms. Bosarge.

4  
5 **MS. BOSARGE:** Assane, just a question. On your slide where it  
6 had the year-four and year-five and year-six and all the  
7 different species, and the species I'm not so much concerned  
8 about. It's more that there seems to be every year -- Does that  
9 lock the council into, if we go with the time-based triggers,  
10 that's essentially six amendments?

11  
12 We're going to have an amendment every year that we need to look  
13 at, and, I mean, I guess you could hope that you would dispense  
14 of that amendment in one year, but I'm just trying to think  
15 about all the different amendments we have on and understand if  
16 that locks us into an additional amendment pretty much every  
17 year.

18  
19 **DR. DIAGNE:** Yes, Ms. Bosarge, and an allocation review is not  
20 an amendment. In fact, it is just a checkup, let's say. It can  
21 be very, very quick and very brief. As the policy, the  
22 allocation review policy, details, no in-depth analysis is  
23 required for the allocation review. It is very light, and I put  
24 that in quotes, and it is akin to, again, just a checkup for us  
25 to take a look.

26  
27 An amendment would be developed, should you as a council  
28 determine that, well, our objectives are no longer met and I  
29 think we need to proceed, then an amendment would follow, but,  
30 as far as the review itself, it is just you taking a look and  
31 saying are -- Let's say, for example, are the king mackerel  
32 allocations consistent with the objectives of the FMP? If you  
33 answer yes, then that's the end of it, and then we move on, and  
34 so it is not an amendment every year.

35  
36 **CHAIRMAN DIAZ:** Ms. Guyas.

37  
38 **MS. MARTHA GUYAS:** Just to follow-up on that, are you thinking  
39 maybe like a white paper would be how we go about this, so that  
40 we can kind of see where we are with the issue and what the  
41 objectives are and then, based on the information in the white  
42 paper and council discussion, we would decide whether to move on  
43 to an amendment?

44  
45 **DR. DIAGNE:** Yes, that would be actually a perfect way of doing  
46 it. We would have that and then provide any additional  
47 information that you would request as a council. Yes. Thank  
48 you.

1  
2 **CHAIRMAN DIAZ:** Mr. Boyd.

3  
4 **MR. DOUG BOYD:** Thank you, Mr. Chairman. Assane, you made the  
5 comment that this is -- I am not going to try to quote you, but  
6 simply to meet the requirements as stated by NMFS in their  
7 allocation policy. I see this a lot different. I don't see it  
8 as simply trying to meet the requirements set forth there.

9  
10 I see that NMFS is trying to set management triggers. They are  
11 trying to establish a procedure by which allocation can be  
12 reviewed, and, if we go with only time-based triggers, which you  
13 have in the letter, there is no public trigger, and there is no  
14 indicator trigger, and there is no data recalibration trigger.

15  
16 I mean, there is all kinds of different triggers that can be set  
17 forth under each one of those, environmental concerns, social  
18 concerns, desires of the sectors, and I think that my opinion  
19 would be that the time-based trigger would be in a statement at  
20 the end of all the other triggers saying, and, if these are not  
21 met, not later than this particular time, not the primary  
22 trigger.

23  
24 **DR. DIAGNE:** Yes, Mr. Boyd. I think the letter, and Ms. Roy can  
25 put it on the board, clearly states that, in addition to these,  
26 the council can review any allocation based, for example -- It's  
27 at the very end of the very last paragraph or so.

28  
29 In addition to the allocation reviews that will be scheduled  
30 based on this, the council may initiate supplementary reviews,  
31 should relevant information, for example data recalibration, is  
32 made available. That is to say that, even with these triggers,  
33 whatever you may choose as the council, it is within your  
34 authority to review an allocation as you see fit, whenever you  
35 see fit, and that is the first point.

36  
37 The second point that I am going to make is, while I say that  
38 this is to meet the requirement of the policy, the policy  
39 clearly says that we have to identify triggers to review  
40 allocations, and why is that?

41  
42 It's because, in the past, until and unless a council member  
43 here came and suggested a motion to consider reallocation, the  
44 public doesn't know when this would happen, and that is really  
45 the gap that the policy is trying to fill, to give the public,  
46 if you would, an idea as to when these would happen,  
47 essentially, or what would trigger an allocation review, rather  
48 than just being in the dark and saying, well, maybe a council

1 member is going to propose something.

2  
3 That is the intent of this, and so when I say it's to satisfy  
4 the requirement of the policy, that is what I am speaking about,  
5 and what we are offering, or suggesting, here is to, one, use a  
6 time trigger as the primary trigger and use the public interest  
7 trigger as the secondary trigger, and, within that public-  
8 interest-based, and I would ask Ms. Roy to put the presentation  
9 back, please, and to go to the slide where you have the graph.

10  
11 As I said here, if one uses the public input process that we  
12 have, you are still going to use the indicator-based, but  
13 without the added burden of defining a process and setting  
14 thresholds. If you see it here, is a need for review indicated  
15 by social, economic, or ecological criteria?

16  
17 These are the same indicator criteria that we talked about, but  
18 the benefit of doing it this way is to free ourselves from  
19 having you decide on a process and commit resources to  
20 monitoring that particular indicator, whatever it may be, and  
21 deciding beforehand thresholds that, when met, would trigger  
22 allocation reviews, which, if you think about it, would be a  
23 fairly, I guess, cumbersome exercise, if you would.

24  
25 For those reasons, we are suggesting that, essentially, the  
26 council uses a time-based trigger supplemented with public-  
27 interest-based triggers, keeping in mind that that would still  
28 use the indicators, but at your flexibility, based on your,  
29 essentially, intent.

30  
31 **CHAIRMAN DIAZ:** Dr. Stunz.

32  
33 **DR. STUNZ:** Doug probably has a comment to that point, and so I  
34 will defer to him, but I still wanted to make a comment.

35  
36 **CHAIRMAN DIAZ:** Was it to that point, Mr. Boyd?

37  
38 **MR. BOYD:** Sure. Assane, I agree with you. The most expedient  
39 and easiest form of a trigger is the time-based trigger, and it  
40 relieves this council of any other responsibility, and we divert  
41 back to what we've been doing for the nine years that I've been  
42 on the council, which is, whenever we decide we want to look at  
43 allocation, somebody makes a motion.

44  
45 I see the time triggers as simply fulfilling the basic  
46 requirement of the directive. That's my opinion. I think this  
47 council's responsibility is to come up with these other  
48 indicators and go through the process and define what indicators

1 should trigger, what are the most important ones, what social  
2 input, what sector input, is the most important and evaluate  
3 those things, and, yes, that will take a little bit of time, but  
4 I think that's our job. Thank you.

5

6 **CHAIRMAN DIAZ:** Dr. Stunz.

7

8 **DR. STUNZ:** What I wanted to bring up, Assane, is what you just  
9 said there I agree with, about how -- My question was similar to  
10 Doug's, about how do you get these indicators built in, but  
11 you're saying it's already there, in my mind too, by public  
12 comment.

13

14 You can't get away from an indicator-based system, but I guess  
15 my point is I'm not feeling that that letter captures that, what  
16 you just said, as well, and maybe I need to read it again, but,  
17 if it captured -- I would feel a lot better if it captured what  
18 you just said about public input would lead to this indicator-  
19 based system, and we would have this baseline of a time thing  
20 that's just going to happen, and I would consider it, by the  
21 way, more of a baseline than the primary, but you have this  
22 baseline trigger, and those are going to happen on some timeline  
23 if these other things don't happen, and what I am not reading is  
24 some of those indicators could be better fleshed out, I think,  
25 in that letter. It sounds like Doug wants to go a little bit  
26 further, but that would help explain better how this would  
27 occur.

28

29 **DR. DIAGNE:** Yes, I think, in the letter, basically just looking  
30 at the graph here, what we said is simply we will use a time-  
31 based trigger as the primary one and use the public input  
32 process as the secondary trigger, and, with that statement, I  
33 thought that it would capture everything a public-interest-based  
34 trigger entails, which clearly here says that the indicators  
35 would be used as an intermediate step, but, should you have  
36 suggestions for us to strengthen that point, I would certainly -  
37 - Essentially, we could modify the letter to reflect that.

38

39 Just one last thing is we are not suggesting to use the time-  
40 based triggers just because it is expedient. That is far from  
41 the purpose. The purpose is to meet, I guess, the requirement  
42 of the policy, which says the councils have to identify this by  
43 I think August of 2019, and we also looked around at what other  
44 councils, and perhaps one other council, because, to my  
45 knowledge, that's the only one that has done this yet, has done,  
46 and, essentially, what we are offering here is consistent with  
47 what it is that, for example, the North Pacific is offering to  
48 meet the requirement of this policy. Thank you.

1  
2 **CHAIRMAN DIAZ:** I've got Dr. Stunz, I think to that point, and  
3 then Mr. Riechers next.

4  
5 **DR. STUNZ:** To that point, and thank you, Mr. Chairman. So,  
6 when you talk about the public input as a trigger, we would  
7 obviously have some discussion around some indicator that has  
8 initiated that public input, and I completely understand that,  
9 but that is not captured in the letter, in my opinion, still,  
10 Assane.

11  
12 I think, if you did that, that would help explain what, for  
13 example -- Public input would lead to some indicator trigger,  
14 for example, whatever those might be, some optimum yield thing  
15 or whatever, and that would help explain a little better about  
16 what we mean by public input, because I don't see the indicator  
17 of public comment or input -- They are kind of linked together.  
18 You almost can't have one without the other.

19  
20 **DR. DIAGNE:** Yes, absolutely. Point taken, and so I guess we  
21 can, with the direction of the committee, strengthen -- We can  
22 bring that point to the fore, because, in the letter, it is said  
23 -- Because, if we look at the graph here, you cannot use the  
24 public interest process and just jump from there to the  
25 allocation review.

26  
27 It is the only one here of the triggers that has an intermediate  
28 step, and that's why we chose it also, and that intermediate  
29 step, as you mentioned, entails the use of indicators. You  
30 cannot jump from public input to allocation review. For the  
31 other two, the arrows are straight down, but, for the public  
32 input, you have to then consider the use of a variety of  
33 indicators, but certainly the letter can benefit from bringing  
34 that to the fore, in the section where we discuss public  
35 interest, and we can certainly do that.

36  
37 **CHAIRMAN DIAZ:** Mr. Riechers.

38  
39 **MR. RIECHERS:** Again, thanks, and I'm not on your committee,  
40 Dale. It seems to me that, in some respects, we're hopping to  
41 the simplest approach, and I don't doubt that we may end up  
42 there, but it seems like, in order to meet the August 2019  
43 deadline, we have opted to just quickly say that time is the  
44 best way to do this.

45  
46 Admittedly, Assane, I think you presented kind of the first  
47 draft of this discussion paper, or the elements of this, maybe  
48 at the last meeting, as I'm recalling, and so we just kind of

1 started the conversation, and we're almost immediately opting to  
2 time as the only option, or not the only option available, but  
3 one of the approaches that we're going to take.

4  
5 When we say public sector as kind of a secondary option, I don't  
6 know what that really means. Does that mean one person going to  
7 the mic and saying that? Does it mean a group or organization  
8 requesting it? It kind of becomes a little bit squishy as to  
9 how that really comes in and helps affect this.

10  
11 I guess the other part to the draft of the letter at this point  
12 is, while that certainly meets the requirement to give NMFS some  
13 notification of what we're using, I don't know that it meets the  
14 spirit of really saying how are we going to go about allocation  
15 reviews in the future and what are those time tables for these  
16 various groups. I am not saying you didn't build that in.

17  
18 You did with your time step, where you laid out part of what you  
19 thought it was going to be, based on both some of the things  
20 that are occurring in Magnuson, and also a workload notion, when  
21 some of these other reviews are coming up, but I think maybe, to  
22 help all of us see that, and for the public to really know what  
23 this means, if we could maybe develop a table that ultimately  
24 would be associated with this draft letter, and that would help  
25 us in seeing which ones are already scheduled, because of  
26 actions that have already been taken, and, once we say we're  
27 going to use this as a mechanism, when would that review be, and  
28 I think that would give a little more clarity and more exactness  
29 to how are we going to approach these and the time -- Which I  
30 think is really what the policy directives are getting at,  
31 because I think what we've seen in the past is it is a difficult  
32 discussion, and we haven't always really treated that discussion  
33 with a lot of conversation, and it's just been said that we're  
34 going to review it then, and then then comes, and we move onto  
35 other things.

36  
37 I mean, I am recalling interim allocation discussions that we  
38 had, and I think Bob Shipp and I are probably the only ones  
39 around the table that remember those, and Martha, certainly  
40 because of her history with that, but, to my knowledge, we've  
41 never really come back and had a true discussion about that, and  
42 so I think we have a little work to do here in both defining how  
43 those are going to work in actuality, in addition to just the  
44 letter saying we're going to use this kind of approach.

45  
46 I will also add that there might be other approaches that we  
47 have kind of just went by quickly. We have some fisheries where  
48 we're not catching full quotas, and we've also got fisheries

1 where we know we've had economic analyses that can be brought to  
2 the forefront on some of these discussions, and I don't know  
3 that we want to divorce ourselves from those kinds of triggers  
4 this quickly without having a little more deliberation about it.

5  
6 That may be the will of the body, but at least there are other  
7 things we could at least have a little more discussion about, as  
8 opposed to treating it in either two or three meetings with  
9 presentations just getting us up to speed on kind of what the  
10 possibilities are and then immediately sending a letter, and so,  
11 anyhow, that's my two-cents' worth.

12  
13 **CHAIRMAN DIAZ:** Go ahead, Dr. Diagne.

14  
15 **DR. DIAGNE:** One of the points, perhaps, that I would like to  
16 make is that, without this letter and policy, as a council, you  
17 have the latitude and the flexibility to review any allocation  
18 at any time, based on whatever set of criteria you may choose.  
19 That is the first thing.

20  
21 The second thing about the allocation review itself is the  
22 policy is not asking the council to detail how is it that you  
23 are going to do the review and what is going to be in it. As  
24 suggested, for example, early on by Ms. Guyas, it could be a  
25 white paper in which we list the different let's say indicators,  
26 notions, objectives, and discuss that. That is a second thing.

27  
28 This letter is not to detail or explain how we are going to go  
29 about allocation review. That is not what the policy is asking  
30 for. The policy is just asking for the councils to give a clear  
31 signal, if you would, to the public, so that the public knows,  
32 for example, with a time trigger, that, no matter what happens,  
33 in ten years, Allocation X would be reviewed.

34  
35 It may be that, in year-two, the council decides to do something  
36 else, but, if the council doesn't, by year-ten, the public knows  
37 for sure that the allocations would be reviewed, and so, in a  
38 sense, really, these are what I would call minimum requirements  
39 by which we will know, and the public will know, that an  
40 allocation review would come.

41  
42 In us offering time-based triggers with, as a secondary trigger,  
43 the public input process, the thing that we foremost had in mind  
44 was to give the council as much flexibility as possible going  
45 forward. It was not to say, okay, which one of these is the  
46 easiest and let's pick that. To pick the easiest one, you would  
47 just say ten years time and then stop there. That would be the  
48 easiest, but what we are suggesting here is a layered approach

1 of, one, the time-based trigger with, as a secondary trigger,  
2 the public input.

3  
4 That gives this council the flexibility of, upon receiving, I  
5 guess, public comment, to direct staff and to say we would like  
6 for you to take the Step 1a here and look at quotas that are not  
7 met, et cetera, et cetera, and direct us to bring that  
8 information to you and, based on that information, you would  
9 make your final decision there, and that's what the policy  
10 suggests.

11  
12 In a nutshell, that was our intent, but the point about putting  
13 a table with the different years, that is also something that  
14 could be done, if directed by the committee, but we included the  
15 years in the letter, but perhaps, because it is staggered, it  
16 may be difficult to follow, and so perhaps a table format, as  
17 you suggested, would be more helpful. Thank you.

18  
19 **CHAIRMAN DIAZ:** Ms. Bosarge.

20  
21 **MS. BOSARGE:** I was just going to say that I like the letter. I  
22 read it, and I thought it was very thorough. I thought it  
23 covered all the different points that we have considered and  
24 really highlighted where we are landing on this. I think this  
25 council does a very good job of listening to all of our  
26 different stakeholders, and, when something rises to the level  
27 of warranting looking at an allocation in between the times that  
28 we have stated that we're going to look at them, that we have  
29 done a really good job of looking at that.

30  
31 I mean, we've looked at red snapper several times in the last  
32 few years, and we've looked at king mackerel over the last few  
33 years, and we've looked at a lot of those, but I think, if we go  
34 too much further in this letter, with saying that we really are  
35 going to seriously use the indicator and the public comment  
36 trigger, that we're going to lock ourselves and our staff into a  
37 lot more workload.

38  
39 In other words, at every council meeting, every AP meeting, even  
40 on our portal for the different assessments that are ongoing,  
41 where fishermen can talk to the scientists, every one of those  
42 instances, we see something that says, hey, we need to  
43 reallocate and we need to look at the allocation, and so,  
44 essentially, between every meeting, for probably most of the  
45 species that we manage that have an allocation, we would be  
46 asking staff to do a review on those, after every meeting, and  
47 put it on every agenda, to give us the status of that review and  
48 what came out of it and do we need to look at that allocation

1 again.

2  
3 I don't know that that's probably the best use of staff time. I  
4 think that's really our responsibility as council members, that,  
5 when it gets to a point where we see an indicator where we're  
6 drastically underfishing on a certain species, or we see  
7 something, like Robin said, in the economics or something like  
8 that that has really changed, or in the data that has really  
9 changed, then that's what warrants that, okay, in between those  
10 time thresholds that we set, we need to look at this again.

11  
12 **CHAIRMAN DIAZ:** I am not seeing any other comments. Dr. Diagne,  
13 between now and Full Council, can you develop the table that we  
14 discussed and make some edits to the letter that was discussed?

15  
16 **DR. DIAGNE:** Yes, Mr. Chair, and I will get Dr. Stunz to make  
17 sure that the additions would reflect the comments that he made,  
18 and, also, to Mr. Riechers, to make sure that the table reflects  
19 the comments that he offered, and, yes, we will be able to bring  
20 that by Full Council. Thank you.

21  
22 **CHAIRMAN DIAZ:** Mr. Swindell.

23  
24 **MR. ED SWINDELL:** Just one quick question. As I read this first  
25 paragraph, you have that the procedural directives -- That  
26 request the regional fishery management councils establish  
27 review triggers. Is the directive that it request it, or is it  
28 required that we do that? I mean, the date of August of 2019,  
29 is that a drop-dead date? I mean, is that the actual date that  
30 we've got to have this stuff done?

31  
32 **DR. DIAGNE:** It's not a drop-dead. In discussing with Dr.  
33 Simmons, at the CCC meeting, NMFS did indicate that August of  
34 2019 or, quote, unquote, as soon as practicable, but we would  
35 like to, I guess, submit by the deadline, if possible.

36  
37 **CHAIRMAN DIAZ:** Go ahead, Mr. Swindell.

38  
39 **MR. SWINDELL:** I think, in all of this stuff, in putting all of  
40 these triggers and everything else in, it goes back to what we  
41 just discussed, and that is data collection. We have to have  
42 the best data collection we can get to make these triggers come  
43 anywhere near doing what we need to get them to do. Thank you.  
44 We need to keep that in mind.

45  
46 **CHAIRMAN DIAZ:** Dr. Simmons.

47  
48 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. I was just

1 going to say that, after the council decides that this is the  
2 policy they want to move forward with, one thing we could do is  
3 lay out what the actual review might look like, so it has a  
4 little bit more information in it for each of those. I mean, we  
5 talked about a white paper, but, to be consistent, we could  
6 bring something like that back for the council to look at before  
7 we begin initiating any of the reviews.

8  
9 **DR. DIAGNE:** Yes, absolutely. Before we start the review  
10 process, we will have a conversation with the council as, for  
11 example, a template of that future white paper, but that is not  
12 something to be included anywhere here. Yes, absolutely.

13  
14 **CHAIRMAN DIAZ:** All right. Seeing no further discussion, I  
15 think that wraps up this agenda item. I'm sorry. Dr. Crabtree.

16  
17 **DR. CRABTREE:** Before we take up another action, I have gotten a  
18 couple of texts and emails from my staff who are coming back to  
19 work, and some are listening, and I believe Mara Levy will be  
20 with us tomorrow. I think she's going to fly in in the morning,  
21 but I wanted to just give you a couple of things to think about  
22 with respect to the historical captains permits.

23  
24 We had one application after the October timeline, where you had  
25 to meet it, and when the furlough occurred. Now, there is a big  
26 stack of mail in the Permits office, and so there may be others  
27 in there, but there is at least one historical captain permit  
28 that will exist, and, if we stay with October, then that  
29 historical captain permit won't be eligible for conversion, but  
30 it will still exist, and so we won't be getting rid of that type  
31 of permit.

32  
33 Then I am told that we have at least a couple of captains with  
34 historical captain permits who don't own a boat, and they aren't  
35 leasing a boat. They are fishing that permit on someone else's  
36 boat. If we get rid of the historical captain permit and force  
37 them to have a regular permit, they would not be able to do that  
38 anymore. They would then have to buy a boat or lease a boat, or  
39 some way else, because the permit is issued to the boat.

40  
41 It could create some sort of hardship for a couple of these  
42 guys, and, if we're not going to get rid of the historical  
43 captain permits, and it's still going to exist, then it might be  
44 worth thinking about do we really want to require everyone who  
45 has them to give it up, because those guys wouldn't exist  
46 anymore, even though they qualify. They may not want to make  
47 the change, and so Mara can get into some more of that, and Sue,  
48 when they get back, but there are still a couple of

1 complications thrown into it. Thank you.

2

3 **CHAIRMAN DIAZ:** Dr. Diagne.

4

5 **DR. DIAGNE:** Dr. Crabtree, essentially, would making the  
6 replacement, or the conversion, optional, fix that, essentially,  
7 for those people who are unable to, essentially, I guess, have a  
8 vessel to be able to move that?

9

10 **DR. CRABTREE:** It might if that class of permit is going to  
11 continue to exist. I believe there's something in the amendment  
12 that gives them two years to acquire a boat, and then, if they  
13 don't, I guess they would be in danger of losing the permit.

14

15 **CHAIRMAN DIAZ:** Okay. Seeing no further comment, we'll going to  
16 take a break until -- Well, I'll turn it back over to Dr.  
17 Frazer.

18

19 **DR. FRAZER:** Thanks, Dale. We're pretty close to being on  
20 schedule. We are scheduled for a break at 10:30, and we'll pick  
21 up at 10:45, but, before we leave, I noticed that Captain Johnny  
22 Greene walked into the room, a former council member, and  
23 welcome, Johnny. Thanks for being here. All right. See you  
24 guys at 10:45.

25

26 (Whereupon, a brief recess was taken.)

27

28 **CHAIRMAN DIAZ:** Next up on the agenda, we have a public hearing  
29 draft on the carryover of unharvested quota. Mr. Rindone is  
30 going to lead us through that discussion. Mr. Rindone.

31

32 **PUBLIC HEARING DRAFT GENERIC AMENDMENT - CARRYOVER OF**  
33 **UNHARVESTED QUOTA**

34

35 **MR. RYAN RINDONE:** Thank you, Mr. Chair. If we could bring it  
36 up on the screen. You guys are going to see a public hearing  
37 draft of what we've been working on for the last few meetings.  
38 If you guys feel comfortable picking some preferred  
39 alternatives, you can do that, and our intention is to take this  
40 to public hearing via webinar, unless there is a call from you  
41 guys to do something different. We can go ahead and go to the  
42 document.

43

44 We will go to the purpose and need, and so 1.3. Just to review,  
45 the purpose of this action is to incorporate provisions to allow  
46 the carryover of unused portions of the ACL that were uncaught  
47 due to landings uncertainty and management limitations and to  
48 modify the framework procedure to allow carryover and other

1 changes to operate in a timely manner.

2  
3 The need is to increase flexibility in quota management to  
4 promote achievement of the optimum yield for reef fish and CMP  
5 stocks, as allowed under the 2016 October revisions to the  
6 National Standard 1 Guidelines, and also to clean up our  
7 framework procedures a bit.

8  
9 Just to clarify, this is like a bolt-on modification to our ABC  
10 control rule, and so we're not changing the ABC control rule.  
11 We're like sticking this to the side of it, if that makes sense.  
12 All right. Let's go to 2.1.

13  
14 The first action talks about eligibility for the carryover  
15 species. In Alternative 2, you guys can select more than one  
16 option as preferred in Alternative 2, and we've gone back and  
17 forth about the language on this, about the best way to try to  
18 make it clear what is happening here, and probably the best way  
19 to do it was mentioned at the last meeting, which is to read the  
20 last sentence of Alternative 2 before reading each option, and  
21 so what each of these options is doing is it's telling you the  
22 circumstances that would exclude a species in the CMP or reef  
23 fish stocks from being included in the carryover.

24  
25 Some things that are going to exclude species, right from the  
26 off, are going to be like if they don't have sector allocations,  
27 and part of that comes from -- The direction from the National  
28 Standard Guidelines was that the carryover should be applied to  
29 the smallest divisible portion of the fishery from whence it  
30 came, and so, if we don't have any sector allocations, then it's  
31 just everybody is out fishing, and it's kind of hard to tell  
32 where any sort of change in effort may have occurred, and,  
33 because there is no sector allocations, it's impossible to  
34 credit those fish back to that sector, because we're not  
35 managing that species by sector, and so anything that doesn't  
36 have sector allocations has automatically not been included  
37 here.

38  
39 A good way to look at understanding Alternative 2 is Table  
40 2.1.2, I think, or maybe it's 2.1.1. There it is. It's that  
41 one. All right. Basically, what this is telling you is that,  
42 if you picked Option 2a as preferred, you are basically saying  
43 that, if a species is under a rebuilding plan, there is no  
44 carryover, which would exclude red snapper, gray triggerfish,  
45 and greater amberjack, but it would include king mackerel,  
46 recreational red grouper, and recreational gag. Just as a  
47 reminder, you guys took IFQ species out of this a while back,  
48 and so there is no IFQ components included in this document.

1  
2 If you did Option 2b, then you would be able to do a carryover  
3 for recreational red snapper, all of gray triggerfish, greater  
4 amberjack would be excluded, but you would be able to do it for  
5 king mackerel, recreational red grouper, and recreational gag,  
6 and this is all based on the current criteria that we have, and  
7 so you can just work your way through the rest of the options.  
8 Are there any questions about Action 1 or any preferreds that  
9 you guys would like to select? Any selection of preferreds at  
10 this point would carry forward when we do the public hearings,  
11 so the public would know what you guys are at least thinking  
12 about.

13  
14 **CHAIRMAN DIAZ:** Ryan, as the Chair, I don't really want to pick  
15 preferreds, but, in my way of thinking, I don't like Option 2a  
16 here. It seems to me like the rest of the options make sense,  
17 and that's something that is reasonable to me, and so that's  
18 just my two-cents.

19  
20 **MR. RINDONE:** Thank you, sir. Anyone else? All right. Then we  
21 can go on to Action 2. Action 2 provides an adjustment in the  
22 carryover provision for accounting for management uncertainty,  
23 and so this ensures that there is some buffer between the ABC  
24 and the OFL, because what's going to happen is, if we carry fish  
25 over from year-X to year-X-plus-one, it's, by default, going to  
26 increase the ABC in the year-X-plus-one, but we don't want the  
27 ABC to equal the OFL, because, if it does, the Secretary is just  
28 about obligated to assume that overfishing has occurred, which  
29 means that they're then going to send you guys a letter that  
30 says that overfishing occurred in this year for this species and  
31 you've got to do something about it right now. To prevent that,  
32 fixing some sort of buffer helps prevent that from happening.

33  
34 Alternative 2 shows you some options for limiting the degree to  
35 which the difference between the ABC and the OFL is decreased,  
36 and it goes from most to least conservative, and so Option 2a  
37 would allow the difference between the ABC and the OFL to be  
38 reduced by 25 percent, 2b is 50 percent, and 2c is 75 percent.

39  
40 If the difference between the ABC and the OFL was 100,000  
41 pounds, and you had a potential carryover of 150,000 pounds,  
42 then Option 2a would say that only 25,000 pounds could be  
43 carried over, only 50,000 under 2b, or only 75,000 under 2c, and  
44 so it makes sure that the ABC is not equal to the OFL, and, Dr.  
45 Stunz, I did add that red snapper example in there, if you would  
46 like me to go over that.

47  
48 **DR. STUNZ:** That might be good.

1  
2 **MR. RINDONE:** Sure. If you scroll on down to the end of 2.2, I  
3 wrote out an example here of how this would function, using red  
4 snapper as the example, and I'm assuming here that you guys  
5 preferred Option 2b, just for the sake of argument, and so that  
6 would limit the difference between -- The degree to which the  
7 difference between the ABC and the OFL could be reduced to 50  
8 percent.

9  
10 Right now, the difference between the ABC and the OFL for red  
11 snapper is 2.58 percent, or roughly 400,000 pounds, and so, if  
12 you selected Option 2b in Action 2, what that is saying is,  
13 based on that current difference between the ABC and the OFL and  
14 what that means in pounds, any carryover, regardless of where it  
15 came from and where it's going, the total couldn't exceed more  
16 than 200,000 pounds, and that ensures that buffer for the stock  
17 between the ABC and the OFL. If you did catch the ABC, it's not  
18 equal to the OFL, and so overfishing has not occurred.

19  
20 Dr. Simmons was asking about some simulations that the Science  
21 Center did a while back on king mackerel and red snapper, and,  
22 in short, what those simulations showed is that you could carry  
23 over the totality of whatever wasn't caught in year-X and catch  
24 it in year-X-plus-one without ultimately affecting rebuilding  
25 timelines, assuming that everything else remains constant.

26  
27 Bearing that in mind here, and so that's the science side of it,  
28 but the management side of it is that you guys are still  
29 obligated to prevent overfishing, and so having some difference  
30 between the ABC and the OFL is an act of trying to prevent  
31 overfishing from occurring, and so, if you keep the combined  
32 stock from catching the OFL, then you are preventing  
33 overfishing, and so this helps you do that, but, if you set the  
34 ABC equal to the OFL and then you catch the ABC, then the  
35 Secretary could assume that overfishing had occurred, and now  
36 you have to do something else to immediately end overfishing.  
37 Does everybody understand what's happening here? This is many,  
38 many long conversations and webinars with Mara that led us to  
39 this point.

40  
41 **MS. MARA LEVY:** I just want to clarify that it's not that if you  
42 in one year caught the ABC, which equals the OFL, that there  
43 would be an overfishing determination, and so you would have to  
44 exceed the ABC and exceed the OFL. Where the presumption comes  
45 in is in the approval process, and so the guidelines say that,  
46 if you have an action that will allow basically the OFL to equal  
47 the ABC to equal the ACL, that there is a presumption that  
48 overfishing will occur unless there is sufficient explanation

1 about why that is not going to happen.

2  
3 If you submit this document that potentially allows that to  
4 happen without a sufficient justification for how overfishing is  
5 still going to be prevented, then there is a chance that it  
6 could get disapproved.

7  
8 **CHAIRMAN DIAZ:** Thank you, Ms. Levy. Any questions? Mr.  
9 Rindone.

10  
11 **MR. RINDONE:** Does anyone want to select something as preferred  
12 here?

13  
14 **CHAIRMAN DIAZ:** Mr. Anson.

15  
16 **MR. ANSON:** Based on what Mara just said, I mean, it sounds like  
17 this isn't an automatic thing then and that there could be --  
18 Each time, if this were to go or to take effect, that there is  
19 some sort of additional scrutiny or review that will be required  
20 at that point and there's the potential that it may not be  
21 approved? For those two species, at least, as Dr. Simmons just  
22 mentioned, there has already been some previous analysis, at  
23 least for the current assessments that have been done with  
24 those, and understanding and knowledge that they will be okay  
25 under this type of scenario and that you can add some of that  
26 back into next year's ACL, but now it sounds like, from what  
27 Mara just said, that there is a chance that it wouldn't apply.

28  
29 **MR. RINDONE:** Mara, do you want to respond to that, or would you  
30 like me to?

31  
32 **MS. LEVY:** I can respond. There is two different things.  
33 Whether you have a species in a rebuilding plan, or an  
34 overfished status, whether carrying over is going to affect the  
35 rebuilding, and so that's one question, and the analysis that  
36 the Science Center did basically said it shouldn't affect  
37 rebuilding, with all other things being equal, I guess.

38  
39 The other obligation is to prevent overfishing on an annual  
40 basis, and so what I'm saying is, if you present a scenario in  
41 this amendment that you are going to ask the Secretary to  
42 approve, such that there is a possibility that there is going to  
43 be no buffer between the OFL and ABC, then the likelihood of  
44 getting the amendment approved goes down unless you can explain  
45 how, if you have that situation, OFL equals ABC, you will still  
46 prevent overfishing.

47  
48 Red snapper as an example, if you have an OFL equals an ABC

1 equals an ACL, our track record in staying under the ACL is  
2 important, because, if we exceed that, we exceed the ABC, and we  
3 exceed the OFL, and overfishing is going to be occurring, and  
4 so, unless we can somehow have a reasonable basis to say that  
5 having all those equal is going to prevent overfishing, it's  
6 going to be more difficult for the agency to approve this actual  
7 amendment. It wouldn't be a year-by-year thing, because this is  
8 setting up kind of an automated process.

9

10 **CHAIRMAN DIAZ:** Dr. Stunz.

11

12 **DR. STUNZ:** Thanks, Ryan, and thanks for doing the example, and  
13 it's clear and I understand that, but I'm still not  
14 understanding, I guess, the broader concept. What I am trying  
15 to avoid is leaving fish on the table, and so, for example, we  
16 have some buffers on the frontend, obviously, of this whole  
17 process, and we're adding in another buffer here for this  
18 carryover provision.

19

20 What I am trying to -- What I can't seem to understand, I guess,  
21 is that we underfish the fishery if you're in a carryover  
22 situation, but you're not getting credit for that, and so I  
23 guess I'm kind of just wondering if we're really -- Let's see we  
24 fished them right up there with that carryover. Are we really  
25 overfishing, or are we really only overfishing on paper, because  
26 it's a nuanced thing with the carryover, because you left all  
27 these fish in the water by not catching them in the first place?  
28 That is just rambling, but what I am trying to avoid is leaving  
29 fish on the table when we don't have to because of an arbitrary  
30 designation.

31

32 **CHAIRMAN DIAZ:** Dr. Crabtree.

33

34 **DR. CRABTREE:** Well, it's difficult to say for sure, because,  
35 when you have an underage, without a stock assessment, you can't  
36 be positive why there was an underage, and so, especially since  
37 -- Let's talk about recreational red snapper. A lot of that has  
38 historically been done based on projections, and it could, be  
39 for some reason, you had a big decline in the fishery that you  
40 didn't know about, and so you were under.

41

42 Now you're going to carry that underage over to the next year  
43 and add more fish on, which could make the problem even worse,  
44 but, without an assessment to tell you what really happened,  
45 there is no way to know for sure, and so part of what we're  
46 struggling with is this whole thing for ACLs.

47

48 For it to work the way you all want it to work, you would have

1 to have assessments every year, and we don't have that, and so  
2 that leaves us with this measure of uncertainty, and so, given  
3 where we are and what we know and how we manage this, I don't  
4 think there is a scenario where we could say we're never going  
5 to leave fish on the table without having too high of a risk of  
6 overfishing.

7  
8 What we can do is leave fewer fish in the water and try and  
9 balance some of these, and I think what Mara is telling you is  
10 that you really need some kind of buffer here in order for this  
11 to meet the requirements of the guidelines and getting it  
12 through the system, and so, if you want to keep the buffer as  
13 small as you can, then you would go with 2a, but you're not  
14 going to be able to -- It's going to be very difficult to  
15 justify a situation where you try to carry everything over,  
16 because of the risk and just the way the fishery operates at  
17 this time.

18  
19 **CHAIRMAN DIAZ:** Mr. Rindone.

20  
21 **MR. RINDONE:** Thank you, sir, and, just to provide some  
22 perspective here for red snapper, right now, the ACL equals the  
23 ABC for red snapper, and the recreational sector lands just  
24 about 98 to ninety-nine-and-a-half percent of their portion of  
25 that ACL every year. The recreational components land or exceed  
26 their ACL, or at least they have in the last couple of years.

27  
28 Right now, you are catching the ABC, or real close to it, and  
29 so, if you had a situation where there was some amount that  
30 wasn't caught, and you're under a constant catch scenario now,  
31 from when we re-did the red snapper ABC after the last stock  
32 assessment, and so it's like 15.1 million pounds, I think is  
33 what it was.

34  
35 If you had a situation where you could carry fish over to the  
36 following year, you have a good idea of what your fleet effort  
37 is like right now, and there is definitely capacity to catch  
38 those fish, and so your assumption for that particular species,  
39 if you're using it as a case study, should probably be, yes, we  
40 can catch the ABC, whatever we set it at, and so it becomes a  
41 matter of what do you think is your inherent management  
42 uncertainty in that 2.58 percent window that you have between  
43 the ABC and the OFL. How much are you willing to reduce that in  
44 order to make sure that you don't exceed the OFL?

45  
46 **CHAIRMAN DIAZ:** Dr. Crabtree.

47  
48 **DR. CRABTREE:** Yes, and just one more source of the uncertainty

1 that you really need to be careful about is, on the recreational  
2 side, we now have multiple estimates of what the recreational  
3 catch is, and so, when you decide did you catch the quota or are  
4 you under it, it depends on which number you look at, and so  
5 there is a lot of vulnerability and a lot of uncertainty there,  
6 because it's not totally clear what the various biases and  
7 sources of inaccuracy in all the various estimates are, and so  
8 there is a lot of uncertainty right now as we try to make this  
9 transition to these different data collection programs and  
10 different ways of managing the fishery that I think would lead  
11 you to be cautious with things like underages.

12  
13 **CHAIRMAN DIAZ:** Ryan, for my own benefit, out of the options on  
14 the board there, which one would allow for the largest harvest  
15 of fish, 2a or 2c?

16  
17 **MR. RINDONE:** They are progressively less conservative, and so  
18 2c would allow for the largest harvest of fish, and this used to  
19 be like 10, 50, and 90 percent, or something like that, and we  
20 changed it to 25, 50, and 75 percent, at you all's request. If  
21 the difference was 4 percent between the ABC and the OFL for a  
22 species, then Option 2a would allow you to reduce that to 3  
23 percent, 2b to 2 percent, and 2c to 1 percent.

24  
25 You can see, in Tables 2.2.1 and 2.2.2, the difference between  
26 the OFL and the ABC and the OFL and the ACL for these species,  
27 and, for some of them, you will see that they are the same  
28 value, and it's because the ACL is equal to the ABC for those.

29  
30 **CHAIRMAN DIAZ:** Any further discussion on Action 2? Seeing  
31 none, proceed, Mr. Rindone.

32  
33 **MR. RINDONE:** Thank you, sir, and so 2.3, this action modifies  
34 the framework procedures for a bunch of our FMPs. Generally  
35 speaking, what Alternative 2 does is automate the carryover  
36 process, and it's listed out in more language there than I am  
37 going to reiterate to you, but, essentially, it allows the ABC  
38 and the ACL to be adjusted via a closed framework procedure  
39 every year if a carryover is to be applied for a candidate  
40 species.

41  
42 Alternative 3 lets the ABC be specified for a species without  
43 having to go through the open framework process that we  
44 currently do, and so, when the SSC reviews a stock assessment,  
45 and then you guys start a framework action to change the ACL,  
46 the ABC that has been recommended by the SSC is specified in  
47 that open framework, and this allows it to be done through the  
48 abbreviated process.

1  
2 Alternative 4 is like an administrative efficiency gain, if you  
3 will, and so it's going to revise the listed FMPs to have  
4 consistent terminology and format, and it's going to add in-  
5 season and post-season AMs for coral and coral reefs and spiny  
6 lobster, and it just makes those commensurate with what we have  
7 in the other FMPs, and you can select more than one preferred  
8 alternative in Action 3, and so you could select Alternatives 2,  
9 3, and 4.

10  
11 For the carryover process to work the way that we have discussed  
12 and that you guys have indicated that you intend for it to work,  
13 you would need to select Alternative 2, and then the other two  
14 are additional efficiency gains in just how we do business.

15  
16 **CHAIRMAN DIAZ:** Ms. Bosarge.

17  
18 **MS. BOSARGE:** My question was actually on Action 1, but, if  
19 we're taking this out to the public, and Ryan says that  
20 Alternative 2 is the alternative that would need to be the  
21 preferred to actually make all these wheels turn the way we want  
22 them to turn, then I am willing to make a motion to make  
23 Alternative 2 the preferred alternative, and is that what you  
24 stated, Mr. Rindone?

25  
26 **MR. RINDONE:** If you want the carryover to operate in an  
27 automated fashion, Alternative 2 is how that happens.

28  
29 **MS. BOSARGE:** Then that would be my motion.

30  
31 **CHAIRMAN DIAZ:** We have a motion. Is there a second to the  
32 motion? It's seconded by Dr. Crabtree. Is there discussion on  
33 the motion? **Seeing no discussion on the motion, is there any**  
34 **opposition to the motion? The motion carries.** Mr. Rindone.

35  
36 **MR. RINDONE:** Thank you, sir. Those are the three actions that  
37 we have here, and, again, we're intending to take this out to --  
38 Go ahead, sir.

39  
40 **DR. CRABTREE:** Ryan, my recollection of this is one where it  
41 makes sense to pick more than one preferred, and is that right?

42  
43 **MR. RINDONE:** For Action 3, Alternatives 3 and 4 are -- They are  
44 good efficiency gains. They are going to alleviate some  
45 workload burden for council and SERO staff and time loads for  
46 you guys. Alternative 3 allows us to more quickly specify the  
47 ABC after a stock assessment, and the ABC isn't something that  
48 you guys directly specify. It's something that the SSC

1 recommends to you, and so it allows that to happen more quickly,  
2 and Alternative 4 -- Again, there is administrative and  
3 efficiency gains that happen there that are going to give us  
4 some consistent terminology across our framework procedures for  
5 all the FMPs, to make everything commensurate, and so that's  
6 another good one, from just a workload and general doing  
7 business perspective, and so Alternatives 3 and 4 -- We posed  
8 them to you guys because they are good things to consider.

9  
10 **DR. CRABTREE:** Yes, that was my memory, although it's somewhat  
11 foggy, given the last thirty-three days, but, nonetheless, I'm  
12 going to go ahead and make a motion to adopt Alternatives 3 and  
13 4 as preferreds.

14  
15 **CHAIRMAN DIAZ:** That will be a substitute motion?

16  
17 **DR. CRABTREE:** No, and I thought we just had no objection on  
18 Leann's.

19  
20 **CHAIRMAN DIAZ:** Okay.

21  
22 **DR. CRABTREE:** So we're going to have three preferreds on this  
23 one, if my motion passes.

24  
25 **CHAIRMAN DIAZ:** All right, and so motion by Dr. Crabtree to  
26 adopt Alternatives 3 and 4 as preferred. Is there a second to  
27 that motion? It's seconded by Ms. Bosarge. Any discussion on  
28 the motion? **Seeing none, is there any opposition to the motion?**  
29 **The motion carries.**

30  
31 **MR. RINDONE:** Thank you, sir. Again, our intention is to take  
32 this out to public hearing via webinar, and we can hold a couple  
33 of them, and try and engage the public that way. Is there any  
34 objection to that?

35  
36 **CHAIRMAN DIAZ:** Ms. Bosarge.

37  
38 **MS. BOSARGE:** No, I don't have an objection to that. If we have  
39 time, could we go back to Action 1 for just a second, Mr.  
40 Chairman?

41  
42 **CHAIRMAN DIAZ:** Absolutely. Ryan, could you go back to Action  
43 1?

44  
45 **MS. BOSARGE:** I liked Chairman Diaz's comment about Option 2b  
46 not being eligible for a carryover, and that is stocks which are  
47 currently overfished, and, Ryan, my question is for you. Option  
48 2c says that we also would not consider stocks which did not

1 have their fishing year closed as a result of the ACL or quota  
2 being met or projected to be met, and my thought process here is  
3 going towards a couple of species, red grouper, and maybe gag  
4 grouper, where we don't have an assessment back just yet, but  
5 we're taking steps to be conservative, because of the feedback  
6 that we're hearing from our fishermen, and so, if we also chose  
7 Option 2c as a preferred and excluded what it says, would that  
8 cure my hesitation with having a carryover on things like red  
9 grouper?

10  
11 **MR. RINDONE:** We are in a different situation with those  
12 groupers right now, with some uncertainty about where those  
13 stocks stand, but, essentially, what this is saying is a species  
14 is going to have to have -- Let's use gag. Gag runs from, for  
15 federal waters, runs from July 1 through the end of the calendar  
16 year, and so through December 31, for the recreational sector.

17  
18 If the quota was projected to be met on November 11, and so  
19 that's when NMFS closed the recreational fishing season for gag,  
20 on November 11, and I'm making all of this up, and it turned out  
21 that there were still 200,000 pounds remaining, for whatever  
22 reason, then, because the fishing year was closed, because the  
23 ACL was met or projected to be met, and then there ended up  
24 being some fish left over, the recreational sector of gag would  
25 be eligible for a carryover for next year, but, if the fishing  
26 year never closed for the recreational sector for gag, like if  
27 it closed on December 31, which is the end of the fishing year  
28 for them, then gag, recreationally, wouldn't be eligible for a  
29 carryover in the following year, because its season was not  
30 abbreviated due to management action.

31  
32 **MS. BOSARGE:** Right. Okay, and so that's what I thought, and  
33 so, on a species where we're not catching our quota, and we're  
34 not having closures, and that's probably because the stock is  
35 not doing very well, hence red grouper or something like that,  
36 if we chose Option 2c as a preferred, we wouldn't get ourselves  
37 in a predicament where, as we're going to do tomorrow, I think,  
38 where we're lowering the quota, but, because they didn't catch  
39 it all, we're also going to have a carryover, and we wouldn't  
40 end up in that situation if we chose Option 2c as our preferred,  
41 and I think that would be a wise move, to be conservative.

42  
43 **CHAIRMAN DIAZ:** Dr. Crabtree.

44  
45 **DR. CRABTREE:** Yes, and so it makes sense to me that we would  
46 choose 2b and 2c for this one, and so I'm going to go ahead and  
47 make a motion that we choose Alternatives 2b and 2c as our  
48 preferreds.

1  
2 **CHAIRMAN DIAZ:** I have a motion by Dr. Crabtree for Alternative  
3 2b and 2c. Is there a second to that motion? It's seconded by  
4 Ms. Bosarge. Any discussion on the motion? **Seeing none, the**  
5 **motion carries.** Dr. Crabtree.  
6

7 **DR. CRABTREE:** Since we're on a roll, I would like to go back to  
8 Action 2 and see if we can't get a preferred there. **In my**  
9 **looking at it, and given where we are and the uncertainties, my**  
10 **inclination is to go with Alternative 2b, which is sort of the**  
11 **intermediate of these options, and so, to get some discussion**  
12 **going, because we seem to be rather quiet today, I will make a**  
13 **motion to choose, for Action 2, Alternative 2b as the preferred.**  
14

15 **CHAIRMAN DIAZ:** I am going to wait just a minute while they get  
16 that up on the board. All right. We have a motion. Do we have  
17 a second to that motion? It's seconded by Ms. Bosarge. The  
18 motion is, in Action 2, to make Option 2b the preferred, and so  
19 this would be the one with 50 percent. Any discussion on the  
20 motion? Mr. Swindell.  
21

22 **MR. SWINDELL:** Dr. Crabtree, give me the difference, really,  
23 between the 25 and 50 percent. I don't really understand just  
24 what the difference would be and why necessarily you want the 50  
25 percent reduction.  
26

27 **CHAIRMAN DIAZ:** Well, as I understand it, 2a would be the most  
28 conservative and allow you to carry the least forward. 2c would  
29 be the most aggressive and allow you to carry the most forward,  
30 because it allows you to get that much closer to the ABC and the  
31 OFL. 2b is in the middle, and, in part, I am weighing that I  
32 suspect this council is not going to want to be the most  
33 conservative, but I'm a little concerned about being the most  
34 aggressive, and so I'm taking the intermediate approach.  
35

36 I think, Ed, several years, a few years, from now, when we've  
37 gotten through the transition in these new recreational catch  
38 programs, and we've integrated it into the stock assessments,  
39 we'll have a lot less uncertainty in where we are on things, but  
40 I think, for right now, a little bit of precaution makes some  
41 good sense, and so that's my rationale.  
42

43 **CHAIRMAN DIAZ:** Dr. Stunz.  
44

45 **DR. STUNZ:** I don't completely disagree with Dr. Crabtree on  
46 that, but I would prefer the Option 2c, to be a little bit more  
47 aggressive. This might be different if we were talking about  
48 the formal OFL and ACL and that kind of thing, but, in this

1 case, we're talking about fish that were left in the water, and  
2 I think I would prefer us to be a little bit more aggressive on  
3 this, and so, Roy, I won't support it. I don't know if I will  
4 make a second motion, or a substitute motion, and let me think  
5 about that for a minute, but I'll see what the other discussion  
6 is.

7

8 **CHAIRMAN DIAZ:** Ms. Bosarge.

9

10 **MS. BOSARGE:** Well, I tend to be a little more conservative, but  
11 I think I could get comfortable with the 50 percent. I don't  
12 think I would want to go any farther than that though. To me,  
13 there is a -- The difference between your ABC and your OFL, that  
14 is your scientific uncertainty, and, if we do this 50 percent,  
15 we're saying, well, all right, we're going to throw half of that  
16 kind of out the window and go ahead and fish it, and I agree  
17 that, well, they told us we could fish it last year, and we  
18 didn't, but, as Dr. Crabtree said, we don't have an assessment  
19 every year to tell us what changed from year-one to year-two,  
20 and, if there was some event that we don't understand yet -- I  
21 am not comfortable with getting too close to that OFL. I would  
22 rather err on the side of caution. We'll get to catch a few  
23 more fish the next year, but don't push the boundary too far,  
24 where we end up overshooting something and then having to come  
25 back and really rein-in our fishermen.

26

27 **CHAIRMAN DIAZ:** Okay. We have a motion on the board, and, for  
28 this one, I'm going to ask for a show of hands. **All of those**  
29 **folks on the committee in favor of the motion, signify by**  
30 **raising your hand, seven; all those opposed, like sign. The**  
31 **motion carries seven to one.** All right, Mr. Rindone. Do you  
32 have anything else? Go ahead.

33

34 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chairman. I just  
35 had a quick question about Action 1, and I'm sorry that we're  
36 jumping around so much, but the -- Is it Option 2e, I believe,  
37 the stocks that are managed by apportionment with the adjacent  
38 fishery management councils, how do we see that working, Ryan?

39

40 I mean, I think we're under a little bit of a tight timeline  
41 with this amendment, right, because we want to keep it fairly  
42 close to Amendment 50 for final action, so that we have the  
43 capability of not just the overage adjustments, but the underage  
44 adjustments, and so, in order to do that, that's what's done in  
45 this amendment. If the council doesn't exclude those three  
46 species, we would have to go back to the South Atlantic Council  
47 and the South Atlantic Council's SSC, and how do you see that  
48 working?

1  
2 **MR. RINDONE:** Thank you, ma'am. Dr. Simmons is hitting  
3 something that I was hoping that I would be able to come back  
4 to, and so thank you. The whole goal behind this entire thing  
5 is for this to work without having to touch a lot, and so, every  
6 year, if there is something to be carried over, it is carried  
7 over. We don't have to go back and revisit it and do extra  
8 documents or anything like that.

9  
10 Option 2e allows us to not have to go and call the South  
11 Atlantic Council about black grouper or mutton or yellowtail,  
12 none of which we have official sector allocations for right now,  
13 but it's not to say that we won't in the future, and, if we do  
14 in the future, and in the future they were eligible for  
15 carryover, under the other rules that you guys already  
16 established, we would have to go back to the South Atlantic  
17 Council for approval on those species, because we do manage  
18 those species with them through apportionment.

19  
20 By selecting Option 2e, we save those species for another day  
21 and another discussion with the South Atlantic Council, and it  
22 allows this document to go through for the species that are  
23 already eligible for it, if that makes sense.

24  
25 **CHAIRMAN DIAZ:** Mr. Riechers.

26  
27 **MR. RIECHERS:** Ryan, it makes sense to me, but what I guess I'm  
28 trying to get at is, even if we didn't select Option 2e, or pull  
29 it out here, the reality, even though we're managing by  
30 apportionment, would be that, before National Marine Fisheries  
31 Service would approve an action underneath the plan, even  
32 though, quote, unquote, we're automating it, it seems to me that  
33 it truly wouldn't be that way.

34  
35 I mean, I can't imagine them ignoring what's caught on the other  
36 side of an apportionment and allowing a carryover to occur  
37 without at least looking at the other side of that equation and  
38 seeing if they're also under or if they're over, and so I guess  
39 I'm just trying to figure out -- I don't mind also making it a  
40 preferred here, but I'm trying to figure out whether there is  
41 really any difference in making it a preferred or not making it  
42 a preferred.

43  
44 **CHAIRMAN DIAZ:** Mr. Rindone.

45  
46 **MR. RINDONE:** Thank you, sir. The difference is -- It's not an  
47 issue now, but it could be an issue in the future, and this is  
48 just getting ahead of it by -- If you guys were to select Option

1 2e as preferred, because, right now, those three species are not  
2 affected directly by what's going to happen here, and so the  
3 other species that are going to be affected by it, that would be  
4 eligible for a carryover, they're going to be at the forefront  
5 of consideration, but, if you guys, in the future, establish  
6 sector allocations for say yellowtail, like we've talked about  
7 on and off in the past, now, all of a sudden, yellowtail may be  
8 eligible, and that's something that we would have to go back to  
9 the South Atlantic Council and have conversations about.

10  
11 An approach that you guys might consider with the species that  
12 are managed through apportionment is a separate effort with the  
13 South Atlantic Council for a carryover setup that deals  
14 specifically with those species, but excluding them here allows  
15 this to function in that automated process that we've talked  
16 about without having to go back to the South Atlantic Council  
17 for approval on anything, and I know that there might be a  
18 question about kingfish, since we have a joint FMP for kingfish.

19  
20 Ultimately, the South Atlantic Council will have to see this and  
21 bless this for kingfish as well, because part of our joint FMP,  
22 and this is a plan amendment, and they're also working on their  
23 own carryover situation for their stocks over there, but they're  
24 following similar rules as us.

25  
26 **CHAIRMAN DIAZ:** Ms. Bosarge.

27  
28 **MS. BOSARGE:** Yes, and I guess I look at it from just the flip  
29 side, thinking about -- Isn't it yellowtail that the South  
30 Atlantic has asked us to look at a couple of times to see if we  
31 could help them somehow? If we leave this in there, in other  
32 words don't pick Option 2e as a preferred, which would leave it  
33 in there as a possibility, to me, that's getting ahead of the  
34 game.

35  
36 It leaves it out there so that, if we ever did have sector  
37 quotas in the Gulf, then it's on the table that we could have  
38 carry-forwards and things like that. To me, you take a tool out  
39 of the toolbox if you pick that as a preferred. I would want to  
40 leave it in there, and, when the time comes, if we get to that  
41 point where we need to look at it with them, we will look at it  
42 with them, and we haven't automatically vetoed it and said, no,  
43 we're not going to consider that.

44  
45 **CHAIRMAN DIAZ:** Mr. Riechers.

46  
47 **MR. RIECHERS:** I think you're right, Leann, because I think what  
48 Ryan is focusing on is not what happens in the future with

1 actual stock, but I think, Ryan, what you're speaking to is this  
2 exact amendment. If we don't pull it out of here, the amendment  
3 has to then go back to the South Atlantic for discussions, I  
4 think is what I heard him saying, where you and I have focused  
5 on the discussion about what happens with the actual stock  
6 overage, if it occurs at some later time, and I think he's  
7 focusing on this particular document, at least as I heard him  
8 discuss it.

9

10 **CHAIRMAN DIAZ:** Dr. Crabtree.

11

12 **DR. CRABTREE:** But I believe this amendment has to go back to  
13 the South Atlantic, whether we chose this or not, because it's a  
14 plan amendment to the coastal migratory pelagics plan, and so  
15 they have to approve this regardless, right, Ryan?

16

17 **MR. RINDONE:** They are going to have to approve it because of  
18 the CMP species, but what we're talking about here are the  
19 species that we're managing in our Reef Fish FMP via  
20 apportionment, and so, if at some point in the future we had  
21 sector allocations with those, before we could do any sort of  
22 carryover situation -- It wouldn't be able to be automated for  
23 those species the way that it's drawn up for everything else  
24 that's in this document, because they also manage those species,  
25 albeit in nuanced, different ways than how we do.

26

27 **DR. CRABTREE:** It's not about this specific amendment not going  
28 before them, but it's about --

29

30 **MR. RINDONE:** It's about the species and not the amendment, and,  
31 again, you guys could take a similar approach that you discussed  
32 for the commercial IFQ species and slaying this particular  
33 dragon in a separate effort later, and it would allow you to be  
34 able to do that with the South Atlantic Council in a way that  
35 addresses your concerns in an open and equal way.

36

37 **CHAIRMAN DIAZ:** Ms. Bosarge.

38

39 **MS. BOSARGE:** Okay, and so I'm starting to get a little  
40 confused, and so tell me -- Right now, this document, the way it  
41 is, are we -- Because, with king mackerel, we have a commercial  
42 sector that bumps up against its quota, but, every once in a  
43 while, they close our season with a few fish left in the water,  
44 and maybe that could be carried forward when we have a slight  
45 underage, right? Is this document going to allow us to do that,  
46 the way it's set up right now, or are we not considering king  
47 mackerel? Okay, and so, if we take Option 2e out, would we no  
48 longer be able to do that for the commercial sector for king

1 mackerel, because that's a CMP, and that's an adjacent fishery  
2 management council?

3  
4 **MR. RINDONE:** No, because the stock boundary for king mackerel  
5 is at the Dade/Monroe line, and the Gulf Council has management  
6 authority to the Dade/Monroe line, and so we manage through the  
7 Keys, and that is year-round, and so, because of that, because  
8 of the way that the management is set up, it allows for king  
9 mackerel to be included in its entirety, recreational and  
10 commercial, in this document.

11  
12 **CHAIRMAN DIAZ:** Dr. Crabtree.

13  
14 **DR. CRABTREE:** Well, my inclination, for right now, is to leave  
15 it the way we have it and deal with yellowtail down the road, or  
16 at least we can talk some more about this at Full Council, when  
17 we have Mara and Sue, but I am more inclined, right now, to just  
18 leave it as we did with 2b and 2c as the preferreds, because I  
19 am getting confused.

20  
21 **CHAIRMAN DIAZ:** Any further discussion? Do you have anything  
22 else, Mr. Rindone?

23  
24 **MR. RINDONE:** No, sir.

25  
26 **CHAIRMAN DIAZ:** All right. I believe that gets us through this  
27 action item right here.

28  
29 **DR. FRAZER:** Clearly I'm not on this committee, but one of the  
30 things that's in this particular action is the Reef Fish FMP  
31 objectives that we went over in the last council meeting, and it  
32 might be a good opportunity, given where we are in the schedule,  
33 if anybody wants to look at those. We went through them fairly  
34 quickly at that last meeting, and I'm not suggesting that you  
35 have to do that, but I'm just throwing it out there, as we have  
36 a little bit of time.

37  
38 **CHAIRMAN DIAZ:** Anybody interested in reviewing the reef fish  
39 objectives? All right. Then I believe that finishes this  
40 agenda item. Did you have something, Ms. Bosarge?

41  
42 **MS. BOSARGE:** Is that something that we're bumping up to now  
43 that we were going to do tomorrow? Is that what you're talking  
44 about, Dr. Frazer?

45  
46 **DR. FRAZER:** Okay. Sorry about that. Yes, we can do it  
47 tomorrow.

48

1 **CHAIRMAN DIAZ:** Is there any other business to come before this  
2 committee? Seeing none, we're going to yield the committee back  
3 with almost an hour left on the schedule. Thank you.

4

5 (Whereupon, the meeting adjourned on January 28, 2019.)

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