

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

2
3 REEF FISH MANAGEMENT COMMITTEE

4
5 IP Casino & Resort Biloxi, Mississippi

6
7 APRIL 2, 2019

8
9 **VOTING MEMBERS**

- 10 Kevin Anson (designee for Scott Bannon).....Alabama
- 11 Patrick Banks.....Louisiana
- 12 Susan Boggs.....Alabama
- 13 Leann Bosarge.....Mississippi
- 14 Doug Boyd.....Texas
- 15 Roy Crabtree.....NMFS
- 16 Dale Diaz.....Mississippi
- 17 Jonathan Dugas.....Louisiana
- 18 Phil Dyskow.....Florida
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- 21 Paul Mickle (designee for Joe Spraggins).....Mississippi
- 22 Lance Robinson (designee for Robin Riechers).....Texas
- 23 John Sanchez.....Florida
- 24 Bob Shipp.....Alabama
- 25 Greg Stunz.....Texas
- 26 Ed Swindell.....Louisiana

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28 **NON-VOTING MEMBERS**

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- 30 Lt. Mark Zanowicz.....USCG

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32 **STAFF**

- 33 Assane Diagne.....Economist
- 34 Matt Freeman.....Economist
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- 36 Beth Hager.....Administrative Officer
- 37 Karen Hoak.....Administrative & Financial Assistant
- 38 Lisa Hollensead.....Fishery Biologist
- 39 Ava Lasseter.....Anthropologist
- 40 Mara Levy.....NOAA General Counsel
- 41 Emily Muehlstein.....Public Information Officer
- 42 Ryan Rindone.....Fishery Biologist & SEDAR Liaison
- 43 Bernadine Roy.....Office Manager
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22 Charles Tyer.....NOAA OLE
23 Ed Walker.....Tarpon Springs, FL
24 Captain Monkey.....Gulf Breeze, FL
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26 - - -
27

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PAGE 25: Motion to recommend the council approve Amendment 50A: State Management Program for Recreational Red Snapper, and that it be forwarded to the Secretary of Commerce for review and implementation. The motion carried on page 26.

PAGE 32: Motion to recommend the council approve the Amendment 50B: Louisiana State Management Program for Recreational Red Snapper, and that it be forwarded to the Secretary of Commerce for review and implementation. The motion carried on page 33.

PAGE 33: Motion to recommend the council approve the Amendment 50F: Texas State Management Program for Recreational Red Snapper, and that it be forwarded to the Secretary of Commerce for review and implementation. The motion carried on page 33.

PAGE 33: Motion to recommend the council approve the Amendment 50E: Florida State Management Program for Recreational Red Snapper, and that it be forwarded to the Secretary of Commerce for review and implementation. The motion carried on page 33.

PAGE 33: Motion to recommend the council approve the Amendment 50D: Alabama State Management Program for Recreational Red Snapper, and that it be forwarded to the Secretary of Commerce for review and implementation. The motion carried on page 33.

PAGE 34: Motion to recommend the council approve Amendment 50C: Mississippi State Management Program for Recreational Red Snapper, and that it be forwarded to the Secretary of Commerce for review and implementation. The motion carried on page 34.

PAGE 43: Motion to recommend the council deem the codified text for the state management amendments (50A through 50F) as necessary and appropriate, giving staff editorial license to make the necessary changes in the document. The Council Chair is given the authority to deem any changes to the codified text as necessary and appropriate. The motion carried on page 43.

PAGE 46: Motion to recommend the council approve the Red Grouper Framework Action to Modify Annual Catch Limits and Annual Catch Targets, and that it be forwarded to the Secretary of Commerce for review and implementation and deem the codified text as necessary and appropriate, giving staff editorial license to make the necessary changes in the document. The Council Chair is given the authority to deem any changes to the codified text as necessary and appropriate. The motion carried

1 [on page 47](#).
2
3 [PAGE 49](#): Motion in Action 1 to make Alternative 4 the preferred
4 alternative. [The motion carried on page 50](#).
5
6 [PAGE 59](#): Motion to amend the purpose and need to read: "to
7 review, evaluate, and modify, as appropriate." [The motion](#)
8 [carried on page 59](#).
9
10 [PAGE 63](#): Motion to add an alternative in 2.1, Action 1, to
11 modify commercial and recreational sector allocations based on
12 historical landings for years 1981 through 2006 when neither
13 sector overharvested. [The motion failed on page 70](#).
14
15 [PAGE 70](#): Motion to postpone further consideration on Amendment
16 52 until August 2019. [The motion carried on page 73](#).
17
18 [PAGE 82](#): Motion to add a statement in Draft Amendment 36B that
19 indicates the elimination of derby fishing as a program goal has
20 been met. [The motion carried on page 82](#).
21
22 [PAGE 110](#): Motion to move Action 4 to Considered but Rejected.
23 Action 4 is accuracy of estimated weights in advance landing
24 notifications. [The motion carried on page 110](#).
25
26 - - -
27

1 The Reef Fish Management Committee of the Gulf of Mexico Fishery
2 Management Council convened at IP Casino & Resort, Biloxi,
3 Mississippi, Tuesday morning, April 2, 2019, and was called to
4 order by Chairman Martha Guyas.

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

10 **CHAIRMAN MARTHA GUYAS:** Tab B-1 is our agenda for the day. You
11 hopefully all have had a chance to look at that, because our
12 first item is to adopt that agenda. Does anybody have any
13 changes or additions? Seeing none, is there a motion to adopt
14 the agenda as written? There is a motion and a second. Any
15 opposition to that motion? The motion carries. Next on our
16 agenda is approval of the minutes, and they are Tab B-2. Is
17 there a motion for the minutes or changes to the minutes?
18

19 **MR. KEVIN ANSON:** I make a motion to approve the minutes.
20

21 **CHAIRMAN GUYAS:** We have a motion to approve. Is there a
22 second? It's seconded by Greg Stunz. Is there any opposition
23 to that motion? The motion carries. We will cover the action
24 guide as we move through each item, and so that takes us to Tab
25 B-4, which is the Review of Reef Fish Landings by SERO.
26

27 **REVIEW OF REEF FISH LANDINGS**
28

29 **MS. SUSAN GERHART:** Thank you, Madam Chair. If we could have
30 that presentation up for the reef fish landings. All right, and
31 so, first, we'll look at the commercial, gray triggerfish and
32 greater amberjack. I have 2019 preliminary landings here and
33 then below that are the 2018 landings.
34

35 One of the things to notice is that, in 2018, there was a slight
36 overage with each of these, and so there is a payback in both
37 cases, the amberjack because it's overfished and the triggerfish
38 because it has a payback regardless of the status, and so that's
39 a few pounds that are taken off the ACL for the 2019, and so we
40 have landings through the end of March that are shown to you
41 here.
42

43 We can see that amberjack is pretty close, and they're actually
44 in a seasonal closure right now, and they are closed March
45 through May for the spawning season closure, and so we'll be
46 watching that and see if we can reopen on June 1. For
47 triggerfish, we're fairly low on the ACL percent right now, and
48 so we'll be looking at that in the fall and see if there is a

1 need to close that before the end of the year.

2
3 For recreational landings, we don't have any 2019 landings right
4 now. It's just too early in the year to have gotten the MRIP
5 landings, but, first off, we can look at greater amberjack, and
6 remember that it's not on the calendar year. The year begins in
7 August and goes through July. We have a split season, and the
8 fall season is August, September, and October, and then the
9 spring season is to be May.

10
11 If you look at what we landed last fall, we are at over 100
12 percent of the ACT, and so we manage to the ACT, and that quota
13 has been reached, and so, as I'm sure everyone saw, we will not
14 reopen on May 1 for the spring season for greater amberjack, and
15 we made that announcement a couple of weeks ago.

16
17 I show you a breakdown below of where the landings were by wave.
18 In the first graph, you can see that, in August, the majority of
19 the landings were in Louisiana, and then the highest landings in
20 September and October were in Florida and Alabama. Then the
21 breakdown in the pie chart is by the different modes, private,
22 charter boat, and headboat.

23
24 The next slide has some of the other recreational landings that
25 are for 2018. Again, no 2019 landings yet, and gag was only
26 about half of the quota was landed. Let me point out that these
27 are very preliminary landings already, and we do not have Wave 6
28 for the headboats, and we do not have any Texas landings since
29 the middle of May, and so, for most of the year, we don't have
30 Texas landings yet, and so these numbers will go up a little bit
31 later, and s we did not have a closure on gag.

32
33 For gray triggerfish, we were open, and we closed for the
34 seasonal closure last year for June and July, on triggerfish,
35 and we had not had the May landings yet, the Wave 3 landings
36 yet, when August came and it was time for the reopening, and so
37 we did reopen that sector, but then, when we got the Wave 3
38 landings, as you can see from the graph below, there was quite a
39 bit of landings during that wave, and that did put us way over
40 the quota and at 189 percent of the ACL at this time.

41
42 Because gray triggerfish is not overfished anymore, there is not
43 a payback. However, we projected the season this year based on
44 what happened last year, and, again, because the landings were
45 so high in May, we did put out a closure notice to close gray
46 triggerfish in mid-May for this year as well, to prevent another
47 overage of that. Recall that we'll be closed for June and July
48 again, and, if we find that our projections were off, we can

1 reopen again in the fall on that. Finally, red grouper, as you
2 can see, there were very low landings last year.

3
4 Then to some of the stocks. You have a number of stock ACLs,
5 where there is no allocation between commercial and
6 recreational, and I select a few each time to show you that
7 might be relevant to some of your conversations, and the first
8 one is hogfish.

9
10 The reason I'm showing this is, on Thursday of this week, we
11 will have effective the rule that decreases the ACL for hogfish,
12 and that was in the same rulemaking as the increase for the red
13 snapper, and so that will be effective on Thursday, and the
14 numbers went up to -- The new ACL is 129,500 pounds, and, as you
15 can see, less than that was landed last year, and so we don't
16 anticipate a closure on hogfish for 2019.

17
18 The next one is lane snapper. The reason I'm showing you this
19 is because we recently sent a letter to the council telling them
20 that, in 2017, lane snapper exceeded the overfishing limit, and
21 therefore, the status is changed to undergoing overfishing. In
22 2018, again, with these preliminary landings, we have also
23 exceeded the ACL. We don't have the OFL exceeded, but the ACL
24 was exceeded, and so we are looking, this year, at projections
25 for a lane snapper closure. When we did those projections, it's
26 into the fall sometime that that closure would occur. However,
27 we're going to wait until we get some more landings from this
28 year and then redo those projections using some of the data from
29 this year.

30
31 Mutton snapper also exceeded the ACL last year, and we did a
32 recent decrease in the ACL, not too long ago, and it wasn't a
33 large exceedance, but, again, we did a projection. Our
34 projection for mutton snapper was on a three-year average, and
35 it showed that we shouldn't have to close this year, but, again,
36 we'll be watching that as the year goes by, and, when we get
37 additional landings from 2019, we will redo those projections.

38
39 Then, finally, vermilion snapper also just barely exceeded their
40 ACL. When we did our projections on a three-year average for
41 vermilion snapper, we did not project a closure for this year,
42 and so those are the landings we have to date, and that ends my
43 report, and I will take questions.

44
45 **CHAIRMAN GUYAS:** Susan.

46
47 **MS. SUSAN BOGGS:** Thank you, Madam Chair. On page 3, where
48 there was the triggerfish, I thought there was -- The

1 triggerfish closed in August, but then there's landings in
2 September through December, and were there state seasons that
3 were open?
4

5 **MS. GERHART:** Yes, and so Florida stayed open until September
6 28, and then Texas was open all year.
7

8 **CHAIRMAN GUYAS:** Sue, I've got one. On mutton snapper, do you
9 know what the landings on the Atlantic side look like? Were
10 they up against their ACL as well? I'm just curious.
11

12 **MS. GERHART:** I do not know, but I can find out.
13

14 **CHAIRMAN GUYAS:** Okay. Are there other questions for Sue? All
15 right. I think we're okay then. In that case, let's move on to
16 our next item, which is also a SERO presentation, and this is B-
17 5, and this is on the 2019 For-Hire Red Snapper Season.
18

19 **PRESENTATION ON 2019 FOR-HIRE RED SNAPPER FISHING SEASON**
20

21 **MS. GERHART:** You might have noticed that I didn't include red
22 snapper in that last report, because we have this report coming
23 up, and so we were asked to present the for-hire season, but I
24 went ahead and put the recreational private angler information
25 in here as well.
26

27 Here are the preliminary landings for 2018 for the for-hire
28 component. You can see that we were very close to being right
29 on the ACT, in terms of the landings, and it was only 1 percent
30 over, and, because we had the 20 percent buffer, that was 81
31 percent of the ACL, and so our projections are getting a little
32 better.
33

34 If you look at the catch rates per day, you can see that they
35 have stabilized quite a bit over the past three years, and
36 that's one of the reason our projections are more accurate now,
37 because we have this stability since the sector separation went
38 into place, and so it's a little easier to do those projections,
39 and so, however we do the projections, we come up with forty-
40 six-thousand-some pounds per day as our catch rates, and so it's
41 very easy to take our ACL and ACT and, again, these aren't
42 effective until Thursday, but we went ahead and projected the
43 season based on those new ACLs and ACTs.
44

45 Remember that this year, for 2019 only, there is a 9 percent
46 buffer, rather than a 20 percent buffer, for the for-hire
47 sector, and so the ACT is higher than it would have been
48 otherwise, and so we estimate the number of days to reach that

1 ACT, based on those catch rates I showed you, and, regardless of
2 whether we used a certain year or the average over two years or
3 three years, we came up with the same answer, because the catch
4 rates were so similar, and we have estimated the number of days
5 to be sixty-two days for this fishing season. We made this
6 announcement already, that opening June 1, as usual, and we will
7 go through August 1, closing at 12:01 a.m. on August 2.

8
9 For the private angling component, of course, they are under the
10 exempted fishing permits for 2018, and they are again for 2019,
11 and so I just thought I would show the preliminary landings, and
12 I think we didn't have this quite updated at the last meeting,
13 because we were just coming off the furlough, but you can see
14 the landings here. Again, Florida and Alabama went over the
15 quota a bit, and that put the total over just a little bit as
16 well.

17
18 Again, we are having the increase in the ACL on Thursday, and so
19 these numbers that we're showing you for the 2019 quotas for
20 each state are based on that increased ACL, and so you can see
21 that we have payback for Florida and Alabama from the 2018
22 overage. In the case of Alabama, there is still an increase,
23 because the increase in the ACL was higher than their overage
24 from the year. Florida is going to have a little bit lower this
25 year, because the increase in the ACL did not make up for the
26 total overage.

27
28 Most of the states have announced their seasons now, and
29 hopefully I got these correct, and so anyone please correct me
30 if these are not right. You can see the seasons that have been
31 announced, and Louisiana has not yet announced their season for
32 this year yet.

33
34 **CHAIRMAN GUYAS:** Let me just note that the Florida season is not
35 correct. It's June 11 through July 12.

36
37 **MS. GERHART:** Thank you. Notice that the total for the ACL is
38 94.51 percent, and so, again, that includes the payback from
39 Alabama and Florida, and so it doesn't add up to 100 percent,
40 and that's the end of that presentation. Thank you.

41
42 **CHAIRMAN GUYAS:** Okay. Are there questions on red snapper?
43 We're a quiet bunch this morning. Roy.

44
45 **DR. ROY CRABTREE:** I just want to make sure that everyone
46 recalls that we lowered the buffers on the for-hire component
47 from 20 percent to 9 percent, but we did it for 2019 only, and
48 so that amounts to about eight days of fishing, and that will go

1 away next year, and it will go back up to 20 percent, unless we
2 take some action.

3

4 **CHAIRMAN GUYAS:** Sue.

5

6 **MS. GERHART:** I just got information from the office about the
7 mutton snapper in the South Atlantic, and so they generally
8 reach about 60 to 70 percent of their ACL. They haven't been
9 meeting their ACL.

10

11 **CHAIRMAN GUYAS:** Thanks. Leann.

12

13 **MS. LEANN BOSARGE:** It's kind of a question that overlaps both
14 the presentations we just had on landings, and so thanks for the
15 update. It was exciting to see that we had landings from all
16 five states that were in for red snapper, so we can really get a
17 good feel on what's been happening and where we're at before we
18 start again, but, in the first presentation, when we went
19 through the other species, we're still missing some of the data,
20 and it looks like the Texas data is only through May 14, and I
21 was just wondering -- These are some of the species that don't
22 have landings as significant as snapper, red snapper, and so I
23 was wondering, are we -- It looks like things are speeding up
24 over there, and do you think you will be able to work on the
25 other species and getting those in, maybe in the same timeframe
26 as the snapper landings?

27

28 **MR. LANCE ROBINSON:** As I think we've explained before, our
29 waves run on six-month waves, and so the data that's being asked
30 for for these other species are running through the end of
31 December, which is still right in the middle of one of our
32 sample periods, which doesn't end until May of this year, and
33 so, if we want landings through December, we can't make those
34 projections until that season is finalized.

35

36 We're not running the same level of effort outside of the
37 snapper season, in order to do those projections in red snapper
38 and the monitoring, and so our waves run a little different than
39 MRIP and some of the other states, and so we have to end up with
40 that run through the end of that season before we can get those
41 projections out.

42

43 **CHAIRMAN GUYAS:** Dale.

44

45 **MR. DALE DIAZ:** Dr. Crabtree, thanks for bringing that up. I
46 believe we should try to adjust the ACT for the charter/for-
47 hire, and I really would like to get it where it's right, and I
48 do think the 9 percent is a lot better than the 20 percent. Do

1 you have any suggestions, Dr. Crabtree, on what's the easiest
2 way to try to adjust this ACT, as far as the council process
3 goes?

4

5 **CHAIRMAN GUYAS:** Go ahead, Roy.

6

7 **DR. CRABTREE:** Well, I'm not sure there is an easy way, and what
8 we have to deal with is that a buffer on the for-hire fishery is
9 linked to the buffer on the private component, and their catches
10 are all linked under one recreational quota, and that's by the
11 statute.

12

13 I think, in order to have a clean path to changing the buffer on
14 the for-hire, the key is we have to maintain the private
15 component within their ACL consistently for a while, or you need
16 to go back in and revisit the issue of setting an ACT and a
17 buffer on the private component, and I know that's fraught with
18 a lot of issues, but I don't think you can deal with one in
19 isolation from the other, because the statute, under Section
20 407(d), links them both under the recreational quota, and that's
21 what the statute says we can't exceed, is the recreational
22 quota, and, if you change the buffer on one component, it
23 affects the probabilities of that.

24

25 It's been difficult to figure out where to go with this, because
26 we've had so many decisions to make on state management, and I
27 guess we're going to decide, at this meeting, if we're going
28 forward with state management, but we've had questions about are
29 we going to do state management of the charter boats, and I
30 don't know that we have fully resolved that, because I think
31 where we left it was we would potentially start on a new
32 amendment to look at that. Somehow, we've got to reconcile all
33 of these things and deal with it, and that's kind of a long-
34 winded explanation, but I don't think it's a very simple,
35 straightforward issue.

36

37 **DR. DIAZ:** I agree, Dr. Crabtree, and probably we ought to
38 tackle this after we take up Amendment 50 and see where that
39 goes, because where we're going to end up is the states are all
40 going to manage their own ACTs, and, depending on their data
41 collection programs, they're going to have different ACTs in
42 each state, and then that's going to leave us with the charter
43 boats next year at 20 percent, which, in my opinion, is way too
44 high. It's a smaller number of people, and we've got a little
45 bit better data, and I think it's an easier group to manage,
46 and, so, anyway, we'll take it up later. Thank you.

47

48 **CHAIRMAN GUYAS:** Go ahead, Roy.

1
2 **DR. CRABTREE:** I agree with that, Dale, but we've got to
3 demonstrate -- The states, I guess, now have to demonstrate, but
4 they're operating under the council's supervision, and we're
5 going to have to demonstrate that we can stay beneath the
6 private component ACL, and, if we go over the private component
7 ACL for a couple of years under state management, then you're
8 going to have to come back in, as a council, and look at putting
9 buffers in place and an ACT on the private component side, and
10 all I'm arguing is those things are linked. There is no
11 question that it's a smaller group, and we're doing a great job
12 of predicting their season right now, because it's been stable,
13 but, until Congress changes the statute, you've got to deal with
14 it more comprehensively.

15
16 **CHAIRMAN GUYAS:** Mara.

17
18 **MS. MARA LEVY:** Just to point out that you do -- Since you're
19 going to be looking at Amendment 50 -- I mean, you can, as the
20 council, tell the states that they have to manage to some
21 specified buffer, right, and so there is that option that you
22 can consider.

23
24 **CHAIRMAN GUYAS:** Are there other questions or discussion on this
25 agenda item? Seeing none, let's move on to all things Amendment
26 50. Let's get Ava up here. Do you want to start with the
27 action guide?

28
29 **DR. AVA LASSETER:** Sure.

30
31 **CHAIRMAN GUYAS:** Thank you.

32
33 **FINAL ACTION: DRAFT AMENDMENT 50: STATE MANAGEMENT PROGRAM FOR**
34 **RECREATIONAL RED SNAPPER AND INDIVIDUAL STATE AMENDMENTS**

35
36 **DR. LASSETER:** Perfect. Thank you. Our action guide and next
37 steps section states that I will review the actions and
38 alternatives in the documents and provide you the opportunity to
39 review all of the preferred alternatives and make any changes
40 that you may want to make now.

41
42 Then, beginning with the program amendment, which is 50A, if
43 appropriate, you may recommend to the council to approve that
44 amendment, and then, after we go through 50A, we will go through
45 each of the individual state amendments. What I would rather do
46 is we're going to actually use the program amendment to review
47 the alternatives in each of those, because there's a summary of
48 the current preferred alternatives for each state provided at

1 the end of each one of those actions, and then we can
2 sequentially go through each of the five state amendments, and
3 you can recommend those, as appropriate, to the council for
4 final action. That's the action guide. If we go to Amendment
5 50A --

6
7 **CHAIRMAN GUYAS:** Do we need to the public comments first?

8
9 **DR. LASSETER:** I apologize. Yes, I think we have -- I'm not
10 sure that she actually received additional comments, but let me
11 turn this over to Emily.

12
13 **SUMMARY OF PUBLIC COMMENTS**

14
15 **MS. EMILY MUEHLSTEIN:** Thank you. We actually did not receive
16 any additional comments between the January meeting and this
17 meeting, and I think that is mostly because we had sort of done
18 our final push and asked for comments before the January
19 meeting, when we were unable to take final action, and so we
20 didn't directly solicit comments in this time period between the
21 last council meeting and this one.

22
23 If you do look at Tab B, Number 5(h), it is a reprint of the
24 comments that I summarized for you at the January meeting, and
25 just a quick reminder that we did host ten in-person public
26 hearings and one webinar, and we received 200 written comments
27 on this amendment. I was not planning to re-summarize those
28 comments, but, if you do have any questions, or if you would
29 like me to do that, I can.

30
31 **CHAIRMAN GUYAS:** Okay. Any questions for Emily? Everybody has
32 got those in their packet, in case you need to read them. Okay.
33 All right, Ava. Sue, go ahead.

34
35 **MS. GERHART:** I just thought now was a good time to talk to you
36 about the comments on the DEIS that we received. The comment
37 period was open December 21 through February 4, and we received
38 only fifteen comments. There were ten in support of the
39 amendment, two were opposed, and three were specific to how
40 specific states should run their programs.

41
42 The opposed had concerns regarding accuracy and consistency of
43 state data collection programs and how they are going to be
44 calibrated with MRIP and used in stock assessments, and then
45 there were also concerns about the accountability measures not
46 being adequate that were in there, and that was the main
47 concerns that we saw, and I think Mara is going to talk a little
48 bit more about how we're addressing those comments.

1
2 **CHAIRMAN GUYAS:** Go ahead, Mara, when you're ready.

3
4 **MS. LEVY:** Well, I think the major substantive comment -- In
5 terms of comments on the draft environmental impact statement,
6 which, to me, goes to the information analysis and effects
7 analysis in the NEPA document, basically, it was that there are
8 potentially -- Based on how the amendments are described and
9 analyzed in the DEIS, there may be inconsistency with several
10 Magnuson Act requirements, because it's not clear how NMFS will
11 monitor state landings and assess whether annual catch limits
12 and overfishing limits have been exceeded, and so, essentially,
13 to address that, we're looking at adding information to Chapter
14 3, which is the affected environment, and so adding information,
15 more information, about private angling landings, the different
16 state landings and sort of saying what happened with the EFPs in
17 2018, so that that information is in the document.

18
19 Also, adding some information in the effects analysis that goes
20 back to using state landings versus MRIP and potential effects
21 of that and then some other information in the cumulative
22 effects analysis that also addresses the data used and the plan
23 for continuing to monitor this and do a calibration and all
24 those sorts of things, and so we are adding some information to
25 the document to address the state programs and the landings that
26 we had in 2018 and what we know about that.

27
28 **CHAIRMAN GUYAS:** Tom.

29
30 **DR. TOM FRAZER:** Thank you, Mara, for those comments. I guess
31 what I'm just trying to understand, moving forward, from the
32 staff's perspective, is who is actually going to add that
33 language to the DEIS?

34
35 **MS. LEVY:** The NEPA part of the document, and I know they're
36 integrated, but the DEIS and the EIS is NMFS's document, and so
37 the agency is going to be adding that to the document before
38 it's final and before you actually submit it, and so we're
39 working on doing that now, in addition to doing the response to
40 comments, because we have to do a response to comments on the
41 DEIS, and so, again, agency staff is working on doing that now.

42
43 **DR. FRAZER:** Thanks. I appreciate that.

44
45 **CHAIRMAN GUYAS:** Sue.

46
47 **MS. GERHART:** Just to be clear, this same document will also be
48 the final EIS, and so the same document will contain the

1 responses to comments in an appendix of this document. They
2 aren't in there now, but they will be before it's submitted for
3 secretarial review.

4
5 **CHAIRMAN GUYAS:** Leann, is that your hand?

6
7 **MS. BOSARGE:** Mara, I think you just kind of touched on some of
8 the comments that I had at the last meeting that were my
9 concerns, and staff addressed it a little bit, I saw, in some
10 verbiage in the document itself, but my concern was what will
11 the feedback loop be to the council, and so NMFS is going to put
12 some of that in there -- No, you're not, and so it's still going
13 to be kind of a set it and forget it and we don't have a
14 feedback loop?

15
16 **MS. LEVY:** Well, there is new language in the document, like you
17 noted, that said the council will get regular updates from the
18 states, and I think that was added during the last version.
19 This comment goes towards, more towards, that we didn't have
20 information -- What we've added is information about the state
21 landings systems, like what MRIP does and what the state
22 landings do and what happened with the EFP, and so it's not
23 about the feedback loop to the council. That's not what I was
24 trying to address. I was trying to address information about
25 the state landing programs and MRIP and what happened in 2018
26 and add that to the document and acknowledge that that's
27 something that should be in there.

28
29 **DR. CRABTREE:** But the feedback loop with the council -- I mean,
30 if you have specific ways you want that to occur, then tell us,
31 and we can put that in there. We will, as we did today, come
32 back to you and report to you on what the state landings were.
33 We were late with that this year, because of the shutdown, but,
34 assuming that's a rare event, and I sure hope, we would probably
35 do that at our first meeting of the year, and we would let you
36 know what the state seasons are as soon as we know what any
37 adjustments for the paybacks are, and we'll give you all of
38 that.

39
40 We can structure the timing of it any way you want to, and we
41 can provide as much detail as you would like to see on that, but
42 it will be all done very transparently, like we have always come
43 to you and reported on what the season is going to be and what
44 the projections are.

45
46 **CHAIRMAN GUYAS:** Leann.

47
48 **MS. BOSARGE:** Great. That alleviates some of my fears, because

1 the language that was added to the document said that the states
2 could give us an update on their management systems in each
3 state, and it didn't say they would, but it said they could, and
4 so I just think, as a feedback loop, we should get that update,
5 I would say at least once a year, as far as how it went last
6 year and what you see for next year, how your data collection
7 program may have changed, what your uncertainties in your CPUEs
8 look like, and how you think you're going to manage going
9 forward, and that's, again, just me being selfish.

10
11 I don't want to have to read five newspapers to keep up with
12 what's going on in every state if I am on this council, and I
13 think it should come to the council, the same way that we get
14 the NMFS landings updates, and so that's what I would like to
15 see. I would like to see a "would" instead of a "could", or a
16 "shall" instead of a "could".

17
18 **CHAIRMAN GUYAS:** I've got Roy and then Ava.

19
20 **DR. CRABTREE:** Leann, Mara is telling me that it does say
21 "would", and so I guess we need to confirm that. The other
22 thing we're going to be coming to you about, which is tied into
23 all of this, I believe, are the calibrations.

24
25 You have read the comments and the concerns about the lack of a
26 common currency. Well, right now, we don't have the
27 calibrations that are needed to derive a common currency, but
28 there is work going on now to develop calibration models for all
29 of the state plans, and they are, I believe, still on schedule
30 to be done by this year, and so, as soon as we have those, we're
31 going to be back to you with these calibrations, and we'll have
32 a discussion at that time of how that might be incorporated into
33 the new assessment and whether that indicates we should make
34 changes to the states' allocations of fish.

35
36 If we have a calibration model, we could take MRIP pounds of
37 fish and potentially convert that into state survey pounds of
38 fish, and it might be possible to make some adjustments along
39 those lines prior to the completion of the stock assessment, and
40 so this is all science that's underway, and I don't know how
41 it's going to come out, but we're going to be back at addressing
42 these issues in common currency towards the end of this year.

43
44 **CHAIRMAN GUYAS:** Ava, did you have something?

45
46 **DR. LASSETER:** I just wanted to tack on that we were also
47 skimming some of the documents, Leann, and we're seeing "will
48 provide". If you did find an incidence of "could", that could

1 be a typo, and I apologize, but, if you could point those out to
2 me, that would be great. Thank you.

3

4 **CHAIRMAN GUYAS:** Leann.

5

6 **MS. BOSARGE:** Just one last question. The common currency
7 issue, the only thing that that really affects is allocation,
8 and it doesn't have any ramifications on anything else? I
9 haven't really thought through the common currency. I have
10 thought through it from a stock assessment perspective and what
11 is that going to do to all of our different data streams and
12 making sure that all of those mesh, but I guess I haven't really
13 thought about it in the context of Amendment 50.

14

15 **DR. CRABTREE:** Well, I don't think, in Amendment 50 right now,
16 there is any more we can do with it, but we have a fairly
17 complex situation with red snapper, in that we have a transition
18 on going from the MRIP survey to the FES estimates, and then we
19 have individual state surveys, and some state surveys have shown
20 catches lower than MRIP, and some state surveys, Florida for
21 example, last year showed catches higher than MRIP, and so, at
22 some point later this year, we're going to want to try to make
23 sure that the currency that the ACL is in is in the same
24 currency as the state survey currencies, as best we can.

25

26 Now, to really get all of this comprehensively intermeshed, I
27 think it requires a stock assessment, but I think, when we get
28 the calibration models, there may be things we can do to improve
29 the situation prior to the completion of the stock assessment,
30 but that would affect how the recreational ACL coming out of the
31 assessment relates to the ACL that we're using for management
32 purposes.

33

34 **CHAIRMAN GUYAS:** All right, and so I think, at this point, we
35 are ready to go through 50A, and is that where we're going to
36 start? Okay.

37

38

PROGRAM AMENDMENT 50A

39

40 **DR. LASSETER:** Okay. Thank you. The document is located at Tab
41 B, Number 6(a). This is Amendment 50A, state management program
42 for recreational red snapper. Your Action 1, actually Action
43 1.1, begins on page 27.

44

45 There is two sub-actions here, and so Action 1 has 1.1, which
46 identifies the components of the recreational sector to include
47 in state management, and then the Action 1.2 provides a
48 mechanism for incorporating for-hire vessels, federally-

1 permitted for-hire vessels, if you were to select one of the
2 alternatives to include them in state management, and so we'll
3 begin here on page 27, Action 1.1.

4
5 Alternative 1 is always your no action alternative, and your
6 current preferred alternative is Alternative 2, which would
7 apply state management to the private angling component only,
8 and each state must constrain landings to the state's private
9 angling component ACL, as determined in the next action. Under
10 this alternative, the federal for-hire component will continue
11 to be managed Gulf-wide. Also, under this alternative, by
12 selecting this alternative, the sunset provision that would end
13 sector separation is removed, and the separate management of the
14 private angling and the federal for-hire ACLs will continue.

15
16 Alternative 3 would apply state management to both the private
17 angling and federal for-hire components, and the state must
18 constrain landings to the respective component ACLs, and, also,
19 under this alternative -- Actually, in contrast, under this
20 alternative, state management plan and sector separation would
21 end when the sector separation expires in 2022.

22
23 Then, finally, Alternative 4 is a mix, which would allow each
24 state with an approved state management program to decide
25 whether to manage its private angling component only or to
26 manage both of its components, and, because this would entail
27 some states, potentially, managing different components under
28 this alternative also, sector separation sunset would end, and
29 the sector separation would continue. I will pause there for
30 discussion on these alternatives.

31
32 **CHAIRMAN GUYAS:** I don't see any questions or discussion, and so
33 let's keep rolling.

34
35 **DR. LASSETER:** Okay. Perfect. Moving on to the Sub-Action 1.2,
36 I will just review this briefly, because this action is only
37 applicable if that last alternative, Alternative 4, is selected
38 in the previous action, and, because that is not your current
39 preferred alternative, you do not need a preferred alternative
40 selected for this action, but it was here as a placeholder, and
41 so this would essentially create an endorsement system to allow
42 federally-permitted for-hire vessels to identify the state that
43 they would be fishing from.

44
45 Moving on to Action 2, which begins on page 33, this action
46 addresses apportioning the recreational ACL, or the quota, and
47 you have eight alternatives, including your Alternative 1, no
48 action.

1
2 Alternative 2, as you're familiar with, provides several time
3 series, historical time series, of landings, with the final one,
4 Option 2d, being a mix between the longest and a more recent
5 time series. Alternative 3 provides some options for removing
6 various years from the historical time series provided in
7 Alternative 2, and Alternative 4 would use the average of the
8 best ten years of historical landings for each state across the
9 longest time series. Alternative 5 mixes two different metrics
10 for an allocation, where you would first select --

11
12 **CHAIRMAN GUYAS:** If they start blaring the fire alarm, we're
13 probably going to need to take a little break, just so you all
14 know.

15
16 **DR. LASSETER:** Carrying on with Alternative 5, instead of using
17 historical landings, this alternative would use trips,
18 recreational trips, and so, first, you would select an option
19 from 5a to 5c, which would be your time series for recreational
20 trips, either a longer, shorter, or an average between the
21 longer and shorter, and then you would select an option that
22 would weight those recreational trips and biomass.

23
24 We have three more alternatives, Alternatives 6 through 8. In
25 contrast with the previous ones, these last alternatives would
26 apply to the private angling component's ACL only, which is
27 consistent with your current preferred alternative in Action
28 1.1.

29
30 Alternative 6 would apportion the private angling ACL based on
31 the allocation set in the EFPs that were used for last year and
32 this year. Alternative 7 and Preferred Alternative 8 modify
33 those slightly, where Alternative 7 takes the 3.78 percent that
34 was assigned to Florida under Alternative 6 and redistributes it
35 proportionally amongst all five states. Preferred Alternative 8
36 takes that same 3.78 and divides it between Florida and Alabama.

37
38 If we take a look at page 41, this provides a summary, a
39 comparison, of all of those preferred alternatives for the
40 private angling component only, and so your current preferred is
41 Alternative 8, and so I will pause there for discussion.

42
43 **CHAIRMAN GUYAS:** I will give everybody a minute to get to that
44 table, but I am not seeing any hands flying up.

45
46 **DR. LASSETER:** Great. Moving on to Action 3, that begins on
47 page 43. Action 3, you added in October of this past year, and
48 you selected a preferred alternative at the January meeting, and

1 this action would establish a procedure for allowing a state to
2 request the closure of areas of federal waters adjacent to that
3 state's state waters for red snapper recreational fishing, and
4 it would be specific to the component that is included in state
5 management, in this case private angling.

6
7 Alternative 1 is your no action alternative, and your preferred
8 alternative is Alternative 2, which would establish the
9 procedure, and the procedure is that the state would request
10 this closure by letter, providing the dates and geographic
11 coordinates for the closure, and, provided the request is within
12 the scope of the analysis in this amendment, NMFS would then
13 publish a notice in the Federal Register implementing the
14 closure. As noted, since the private angling component right
15 now is selected as preferred, the closure would apply to the
16 private angling component only.

17
18 (Whereupon, there was a break.)

19
20 **CHAIRMAN GUYAS:** I think that brings us to -- Are we still on
21 Action 3?

22
23 **DR. LASSETER:** We are, and so I just reviewed the alternative,
24 and we're on page 43 of the document, and, while everybody is
25 getting settled, I will just go through the rest of it. There
26 were three potential requests for closures of areas of federal
27 waters, and we can look at page 47.

28
29 Texas has requested the authority to close all of federal waters
30 except during a time period during which a portion that they
31 specify of the Texas ACL would be allowed to be caught in
32 federal waters, and Texas intends to use this closure authority.

33
34 Florida and Alabama have requested potential authorities for
35 closed areas, and so, if we look at page 48, at the bottom, you
36 can see Florida's part, and so Florida and Alabama have each
37 requested closures beyond twenty fathoms and thirty-five
38 fathoms, with the intent that, in the future, if they would like
39 to extend the length of the season, they could enact this
40 closure to slow the rate of harvest.

41
42 If you just skim through the remaining two, Maps 49, 50, and 51,
43 you see, in Map 49, this is the thirty-five fathom off of
44 Florida, and then, on page 50, you can see Alabama with the
45 twenty-fathom mark, and then, finally, Figure 2.4.5, on page 51,
46 there is the Alabama thirty-five fathom, and so I'll pause there
47 for a moment.

1 **CHAIRMAN GUYAS:** Mara.
2
3 **MS. LEVY:** I just wanted to note that NMFS worked on getting the
4 coordinates for what those areas would be, right, because, if we
5 do the closure, we have to tell people what the closure is in
6 coordinates, and so we have the coordinates for the twenty and
7 thirty-five-fathom lines, and we're going to add those to the
8 document in an appendix, so that it's in the document, and, if
9 we have to do the closure in the Federal Register, we can
10 incorporate those coordinates into that closure notice.
11
12 The Texas closure doesn't need coordinates, because it's the
13 whole EEZ, and we have already defined the area off of Texas,
14 you will see in the regulations, or the codified text, and so
15 that doesn't need coordinates. The coordinates are because we
16 have these thirty-five-fathom and twenty-fathom lines.
17
18 **CHAIRMAN GUYAS:** Are there other questions on this action? Mr.
19 Dyskow.
20
21 **MR. PHIL DYSKOW:** I just looked at the charts of closed areas,
22 and I looked at the Alabama closure area, and it's going to be
23 kind of problematic for the angler, because of its shape, and is
24 there a way that Florida and Alabama could work together on one
25 area, one zone?
26
27 **CHAIRMAN GUYAS:** Kevin, do you want to speak to that, or should
28 I attempt?
29
30 **MR. ANSON:** Well, Phil, potentially we would talk to one
31 another, I guess, if we had a plan for closing waters in the
32 future. I guess I'm trying to look at both Florida's and
33 Alabama's figures and trying to reconcile your comment. I mean,
34 they're a little disjunct, I guess, but, with Mara's comment
35 that there will be specific lines and such, points, that I think
36 would be available for folks to upload and put in their GPS, I
37 don't know, necessarily, if we have a twenty -- Let's say, for
38 instance, a twenty-fathom closure, and Florida had a thirty-
39 five, that it would create too much confusion there on the line,
40 if you will, as you extend out, but, anyway, we would just try
41 to coordinate, I guess, as closely as possible, to see if we
42 could match up a twenty or a thirty-five, but that's all I can
43 think of at this point.
44
45 **CHAIRMAN GUYAS:** Anything else on this action? Yes, sir.
46
47 **LT. MARK ZANOWICZ:** Thank you, Madam Chair. Just from an
48 enforcement side, obviously enforcing closed areas is not

1 difficult for us, but, with enforcing fathom lines, that can get
2 a little tricky. The boundaries can get a little tough to
3 enforce when you don't have polygons or ideal straight lines,
4 and so I just wanted to voice that.

5
6 Additionally, when you have closed areas that don't quite line
7 up, like it looks like Alabama and Florida don't, that does
8 present a little bit of difficulty for us. Again, it's not
9 insurmountable, but I just wanted to comment on that.

10

11 **CHAIRMAN GUYAS:** Okay. Thank you. Mara.

12

13 **MS. LEVY:** I will just be a little more precise on the
14 coordinates. From what I understand, the twenty-fathom line is
15 going to match the twenty-fathom shallow-water grouper line
16 that's already in place, and the thirty-fathom line is going to
17 be -- We have to extend it. Right now, there's a thirty-fathom
18 longline buoy gear line, but it doesn't go all the way, and so
19 we just have to extend that thirty-five-fathom line that's
20 already on the books to go where it needs to go, and so a couple
21 of those lines are already there.

22

23 **CHAIRMAN GUYAS:** Leann.

24

25 **MS. BOSARGE:** Kevin, this question is for you. I'm just trying
26 to think ahead and make sure you have all the options that you
27 might need. You have a substantial amount of artificial reef
28 off of Louisiana, and what's that fathom look like on that?
29 Where does that fall on this map? In other words, most of it is
30 inside of what fathom line?

31

32 **MR. ANSON:** I would say the twenty-fathom break probably
33 accounts for 50 percent, maybe 55 percent, of the permitted
34 areas that we have off of Alabama. As far as the artificial
35 reef structures that are in there, it probably accounts for
36 about 70 percent, or 75 percent of the artificial reef
37 structures that are off of Alabama within the twenty-fathom
38 break.

39

40 **MS. BOSARGE:** So these options will get -- I'm assuming what you
41 want to do is you're thinking, well, if the catch rates get too
42 high and we want to extend the season, you will close some
43 areas, and so the options that you have here will let you close
44 enough of that artificial reef area to try and extend your
45 season, and you're good? Okay.

46

47 **MR. ANSON:** Yes, that's correct.

48

1 **CHAIRMAN GUYAS:** I am looking around the table, and I don't see
2 any other hands on this action, and so let's move on to Action
3 4.

4
5 **DR. LASSETER:** There is actually not an Action 4, and so this is
6 the final action in the program amendment, but just a word
7 about, again, a reminder of what this program amendment is. The
8 next two sections address the actions in those individual state
9 amendments, and so, on the next page, page 52, and we're not
10 going to go there yet for discussion, and we're going to come
11 back to the whole amendment, but you do have, in this document,
12 Action 1 and Action 2 from each of the individual state
13 amendments and summaries of what the preferred alternatives are
14 across all five of the individual state amendments, and so we'll
15 come back here to go through these actions for the individual
16 state amendments, but all of the analysis from each of the
17 individual state amendments is included in this 50A as well.
18 That does conclude the actions that are in 50A, and I will turn
19 it over to the committee to discuss whether it's appropriate to
20 recommend final action to the Full Council.

21
22 **CHAIRMAN GUYAS:** I am thinking we may want to dispense with all
23 of the motions at one time, if we can, if the committee is okay
24 with that, and so maybe go through all of these state amendments
25 and then we can talk final action, and I see that Susan looks
26 concerned about that.

27
28 **MS. BOGGS:** (Ms. Boggs' comment is not audible on the
29 recording.)

30
31 **CHAIRMAN GUYAS:** Okay, and so we'll come back to that in a
32 second. Are you all okay with that, if we go through all of the
33 50 amendments, and then we can discuss final action on this
34 series of amendments, if we want to go there? Chris.

35
36 **MR. CHRIS SCHIEBLE:** We need to take action on the individual
37 state amendments one at a time, right? Isn't that what we
38 discussed yesterday, that the overall program amendment will
39 need a final action and each state amendment will need its own
40 final action, correct?

41
42 **CHAIRMAN GUYAS:** Mara, can you discuss that?

43
44 **MS. LEVY:** That is my suggestion and advice, I mean, especially
45 when the council looks at it as a body. You're delegating
46 certain authority to each individual state through these
47 separate amendments, and I think you should be doing that
48 individually.

1
2 **CHAIRMAN GUYAS:** Okay. Chris.

3
4 **MR. SCHIEBLE:** I guess I would prefer that we take action on the
5 program amendment first then. **With that said, I would like to**
6 **make a motion to approve Amendment 50A.** I have sent the actual
7 motion to the staff for them to pull up for me.

8
9 While doing that, I guess I would like to remind us all of where
10 we've come and where we started with this to get to this point.
11 Back in June of 2016, at the council meeting in Florida,
12 Assistant Secretary Patrick Banks made the motion to begin all
13 of this, to put state management in place for the recreational
14 sector, and we're this close to the finish line. All we have to
15 do is push it over, and so that's where we are, and let's start
16 with the motion for the program amendment.

17
18 **CHAIRMAN GUYAS:** All right, and so we're getting that up on the
19 board. In the meantime, Mara, go ahead.

20
21 **MS. LEVY:** It's just going to be a little bit odd, because the
22 codified text includes everything, and so we can include it with
23 every motion, with the idea that, really, it addresses
24 everything, and so, for like the program amendment, it has the
25 components, and it has the closure piece, and it has the
26 allocation, but it doesn't have the delegations, which is also
27 in the codified text, and so, if you want to wait to go over the
28 codified text until we're done, or if you want me to go over it
29 now with this motion, so you know what's in it, we can do that,
30 and then we can just include that language with every motion. I
31 mean, I'm not really sure, and we could just take it out and
32 include it at the end, however you want to do it.

33
34 **CHAIRMAN GUYAS:** I think it makes sense to do it after we go
35 through the individual state amendments, just in case we have
36 further discussion and change anything on those, and I don't
37 think we're going to, but --

38
39 **MS. LEVY:** So do you want to maybe do things a little bit
40 differently and just recommend approval of the amendments one-
41 by-one, and then, when you get to the very end, you can have a
42 motion to deem the codified text for all Amendment 50A through
43 50F as necessary and appropriate, and so we'll do it a little
44 bit differently than normal?

45
46 **CHAIRMAN GUYAS:** Yes.

47
48 **MS. LEVY:** Then I would just remove the codified text language

1 from these motions, and we'll do it as its own motion.

2
3 **CHAIRMAN GUYAS:** That sounds like a plan, since this is a little
4 bit complex here. All right, and so we've got a motion on the
5 board. Once that text gets deleted, I'm going to read this.
6 **Chris's motion is to recommend the council approve Amendment**
7 **50A: State Management Program for Recreational Red Snapper, and**
8 **that it be forwarded to the Secretary of Commerce for review and**
9 **implementation.** We don't have a second for this motion yet.
10 It's seconded by John Sanchez. Okay. Roy.

11
12 **DR. CRABTREE:** Just so we're clear on how the votes will go on
13 all of this, the provision for delegation in the Magnuson Act
14 requires a three-quarters vote of the voting members of the
15 council, and so three-quarters of seventeen, on my calculator,
16 is 12.75, and so we need thirteen yeses to pass delegation.
17 Now, Amendment 50A does not contain any delegation in it. It
18 sets up who is included in it and the allocation, and so
19 Amendment 50A will require a simple majority to pass, but then
20 the other five state amendments will need fourteen affirmative
21 votes to pass, at minimum, thirteen affirmative votes, at
22 minimum. I hope I've been clear on this.

23
24 **CHAIRMAN GUYAS:** Okay. Is there any other discussion on this
25 motion? **Is there any opposition to this motion? Seeing none,**
26 **the motion carries.** Now, Ava, we're at the point to go through
27 the individual amendments. Where do you want us to start?

28
29 **DR. LASSETER:** I was prepared to use the program amendment, but
30 I'm happy to go through the individual state amendments. The
31 reason I liked, at this time, using the program amendment is
32 that, at the end of each action, there is a short summary, where
33 it has all five amendments and the preferreds, and so I just
34 thought that was easier to review, and then we could go through
35 each of the five amendments.

36
37 If we use the program amendment, 50A, again, this action, all of
38 this information is provided in each of the individual state
39 amendments for Action 1, and this begins on page 52. This is in
40 Amendment 50A, and it's Section 2.5 on page 52, and so it's the
41 individual state amendments, Action 1, and this is the authority
42 structure for state management, and so this is where either
43 conservation equivalency or delegation is selected.

44
45 If we scroll down, you can see, on page 53, Alternative 1 is
46 your no action alternative, and Alternative 2 would establish a
47 management program that delegates management authority for
48 recreational red snapper fishing in federal waters to -- Then,

1 in each individual state amendment, the respective state is
2 identified.

3
4 As long as the state's red snapper harvest plan is determined to
5 be -- If the state's red snapper harvest plan is determined to
6 be inconsistent with the requirements of delegation, the
7 recreational harvest of red snapper in the federal waters
8 adjacent to that state would be subject to the default federal
9 regulations for red snapper.

10
11 The state must establish the red snapper season structure for
12 the harvest of its assigned portion of the recreational sector
13 ACL and must monitor landings and prohibit further landings of
14 red snapper when that state's ACL is reached or projected to be
15 reached.

16
17 Then, in addition, some options are provided for additional
18 delegated authority to the state, and these options are: Option
19 2a, the bag limit; Option 2b, prohibition on for-hire vessel
20 captains and crew from retaining a bag limit; Option 2c,
21 modifying the minimum size limit within the range of fourteen to
22 eighteen inches total length; and, finally, Option 2d, maximum
23 size limit.

24
25 For these options, if Option 2a, the bag limit, and 2c are
26 selected, the state has the ability to -- It does not need to
27 modify those, but it has the authority to do so, to modify them.
28 The 2b would not be applicable at this time, because your
29 current preferred alternative in Action 1.1 is that the states
30 would manage the private angling component only. Therefore,
31 this option has no effect.

32
33 Now, if we scroll -- We will come back to Alternative 3, but, if
34 we look at page 56, right in the middle, you can see the current
35 preferred alternatives across the five states, and everybody but
36 Florida has that Option 2b selected as preferred, and, at the
37 time that each state was selecting its preferred, you did not
38 have the current preferred alternative in Action 1.1 for the
39 private angling component only. Florida identified its
40 preferred alternatives after that alternative for the private
41 angling component only was selected, and so, as Martha had noted
42 at that time when Florida made the motion, they were not
43 selecting it, because it was not consistent.

44
45 That Option 2b right now, even though it's selected in these
46 documents, it's not going to have an effect. There is no
47 authority provided for it in the codified text, and I did just
48 want to throw it out there, but did everybody want to modify

1 this and address it, or everybody just understands that this has
2 no effect, even though it's selected as the preferred, and let
3 me pause there for just a moment.

4
5 **CHAIRMAN GUYAS:** Kevin.

6
7 **MR. ANSON:** Mara, do you have any opinion on that? Is it
8 cleaner if we make motions for each of the respective state
9 plans to remove 2b, or, as Ava said, it's not going to be
10 included in the codified text, and so it's kind of a moot issue?
11 I mean, does it matter?

12
13 **MS. LEVY:** I mean, from a practical standpoint, I don't think it
14 matters. I think, as long as it's understood that that only
15 applies if this whole program applies to the federally-permitted
16 vessels, you're okay with it.

17
18 **CHAIRMAN GUYAS:** All right, and so it doesn't look like there is
19 any interest in removing it, but everybody, I think, hopefully
20 understands that keeping it in there means nothing. Is
21 everybody good? Okay. Leann.

22
23 **MS. BOSARGE:** If we were going to move on, I had a comment.
24 Were you about to move on to the next one? Okay. So I was just
25 wondering, and let me preface this with I understand that we
26 need to take final action at this meeting to try and make sure
27 that this is all implemented in time for when the EFP runs out
28 and we can just transition smoothly, and I'm good with that. I
29 have no issue with that, but I still have some concerns that we
30 haven't fleshed a few things out in this document as to -- So it
31 says Alternative 2, and where I'm going with this, and so let me
32 back up.

33
34 I think that maybe, after we take final action on this, we may
35 need to flesh some of these items out. I would have much rather
36 it had been fleshed out in here, but, for time constraints with
37 the EFP, I don't see how we can do that, and so maybe we can
38 follow this with another document that actually fleshes some of
39 this out and we would have a little more under our belt at that
40 point, as far as maybe another season under our belt, to see how
41 things are going and have a better idea of how this will play
42 out, but here is what I am getting to.

43
44 Under Alternative 2, it says, if the state's red snapper harvest
45 plan is determined to be inconsistent with the requirements of
46 delegation, then recreational harvest of red snapper in federal
47 waters adjacent to that state is going to fall under default
48 regulations, but what is determined to be inconsistent with the

1 requirements of delegation? I still don't really know what that
2 means. At what point are you inconsistent?

3
4 If you read onto the next page, it says, in the verbiage under
5 explaining Alternative 2, that -- So what is inconsistent?
6 Well, it says that we're giving authority to the state, which
7 would then establish the appropriate management measures to
8 constrain recreational harvest to the state's assigned portion
9 of the recreational sector ACL.

10
11 Well, so, if I have to read that literally, right, then, if we
12 have an overage in that state that goes over that state's ACL,
13 you are inconsistent, and, if we were going to be hard-nose
14 about it, does that mean that we're going to shut down the
15 federal waters and not let you have state management the next
16 year? These are the kind of things that I think we probably
17 should flesh out.

18
19 Granted, it will be in another document, and we will already
20 have transferred this authority, but I think we do need to have
21 those conversations and have some sort of metric in place for,
22 all right, well, if there is an overage two years in a row, or
23 three years in a row, then we're going to have to start doing
24 some analysis or start an amendment and look at something to end
25 that, whether that's maybe a buffer or something like that, but
26 we should understand what the process is and what we're holding
27 you accountable for and to what level we're asking you to manage
28 and what the repercussions are, and so food for thought. I sure
29 would like to flesh some of those things out in a future
30 document.

31
32 **CHAIRMAN GUYAS:** All right, and so I've got a couple of people
33 that want to respond to that. Roy and then Tom and Chris.

34
35 **DR. CRABTREE:** Well, I think what will happen if a state goes
36 over -- In order to be consistent with the Magnuson-Stevens Act,
37 the state will then have to take a corrective action to prevent
38 going over in the following year, and then I think, if we have
39 repeated overages from a state, that would require the council
40 to then come in and reevaluate the accountability measures.
41 That is what is really required by the National Standard
42 Guidelines now, and so those things would happen.

43
44 I guess, if a state has an overrun and does not take corrective
45 action, then they could potentially be ruled as not in
46 compliance with the fishery management plan and not taking
47 sufficient corrective actions to address that, but, if you think
48 about what we've done as a council, and if we did get to a point

1 where we determined the recreational quota was caught, we would
2 have to close the EEZ, delegation or no delegation, because
3 that's required by the statute.

4
5 The trouble we have had is, generally, given the time lags in
6 the data collection, by the time we could make a determination
7 like that, we're already into the next calendar year, but I
8 think part of the council discussions on an annual basis, when
9 we review the landings and the seasons, will be for you to make
10 some sort of judgment as to whether you think the states are
11 taking reasonable measures to ensure that overages aren't going
12 to continue, and then I do think -- I think, in the guidelines,
13 it's more than once every four years, if you exceed an annual
14 catch limit, you should review the accountability measures, and
15 so I think that sort of thing would continue to apply to this
16 fishery as a whole, delegations notwithstanding.

17
18 **DR. FRAZER:** Roy said some of the things that I was going to
19 say, and I think, to Leann's point, I think you're making every
20 effort to make sure that we do the responsible thing here and we
21 hold people accountable, and I think it's incumbent on the
22 council to review, on an annual basis, exactly what is
23 happening, and I think everybody around the table's intent is to
24 do that, and so I do appreciate the spirit of the comments, for
25 sure. Thank you.

26
27 **CHAIRMAN GUYAS:** Chris.

28
29 **MR. SCHIEBLE:** I think Roy answered the question pretty
30 concisely, but I was just going to add that, if a state runs
31 over, and they don't implement the post-season quota adjustment,
32 it would be a failure to comply, and it seems that simple, to
33 me.

34
35 **CHAIRMAN GUYAS:** All right. Go ahead, Ava.

36
37 **DR. LASSETER:** Thank you, and so I did want to say one more
38 thing about the options, and so the 2b part, the prohibition on
39 for-hire vessel captains and crew retaining a bag limit, that's
40 not applicable, because of the preferred alternative, and then,
41 finally, the Option 2d, the maximum size limit, in contrast with
42 the minimum size limit, this is an authority -- This is a tool
43 in the toolbox that would be delegated, and a state is not
44 required to enact a maximum size limit, and so there is the
45 minimum size limit and bag limit that the states would need to
46 have a specified one on the books, and maximum size limit is
47 optional, and Option 2b, the for-hire vessel bag limit, is not
48 applicable. That is Alternative 2, delegation.

1
2 Alternative 3, which is described on page 55, would establish
3 the management program in which a state submits a plan
4 describing the conservation equivalency measures that that state
5 will adopt for the management of its portion of the recreational
6 ACL.

7
8 Then there is some further specifics on how that would work and
9 whether or not each state would submit its plan directly to NMFS
10 for review or would first submit it to a technical review
11 committee, and, again, this is not the council's current
12 preferred alternative at this time, but I will pause there and
13 just see if there's any questions or discussion.

14
15 Seeing none, finally, we'll just look one more time at the
16 middle of page 56. Again, here are the preferred alternatives
17 selected in each of the individual state amendments. All five
18 states have selected delegation as preferred, and all of the
19 options that would be applicable are also selected as preferred,
20 and so bag limit, minimum size limit, and maximum size limit,
21 and so this is what -- These are the alternatives for this
22 action that you would be voting on for each individual state
23 amendment. It's page 56, right in the middle.

24
25 That is Action 1 in the individual state amendments, and Section
26 2.6 here describes the individual state amendments, Action 2,
27 which is post-season quota adjustment, and, again, Alternative
28 1, which starts on page 57, is always our no-action alternative,
29 and there are currently accountability measures that do remain
30 on the books for this action, and they are not being removed,
31 for selecting the other alternative, and so the overage
32 adjustment for when red snapper is classified as overfished does
33 remain in place. You are going to be adding accountability
34 measures through this action, rather than modifying existing
35 ones.

36
37 Alternative 2, which is on page 58, would add a state-specific
38 both overage and underage adjustment to the existing post-season
39 AM for the recreational sector red snapper ACL, and so, if a
40 state's landings are greater than its ACL, the state will be
41 required to pay back the overage. If they do not harvest their
42 ACL, they get a carryover. Now, again, that carryover part is
43 contingent on the action that you reviewed yesterday, the
44 carryover amendment.

45
46 It's looking like we're taking final action here, and it's
47 looking now like final action is going to go in June, and so
48 we're hoping to get these onboard at the same time.

1
2 If we turn to the next page, you can see, at the very end, the
3 bottom of page 59, the preferred alternative selected in each of
4 the individual state amendments, and everybody has selected
5 Alternative 2 as preferred. Those are the two actions in the
6 individual state amendments, and I will pause there for
7 discussion, and, if appropriate, if the committee would like to
8 make motions to recommend approval of each of these. Thank you.

9
10 **CHAIRMAN GUYAS:** Let's start with discussion, if there is any,
11 or questions, before we jump into motions, and I just want to
12 make sure that everybody is covered. Kevin.

13
14 **MR. ANSON:** A question for Dr. Crabtree. As we move forward
15 with the calibration and getting into common currency for the
16 state programs, if they have a certified program, and it is
17 capturing data in both the private and the for-hire sectors,
18 would that calibration then be applied for both sectors, or is
19 it just private angling?

20
21 **DR. CRABTREE:** I have thought about this, in terms of being
22 private angling, but I haven't had that discussion, and so I
23 don't know how that would play out.

24
25 **CHAIRMAN GUYAS:** Okay. If there aren't any other questions,
26 then now would be a great time for some motions, and Chris is
27 ready to offer one, it looks like.

28
29 **MR. SCHIEBLE:** I would like to make a motion to pass Amendment
30 50B for the Louisiana state amendment. I have sent it to staff.

31
32 **CHAIRMAN GUYAS:** I've got a motion by Chris and a second by Ed.
33 Let's take a minute and get that on the board for everybody to
34 read. I think, with this one, we need to do the same that we
35 did with the last motion, which would be to remove that language
36 about the codified text, because we're going to come back to
37 that and review it as a whole.

38
39 **Our motion is to recommend the council approve Amendment 50B:**
40 **Louisiana State Management Program for Recreational Red Snapper,**
41 **and that it be forwarded to the Secretary of Commerce for review**
42 **and implementation.** Is there any discussion on this motion?
43 Susan.

44
45 **MS. BOGGS:** It's not discussion on this motion, but do we not
46 need to pick a preferred alternative on post-season quota
47 adjustment first?

48

1 **DR. LASSETER:** If you look at page 59 of the program amendment,
2 and each individual state amendment has it as well, all five
3 states have selected Preferred Alternative 2, and so there are
4 preferred alternatives selected for all of the actions.
5
6 **CHAIRMAN GUYAS:** Okay. Any other discussion or questions? **Is**
7 **there any opposition to this motion? Seeing none, the motion**
8 **carries.** Lance.
9
10 **MR. ROBINSON:** I would make the same motion, but substitute
11 **Amendment 50F for Texas.**
12
13 **CHAIRMAN GUYAS:** All right. I've got a motion. Is there a
14 second? It's seconded by Greg. Let's get that one on the
15 board.
16
17 **Our motion is to recommend the council approve Amendment 50F:**
18 **Texas State Management Program for Recreational Red Snapper, and**
19 **that it be forwarded to the Secretary of Commerce for review and**
20 **implementation. Is there discussion on this motion? Is there**
21 **any opposition to this motion? Seeing none, this motion**
22 **carries.** This is going to be really fun. Who wants to go next?
23 John.
24
25 **MR. SANCHEZ:** The same motion, but for Florida, for Amendment
26 **50E.**
27
28 **MR. DYSKOW:** Second.
29
30 **CHAIRMAN GUYAS:** It's seconded by Phil. This motion reads: **To**
31 **recommend the council approve Amendment 50E: Florida State**
32 **Management Program for Recreational Red Snapper, and that it be**
33 **forwarded to the Secretary of Commerce for review and**
34 **implementation. Is there any discussion on this motion? Is**
35 **there any opposition to this motion? Seeing none, the motion**
36 **carries.** Someone from that side of the table? Kevin.
37
38 **MR. ANSON:** I will make the same motion for Alabama's amendment,
39 **50D.**
40
41 **DR. BOB SHIPP:** I will second it.
42
43 **CHAIRMAN GUYAS:** It's seconded by Dr. Shipp. The motion is to
44 **recommend the council approve Amendment 50D: Alabama State**
45 **Management Program for Recreational Red Snapper, and that it be**
46 **forwarded to the Secretary of Commerce for review and**
47 **implementation. Is there discussion on this motion? Is there**
48 **any opposition to this motion? The motion carries.** Paul.

1
2 **DR. MICKLE:** I would like to make a motion for Amendment 50C,
3 and substitute language from the previous motion. Thank you.
4

5 **CHAIRMAN GUYAS:** I need a second. It's seconded by Leann. **The**
6 **motion is to recommend the council approve Amendment 50C:**
7 **Mississippi State Management Program for Recreational Red**
8 **Snapper, and that it be forwarded to the Secretary of Commerce**
9 **for review and implementation.** Are there questions or
10 discussion on this motion? **Is there any opposition to this**
11 **motion? Seeing none, the motion carries.**
12

13 Now that takes us to the codified text. Ava is smiling over
14 here. We'll give her a minute to bask in that.
15

16 **DR. LASSETER:** Actually, I'm going to request Ms. Levy to review
17 the codified text.
18

19 **REVIEW OF CODIFIED TEXT**

20

21 **MS. LEVY:** The codified text is Tab B, Number 6(g), and I'm
22 going to go through this in a little more detail than usual,
23 just because you're probably interested in it, and there are
24 some things that I just want to highlight about it.
25

26 The first part of it is just making a note under the tables in
27 the beginning of the 622's that certain provisions have been
28 delegated for the private angling component. In the definitions
29 section, there was a definition of, quote, off Louisiana,
30 Mississippi, and Alabama, the define that middle area of the
31 Gulf, and so we've removed that definition and then put a
32 definition for what "off Alabama", "off Louisiana", and "off
33 Mississippi" mean individually, because, number one, we have
34 that potential for closed areas, and we also have the potential
35 for needing to draw lines if not all the states are consistent
36 with their delegation and things like that, and so we had to
37 define those areas.
38

39 On page 3, we just reference, in the section related to other
40 laws and regulations, that there is this delegation for the
41 private angling component that is addressed later, and then the
42 real substantive provisions that deal with the delegation are
43 going to be in 622.23, and so that starts at the bottom of page
44 3, and it outlines the delegation, and so it says that each
45 state is delegated the authority to manage certain aspects of
46 recreational red snapper harvest by the private angling
47 component.
48

1 Number 1, which starts on page 4, is the delegation, and it says
2 that each state must specify the fishing season start and end
3 dates, to maintain harvest levels within each state's ACL, and
4 each state also has to specify the bag limit and a minimum size
5 limit within the range of fourteen to eighteen inches, and so
6 all of those are required. Each state has to do that to be
7 consistent with the delegation. Then there is also the piece
8 that says that each state may specify a maximum size limit.

9
10 Then the part that says, after that, that, if NMFS determines
11 that the regulations are inconsistent with the FMP, or a state
12 does not specify those required management measures, which is
13 the season, bag limit, size limit, then NMFS will publish a
14 notice in the Federal Register stating that the default measures
15 for red snapper, as described elsewhere, apply in the EEZ off of
16 that state, and so that's the mechanism for saying the state's
17 delegation is inconsistent and you have to comply with these
18 default regulations.

19
20 Then the next section defines the state management areas, which
21 we defined in the definitions section, and has each of the
22 private angling ACLs, as established in the document, and then,
23 after that, it talks about the default measures, and so, if the
24 state's delegation is suspended, or a state does not specify the
25 management measures that are required under the delegation, the
26 federal management measures for the season, bag limit, and
27 minimum size limit, as currently described, apply in the EEZ off
28 of that state, and all other management measures not specified
29 in this section remain in effect.

30
31 The next part, on page 6, talks about the post-season ACL
32 adjustments for states with an active delegation and says that,
33 if a state exceeds the state ACL, then the -- That NMFS will
34 file a notification with the Office of the Federal Register to
35 reduce that state's ACL for the following fishing year, and so
36 that's the payback.

37
38 It does not include the carryover yet, because that is going to
39 be in the carryover amendment, and so, when the carryover
40 amendment goes forward, you would see, in that codified text, a
41 reference to the carryover in this provision, but, because right
42 now there is no carryover, this section is only going to address
43 the payback.

44
45 Then the last part of the delegation section talks about area
46 closures and says, as described in the FMP for the state private
47 angling component, a state with an active delegation can request
48 the NMFS area closure, and, if NMFS determines that the request

1 is within the scope of the analysis in the FMP, NMFS will
2 publish the Federal Register notice implementing the closure for
3 that fishing year, and so we see this sort of -- It has it set
4 up in the FMP as a closed framework in-season action that lasts
5 for that year, and so, to the extent a state wants to do it
6 every year, the request would have to come every year.

7
8 That is the delegation part, and then we have some amendments to
9 the default measures that are on the books to refer back to the
10 delegation, and so, for example, 622.34 is the seasonal and area
11 closures designated to protect Gulf reef fish, and, in (b),
12 which is the seasonal closure for red snapper, there is a
13 sentence that's added at the end, which is at the top of page 7,
14 which says to see the delegation section for fishing seasons for
15 states with an active delegation, and so we're referring people
16 back to the delegation section in those general sections.

17
18 The same thing for the size limits, and so 622.37 addresses size
19 limits generally, and, in the red snapper section, we added a
20 reference back to the delegation, but we also added a sentence
21 at the bottom of that that says that fish taken by persons
22 subject to the private angling component bag limit under state
23 management may not be less than fourteen inches, and so what
24 we're saying is, because that's what we said in the amendment,
25 for people in federal waters, under no circumstances can you
26 have a fish under fourteen inches, and that kind of gives us a
27 federal hook for anything that is less than fourteen inches.

28
29 The same thing with the bag and possession limit provision.
30 There is a reference back that's on the top of page 8, and
31 there's a reference back to the delegation, and then there's a
32 sentence at the bottom that says that people that are subject to
33 the private angling component bag limit under an active
34 delegation of the state cannot possess more red snapper in the
35 Gulf EEZ than the maximum number of red snapper allowed any
36 active state management regulation.

37
38 To the extent that no state has a bag limit more than four, if
39 someone is in the EEZ, they're in violation of this federal
40 regulation if they have more than four red snapper, and so,
41 again, it's sort of an enforcement hook, to the extent there is
42 on-the-water enforcement and somebody wants to see what is the
43 federal regulation that applies, and it's this one. You can't
44 have more than any state allows.

45
46 The quota sections are revised to remove the sunset provision,
47 because that's what it does, and we also, at the top of page 9,
48 and this isn't related to Amendment 50, but it is related to red

1 snapper and sector separation, and so I wanted to point it out,
2 that we're making sort of an administrative change to clearly
3 articulate what is already required, and so, right now, under
4 the quota and the ACL sections, it basically says that the
5 federal charter vessel headboat component quota, and, under the
6 ACL section it says "ACL", applies to vessels that have been
7 issued a valid permit any time during the fishing year.

8
9 We have added a sentence to make it clear that a person aboard a
10 vessel that has been issued this type of permit for Gulf reef
11 fish any time during the fishing year may not possess or harvest
12 red snapper in or from the Gulf EEZ when the federal charter
13 vessel/headboat component is closed, because, every year, we get
14 questions about, if I have a federal permit during the year, and
15 then I transfer it off, can people go out on that vessel and
16 fish for and possess red snapper, and we have said no, because
17 the component quota applies to a vessel that has the permit at
18 any time during the year, and so we wanted an express statement
19 in there that then says, if you're a person aboard this vessel,
20 and it's had a permit at any time during the year, you cannot
21 switch quotas, essentially, and so we added that, and it's the
22 same thing in the ACL sections. It removes sector separation,
23 and that same sentence applies under ACTs, because it has that
24 same language.

25
26 I know I went through that quickly. The codified text is not
27 that complicated, and it's fairly streamlined. If you have any
28 questions, either now or at Full Council, I am happy to answer
29 them, if you need more time to sort of digest what's there.

30
31 **CHAIRMAN GUYAS:** Leann.

32
33 **MS. BOSARGE:** Back on page 8, where you talked about the bag
34 limit in federal waters, the end of that paragraph, a person
35 subject to the private angling component bag limit under an
36 active delegation of state management may not possess more red
37 snapper in the Gulf EEZ than the maximum number of red snapper
38 allowed under any active state management regulations, and
39 that's how I recall our discussions going, but there was one
40 small piece added to that in our discussion that they would also
41 have to be in possession of a license for that state.

42
43 In other words, if you're fishing off of Florida, and Florida
44 has a two-fish bag limit, because Texas is at the other end of
45 the Gulf, and let's say they have a four-fish bag limit, if
46 you're in federal waters and you've got four fish, and you're
47 off of Key West somewhere, you should be out of compliance,
48 unless you've got a Texas license on that boat somewhere.

1
2 **MS. LEVY:** The problem we ran into is that there are not
3 consistent licensing requirements, because we had this
4 discussion, and then, and I believe Martha can correct me if I'm
5 wrong, some people don't need licenses. Kids don't need
6 licenses, and seniors don't need licenses, and so there was no
7 way to link it to a state license requirement, and so the way to
8 get some enforcement in federal waters, if that happens, is to
9 say you can't possess more than any open state with a
10 delegation, and so, to the extent some state is going to allow
11 five fish, if you have six fish, you're out of compliance and
12 there is nowhere to legally land, essentially, but we couldn't
13 link it to the license requirement. It's too complicated.

14
15 **CHAIRMAN GUYAS:** Lieutenant Zanowicz.

16
17 **LT. ZANOWICZ:** Thank you, Madam Chair. I just have a question
18 then, because, at the LETC meeting last month, we discussed that
19 enforcement would be based on where the vessel is registered.
20 In other words, the state regulations that would be applied to
21 the vessel would be based on where the vessel is registered,
22 but, if we're having this, where you -- Basically, it sounds
23 like you only issue a violation if it's greater than the max
24 allowed for any individual state, and that seems a little
25 different, and so I just wanted clarification on that.

26
27 **MS. LEVY:** I think part of the problem with that is what if they
28 are registered in more than one state and both states are open
29 and they both have different bag limits, and so we can talk
30 about maybe different ways to draft this regulation, but it was
31 really difficult to come up with something that could apply in
32 all circumstances and still have a federal regulation that you
33 could enforce, and so I think, generally, you could say, if
34 someone is in federal waters, and all they have is I guess a
35 Florida -- Well, not registration even, because you could land
36 somewhere else without a state registration, and so I think I'm
37 mixing myself up, but I don't think registration has anything to
38 do with it. It's where you can legally land the fish and not
39 where your boat is registered. Then we circle back to the
40 problem that you don't need a license for every person in every
41 state, and so it can't be based on a registration requirement.

42
43 **CHAIRMAN GUYAS:** Ava, you wanted to jump in?

44
45 **DR. LASSETER:** No, I was going to support that.

46
47 **CHAIRMAN GUYAS:** Okay. Lieutenant.

48

1 **LT. ZANOWICZ:** Thanks for the clarification. That was a little
2 different than the discussion we had at the LETC meeting, but I
3 guess my other question is to that. Is it going to be the same
4 with minimum and maximum size limits, for example if you have a
5 state with -- Basically, you can't issue a federal violation
6 unless you have a -- Sorry, and I'm totally confusing myself.

7
8 **MS. LEVY:** There is no federal maximum size limit, and so
9 there's nothing to enforce there anyway. For the minimum size
10 limit, that's on page 7, and we basically said that it can't be
11 less than fourteen inches, because the states can only set it
12 from fourteen to eighteen, I think, and so, if someone is out
13 there in the EEZ with a fish less than fourteen inches, they are
14 going to be in violation of this regulation.

15
16 **CHAIRMAN GUYAS:** Ava.

17
18 **DR. LASSETER:** This is for my clarification as well. Is there
19 maybe a difference between what the federal laws are versus what
20 the states are then going to be given the authority to set those
21 state regulations, and you could be enforcing state regulations
22 if you're able to obtain a state license, and would that be
23 accurate?

24
25 **CHAIRMAN GUYAS:** Yes, but I don't think the Coast Guard could
26 enforce the state, and that's where he's coming from, and so I
27 think, for example, for Florida, we would write our regulations
28 so that they apply within or without state waters, meaning they
29 apply in federal waters.

30
31 **DR. LASSETER:** The delegation is extending the regulations into
32 federal waters.

33
34 **CHAIRMAN GUYAS:** Yes, and so, potentially, we could write a
35 state ticket in federal waters, but FWC could write that state
36 ticket.

37
38 **DR. LASSETER:** My understanding, at the LETC meeting, was that
39 that is -- The state enforcement guys were talking about what
40 their abilities to enforce are, but that this is the codified
41 text for what a federal violation would be based on, and is that
42 correct?

43
44 **MS. LEVY:** I think most of the discussion has been this isn't
45 really going to be enforced in federal waters, but there are
46 certain things that we want to have in the federal regulations
47 that people are not allowed to do. You cannot have more red
48 snapper than any state lets you have. You cannot have a minimum

1 size fish below what you can land in any state, and, to the
2 extent there is enforcement in federal waters, we want to have
3 that federal regulation to actually say there's a violation.

4
5 **CHAIRMAN GUYAS:** Roy.

6
7 **DR. CRABTREE:** We're making a conscious decision here to trade
8 off the ability to enforce things at-sea, in federal waters, in
9 order to improve our ability to enforce these regulations at the
10 dock, because we have had a problem, in the past, because of
11 different state and federal regulations in the EEZ and state
12 waters, and we've been in a situation where you couldn't enforce
13 these things even at the dock.

14
15 The vast majority of recreational enforcement occurs at the
16 dock, and so we're adding some complexities to the EEZ in order
17 to make at-the-dock enforcement considerably more effective,
18 because that's where we think you get the bang for the buck with
19 enforcement.

20
21 **CHAIRMAN GUYAS:** Leann.

22
23 **MS. BOSARGE:** I guess that's just what I am trying to figure
24 out, is was that a good tradeoff or not. Do we have any state
25 bag limits right now that are greater than two fish? Is there a
26 four-fish bag limit in any state? In Texas?

27
28 So, essentially, what I have to ask myself is, all right, so
29 that means you've got a free-for-all in federal waters up to
30 four fish, unless you get caught, and so what level of
31 enforcement are we going to have in federal waters to make sure
32 that we're intercepting enough boats that we're not actually
33 having four fish on the boat per person in federal waters once
34 we pass this, but there's not a lot of enforcement, and so it
35 doesn't get caught, because your intercepts at the dock are half
36 a percent or something of the total population.

37
38 **DR. CRABTREE:** But remember that they're going to have to land
39 the fish somewhere, and that's where we're going to enforce it,
40 and so it's not -- I don't see that as a problem. The problem
41 in Texas has been we had a federal bag limit of two fish, and
42 they had a state bag limit of four fish, and so you couldn't
43 enforce the two-fish bag limit at the dock.

44
45 Now, though, we're going to have a consistent bag limit, which
46 you can enforce at the dock, and so I think the intent here is
47 we're going to have some broad regulations in the EEZ, in terms
48 of a bag limit, and so, if you catch someone out there with a

1 hundred fish onboard, that's clearly a violation, but the rest
2 of these things are going to be enforced at the dock by state
3 enforcement personnel, and that's where I think, personally, I
4 think that's where the vast majority of all the enforcement has
5 to take place, because we don't have the resources to police the
6 EEZ and board private recreational vessels. That just very
7 rarely happens, and we very rarely write and get tickets on
8 those types of violations in the EEZ, and so it's at the dock
9 where you're going to make this have teeth.

10
11 **CHAIRMAN GUYAS:** Leann.

12
13 **MS. BOSARGE:** All right, and this is the final word. What we
14 did though is we took that difference in a federal and a state
15 bag limit that was off of Texas, and, when we implement this,
16 now we actually have consistency, maybe, in Texas and
17 inconsistency in the other four states, because, in federal
18 waters, you're not going to get a ticket if you have four fish
19 on the boat.

20
21 Now, yes, there is going to be dockside enforcement, but we've
22 already had the discussion about, in the states, how many of
23 these boats are going back to private docks that you're not
24 going to have any enforcement at, and so we just took something
25 that was an issue in one state and made it an issue in four. We
26 fixed it in one and made it an issue in four, and so I guess
27 that was my beef, is what is the level of enforcement at the
28 dock, but I will leave it be.

29
30 **CHAIRMAN GUYAS:** I thought Roy was going to go for it, but he
31 may not be taking the bait on that one. Do you want to respond?

32
33 **DR. CRABTREE:** Just, in order to address your issue, we have to
34 have a huge fleet of officers on the water to police these
35 things at-sea, and we don't have that. We don't have the money
36 for that, and I see nothing to make me think we're going to have
37 that, and so we're setting up a system that allows us to police
38 these regulations at the dock as effectively as we can. If you
39 catch somebody at the dock, it's unambiguous what their bag
40 limit is, and that's not the case now. If you catch someone at
41 the dock in Texas, it is ambiguous what their bag limit is. It
42 depends on where they're fishing, and so we have solved that
43 problem.

44
45 Now, if you have folks that are fishing at private docks, and
46 they may violate any bag limit we have, and the only way we're
47 going to know that is if we catch them out at-sea. That is a
48 very difficult problem to address, and it would require

1 significant amounts of money, but that's a problem regardless of
2 what we're doing here.

3
4 I think the key here is to have unambiguous size and bag limits
5 and seasons when the vessel is at the dock landing the fish, so
6 that the officers can enforce them and make cases on them, and I
7 think this succeeds at that.

8
9 **CHAIRMAN GUYAS:** All right, Leann, and then I see you, Chris.

10
11 **MS. BOSARGE:** So the way -- I guess this all goes back to the
12 way that was written, and, if I had my wish, that would say that
13 you can -- As long as you're in compliance with the licensing
14 regulations of the state in which you say you're going to land -
15 - We don't say you have to have the license, but, if you're off
16 of Florida, and you have four fish, and you tell that officer,
17 well, I'm in federal waters, and he says, well, where are you
18 going into, I want him to have the ability to somehow find you
19 out of compliance at-sea, so that we don't have this problem.

20
21 Now, if you're overheating, and you say that I'm going into
22 Florida, and he says, well, that's fine, and have you got a
23 Florida license then, and you say, well, I'm over sixty-five,
24 then you're in compliance, because that's in compliance with
25 Florida's licensing regulations, but I think that should be in
26 there somewhere. That hook should be in there, so there could
27 at least be some sort of at-sea enforcement, even if you have
28 somewhere between two and four fish.

29
30 **DR. CRABTREE:** Well, we'll look at that and see if we can't
31 improve the language.

32
33 **CHAIRMAN GUYAS:** Chris.

34
35 **MR. SCHIEBLE:** I don't know how it's going to be done in other
36 states, but I know that, if an angler was in federal waters with
37 four snapper, and they come into state waters, and our state
38 guys intercept them on the way in in state waters, they're going
39 to be in non-compliance at that point. They will enforce it in
40 state waters and especially at the dock. The dockside
41 enforcement is the key to the whole thing.

42
43 **CHAIRMAN GUYAS:** All right. Are there other questions or
44 discussion on the codified text? If not, then we have one more
45 motion to make. That motion would be for the rest of the
46 language that we removed from those other motions to deem the
47 codified text. I think Ava is going to help somebody with the
48 language for that motion, should someone want to make that

1 motion. Chris.

2
3 **MR. SCHIEBLE:** Why not? I've been going first all day. I will
4 make the motion as soon as they post it up here.

5
6 **CHAIRMAN GUYAS:** Okay. It looks like we've got it, and so here
7 is your motion, Chris. It's to recommend the council deem the
8 codified text for the state management amendments (50A through
9 50F) as necessary and appropriate, giving staff editorial
10 license to make the necessary changes in the document. The
11 Council Chair is given the authority to deem any changes to the
12 codified text as necessary and appropriate. Is there a second
13 for this motion? It's seconded by Ed. Is there discussion on
14 this motion? Any opposition to this motion? Seeing none, the
15 motion carries. Paul.

16
17 **DR. MICKLE:** I appreciate it. Thank you, Madam Chair. I just
18 wanted to bring up a small point now that we've moved past this.
19 It addresses -- My comment is addressing some conversation that
20 occurred prior to that motion and a vote, which is enforcement,
21 of course, and Leann's comments are very valid, and I think I
22 really agree with what her concerns are, but I would like to
23 bring up the point of understanding, and maybe it's just me, but
24 the JEA funds have been around for a long time, and they fund
25 certain activities, and we all know what they are, or at least
26 the state directors do, and the feds as well, but, as these
27 fisheries evolve and change into these new delegations and these
28 new types of things, I think it would be very pertinent to
29 really have everybody understand the role of JEA funding and the
30 needs, so the dollars go to exactly the most efficient way to
31 manage these fisheries by JEA funds, which is federal funds
32 given to the states to assist in the federal enforcement of
33 amendments and fisheries that exist in federal waters, be it
34 shrimp or anything, but, again, it's more circling back to, in
35 the future, and have those conversations.

36
37 We talked briefly about it in Alabama at the last meeting, but,
38 again, I think it should be fleshed out in a presentation of
39 exactly what JEA funds are currently and what they potentially
40 should be used for in the future. Thank you.

41
42 **CHAIRMAN GUYAS:** Okay. I think we could put that on the list
43 for a future meeting, and is that okay with staff? Do you all
44 want to have any comment on that?

45
46 **EXECUTIVE DIRECTOR SIMMONS:** Yes, we can work with the Regional
47 Office staff and try to get the right person to come and give a
48 presentation, and I guess we would get some numbers during the

1 CCC meeting regarding what that amount would be for 2019?

2
3 **DR. CRABTREE:** Yes, I think so, and then I'm sure Tracy Dunn
4 would be happy to come address that at a future council meeting.

5
6 **CHAIRMAN GUYAS:** All right. I think that takes us to the end of
7 Amendment 50. We are about at the scheduled break time, and we
8 are ahead of schedule, it looks like.

9
10 **DR. FRAZER:** Yes, we'll take a fifteen-minute break.

11
12 (Whereupon, a brief recess was taken.)

13
14 **DR. FRAZER:** All right. We're going to resume, and we're going
15 to deal with the -- Which one are we going to work on here?

16
17 **CHAIRMAN GUYAS:** Red grouper.

18
19 **DR. FRAZER:** The red grouper framework.

20
21 **CHAIRMAN GUYAS:** Okay, Ryan, and so remind us what we're doing
22 with this action.

23
24 **FINAL ACTION: RED GROUPER FRAMEWORK ACTION TO MODIFY ANNUAL**
25 **CATCH LIMITS AND ANNUAL CATCH TARGETS**

26
27 **MR. RINDONE:** This is in response to the emergency rule that you
28 guys requested of the Southeast Regional Office to reduce the
29 ACLs and ACTs for red grouper based on the 2017 landings, and so
30 this is final action for this framework action, which makes what
31 happened in the emergency rule permanent until changed later by
32 a stock assessment or other information, and so, if you guys are
33 still satisfied with the current preferred alternative, which
34 we'll go over, then you can recommend that the document and the
35 regulations be implemented. We'll go right into the document
36 then. We kind of covered what the purpose and need of this was,
37 and so we'll just go straight to Chapter 2. What page is that,
38 Bernie?

39
40 **CHAIRMAN GUYAS:** It looks like 19.

41
42 **MR. RINDONE:** Yes, and it's Section 2.1, Action 1. This is our
43 only action in the framework, and it would modify the red
44 grouper ACLs and ACTs, and you guys can see what we currently
45 have in Alternative 1. We have a total ACL of 10.77 million
46 pounds, and what you guys prefer in Alternative 3 is based on
47 the landings from the 2017 fishing season, which would drop that
48 down to 4.15 million pounds gutted weight, and, based on the

1 sector allocations, that results in a commercial ACL of 3.16
2 million pounds and a recreational ACL of a million pounds. Then
3 you can see the subsequent ACTs there, and so it's a 95 percent
4 -- The ACT for the commercial sector is 95 percent of the ACL,
5 and the recreational ACT is 92 percent of the recreational ACL.
6 Is everybody still happy with this preferred alternative? All
7 right. Then Emily probably has some public comments that she
8 can share with you guys.

9
10 **PUBLIC COMMENT SUMMARIES**

11
12 **MS. MUEHLSTEIN:** We didn't actually get very many comments on
13 this amendment. We received three written comments supporting
14 for reducing the red grouper annual catch limit, with the
15 rationale that it is necessary because the stock is in trouble,
16 and we also heard that, in the past five years, red snapper has
17 rebounded to the point of total domination and that it's hard to
18 catch red grouper, and that, in a recent trip targeting grouper,
19 it resulted in 1,700 pounds of red snapper and 800 pounds of red
20 grouper.

21
22 This creates a problem, because, as a commercial red grouper
23 fisherman, people are forced to lease red snapper, whose lease
24 price continues to rise, and trips are no longer profitable, and
25 so reducing the red grouper allocation and to consider maybe
26 some sort of multiuse allocation that would allow them to
27 harvest red snapper when there aren't red grouper around.

28
29 We also heard that the red grouper stock is in decline and that
30 red snapper are abundant, that red snapper are now found on most
31 spots that used to be dominated by red grouper, and it's
32 difficult to weed through the red snapper to catch the red
33 grouper. Meanwhile, leasing of red snapper allocation gets more
34 and more expensive, and so, again, it was suggested to make a
35 percentage of the grouper allocation multiuse, to allow red
36 snapper to be harvested with it, and so that's all we heard.

37
38 **CHAIRMAN GUYAS:** Sue.

39
40 **MS. GERHART:** Just to remind the council that we have been
41 working on an emergency rule for this reduction for 2019, and we
42 put out the proposed rule, and that comment period has ended,
43 and we'll put out a final rule after that, actually implementing
44 the emergency rule. In case you were interested, we did receive
45 seventeen comments on the emergency rule, which does have the
46 same level of ACL that is the preferred in the document, and, of
47 those seventeen, fifteen were in favor, and two were against.

1 One of the ones against felt that the stock was healthy, and I
2 anticipate that was the same person making the comment that
3 Emily talked about, and so the similar sort of things. Other
4 concerns expressed were that the emergency rule was too short
5 and that the council should do something more permanent, as they
6 are. Also, that the council should consider changes to season
7 closures, reducing bag limits, and state management for red
8 grouper as well, and then -- Let's see. I think that was about
9 it, in terms of the comments. Thank you.

10
11 **CHAIRMAN GUYAS:** Thanks, Sue. I think our intention and what we
12 talked about this is kind of a stop-gap, more or less, until we
13 get that assessment, and we can make changes as needed, based on
14 those results. Ryan.

15
16 **MR. RINDONE:** Yes, and the SEDAR stock assessment will be
17 delivered to the council at the end of July, and then the SSC
18 will review it at their September meeting, and then we'll try to
19 bring it in front of the Reef Fish AP also and get their
20 feedback as well on what the stock assessment is showing, and
21 we'll also do the Something's Fishy for red grouper again, and
22 that program has been pretty well received, and it gives us lots
23 of good feedback from fishermen. We already did that, and we
24 got some good -- We got, what, ninety responses to that, Emily?
25 It will be interesting to look back at that information and see
26 how the results of the assessment compare to what the fishermen
27 have said that they have seen.

28
29 **CHAIRMAN GUYAS:** Leann.

30
31 **MS. BOSARGE:** So, Ryan, that means the council itself, and not
32 staff, but the council, will see it in October, the results of
33 that stock assessment at our October meeting?

34
35 **MR. RINDONE:** That's the idea.

36
37 **CHAIRMAN GUYAS:** Okay, and so are there any questions or
38 discussion on Action 1? That is our only action in this
39 document, and we have a preferred already. If there is nothing
40 to discuss on this, then, again, this is final, and we could, in
41 committee, do a motion to take this final on Thursday, at Full
42 Council. I'm just putting that out there, if anybody is
43 interested. Dale.

44
45 **MR. DIAZ:** I will make that motion.

46
47 **MR. RINDONE:** You guys can also take a look at the codified
48 text, and it's pretty straightforward. It's just changing the

1 values of the ACTs and the ACLs within the text in the
2 appropriate places, and so, if there's any questions on that,
3 speak up.

4
5 **CHAIRMAN GUYAS:** It looks like we've got that motion on the
6 board, and we need a second for it. It's seconded by Susan.
7 **Our motion is to recommend that the council approve the red**
8 **grouper framework action to modify annual catch limits and**
9 **annual catch targets and that it be forwarded to the Secretary**
10 **of Commerce for review and implementation and deem the codified**
11 **text as necessary and appropriate, giving staff editorial**
12 **license to make the necessary changes in the document. The**
13 **Council Chair is given the authority to deem any changes to the**
14 **codified text as necessary and appropriate. Is there any**
15 **discussion on this motion? Any opposition to this motion? The**
16 **motion carries.** Leann.

17
18 **MS. BOSARGE:** I just wanted to say thank you to the SSC, and
19 really to the Science Center and NMFS, because this is something
20 that was a little bit out of the norm for us, to try and get
21 this done without a stock assessment, and I know the Science
22 Center worked really hard to get us that evaluation, management
23 strategy evaluation, I think it's called, so that the SSC would
24 actually have some sort of science and documentation to figure
25 out a recommendation for a catch level, and so I think it took
26 everybody working together to really come up with a science-
27 based approach to figure out -- We knew it needed to go down,
28 but we're just trying to figure out where, where should we land
29 on it, and so I just wanted to say thanks.

30
31 **CHAIRMAN GUYAS:** All right, and so I think we're done with red
32 grouper. That means we will go ahead and move on to greater
33 amberjack before lunch, and that one is Dr. Hollensead.

34
35 **DRAFT FRAMEWORK ACTION TO MODIFY GREATER AMBERJACK COMMERCIAL**
36 **TRIP LIMITS**

37
38 **DR. LISA HOLLENSEAD:** Thank you, Madam Chair. The purpose for
39 today, Agenda Item VIII, is to look at a draft framework with a
40 single action that is looking to modify the greater amberjack
41 commercial trip limits. The committee will review the proposed
42 alternatives and recommend any modifications to the council,
43 with the idea of having a final version of the framework action
44 available in June of this year.

45
46 I am going to jump ahead just a little bit before I get right
47 into the framework action and just draw your attention to Tab B,
48 Number 8(b), and it's sort of this little hot sheet that we've

1 got here, and the council staff is sort of interested, in the
2 future, moving along, sort of these overall sort of little
3 single sheets, to give a little life history of the critter in
4 question, just to get everybody oriented, as we often talk about
5 background in management, but it's also nice to have some
6 information on the life history, and so, moving forward, that's
7 something that the council staff is interested in presenting to
8 everyone. Unless there is any questions about that, I will jump
9 right into the framework.

10
11 **CHAIRMAN GUYAS:** Questions on the hot sheet? I think those are
12 nice to have in front of us, and so thank you for putting that
13 together for us. Go ahead.

14
15 **DR. HOLLENSHAD:** Thank you. This will be Tab B, Number 8(a).
16 It's my understanding that this document has sort of gotten the
17 dust off of it a little bit, and so some things have been
18 updated, and so, if everyone is amenable, what I'm going to do
19 is sort of just briefly go through the entire document, and
20 then, if at any point, anybody would like to have any questions,
21 and the Chair would like to recognize them at the time, feel
22 free to interrupt me as we go through.

23
24 Just to start off, a little bit of background, and Ms. Gerhart
25 gave a little bit of an overview during her presentation of the
26 commercial fishery for greater amberjack, and so I'm not
27 necessarily going to repeat what she said. Instead, I will just
28 sort of focus your attention to page 2, Table 1.1.2, and this
29 gives sort of a contemporary history of landings that we've
30 seen, and as you can see, moving through, looking at the percent
31 ACTs, generally, for this quota-managed fishery, we have been
32 exceeding that in landings for quite some time, in consecutive
33 years here.

34
35 Then, also, just for your general knowledge, something new that
36 was added to this framework is Table 1.1.3, and this looks at
37 state-specific landings. Just to reiterate what Ms. Gerhart had
38 mentioned before, Florida and Louisiana seem to contribute most
39 of those landings to the total, and that has been the case since
40 about 2000, and so sort of some general patterns and description
41 of the fishery. These are just commercial landings.

42
43 Just reiterating sort of the purpose and need, the purpose of
44 this framework is to modify the greater amberjack commercial
45 limit. The need for this framework action is to extend the
46 greater amberjack commercial fishing season by constraining
47 harvest rate while continuing to prevent overfishing and rebuild
48 the greater amberjack stock, and so that's the purpose, going

1 through, just to reorient everybody to that.

2
3 To do this, we have a single action proposed, and that's page 6,
4 with the first alternative being no action, and so no change
5 from that 1,500-pound gutted weight trip limit that is currently
6 in place. Alternatives 2 through 5 would reduce the commercial
7 trip limit in increments of 250 pounds, starting at 1,000
8 pounds, and then moving down to 250-pound trip limits.

9
10 **CHAIRMAN GUYAS:** All right. Is there any discussion or feedback
11 on this action? It's been a while since we've looked at this,
12 and we've heard some public testimony about it here and there at
13 various meetings, and I suspect we'll hear more tomorrow, when
14 we have public testimony, but is there any other things with
15 this that we want to talk about right now? Dale.

16
17 **MR. DIAZ:** I am kind of going a lot by what we've been hearing
18 at public testimony. Over the last couple of meetings at public
19 testimony, I've heard a handful of commercial fishermen
20 recommend that we reduce this trip limit, and it seems like 500
21 pounds is the number that I've heard most often, although I
22 doubt that -- That surely doesn't represent everybody.

23
24 When I look at the table, Table 2.1.2, later in the document, it
25 shows how many -- The number of days that each option would
26 provide, and so the 500 pounds provides 203 days, and it does
27 look like they've got an opportunity to potentially catch all of
28 the ACT with the 500-pound limit.

29
30 **If you drop it below that, the projections is they would not**
31 **even reach the ACT, and so, based on the things that I just**
32 **said, and the fact that I would like to hear some public**
33 **testimony on what the folks think of what we're thinking, I am**
34 **going to recommend that we make Alternative 4 the preferred**
35 **alternative.**

36
37 **CHAIRMAN GUYAS:** Is that a second Chris? Okay. Seconded by
38 Chris. All right. In Action 1, make Alternative 4 the
39 preferred alternative. Any other discussion on this? Dr.
40 Froeschke.

41
42 **DR. JOHN FROESCHKE:** Just for some additional background
43 information, Lisa and I kind of looked at this, and, since we've
44 done these trip limits in the past, we looked at -- She looked
45 at our initial estimates of how long the season would be and
46 what we actually observed, and it tends to be -- Based on the
47 past, our estimated days open has been optimistic, and so we
48 have not achieved those levels of season length in the past.

1
2 **CHAIRMAN GUYAS:** Yes, that's a good point, and I think one that
3 recreational is living right now. Okay. Dale.
4
5 **MR. DIAZ:** The only other comment, and I have no crystal ball to
6 know if this is going to actually pan out or not, but one of the
7 fishermen made a comment that, at this level, this would more or
8 less be a bycatch fishery instead of a targeted fishery, and
9 that might have some influence on how the number of days works
10 out, too. I just wanted to throw that out there.
11
12 **CHAIRMAN GUYAS:** Leann.
13
14 **MS. BOSARGE:** I am trying to remember, but this was originally
15 in the amberjack document that was mainly a recreational
16 document, right, and we pulled it out of there, and so now we're
17 bringing it back in a separate document, which I like, and
18 that's great, but I'm wondering -- Has the AP ever taken a look
19 at this and given us any feedback on it? I don't remember if
20 they did when it was in the other document, or if they've done
21 it in a subsequent meeting. I am just wondering if we've gotten
22 any feedback from them yet.
23
24 **CHAIRMAN GUYAS:** Dr. Froeschke.
25
26 **DR. FROESCHKE:** The AP has not looked at this document, or this
27 iteration of it, per se, the best I can recall. However, since
28 we've done this, I think, three times, I believe they have
29 looked at this in the past. As far as I can recall, they have
30 been supportive of these kinds of things, but, if it's something
31 that you feel like we should take back to them, we could.
32
33 **CHAIRMAN GUYAS:** It might be at least nice to dig up those
34 comments, if we have them, at some point. Are there any other
35 questions or discussion on this motion? Sue.
36
37 **MS. GERHART:** It's to this action as well as the overall
38 document. This is basically an options paper, and so we don't
39 have any analysis yet in it, and so this a time where you could
40 add actions into the document, if you wanted to, and, also, add
41 or subtract alternatives from this particular action, and so, if
42 you would like to do that, you could do that as well.
43
44 **CHAIRMAN GUYAS:** That's a good reminder. Let's dispense with
45 this motion before we go there. **Is there any opposition to this**
46 **motion? Seeing none, the motion carries.** Dr. Froeschke.
47
48 **DR. FROESCHKE:** I was just going to request that, before you

1 move on from this document, if you could give us some comments
2 on your timeline and what kind of document you might want to see
3 the next time.

4
5 **CHAIRMAN GUYAS:** Well, I guess that maybe depends on what
6 happens with this after Full Council, and I will just jump in
7 and say that, and so, I mean, if this is a simple, one-action
8 document, and we already have a preferred in there, and we just
9 need to get analysis in there, then -- If there is a chance that
10 we could implement it for 2020, if we got it done sooner rather
11 than later, that would seem to make sense.

12
13 It seems like, the further we wait into the year to take final
14 action, the less likely it is that this gets implemented in a
15 timely manner, but that's my thoughts, and I don't know where
16 anybody else is on that. If this stays simple, it should be,
17 hopefully, easy to move forward quickly, but that's a big if.
18 Kevin.

19
20 **MR. ANSON:** I don't know if Dr. Simmons -- I mean, do you need
21 some official direction through a motion from the council to
22 direct staff to try to get it done as soon as possible,
23 preferably the next meeting, but I don't know, if we wait until
24 August, if it will make next year.

25
26 **EXECUTIVE DIRECTOR SIMMONS:** We are going to try to keep it --
27 If the council can keep it simplified, if you want to remove any
28 of these other options, maybe after public testimony, we can try
29 to get the Reef Fish AP to comment on it, maybe by phone, and
30 bring a final document. If we start adding in new actions and
31 such, I think it complicates it, and it will slow it down.
32 Thank you.

33
34 **CHAIRMAN GUYAS:** Leann.

35
36 **MS. BOSARGE:** I was just -- You know, we have a lot of public in
37 the room today, and so I was just hoping that, maybe at public
38 comment, you can give us some feedback on this. I know you all
39 have given us some feedback, talking about trip limits, but I
40 guess what I'm wondering is how pressing is it? Do we need to
41 be in a heated rush to do this before the AP even has a chance
42 to really weigh-in and give us feedback, or is it okay to draw
43 it out a little and get that feedback from our advisory panels?
44 I just don't want to jump the gun and do something that we turn
45 around and say, oops, I wish we would have talked to them first.

46
47 **CHAIRMAN GUYAS:** Kevin.

48

1 **MR. ANSON:** Kind of in that same vein, looking ahead to
2 outreach, I guess, how would staff handle this? I mean,
3 ideally, maybe we can come with a final draft to the next
4 meeting and vote it final for August, in between the next
5 meeting and August, and there would be a webinar that would be
6 had, in addition to an AP meeting type of thing, maybe, or a
7 phone call, or, I mean, how would that work out, timing-wise?

8
9 **DR. FRAZER:** I'm not sure that we got the whole question. Can
10 you repeat it, Kevin? I'm sorry.

11
12 **MR. ANSON:** Just kind of looking at timing and trying to get
13 this done, so that it could possibly be implemented for as much
14 of 2020 as possible, how would the document come back to the
15 council, and then how would outreach be handled, as far as a
16 webinar, or just to try to get some additional feedback relative
17 to going final on the framework?

18
19 **EXECUTIVE DIRECTOR SIMMONS:** We are planning -- I think we said
20 in the action guide to try to bring a final action document to
21 you in June, unless things change, and I think that's our plan.
22 We'll work with the Chair and Vice Chair afterwards, but,
23 typically, for framework actions, we have -- Emily has done a
24 video, and we have posted the video online, and we have
25 collected written comments.

26
27 I think we haven't looked at this with the Reef Fish AP in a
28 long time, and we haven't convened them since they were
29 repopulated, and so, since this is only one item, and the
30 council wants to move quickly, we could try to set up a
31 conference call with them, and I know people are pretty busy
32 right now, at least in the for-hire industry, but we can maybe
33 try to have a short, half-day call with them about this, if you
34 would like us to do that.

35
36 **CHAIRMAN GUYAS:** Thoughts on that? Leann.

37
38 **MS. BOSARGE:** Well, I definitely would like to have some sort of
39 AP feedback before we go final with this. I think that's the
40 prudent path. Also, just so that -- You're going to bring us
41 back some analysis in the next document, and I'm just trying to
42 think that -- I don't fish commercially for amberjack, and so
43 I'm a little out of my realm here, but I am trying to think like
44 a fisherman that would be doing this, and I'm thinking about our
45 eastern Gulf guys, and so I would like, in that analysis -- If
46 there is any way for you to parse out that, yes, what kind of
47 range in landings per trip are we seeing on these, but I would
48 also like to see eastern Gulf and what is typical, the typical

1 range for what they are landing in bycatch with these.

2
3 I just want to make sure that we don't -- Those guys have got it
4 kind of tough right now, because grouper is in the tank, and
5 they don't have a whole lot of red snapper allocation, and, if
6 they are landing 1,000 pounds of these as bycatch, I don't want
7 to lower their trip limit down to 500 and hit them with another
8 whammy, and so I am just trying to think about all the angles,
9 and so, if we could have some analysis that busts out that
10 eastern Gulf, I would kind of like to see what that looks like.

11
12 **DR. HOLLENSHAD:** Just for my clarification, what would your
13 specification be for eastern region?

14
15 **MS. BOSARGE:** Landing in Florida.

16
17 **CHAIRMAN GUYAS:** Go ahead, Carrie.

18
19 **EXECUTIVE DIRECTOR SIMMONS:** Maybe, Bernie, if you could put up
20 Figure 2.1.1, and so you would like us to break that out,
21 possibly, by the eastern and western Gulf in recent time, and so
22 2016 through 2018, and is that what you're asking for?

23
24 **MS. BOSARGE:** Yes, and, at the beginning of this, they said that
25 predominantly Louisiana and Florida are where most of your
26 landings are, and that's why we're saying, if you can kind of
27 parse out a little more detailed information on Florida by
28 itself, I would kind of like to see that.

29
30 **CHAIRMAN GUYAS:** Okay, and so we've got the overall picture
31 right now, but, when we see the next version, we will see
32 Florida versus everywhere else in some of these figures.
33 Anything else that you all would like to see in the next
34 iteration of this document, or you think the public would like
35 to see, or the Reef Fish AP? All right. Is there anything else
36 that we need to cover with this one? I think that's it. Okay.
37 Mr. Chair, we are ahead of schedule, and we can either jump to
38 reallocation or go to lunch, I think.

39
40 **DR. FRAZER:** I definitely think that reallocation is going to
41 take more than thirty minutes, and so I'm going to hold off on
42 that. Roy, you had indicated that you had a couple of things
43 that you wanted to talk about, and this might be a good time to
44 do that.

45
46 **WECAFC UPDATE**

47
48 **DR. CRABTREE:** Thanks, Mr. Chairman. Let me first give Sam

1 Rauch's regrets that he was unable to be here with us this
2 morning. He was a victim of the flight delays that occurred,
3 and he was unable to make it here, but one of the issues that
4 Sam wanted to update you on was the recent meeting of WECAFC,
5 and WECAFC is the Western and Central Atlantic Fisheries
6 Commission, which is one of the regional fisheries bodies that
7 is established under the U.N. Food and Agricultural
8 Organization, and we talk a lot about WECAFC at the Caribbean
9 Council meeting, and it's most active in that region, but,
10 actually, WECAFC's area includes the Gulf of Mexico and the
11 South Atlantic.

12
13 You are probably all familiar with ICCAT, which is the
14 International Commission for the Conservation of Atlantic Tunas,
15 and the U.S. is a member of that, and it has binding authority,
16 through treaties. WECAFC is just advisory, mostly involving
17 data collection and other issues, but it doesn't have any such
18 binding sorts of authority, and we had a presentation here, I
19 believe, recently, by Deidre Warner-Kramer, who is from the Stat
20 Department and represents the U.S. on WECAFC.

21
22 For the last couple of years, WECAFC has been looking at
23 potentially revising its framework to enable the organization to
24 develop binding conservation and management measures. While I
25 think that, ultimately, species like red snapper and grouper and
26 most of the things that we do wouldn't be part of that, I think
27 there are species we manage, in particular spiny lobster, where
28 there is potentially a place for some involvement in that, since
29 all of the recruitment coming into the spiny lobster fishery
30 apparently comes from other areas.

31
32 I just wanted to let you know that these discussions are going
33 on, and the members have recommended that a future regional
34 fisheries management entity or arrangement address core issues,
35 including scientific functions, data collection information
36 systems, technology transfer, capacity building, trade-related
37 issues, such as traceability and catch certification of fishery
38 products, conservation and management measures, co-management,
39 combating IUU fishing, which is illegal and unregulated fishing
40 that occurs, and have the flexibility to respond to new and
41 emerging needs.

42
43 There was general agreement on the value of establishing a
44 regional fisheries management entity or arrangement that would
45 define the broad convention area and a regulatory area in areas
46 beyond national jurisdiction, basically the high-seas areas,
47 where binding measures can be implemented, and that these could
48 also include selected straddling stocks, highly migratory

1 stocks, or transboundary stocks within the EEZ, but without
2 prejudice to the sovereign rights of member states.

3
4 I think there is general agreement that duplication with stocks
5 that are already adequately managed by other entities or
6 arrangements should be avoided, and there was general agreement
7 that regional cooperation should continue to be strengthened
8 through the existing regional fishery bodies, and so that's,
9 generally, what I wanted to let you know about.

10
11 These discussions will -- They are expected to continue to be
12 fleshed out, and they are talking about developing a roadmap for
13 the next commission meeting, which the United States is planning
14 to host in July, in Miami or Fort Lauderdale, and we will
15 continue to update you and the Council Coordinating Committee, I
16 would imagine, and the South Atlantic Council is also watching
17 this as it develops.

18
19 Those of us who work in the U.S. Caribbean and go to the
20 Caribbean Council, the need for something like this is really
21 obvious, because we will sit in the hotel in St. Thomas talking
22 about the U.S. Caribbean management measures for the council,
23 and you can look out your balcony and see the British Virgin
24 Islands only a couple of miles away, and so clearly the stocks
25 are crossing these boundaries, and fishermen are crossing them,
26 and there is a need for better coordination of these activities
27 in many areas for species like spiny lobster and conch and
28 others.

29
30 Sam attended this meeting, and I believe it was in Barbados, and
31 that was part of what he wanted to report to you about, and
32 we'll continue to keep you updated on how this progresses. I
33 will attempt to answer questions, although I did not attend the
34 meeting, and I may have to get back with you.

35
36 **CHAIRMAN GUYAS:** Obviously, all the stocks that you named are
37 very important to Florida, and so, anything that you all can do
38 to loop us in on that -- If we can send somebody to that meeting
39 that's in Miami, that would be great, especially since it's in
40 Florida.

41
42 **DR. CRABTREE:** I don't have any details on specifics of it, but
43 that's what my notes say, is they're talking about a Florida
44 meeting.

45
46 **CHAIRMAN GUYAS:** Okay. Just keep us in the loop.

47
48 **DR. CRABTREE:** Okay. That's all I had, Mr. Chairman.

1
2 **DR. FRAZER:** Okay, and so just to make sure -- Martha, you're
3 suggesting that we probably might send a representative to the
4 U.S. -- The meeting will be held in Miami in July, and we'll get
5 some feedback probably at the August meeting here, and is that
6 what you were asking?

7
8 **CHAIRMAN GUYAS:** Well, the council may want to do that. I'm
9 saying that FWC probably needs to be there. I mean, as far as
10 lobster goes, FWC takes the lead. Of course, the council
11 interfaces into that, and we work with the South Atlantic and
12 all that, but, when it comes down to it, if there's going to be
13 hard decisions, they're going to come to our commission.

14
15 **DR. FRAZER:** Sure, and so then, Roy, if we wanted to send a
16 representative, or have a state represented at that particular
17 meeting, what would be the proper procedure to do that?

18
19 **DR. CRABTREE:** I will have to check on that. I assume that it's
20 an open meeting, and so you could certainly do that. I mean,
21 the State Department is the U.S. lead and sits there, but the
22 Fisheries Service is involved in it and does have people go to
23 the meetings, but I will have to find out on the specifics of
24 the details of whether a council or a state could send someone
25 there in some more formal capacity than just attending.

26
27 **DR. FRAZER:** Thanks, Roy. If you can get us that information,
28 then we'll just follow that up. All right. I think the
29 remaining items on the agenda for today are lengthy, and so
30 we'll recess for lunch, and we'll come back at 1:30.

31
32 (Whereupon, the meeting recessed for lunch on April 2, 2019.)

33
34 - - -

35
36 April 2, 2019

37
38 TUESDAY AFTERNOON SESSION

39
40 - - -

41
42 The Reef Fish Management Committee of the Gulf of Mexico Fishery
43 Management Council reconvened at IP Casino & Resort, Biloxi,
44 Mississippi, Tuesday afternoon, April 2, 2019, and was called to
45 order by Chairman Martha Guyas.

46
47 **DRAFT REEF FISH AMENDMENT 52: RED SNAPPER ALLOCATION**

1 **DR. MATT FREEMAN:** If everyone is ready, looking at the action
2 guide, this is Agenda Item IX, and staff will present updated
3 draft options, and, actually, they're alternatives at this
4 point, for reallocation between the commercial and recreational
5 sectors. The committee is expected to review the draft
6 alternatives and provide guidance to staff on further
7 development of these alternatives. The timeline and next steps
8 are dependent on the committee's recommendations.

9
10 If we open the document, and if we could go to page 4 of the
11 document, and so, as a brief segue to the next agenda item, and
12 don't worry. I am not going through the objectives. I think
13 we've done that plenty, but I just wanted to mention that the
14 SSC had been made aware that the council had revised those
15 objectives, and so they asked, at their last SSC meeting, if we
16 could present that to them as well as the other FMP objectives,
17 and so, following the discussion of Amendment 52, Dr. Barbieri
18 is going to present some brief comments from the SSC on those,
19 and so I just wanted to sort of introduce that as a segue to the
20 next item.

21
22 If we could scroll down to the purpose and need, and so the
23 purpose and need has been revised since the council last met.
24 The language that changed previously -- Where it says, under the
25 purpose, and the need is the same, but the purpose, where it
26 says "to modify the sector allocations of red snapper", in the
27 version that the council saw in January, it said to review and
28 evaluate the allocations of red snapper, and so, first, we, and
29 when I say we, I mean myself and the interdisciplinary planning
30 team from council staff and SERO, recognizing that Action 2 had
31 been removed, we updated part of that language now that would be
32 specific to sector allocation, because we removed Action 2,
33 which dealt with component allocation, and there was some
34 discussion among the IPT in terms of that it appeared the
35 council had sort of reviewed the allocations already, and part
36 of the evaluation would come in the analysis, and so we went
37 with the word "modify", and that has shown up in other
38 amendments, and we felt that that was appropriate, and,
39 recognizing that Alternative 1 would still have a no-action
40 choice for the council, and so it doesn't mean that the council
41 has to modify the sector allocations. I do want to pause there,
42 in case the committee has any thoughts on that, in terms of the
43 word choice, and if anyone would like to direct staff to modify
44 anything there.

45
46 **CHAIRMAN GUYAS:** I have got Leann and then John.

47
48 **MS. BOSARGE:** I did notice that, and so I'm glad you went over

1 that with us. I appreciate you kind of laying out how that
2 transpired, because I wondered about that, and this wasn't -- I
3 had this issue in Amendment -- Was it 26 or 28, whichever one
4 the last one was that did this allocation, and it really bothers
5 me -- It just does not set well with me to say that the purpose
6 is to modify.

7
8 This is our truly in-depth review of what has transpired in the
9 past and are we going to modify it based on what -- To me, this
10 is our in-depth review, and, to me, the purpose and need that we
11 had before was more appropriate, and I think you said it was to
12 review and evaluate sector allocations, and I think that that's
13 what it should go back to.

14
15 **DR. FREEMAN:** Just to reply to that, previously, it said "to
16 review and evaluate the allocations of red snapper", and so,
17 Leann, based off of what you said, if it's okay, we'll retain
18 the sector allocation portion, since that's contained within
19 Action 1, but, if that's what the committee would like, we can
20 certainly revert the verbiage in the purpose to the previous,
21 where it said to review and evaluate.

22
23 **CHAIRMAN GUYAS:** Mara, is it to that point?

24
25 **MS. LEVY:** I guess I'm just thinking about, in terms of purpose
26 and need for NEPA purposes, right, and so your purpose and need
27 is defining your action and scope of alternatives, and so, in
28 that sense, review and evaluate doesn't necessarily capture
29 that. I mean, I'm not saying you can't say it, but "modify"
30 more directly addresses the idea that the purpose and need is
31 going to go towards the NEPA action and alternatives that you're
32 going to look at.

33
34 **CHAIRMAN GUYAS:** John.

35
36 **MR. SANCHEZ:** Thank you. I kind of share Leann's concerns, in
37 that, to me, "modify" implies that you're going to be doing
38 something, in terms of reallocating, and I think, before you do
39 that, you need to reevaluate everything, and there's been a lot
40 of changes discussed through this morning, like we're working
41 towards some common currency calibration units, and I think
42 those things should be in place before we really get into
43 reallocation issues. That said, maybe we can modify the
44 language to something like to review and evaluate and modify, as
45 appropriate, or something along those lines. Thank you.

46
47 **CHAIRMAN GUYAS:** Okay. We've had a couple of comments, I guess,
48 in favor of that change. Is that where everybody is heading,

1 and everybody wants to make that change to the purpose and need?
2 I think it would be helpful to have a motion, probably, to make
3 sure that the whole committee's sentiment is captured on this.
4 I will just put that out there.

5
6 **MS. BOSARGE:** I would make the motion that's based on what John
7 just said. I like that. I think that's a compromise, and so to
8 amend the purpose and need, and let's see if I can remember what
9 you said, John, to read, and you can put a quotation mark, to
10 review, evaluate, and modify, as appropriate, if appropriate,
11 and then end the quotes, and you can, I think, leave the rest
12 like it was, and is that what you said, Dr. Freeman?

13
14 **DR. FREEMAN:** Yes, ma'am.

15
16 **CHAIRMAN GUYAS:** All right, and so we've got a motion from
17 Leann, and we need a second. It's seconded by John. Is there
18 discussion on this? Ed.

19
20 **MR. ED SWINDELL:** I assume, in this motion, it's just going to
21 go into that first paragraph, where it starts with "the purpose
22 of this action", and is that what you -- You're just changing
23 the wording to that part? Thank you.

24
25 **CHAIRMAN GUYAS:** All right. Is everybody good? **Is there any**
26 **opposition to this motion? Seeing none, the motion carries.** Is
27 there anything else on the purpose and need, before we move on?
28 Okay.

29
30 **DR. FREEMAN:** Okay. If we could scroll down to the next page,
31 with Action 1, and so the alternatives have been rearranged
32 somewhat since the council saw them in January, in part to
33 include a new alternative, which is currently Alternative 2, and
34 the council's motion at that meeting had a start year of 1979,
35 and I will address that in just a moment, why the language here
36 says 1981, but, for Alternatives 2, 3, and 4, we, again,
37 rearranged them simply sort of chronologically, in terms of
38 start years, since they all have an end year of 2006 for the
39 data.

40
41 Alternative 5, again, we have restructured it so that -- Just
42 for clarity, that, if the council were to pursue Alternative 5,
43 in this case, they would select initially either 5a or 5b as a
44 threshold, and then, from the remaining alternatives, 5c through
45 5g, how the quota above that threshold selected would be
46 reallocated.

47
48 As I mentioned, at the January council meeting, the council

1 asked for inclusion, in this case, of Alternative 2, with
2 historical landings between 1979 and 2006, and, if we can scroll
3 down to page 7, we have some language here for the committee's
4 consideration that we're using 1981 as the earliest year for
5 reallocation, and the data from 1979 to 1980 were not
6 recalculated, since telephone data by county were not kept in
7 those years. Therefore, county-level Coastal Household
8 Telephone Survey data could not be properly weighted in the new
9 effort estimation process. Hence why, again, we're using 1981
10 as a start year. Are there any questions there before I move to
11 the next alternative?

12

13 **CHAIRMAN GUYAS:** Sue.

14

15 **MS. GERHART:** Previously, we had 1986 as the earliest year, and
16 the council had wanted to go back farther, and Matt has just
17 explained why 1979 and 1980 weren't usable, but I just wanted to
18 point out that, for 1981 through 1985, the issue there, why we
19 hadn't used those in the past, is that, before that time, the
20 division of landings between the Gulf and South Atlantic
21 Councils was at the Monroe/Dade line, and now that's not the
22 division between the councils anymore, and so that switched over
23 in 1986, and so there is kind of a discrepancy for 1981 through
24 1985 in how the landings were parsed out.

25

26 **CHAIRMAN GUYAS:** Good to know. Go ahead, Matt.

27

28 **DR. FREEMAN:** Just to follow-up on Ms. Gerhart's point, if we
29 could scroll down to page 9, the top of page 9, with Alternative
30 3, Alternative 3 would utilize 1986 as the start year, for the
31 very reason that Ms. Gerhart just explained, and that rationale
32 is there, in terms of why the 1981 through 1985 years may not be
33 appropriate for reallocation consideration. Again, it would be,
34 at this point, while we're discussing Amendment 52, up to the
35 committee to decide whether or not the years contained in
36 Alternative 2 would be appropriate or not.

37

38 Moving forward, Alternative 4 would average the five years of
39 landings history, which is 2002 through 2006, before the red
40 snapper commercial IFQ program was implemented in 2007, and the
41 council has seen that as an alternative at the January meeting.
42 If I recall correctly, Alternative 3, the council saw that then
43 as well.

44

45 Alternative 5, as I mentioned previously, has two potential
46 thresholds, with 5a and 5b, and 5a uses 9.12 million pounds
47 whole weight as the threshold, and that was the quota in 2006,
48 again before the commercial red snapper IFQ program was

1 approved. Alternative 5b would have that threshold at 13.74
2 million pounds whole weight, which was the quota in both 2017
3 and 2018. Another possibility that I will simply present to the
4 committee that you all may want to consider is that, for 2019,
5 the quota is 15.1 million pounds whole weight, and so that may
6 be another threshold that the committee would want to consider.

7
8 Moving forward, after the threshold is selected, again, we have
9 Alternatives 5c through 5g, and 5c would allocate any of the
10 additional quota between the commercial sector, with 75 percent
11 going to the commercial and 25 going to the recreational. 5d
12 would allocate 25 percent of the additional quota to the
13 commercial and 75 percent to the recreational sector.
14 Alternatives 5e through 5g would allocate that additional quota
15 based on the historical landings that the council made motions
16 for for inclusion in Alternatives 2 through 4.

17
18 Lastly, just as a reminder, any increases to the recreational
19 quota from Alternative 5 would also impact the federal for-hire
20 and private angling components. I will pause there for any
21 comments or questions about these alternatives.

22
23 **CHAIRMAN GUYAS:** Phil and then Leann.

24
25 **MR. DYSKOW:** Thank you. Just as a question, and I know it just
26 passed recently, but the Modern Fish Act, which passed Congress
27 in December, I think, specifically had language that would
28 encourage the use of economic data to make allocation decisions.
29 Have you folks had time to digest any of this information, to
30 see if it applies within this discussion?

31
32 **DR. FREEMAN:** I have not yet had a chance to look at how that
33 would come into play, necessarily. As Dr. Simmons mentioned, we
34 were going to, potentially, depending on the timeline, based off
35 of the committee and council's directive, present this document
36 to the SSC later this summer, most likely in conjunction with
37 the Socioeconomic SSC, to get input from them as well as some of
38 the socioeconomic staff from the Science Center for that
39 purpose, but, at the moment, we have not looked at that for
40 inclusion just yet, but there are plans to.

41
42 **CHAIRMAN GUYAS:** I think we had talked about having a
43 conversation about the Modern Fish Act at the council table at
44 some point too, right, at a future meeting?

45
46 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. We did
47 talk about this on our brief Council Coordinating Committee
48 call, I think it was the Thursday before this council meeting,

1 and we requested, like other councils, that we receive a
2 presentation from Headquarters staff on how they see this
3 impacting NMFS and then how we would interplay, especially with
4 the SSCs, on how they see that they would interact with us, as
5 well as how the comptroller would be doing some of these
6 reviews. Like, are they going to need staff time and those
7 types of things? We're hoping to get more information in a
8 coming meeting, and so I will try to have that scheduled as soon
9 as we can, possibly by June.

10

11 **CHAIRMAN GUYAS:** Great. Leann, I had you on my list.

12

13 **MS. BOSARGE:** Thank you, Madam Chair. I am going to propose an
14 additional alternative, but I want to talk about it just a
15 little bit before I try and figure out a motion, and so I've
16 been thinking about this, and we have red snapper, and there is
17 some sentiment that the years that the allocation is based off
18 of are pretty far in the past, and that historical time series
19 may be evaluated and possibly updated, and that's kind of one of
20 the reason that we're here looking at this document.

21

22 Now, that could be said though for other species as well, and I
23 don't think it's unique only to red snapper, and so what we do
24 here, in my mind, has ramifications for other species, and so I
25 have been trying to think about -- The other thing that is not
26 unique to red snapper only is that we have overages, and some
27 years we have commercial overages in some species, and some
28 years we have recreational overages.

29

30 Regardless of which side the overage comes from, it seems to me
31 that it doesn't promote conservation to take overages and use
32 that as a basis to reallocate towards the sector that had
33 overages, but you still need to update things, and how do you go
34 about that?

35

36 I tried to come up with something that is not species-specific,
37 that would work for any species that you looked at, hopefully.
38 In my mind, you could extend the historical time series, look at
39 a longer time series, but only use years for allocation purposes
40 to adjust your allocation and only use years in which both
41 sectors, or, if you're looking at something that has sub-
42 components or whatever, where all components and sectors --
43 Where none of them overharvested. You didn't have
44 overharvesting by any component.

45

46 Whatever that mix fleshes out to be, that's your allocation. To
47 me, that's a fair way to update a time series without rewarding
48 overages. It would be just as fair if you looked at it as only

1 a recreational reallocation and you looked in this species at
2 for-hire versus private angling. If you want to update that
3 time series and get a longer time series, okay, but only for
4 years when overharvesting in each sector did not occur. Use
5 years when all sectors were under whatever their threshold was
6 and see what that percentage comes out to be. Then we don't
7 reward overharvest.

8
9 The same could be said on a state-by-state basis, when we go
10 back to look at that and we try to update a time series. Only
11 look at years where everybody was under and don't reward
12 overharvest, and so I would like to try and craft a motion, if I
13 may, Madam Chair.

14
15 **It would be to add an alternative in 2.1, Action 1, to modify**
16 **commercial and recreational sector allocations based on**
17 **historical landings for years 1981 through 2006 when neither**
18 **sector overharvested. Yes, I think that's it.**

19
20 **CHAIRMAN GUYAS:** Is there a second to this motion before I
21 recognize Dr. Freeman? It's seconded by Patrick.

22
23 **DR. FREEMAN:** For clarification, if we could go to page 6 of the
24 amendment for just a moment, just again, so I have a better
25 understanding of the motion, that would be -- Looking at the
26 recreational side, that would be using the MRFSS data, and is
27 that the intent, or the MRIP data?

28
29 **CHAIRMAN GUYAS:** That was going to be my question too, because
30 there is multiple currencies of MRIP or MRFSS or whatever you
31 want to call that recreational survey, depending on what year,
32 and they've all been back-calculated to different years.

33
34 **DR. FREEMAN:** That would affect the --

35
36 **CHAIRMAN GUYAS:** Yes, and so Leann and then Susan.

37
38 **MS. BOSARGE:** Whatever the official landings are -- We have to
39 have official landings of some sort to do this at all, right,
40 and so, whatever you have decided the official landings are for
41 that year, and I don't care what you call them, but that is what
42 it is.

43
44 **CHAIRMAN GUYAS:** Susan and then Roy.

45
46 **MS. BOGGS:** How would you address the years 2015 and beyond,
47 when you have sector separation on the recreational side? Right
48 now, it's basically modify the commercial and recreational

1 sector allocations, but, on the recreational side, after 2015,
2 you have charter/for-hire and private recreational, and so are
3 you looking at them together? Is that how it would be? Okay.

4
5 **CHAIRMAN GUYAS:** Roy.

6
7 **DR. CRABTREE:** Well, there are -- I think there are a few
8 problems. One of the problems is fundamental to the whole
9 notion of using a time series, which is the catch estimates are
10 all being revised, and, if you say you decide that you're going
11 to use the MRIP Coastal Household Survey modification, the old
12 MRFSS numbers, well, then you go back and you recalibrate those
13 landings, and now that recalibrated series is not in the same
14 currency that the quotas were, and it's not what we were using
15 for landings when the quotas were put in place.

16
17 If you were to use the FES, the mail survey landings, it's going
18 to make that difference even larger, and so you're going to have
19 a problem, in terms of the quotas back then aren't comparable to
20 the landings estimates, and you are comparing apples and
21 oranges.

22
23 The other problem that I see, just with red snapper, is you're
24 going to throw out most of the modern time series, or a lot of
25 it, because, even though we had a recreational quota starting
26 in, I guess, 1990, the requirement to close the fishery when it
27 was hit didn't go into place until I think 1998 or 1999, and so
28 the fishery was never closed, even though there was a quota, and
29 I think setting aside the problem of the currencies not being
30 the same, if you went in and you removed every year that there
31 was an overage, assuming they came pretty close to catching the
32 quota, I think you would be roughly back to pretty much what the
33 current allocation is, because that's what the basis of the
34 quotas were based on.

35
36 I think the biggest problem is the landings time series that we
37 have now is just not directly comparable to the quotas, and I
38 don't know what the best available data on the landings are.
39 Right now, we're managing based on MRIP or state survey data,
40 and we don't have a time series that is comparable to the state
41 survey data, or calibrated to it, and I'm not sure where we're
42 heading with the FES, and so there's a lot of questions to be
43 resolved, in terms of what the historical time series ought to
44 be, and I'm not sure those will all get resolved until we get to
45 the next assessment, and so I think there are a lot of issues
46 that we're going to have to work through.

47
48 **CHAIRMAN GUYAS:** I had Greg, and then I will recognize you,

1 Phil.

2
3 **DR. GREG STUNZ:** Thank you, Madam Chairwoman. Leann, Roy made a
4 lot of the same points that I was going to make, and so I agree
5 with that, but I want to add that, in addition to that, sort of
6 the concept of rewarding the times that the recreational anglers
7 were over and rewarding for that, they are still fishing within
8 the bounds of -- It wasn't like -- They were doing it
9 unintentionally.

10
11 They are given a season and that sort of thing, and they're
12 fishing within the bounds of that season. The fact they go over
13 is a sign, to me, that we don't have the allocation right in the
14 first place, and so that's -- On top of that then, to see what
15 that time series would look like after we removed all of those,
16 I just don't think that that data would be there to make a
17 complete catch history for that.

18
19 **CHAIRMAN GUYAS:** Phil.

20
21 **MR. DYSKOW:** Thank you, Madam Chair. Just to add on what Greg
22 said, who added on to what Roy said, ad nauseum, recreational
23 fishermen, in recent years, have been over their quota of red
24 snapper, but you have to understand that they're only given two
25 pieces of information of how many days they can fish and what is
26 their daily bag limit.

27
28 All of this science that we work with, and all of these ACLs and
29 whatnot, they have no access to any of that, and they only know
30 two pieces of information, and, based on the two pieces of
31 information that we provide them, they go out and fish, whether
32 they are over or under, and they have no ability to affect that
33 one way or the other.

34
35 Now, you might say the same thing works under state management,
36 historically, of other species, and the states have figured out
37 how to work with that, by shortening the season, by changing the
38 slot or whatever, and so we have a system that works very well
39 for managing commercial fishing that doesn't work well to manage
40 recreational fishing, and that's why we have changed red
41 snapper, under Amendment 50, to work under state oversight, and
42 so we're trying to punish people for overfishing when they have
43 no control over it one way or the other.

44
45 **CHAIRMAN GUYAS:** Leann.

46
47 **MS. BOSARGE:** I am not trying to punish recreational fishermen,
48 but you have to see the flip side of it. This council was much

1 more successful at managing and constraining the commercial
2 sector to its quota. Now, if you use that against them and say,
3 well, we did a real good job of managing you, and we're going to
4 let all these overruns count towards taking fish and changing
5 this allocation, so that you have less percentage of the
6 allocation, we have punished them for a successful management
7 program that constrained their catches.

8
9 It's exactly what Roy was talking about at the last meeting,
10 when he talked about using the years after sector separation was
11 in effect. He said, when sector separation is in effect, there
12 is a problem with using the years after 2015, because we were
13 more successful at constraining the for-hire sector than the
14 private sector, and so any extra years you put in will
15 effectively shift more fish to the private sector, and so any
16 extra years you put in will effectively shift more fish to the
17 private sector, because they went over.

18
19 If you go look at the days that season was open, that
20 corresponds to all these years, that is exactly what we did on
21 the commercial side. We started constraining them long before
22 we started ratcheting down on the other sector, and we were more
23 successful at managing the commercial side, and now that's going
24 to punish them, and so I can see where you see it as punishment
25 to the recreational sector, but I see it as punishment to the
26 commercial sector if you don't throw out years where there
27 weren't overages.

28
29 You can decide, somehow, how we're going to deal with what set
30 of numbers we use, and this is just to add the alternative in
31 the document to at least look at it. If we find out that it
32 can't be done, so be it, but, if we're not sure what currency
33 we're going to use for any of this -- I mean, that seems like it
34 applies to anything we do, if we're not real sure if we're going
35 to use MRFSS or MRIP or what the landings were. I mean, I could
36 apply that to any of those, and so I would just like to explore
37 the alternative. It's something that could be used equitably
38 for other species.

39
40 **CHAIRMAN GUYAS:** John, and then I think I saw -- John.

41
42 **MR. SANCHEZ:** Thank you. I guess we're having this discussion
43 because we have a good problem. There's a lot more fish around
44 now, and now, obviously, the needs of one sector has grown, as
45 more people try to gain access to these fish, because they are
46 more readily abundant in areas where they haven't been in many,
47 many years, but, conversely, on the commercial side, we have
48 also seen the dockside value of snapper increase, the per pound,

1 and we have seen the share prices move up steadily and the
2 allocation prices go up in step with the share prices.

3
4 Arguably, there is a need for additional allocation to the
5 commercial, to address those concerns. In addition, again, this
6 problem of fish being more readily available in the eastern Gulf
7 and what have you, we're having a discard issue with the grouper
8 fishermen in the eastern Gulf, and all of these things are a
9 sign that we've got a good problem. We've got more fish to play
10 with.

11
12 We also have the calibration issues, which we've talked about
13 with the MRIP calibration, and it's forthcoming, and it sounds
14 like they're working on it. I think to get into this heated
15 discussion and debate over reallocating fish right now, with all
16 these other pieces of useful information that are about to maybe
17 come to fruition and help us in this journey, because we seem to
18 have this argument every couple of years, regardless of whether
19 it's viewed as a punishment or a need or however you want to
20 paint it, but I would say we should probably wait for the
21 benefit of the Socioeconomic Panel and the SSC looking at some
22 of this as well as these calibrations coming to fruition.

23
24 Then let's look at this, because there is some socioeconomic
25 need on both sides of the equation now, and so I don't know that
26 now is the time to do this, and, honestly, if you look at
27 history, where we started when I got on the council, versus
28 today, I think we're in a lot better shape. I mean, finally,
29 we've got some state plans, and there is far greater days than
30 the two and the nine days we started off with, and there seems
31 to be some positive stability, and to engage in this right now
32 just seems like we can wait a little more and we have built some
33 comfort into this.

34
35 **CHAIRMAN GUYAS:** Phil.

36
37 **MR. DYSKOW:** Thank you. I don't disagree with what John said,
38 and he might be on the right track, but I think this is a
39 discussion that needs to stay on the docket, because we've got
40 to resolve it at some point, but I would agree that, at this
41 moment in time, all of those factors, where we're not as -- I
42 won't say not as smart as we should be, but we haven't got
43 enough information to be smart in each of those discussions, and
44 the Modern Fish Act brings forth another component that we may
45 not be able to ignore, and we'll have to integrate that into a
46 reallocation discussion, and so I would not be opposed to
47 postponing that now, as long as it stays on the agenda, so that
48 we revisit it at subsequent meetings and eventually work towards

1 a mutually-satisfactory solution.

2

3 **CHAIRMAN GUYAS:** All right, and so let's see if we can circle
4 back to our motion that's on the board. Dr. Shipp.

5

6 **DR. BOB SHIPP:** I agree with both John and Phil, and I am going
7 to vote against this motion, not because I necessarily disagree
8 with it, but because it's probably out of place if we decide a
9 little bit later on to table this to the August meeting or
10 whenever, and so that's my rationale.

11

12 **CHAIRMAN GUYAS:** Dale.

13

14 **MR. DIAZ:** I want to kind of applaud Leann. As I'm sitting
15 here, I am trying to think about what's the most fair way to go
16 about this, and I honestly don't know if your motion will work
17 or not, Leann, but I think you're trying to look for something
18 that injects more fairness into it, and I appreciate that, and I
19 appreciate you trying to think outside the box, and so thank
20 you.

21

22 **CHAIRMAN GUYAS:** Roy.

23

24 **DR. CRABTREE:** I get what you're trying to do, Leann, and I get
25 the sense of fairness that it seems to give. I just think it's
26 unworkable, and so I guess the logic behind using historical
27 landings is you're trying to preserve the historical mix of the
28 fishery, and the trouble we've got now is the historical mix of
29 the fishery isn't what we've thought it was, and so, when you
30 start talking about overages, it's not what it seems to be,
31 because our perception of what landings is has evolved over the
32 time, but those quotas are just static, and they are fixed, and
33 I don't know if you can go back and calibrate the quotas.

34

35 If you discover one sector was actually catching twice as many
36 fish as you thought, then that sector should have been allocated
37 more fish, had you realized that at the time, and the quotas
38 should have probably been higher, had you realized the catches
39 were higher, but you didn't know any of that at the time, and
40 so, at least for right now, I just don't think this is workable,
41 but I do think we're going to have to make some more progress on
42 figuring out what is the best set of landings we're going to
43 have and what landings are we going to use, because, until we
44 know what landings we're going to use, it's going to be really
45 difficult to know what any of these time series actually give
46 you, and that's going to be complicated in doing the analysis on
47 it, and so I agree that issue of how you deal with the overruns
48 is one that we may have to deal with at some point, but I think

1 it's going to be much more complicated than just not using those
2 years. I just don't think that will work.

3
4 **CHAIRMAN GUYAS:** Just eyeballing the chart that's on page 6, it
5 looks like the years that we would have would be the years that
6 there wasn't a quota, because somebody overran every year, and
7 so, basically, before 1990, and, with that, I will go to John.

8
9 **MR. SANCHEZ:** Thank you. I agree with most of the comments that
10 are being said here today. There doesn't seem to be a quick fix
11 when you further confound it with the fact that, on the
12 commercial side, you have a constrained, limited universe of
13 people. I mean, it is what it is. If you want in, you've got
14 to buy your way in, whereas on the recreational side, it's
15 unbridled. As the population grows and more people move to the
16 coast and money is readily available, with low interest rates,
17 more people buy boats. I get it.

18
19 How do you keep these two things going when one group is
20 bringing these fish to the marketplace for the non-fishing-
21 consuming public, yet the -- They are constrained, and this is
22 challenging, and then the other sector is kind of unbridled, in
23 one sense, and will continue to grow, and, over time, if we're
24 going to reallocate based on how much they are landing, and then
25 you march down the road a hundred years, and they may have all
26 the fish. I don't know, and so I don't see how we maintain the
27 level of fairness that was originally introduced in this
28 balance, which was the best available science when we did it.

29
30 **CHAIRMAN GUYAS:** Susan.

31
32 **MS. BOGGS:** Thank you. I agree with a lot of the conversation
33 that's going on, and John mentioned something about you've got
34 the commercial side that is constrained. On the recreational
35 side, you have a sector that is constrained. You've got your
36 charter/for-hire headboats, and they have been under a
37 moratorium for ten years, and so they're not growing, and those
38 factors, again, with the different ways that we're looking at
39 the data, the five state management plans -- I mean, these are
40 things I said at the last council meeting, but I just think this
41 is very premature at this time. Thank you.

42
43 **CHAIRMAN GUYAS:** All right. Any other discussion on this motion
44 specifically? All right. Paul, go ahead.

45
46 **DR. MICKLE:** Thank you, Martha. I raised my hand late, and I
47 apologize, but I felt like I should speak a couple of things,
48 and it's a good point to do it. My first point is can this

1 actually be done, quantitatively? I don't really know. The
2 folks that actually would do this haven't spoken, and we've had
3 some folks up here say yes or no, but the people that actually
4 do this may have a better opinion on if this can be done.

5
6 What also brings it up is we're at a point where historical
7 catch, in this situation, doesn't really work, and I think a lot
8 of people have said that, because the sectors are so different.
9 Magnuson doesn't bind us to historical catch, and so the Modern
10 Fish Act builds upon that and shows that the sky is the limit on
11 anything justifying allocation, in my mind, and that's how I
12 read it, and this is truly a monster, because the sky is the
13 limit, and we can get into creating cultural value on regions
14 and towns and using that to justify allocation between sectors,
15 and literally it's the sky is the limit, which is a good and a
16 bad thing, but, the way that it works in Mississippi, the only
17 comparison that I can make, and I'm sorry for being so
18 philosophical, but, in education funding, when allocation of
19 money for education is being fought on, much louder and more
20 colorful than what we do here, they have some really complicated
21 equation that they use to break it up, and it uses all sorts of
22 justifications of test scores and everything, but it's that
23 model that I think, I feel, all of us are heading toward, and
24 the sky is the limit, and I can't believe that it's taken this
25 long to get there, because Magnuson-Stevens never ever commanded
26 us to historical landings only.

27
28 I just wanted to make that point, that I think all of us here
29 need to get more creative, and I think we have to, because Leann
30 has made it very clear in this motion that it really doesn't
31 work, because the sectors are so different, and they've had
32 different histories, and they have evolved differently, and they
33 are continually evolving into different things, and so I'm sorry
34 to make the last point, and maybe it's this, but thank you.

35
36 **CHAIRMAN GUYAS:** All right. Let's go ahead and vote on the
37 motion, and I think it would be good to do it by a show of
38 hands, in this case. **All in favor of this motion, please raise**
39 **your hand; all opposed. It's six to nine, and the motion fails.**
40 Dr. Shipp.

41
42 **DR. SHIPP:** Thank you. **Given the discussion we just had, and to**
43 **continue along on that discussion, I would move that we table**
44 **further consideration of this issue until -- I want to put a**
45 **date on it, and so let's say the August meeting, and I will just**
46 **leave it at that, and then we can discuss the rationale.**

47
48 **CHAIRMAN GUYAS:** Are you suggesting tabling this amendment?

1
2 **DR. SHIPP:** Sorry?
3
4 **CHAIRMAN GUYAS:** Tabling the amendment until August, or just the
5 action? The action? Okay.
6
7 **DR. CRABTREE:** A point of order. It would be to postpone
8 further consideration and not table, and it is debatable.
9
10 **DR. SHIPP:** Dr. Crabtree is correct.
11
12 **CHAIRMAN GUYAS:** He's keeping us on track. We are getting that
13 on the board. While that is being typed up, is there a second?
14 It's seconded by Phil. **The motion is to postpone taking action**
15 **on Amendment 52 until August.** Dr. Shipp, can you maybe provide
16 rationale about why August?
17
18 **DR. SHIPP:** Based on the discussions we had, especially John and
19 Phil, there are a plethora of issues that are going to become
20 more obvious to us during the next several months. I don't want
21 to put a time certain on it except for that fact that, if we
22 don't put a time certain on it, it might slip through the
23 cracks, but the Modern Fish Act and the recalibration and all of
24 those issues, hopefully in the next four to six months, will
25 give us further insight into where we need to go with this
26 amendment.
27
28 **CHAIRMAN GUYAS:** Roy.
29
30 **DR. CRABTREE:** Well, we wouldn't take action on this amendment,
31 I guess depending on how you define "action", but do you mean
32 postpone further consideration of the amendment until August?
33
34 **DR. SHIPP:** That's my intent, yes, because we've got too many
35 other factors that are about to land on us.
36
37 **CHAIRMAN GUYAS:** **All right, and so let's wordsmith this motion**
38 **to postpone further consideration instead of taking action, just**
39 **so we're clear and everybody is on the same page.** I've got Ed
40 and then Tom.
41
42 **MR. SWINDELL:** Well, I don't like the motion. I don't like it,
43 because it just leaves it wide open. Postpone it for what
44 purpose? I mean, if we had something that we were waiting on to
45 hear about, there was something certain that we're going to hear
46 more, then fine, and let's postpone it until we know we're
47 getting that information. Otherwise, why postpone it? I mean,
48 we're not going to take action, and we're not going to get any

1 action anywhere on it today, and so that's postponing it until
2 at least the next meeting, and so I just don't see -- No
3 offense, but I just don't see any reason to put a motion to
4 postpone it. Thank you.

5

6 **CHAIRMAN GUYAS:** All right. I've got Tom.

7

8 **DR. FRAZER:** I have said this before, and allocation is
9 obviously the most contentious thing that we deal with at this
10 council, and I have listened to all of the comments, and I
11 appreciate where people come from. There is differences of
12 opinion, and differences in values, but the one thing that I
13 think that everybody is aiming for here is to try and move this
14 forward in a direction anyway where one sector isn't
15 disadvantaged. Everybody is trying to be fair and equitable,
16 and it's very difficult to do that based on historical data,
17 where there are clearly constraints.

18

19 We have asked Sam Rauch, after the CCC meeting, and we had
20 recently that they were going to make a presentation available
21 on the Modern Fish Act, and we hope to have that in June, which
22 will provide perhaps some insight into how we might move forward
23 with regard to allocation decisions, and so I don't think there
24 is any real problem in holding off on discussing this until we
25 do have some more information, because I do think that things
26 are likely to change in the future.

27

28 **CHAIRMAN GUYAS:** John.

29

30 **MR. SANCHEZ:** I agree with Dr. Shipp's motion to postpone this.
31 I am just kind of -- It would be helpful, to me, to know if
32 August is the correct date or not, and, with that, I would be
33 asking when does the SSC and the Socioeconomic Panel plan to
34 weigh-in on this, and when do you think we'll have some kind of
35 results that will be useful regarding MRIP calibration and this,
36 and so is that going to happen in line with August, or are these
37 things -- Does anybody have an idea of when these things are
38 going to come together?

39

40 **DR. FREEMAN:** At least, in terms of the SSC, as for now, we're
41 looking at bringing it back to them in July, and so that would
42 be prior to the August meeting. However, SERO would need to
43 comment on the data portion of your question.

44

45 **CHAIRMAN GUYAS:** Roy.

46

47 **DR. CRABTREE:** Well, I don't think the landings recalibration
48 issue will be resolved by August. We are expecting to get state

1 management calibrations by the end of the year, but how we're
2 going to factor that into the new stock assessment remains to be
3 seen, and so I don't think those issues will be worked out
4 really before the end of the year, at best.

5
6 **CHAIRMAN GUYAS:** Bob.

7
8 **DR. SHIPP:** I guess I agree with Roy, but I also agree with Tom,
9 and the reason I chose August was kind of both, to give us a
10 little more time and not try to do it by the next meeting, but,
11 at the same time, keep it moving. When we to wherever we are in
12 August, if we find out that we need to delay it a little
13 further, then fine, but the intent is to keep it on track, and
14 so that's why August was chosen.

15
16 **CHAIRMAN GUYAS:** Okay, and so we'll have at least some of that
17 information in front of us by then, it sounds like. Are there
18 other thoughts on this? Are we ready to vote? All right. **I**
19 **guess let's do a show of hands again, and, all in favor, please**
20 **raise your hand, and this would be to postpone this amendment**
21 **until August; all opposed. It's nine to four, and so the motion**
22 **is approved.**

23
24 All right, and so I guess that is that, but we can handle the
25 Reef Fish FMP stuff with Luiz, right?

26
27 **DR. FREEMAN:** Yes, and, just as a final comment, even though
28 this has been postponed until August, I did want to just bring
29 to the council's attention the Appendix B very briefly, and,
30 there again, this will be background information when we bring
31 this document to you again, but we have taken some of the
32 information from the other tables and combined that with some of
33 the management items, basically, for visual reasons, so that you
34 can see season length, landings, and, unfortunately, it doesn't
35 show up quite so well currently in the Word document, and we
36 will pivot those when we bring it to you next, and it's,
37 obviously, easier to read if you have a copy printed off.

38
39 Currently, they stop at 2014 and, again, we will expand it
40 beyond 2014 when we have the component landings or the
41 separation through Amendment 40, but we'll be developing that
42 still, quote, unquote, behind the scenes between now and August.

43
44 **CHAIRMAN GUYAS:** Thank you. I think these are going to be
45 helpful to us. Okay. Now I think we're ready to get Luiz up
46 here, right, to talk about the FMP objectives and the discussion
47 that the SSC had, and are you ready, Luiz?

48

1 **SSC REPORT ON REEF FISH FMP OBJECTIVES**

2
3 **DR. LUIZ BARBIERI:** Thank you, Madam Chair. This is going to be
4 a very, very brief overview of the issues, and I hope that staff
5 is pulling up the SSC report, which lists our comments, and so,
6 basically, Matt gave us an overview of the FMP objectives that
7 have been in place, most of them, for quite some time, and the
8 SSC reviewed those documents and those objectives and tried to
9 provide some comments.

10
11 I am not going to go into any of those in detail, but just to
12 let you know that the SSC had some general comments and reviewed
13 this that, in a way, is trying to update the language there,
14 one, to meet now the new overarching goals set by the Magnuson-
15 Stevens Act, in terms of conservation goals that need to be
16 there in our fishery management plan objectives, as well as
17 adjust some of the language and some pieces, depending on what
18 plan you are talking about, some pieces that were basically
19 outdated, asking for things that are really no longer relevant.

20
21 Madam Chair, I can read some of those and go into more detail,
22 or I can just allow you to glance at those at your will and then
23 ask me questions, if you have any, but this is really just
24 adjusting the language to update the language to something more
25 in line with the newer reauthorizations of Magnuson as well as
26 to have some of the objectives more in line with biological
27 and/or socioeconomic goals and objectives that should be in
28 place. I will pause there. Matt, does that reflect -- Do you
29 have anything to add?

30
31 **DR. FREEMAN:** It does, and I have asked admin to circulate the
32 full list of all the FMP objectives to the council members, just
33 so that you have that as a reference. In case anyone has
34 trouble sleeping tonight, you can browse that at your leisure.

35
36 **CHAIRMAN GUYAS:** Bob.

37
38 **DR. SHIPP:** Luiz, I am just looking at this for the first time,
39 and what do you mean by "minimize scientific management"? That
40 just reads funny, to me.

41
42 **DR. BARBIERI:** This is really to minimize scientific
43 uncertainty, and this is probably paraphrasing or capturing in
44 the meeting notes.

45
46 **CHAIRMAN GUYAS:** If you read it the way that Dr. Shipp reads it,
47 it is pretty funny. Minimizing scientific management and --
48

1 **DR. BARBIERI:** It's scientific and management uncertainty.
2
3 **DR. SHIPP:** I know what you mean, and I was on the SSC, but it
4 just reads funny, to "minimize scientific management".
5
6 **DR. BARBIERI:** Right, and, by the way, as a follow-up to this,
7 the committee is making comments and reviewing the document, and
8 Dr. Freeman and other staff will be working with the objectives
9 themselves to make sure that the revised objectives have the
10 language, as appropriate to be there.
11
12 **DR. FREEMAN:** You're talking specifically about the reef fish?
13
14 **DR. BARBIERI:** No, the SSC reviewed the FMP objectives and
15 provided recommendations to staff as those documents should be
16 revised.
17
18 **DR. FREEMAN:** Right. In terms of any revisions to FMP
19 objectives beyond the reef fish, that would be something that
20 the council would need to specifically direct staff either to
21 work on or to work on with the SSC.
22
23 **DR. BARBIERI:** If I may, Madam Chair. Bob, to your question, we
24 just need to adjust the language a little bit, but it's one of
25 those things that, in trying to upgrade -- I mean, when you have
26 something like to achieve robust fishery reporting and data
27 collection systems across all sectors for monitoring the reef
28 fish fishery, which minimizes management uncertainty, this is
29 the way that it is in the current FMP. The committee is trying
30 to bring something that aligns better with the messaging of
31 Magnuson, the last reauthorization, as well as the National
32 Standard Guidelines that basically minimize the scientific and
33 management uncertainty and accounts for risk more explicitly.
34
35 **CHAIRMAN GUYAS:** Kevin.
36
37 **MR. ANSON:** Dr. Barbieri, thanks for attending another council
38 meeting. To achieve robust fishery reporting and data
39 collection systems across all sectors for monitoring the reef
40 fish fishery, we've been talking a lot about calibration of the
41 state data collection systems for red snapper and comparing
42 that, essentially, to the federal data collection systems, and
43 so working --
44
45 The council is reliant upon the SSC to provide that scientific
46 advice, and this needs to be part of a broader discussion
47 amongst the council, as we work through, and it's hard to get
48 information from the calibration, but what -- Has there been any

1 discussion about what might come through MRIP and essentially,
2 hopefully, eventually, in cooperation with the Science Center,
3 as far as the product of a calibration relative to the
4 discrepancies, or the appeared discrepancies, in the two data
5 collection systems?
6

7 I mean, I'm hoping that the SSC will review and find that the
8 calibration methodology and the outputs are all best scientific
9 information available and such, but, I mean, what if there isn't
10 a consensus to get us to that point, and I guess I'm just maybe
11 thinking too much about it and such, but I'm just waiting to see
12 some information and such relative to calibration and all that
13 coming down through the MRIP folks and such, at least as it
14 relates to the red snapper data collection programs, and has
15 there been any discussion at the SSC about that, or that
16 process?
17

18 **DR. BARBIERI:** Not explicitly that I can recall, not recently.
19 You may remember, and it was Corpus Christi, or maybe it was the
20 meeting before, that we had that workshop, and you were there,
21 in New Orleans last year, and we had MRIP staff, and this was
22 under the auspices of the Gulf Commission, Gulf of Mexico
23 Commission, and we met with the different states and the
24 commission and NMFS to discuss how we would adjust those
25 numbers.
26

27 Out of that meeting, something that came out is that there were
28 differences that were very hard for anybody to determine which
29 one was right and which one was not right. There were
30 differences that we couldn't reconcile or to even understand, at
31 that point, what was causing those differences.
32

33 Out of there, and there were some professional statisticians
34 that are working for NMFS as consultants, and they received some
35 data from all of the states, and they started looking into this,
36 and you remember that I came before you, at one point, and I
37 said, listen, we will be receiving a report from that meeting as
38 well as a follow-up report from the consultants to give us some
39 more guidance on where to go with this.
40

41 I haven't heard, really, from the agency yet on where we are in
42 that process. My assumption, considering the federal government
43 shutdown and all the delays that probably that caused, is that
44 the consultants are moving forward in trying to get that
45 finalized, but there is an effort, right now taking place, to
46 more directly address differences between the different state
47 surveys and the FES and try to develop, potentially, some data
48 collection studies that we would put in place to help inform how

1 those differences came to be, but I don't really have any more
2 specifics beyond that at this point.

3

4 **CHAIRMAN GUYAS:** Dave.

5

6 **MR. DAVE DONALDSON:** I don't have any specific specifics, but
7 they are working on it, and we were hoping that we were going to
8 have Red Snapper V, the follow-up meeting, this summer. Because
9 of the shutdown and some other issues, it's probably going to be
10 later this year, but it is still scheduled for this year at some
11 point, probably in the fall now.

12

13 **DR. BARBIERI:** Mr. Anson, I don't know if I was able to -- I
14 mean, it's a lot of unknowns at this point. Basically, the work
15 is taking place, we hope, and that we're going to be given some
16 more direction and timelines for having those differences
17 reconciled and the calibration between the state surveys and the
18 FES resolved, or better understood, at least.

19

20 **CHAIRMAN GUYAS:** Question for me? We're trying to conference
21 here. Are we good?

22

23 **DR. BARBIERI:** I'm sorry?

24

25 **CHAIRMAN GUYAS:** You're looking at me like you asked me a
26 question.

27

28 **DR. BARBIERI:** No, and I was just trying to see if there are any
29 other questions. I mean, I think this was more or less related
30 to that first objective there.

31

32 **CHAIRMAN GUYAS:** Okay. We're trying to figure out, at least in
33 my brain trying to figure out, what do we do with this
34 information here, and so I was talking to Dr. Freeman, and so
35 the FMP objectives that we have edited right now are in the
36 carryover document, and so, if we would want to consider making
37 updates to Objective 2, based on the SSC's input, I guess we
38 would need to roll this into that discussion the next time we
39 bring that document, and is that right?

40

41 **DR. FREEMAN:** The committee/council could make a motion, and I
42 could work with Mr. Rindone and have that incorporated for when
43 that amendment is brought back to the next council meeting, and
44 that wouldn't be an issue.

45

46 **CHAIRMAN GUYAS:** So there's that, and then we have all these
47 other suggestions for FMP objectives that we haven't even
48 touched yet, and so I guess this is a council -- Go ahead.

1 **DR. FREEMAN:** In terms of the other FMP objectives, again, the
2 main purpose of this was the SSC was, again, interested in
3 seeing the revised Reef Fish FMP objectives, and so that was the
4 initial purpose, was to bring that to the SSC meeting. However,
5 since we had many new SSC members, who weren't familiar with all
6 of the other FMP objectives, we thought it was an appropriate
7 time to present all of those to the SSC members, and so a lot of
8 these were just general questions and comments.

9
10 As I pointed out during the SSC meeting, some of these, and I
11 believe Shrimp was an example, where it has not been updated
12 since 1981, and so the SSC just had, again, some feedback, in
13 terms of whether certain objectives were still relevant, if new
14 ones needed to be included, et cetera, and so they were just
15 providing general feedback to the committee and to the council.

16
17 **DR. BARBIERI:** Yes, that's exactly it, Matt, and so keep in mind
18 that process for how this actually happens, in terms of council
19 functioning, is pretty much outside of our wheelhouse, and so we
20 looked at those, primarily from that technical perspective,
21 where you have biologists and social scientists on the committee
22 looking at this and seeing how the existing objectives align
23 with broad-based guidelines that came out of Magnuson and the
24 National Standard Guidelines and where some of the biological
25 issues, I guess, or data collection, some of these things, may
26 no longer be relevant, and so those get sort of refreshed and
27 updated from that technical perspective, and I really don't know
28 where it goes from here. My assumption is that those revisions
29 would be made and that this would be brought back to the
30 committee for a broader look again.

31
32 **CHAIRMAN GUYAS:** I will try to stay in my lane as the Reef Fish
33 Chair, but it seems like maybe the council needs to think about,
34 and maybe discuss at Full Council, the next time we do FMP
35 changes to CMP or Shrimp, if we would want to at least consider
36 making some of these changes when we consider changes to those
37 amendments in the future, but I am staying in my lane. As far
38 as the change to Objective 2 goes, we can talk about that here
39 now, since this is the Reef Fish Committee, and we're probably
40 outside of going to CMP and Shrimp and Coral. Tom.

41
42 **DR. FRAZER:** I had the pleasure of attending the SSC meeting,
43 and I remember this particular discussion item, and it started
44 off actually as -- Because the SSC hadn't seen these objectives
45 in some time, I think what they were trying to do is reconcile
46 how they were written with the broader goals in the MSA, and so,
47 when they read this particular Objective 2, it read more like a
48 goal, whereas the SSC was trying to get it to be more like an

1 objective and put somewhat of a pointy end on it, so they could
2 say the specific objective here is actually to reduce the
3 scientific uncertainty as well as the management uncertainty and
4 the risk associated with all of that, in order to make better
5 decisions. I think that's the subtle difference in the wording,
6 and so I think what we should probably do is re-visit the FMP
7 objectives as a council, with that in mind, at some later date.

8
9 **CHAIRMAN GUYAS:** Are there other questions for Dr. Barbieri?

10
11 **DR. BARBIERI:** Thank you, Madam Chair.

12
13 **CHAIRMAN GUYAS:** All right. Any other discussion on these FMP
14 objectives, particularly the reef fish one, or suggestions? Do
15 we want to do anything with that now or not? Mara.

16
17 **MS. LEVY:** Not just with respect to the reef fish, but I heard
18 the discussion about the council considering this stuff later,
19 and I think it would be a good idea, in the respective
20 committees, maybe at another meeting, to look at the current
21 objectives in the FMPs and just look at them and review them,
22 and you can also look at this and see whether they are still
23 applicable or you want to change anything.

24
25 I mean, we did this with reef fish, because it goes to the
26 allocation and things like that that we wanted to update, but it
27 would probably be worth looking at all of them, as appropriate,
28 and deciding whether they are still -- If you have met them or
29 haven't met them or we have new objectives or things like that.

30
31 **CHAIRMAN GUYAS:** Okay. If there is nothing else on this, no
32 other discussion, then I think we can -- Do you want to take a
33 break, or do you want to move on to 36B?

34
35 **DR. FRAZER:** Let's take a ten-minute break, and then we'll hit
36 36B.

37
38 (Whereupon, a brief recess was taken.)

39
40 **CHAIRMAN GUYAS:** That brings us to 36B, which is Tab B, Number
41 10, and Ava.

42
43 **DRAFT AMENDMENT 36B: MODIFICATIONS TO COMMERCIAL IFQ PROGRAMS**

44
45 **DR. LASSETER:** Thank you very much. We brought you both the
46 document for Amendment 36B, which is located at Tab B, Number
47 10(a), and then we also decided to put together a presentation,
48 and so that is Tab B, Number 10(b) that summarizes the program

1 goals, your new goals, and your actions, and we thought we would
2 go through it this way.

3
4 Taking a step back to look at the action guide, in reviewing
5 these program goals and objectives, we also want to think about
6 how they relate to the actions in the draft amendment. As the
7 committee is reviewing and discussing these newly-added goals,
8 think about them in the context of those proposed actions. Is
9 that encompassing, or is that going to achieve what it is that
10 you're intending with these proposed goals?

11
12 If we go to the presentation, just a refresh, because we've been
13 talking about a document called allocation, and we use a lot of
14 these terms in different ways, and so, just to refresh for
15 everybody, in the IFQ program, some basic definitions. When
16 we're talking about a share, an IFQ share, shares are always a
17 percentage of the commercial quota, and allocation refers to the
18 pounds for that year of fish represented by the shares, and so
19 that's depending on how much that quota is, and it would be the
20 pounds represented by the amount of shares by the percentage of
21 the quota, and so shares is percentage, and allocation is in
22 pounds.

23
24 A little overview, and so, first, we'll talk about the purpose
25 and need and review the new program goals that you have proposed
26 in some recent meetings, and then the rest of these are these
27 proposed actions in 36B, and so there is the first one of
28 program eligibility requirements, and this is addressing
29 requirements for a commercial permit, for various shareholders
30 to have a commercial permit.

31
32 There is an action that would distribute the non-activated
33 shares from Amendment 36A, and there is an alternative in that
34 that would signify your intent to create a quota bank, and so
35 the next section of the document addresses quota bank, and there
36 is actually several sub-actions for the development of a quota
37 bank, and then, finally, an action that addresses the accuracy
38 of estimated weights and landing notifications, and this is a
39 law-enforcement-driven action.

40
41 Our purpose and need, this will continue to be revised and
42 developed as the committee further discusses what they are
43 intending to do in the document, and so the beginning part is
44 still quite old, and this is what we've seen for a while, in
45 terms of the purpose of this action is to review and consider
46 updates to the IFQ program goals and objectives, and we have
47 completed the next five-year review, and we've begun a new one,
48 and now the next one as well for red snapper and grouper-

1 tilefish together.

2
3 This document is really your opportunity to review these
4 programs and address changes in the fishery, and so you have
5 added a couple of new goals, and one new goal is to identify
6 quota set-asides to address and assist small participants and
7 new entrants and to reduce discards, and then, also, the purpose
8 would be to increase access to shares to actively-fishing
9 eligible commercial fishermen.

10
11 Breaking these down a bit, existing goals, the existing goals of
12 each program, are to reduce overcapacity and to eliminate the
13 problems associated with derby fishing, and we have discussed
14 these goals, and the five-year reviews have noted that progress
15 has been made towards these goals, but the council never
16 specified the point at which a goal has been met, how it would
17 be measured to determine whether the goal has been met, and so I
18 wanted to bring these up again and ask the committee if you
19 would like to specify whether these goals have been met or
20 establish some measure for when you would like to see -- To
21 determine that the goal has been met, and so I'm going to pause
22 there, and these are the existing goals, and is there any
23 discussion or decisions that you would like to make on the
24 existing goals?

25
26 **CHAIRMAN GUYAS:** Roy.

27
28 **DR. CRABTREE:** Ava, the one that said to increase access to
29 shares, what exactly -- I am sorry. I am the one previous to
30 that.

31
32 **DR. LASSETER:** Just a little clarification. This is the purpose
33 and need statement as laid out in the document, and those two
34 indented points are goals that have been added by the committee,
35 and so all I was doing on the next slide is laying out your
36 existing program goals, and these have been in place since each
37 program was put in place, and I, again, just wanted to bring up
38 these goals, and do you feel they have been met, do you want us
39 to put some measurement to determine whether or not they have
40 been met, and then I was going to go next into these added
41 goals, and then let's talk about those.

42
43 **CHAIRMAN GUYAS:** Patrick.

44
45 **MR. PATRICK BANKS:** The existing goals was to eliminate derby
46 fishing, and it seems like that would have been met. I mean, is
47 that something we could modify? I would like to hear some
48 thoughts from some other council members, please.

1
2 **CHAIRMAN GUYAS:** Tom.
3
4 **DR. FRAZER:** Patrick, I feel compelled to speak with you. At
5 this point, I think it's a program that seems to be functioning
6 fairly effectively, right, and, in my opinion, and we can
7 certainly get some public comment on this, but I think the
8 sentiment would be that the derby fishing has been eliminated.
9
10 **MR. BANKS:** Since the Chair has spoken, I would say that we
11 should put a statement in there that indicates that this program
12 goal has been met, please.
13
14 **CHAIRMAN GUYAS:** Is that good enough for you, Ava, or would you
15 like to have a motion?
16
17 **DR. LASSETER:** A motion would be appreciated. Thank you.
18
19 **CHAIRMAN GUYAS:** Patrick.
20
21 **MR. BANKS:** I would make a motion to add a statement in the
22 document that indicates the elimination of derby fishing as a
23 program goal has been met.
24
25 **CHAIRMAN GUYAS:** It looks like we have that on the board. Is
26 there a second to this motion?
27
28 **DR. CRABTREE:** Second.
29
30 **CHAIRMAN GUYAS:** Seconded by Dr. Crabtree. Is there discussion
31 on this? **Is there any opposition to this motion? Seeing none,**
32 **the motion carries.**
33
34 Is there anything else on the existing goals before we move to
35 those new goals? Okay. Let's go ahead and move to the new
36 ones.
37
38 **DR. LASSETER:** Okay. Thank you. As just read in the purpose
39 and need, these are now pulled out, and these are two goals that
40 you have added at different council meetings. The first one was
41 to identify quota set-asides to address and assist small
42 participants and new entrants and to reduce discards, and you
43 added this at your October 2017 meeting.
44
45 Your second one was to increase access to shares to actively-
46 fishing eligible commercial fishermen, and you added this at
47 your last meeting in January, and so these are your newly-added
48 goals, and, keeping these in mind, these goals should guide your

1 decisions in developing the actions in the amendment, and, of
2 course, staff will flesh out a range of reasonable alternatives
3 as well.

4
5 In other words, be thinking about these goals. In thinking
6 about these goals, how do you want to enact or operationalize
7 each one, and are the current actions in the document that we're
8 going to go over the approach that the committee wants to take
9 in addressing these, and we're going to come back to this part,
10 but you have in here to assist small participants, and what is
11 that going to mean? New entrants, who is that? How would you
12 actually define who that means? To reduce discards, who would
13 qualify for that? I will pause there for discussion.

14
15 **CHAIRMAN GUYAS:** Kevin.

16
17 **MR. ANSON:** Ava, going back to the existing goals that we did
18 not address, the reduction of overcapacity, does that mean that
19 that is still part of our discussions, even though we don't
20 explicitly state it in the purpose and need, or how does the
21 existing goal fit in, or does that just go away, and you wanted
22 us to address it just to kind of to clear it, or what are we
23 going to do with that reducing overcapacity?

24
25 **DR. LASSETER:** Right now, it still remains as a program goal for
26 both of them. You have not set a target capacity, and there's
27 not a requirement for you to set a target capacity, but,
28 whatever actions you ultimately take, they should be consistent
29 with your goals and objectives, and I think the eliminating
30 derby fishing and recognizing that, yes, by changing the nature
31 of the fishery, this has definitely been addressed, and that's
32 probably a clearer one.

33
34 I am not suggesting or asking you to modify overcapacity unless
35 you think that this is something that you do want to further
36 reduce capacity, and so you may want to think about an action in
37 the document that would further do so, and is there a target
38 that you may want to put on it? Just be thinking about what --
39 These are your goals that you have in place. If you are not
40 wanting to change this yet, the public would see that you still
41 think that some capacity reduction could be achieved or should
42 be achieved. I will pause there.

43
44 **CHAIRMAN GUYAS:** Go ahead, Kevin.

45
46 **MR. ANSON:** I guess I'm just trying to reconcile this goal with
47 the new goal that we have added as far as increasing access
48 through new participants and small participants at this point,

1 and so that's all. I was just trying to see where this is
2 relative to our discussions and thoughts as we go through the
3 document. Thank you.

4
5 **CHAIRMAN GUYAS:** One thing, Ava. Remind me. I think, in the
6 IFQ five-year reviews, they have addressed that question about
7 overcapacity, right, or tried to evaluate that, and do you
8 remember, off the top of your head?

9
10 **DR. LASSETER:** The five-year reviews have said that progress has
11 been made towards reducing capacity, but, of course, you could
12 still -- Further capacity reduction could be achieved, but there
13 was no quantified target that you were attempting to achieve,
14 and so you could continue to have fewer vessels in the fishery
15 catching the quota. Is that your intent? I think looking at it
16 alongside the other things you're talking about would be
17 productive, but definitely just keep it in mind, and I'm
18 wondering if there is comments here.

19
20 **CHAIRMAN GUYAS:** Mara.

21
22 **MS. LEVY:** Well, I mean, I think you kind of hit the nail on the
23 head. To the extent that you still want to reduce overcapacity,
24 that seems to conflict somewhat with wanting new entrants, and
25 so I guess, as a council, you need to decide if you have reduced
26 overcapacity too much, and is that why you want new entrants?
27 Are you still trying to reduce overcapacity, and then why would
28 you want new entrants, and so there seems to need to be some
29 sort of policy decision on that front.

30
31 **CHAIRMAN GUYAS:** Kevin.

32
33 **MR. ANSON:** I haven't really settled on how best to address
34 that. I mean, in my mind, I can still leave reducing
35 overcapacity and still add new participants, and they wouldn't
36 be conflicting under the current fishery that we have, in that
37 it has -- As we've gone through time, the stock assessments have
38 shown that greater and greater harvest can be had, thus
39 increasing the amount of quota that's available for the
40 commercial fishery, and so, relative to where that program first
41 started, yes, we may be increasing participants, but we may not
42 be increasing at the rate that would eat into that increase in
43 the ACL and into what's been available to the commercial
44 fishery, and that's kind of -- That's how I see it, that it
45 could be explained.

46
47 **CHAIRMAN GUYAS:** I've got Roy, and then I will go to Ava.

48

1 **DR. CRABTREE:** I would just point out that the current quotas
2 are actually higher than the estimate of maximum sustainable
3 yield, and so, at least based on what we have, there is not a
4 lot of reason to believe that quotas have much further to grow.

5

6 **CHAIRMAN GUYAS:** Ava.

7

8 **DR. LASSETER:** I did just want to clarify that the way we define
9 new entrant in the document is replacement fishermen. We do
10 have new entrant here, but we are talking about the next
11 generation, or you were talking about it, when you added this,
12 replacement fishermen.

13

14 **CHAIRMAN GUYAS:** I guess one other facet of this too is, I mean,
15 we could further consolidate this fishery, but, in the end,
16 that's just going to make discards for other fishermen go up,
17 but, on paper, it looks like we've done this great thing, and
18 we've met this goal, but, in reality, we haven't necessarily
19 really done much to help the fishery as a whole, and the stock,
20 and so I think we need to balance that somehow in here.
21 Anything else on these goals? Ed.

22

23 **MR. SWINDELL:** Leann also has her hand up.

24

25 **CHAIRMAN GUYAS:** I'm sorry, Leann. I can't see your hand at
26 all.

27

28 **MR. SWINDELL:** How are we measuring capacity? What is
29 overcapacity in a commercial fishery, and why is that so
30 important, if you've got a limit on what they can catch? I
31 don't quite understand that.

32

33 **DR. LASSETER:** I am actually going to ask my colleague, Dr.
34 Diagne. He is an economist, and he's far better at explaining,
35 in economic terms, reducing overcapacity.

36

37 **DR. ASSANE DIAGNE:** I'm not sure I'm better, but I will try.
38 Overcapacity, the definition for it really is a difference
39 between an optimal level of output, given resource conditions
40 and technology and so forth, and a maximum potential output that
41 a fishery could essentially harvest, and so that difference is
42 what is defined as overcapacity.

43

44 **MR. SWINDELL:** I don't really see how that would play into a
45 commercial fishing limit when you are limiting the amount of
46 resource that they can take out of the fishery. Overcapacity is
47 more of an operation problem with individuals that are perhaps
48 not doing as well as they could if you didn't have as many boats

1 fishing, and so it's a pure economic thing to the fishermen.

2
3 It has nothing to do with the resource. I mean, we are managing
4 the resource abundance and the resource -- You know, not letting
5 them take out too much of the resource, but overcapacity, to me,
6 I just don't understand how that is going to benefit. If we're
7 going to reduce the overcapacity, to what regard is it going to
8 help us help the resource?

9
10 **CHAIRMAN GUYAS:** Ava is going to speak to that, and then, Roy,
11 to that point.

12
13 **DR. LASSETER:** This actually goes back to the beginnings of the
14 IFQ program and the problems before it. The overcapacity issue
15 was tied very closely to the race to fish, the derby fishing,
16 which the discussion is now that the committee seems to feel
17 that has been addressed, and those two problems, kind of in
18 tandem together, are really the impetus for IFQ program
19 development around the country in other places.

20
21 **CHAIRMAN GUYAS:** Roy.

22
23 **DR. CRABTREE:** Well, but there is more to managing a fishery
24 than just a resource and setting catch levels. Part of what the
25 statute says we're supposed to do is provide the greatest
26 overall benefit to the nation, and so, if you have overcapacity
27 in a fishery, it essentially means that you have more vessels
28 than you need to catch the fish, and the general result of that
29 is none of them are going to be profitable, because there aren't
30 enough fish to go around for them.

31
32 My read of the statute is really, to optimize the benefit of the
33 fishery to the nation, we want profitable businesses harvesting
34 those fish, because profitable businesses produce net benefits
35 to the nation. They pay taxes, and they do lots of good things
36 for the country, and so we don't want to -- It's not enough to
37 just rebuild the stock.

38
39 We want to have healthy businesses that are out there harvesting
40 the stock and making the fish available to consumers and things,
41 just like we want healthy recreational fisheries and healthy
42 charter boat fisheries, where folks are able to make a living
43 and make a profit, and so, to me, part of achieving optimum
44 yield is achieving the optimum benefits from the fishery, and
45 that does touch on the issue of capacity and profitability.

46
47 **CHAIRMAN GUYAS:** Go ahead, to that point.

48

1 **MR. SWINDELL:** I just, being a businessman, and in the fishing
2 business, I look at this and say, why -- I just don't see how
3 that can possibly help us with management of the resource or
4 even provide economic benefit to the nation, because, in
5 overcapacity, you may have more vessels than you want, and those
6 vessels are still burning fuel, more fuel, and so there's more
7 economic things going out, and they're just not individually
8 making as much money as they should, but they're still paying --
9 The taxes are still being paid, but it's spread out amongst more
10 people.

11
12 It gets down then to a point of can you manage more people than
13 what you can just a few people, and maybe that's the benefit of
14 reducing overcapacity, is that you're able to manage it better,
15 perhaps. I am just kind of floored by this, and I'm sorry.

16
17 **DR. CRABTREE:** I hear you, Ed, but net benefits has to do with
18 essentially profits in the commercial fishery, and businesses
19 pay taxes on the profits they make. If they are losing money,
20 because they can't catch enough fish, and they're buying all
21 this gas and other things, then they're not making profits, and
22 I would argue then that you aren't achieving the optimum output
23 of the fishery, economically.

24
25 **CHAIRMAN GUYAS:** All right. Leann has been waiting patiently
26 over there.

27
28 **MS. BOSARGE:** I heard something that kind of struck me, that
29 maybe this was just something on paper and it didn't even have
30 any true impact on the stock, and I just want to say that, no,
31 it's not something just on paper, and that we had a stock that
32 was in a bad place, that we needed to rebuild.

33
34 The way we said that we would rebuild it was by cutting back
35 fishing to the quotas that we set every year, and, if we stay
36 within those quotas, we will rebuild that stock into a healthy
37 population again. This is the management program that
38 accomplished that for one sector, and so, yes, it did have a lot
39 of effect on the stock, and it did help to rebuild the stock,
40 and, unfortunately, I feel like we're going to be punished for
41 it, but it did.

42
43 **CHAIRMAN GUYAS:** Okay. Any other hands on the goals? Roy.

44
45 **DR. CRABTREE:** Are we going to talk about the second one? I am
46 struggling to understand what increase access to shares exactly
47 means. It seems, to me, that there is plenty of access to
48 shares, and the trouble is they are expensive, and so are we

1 saying increase access to shares, meaning we want to lower share
2 costs, or what exactly are we saying, or am I misreading it, and
3 this has to do with finding ways to provide loan programs? I am
4 just not sure what we're getting at there.

5
6 **CHAIRMAN GUYAS:** Ed.

7
8 **MR. SWINDELL:** Are we also not increasing capacity, if you're
9 going to allow small participants and new entrants and -- We are
10 kind of working in conflict with one goal and the other. Thank
11 you.

12
13 **CHAIRMAN GUYAS:** Kevin.

14
15 **MR. ANSON:** Perhaps this could be reworded a little better, but
16 the action items in the document kind of more succinctly specify
17 what increasing access to shares means, and so that is looking
18 at ways, or mechanisms, that would convert what is currently
19 long-term ownership of shares and converting those shares into
20 shares that would be more easily, and potentially more cheaply,
21 available to fishermen than they are currently allowed.

22
23 It is increasing access to shares with that in mind, of getting
24 out the cycle of them having to lease or buy those shares,
25 because you mentioned that, under discussion about profitability
26 -- I would argue that a business, a fisherman that has to pay a
27 four-dollar lease price, would be more profitable if they didn't
28 have to necessarily pay a four-dollar lease price, but, yet, how
29 do we find the mechanism to allow that transaction or that
30 change of the current shareholders into new fishermen as future
31 shareholders-to-be, and that's kind of what we're going to be
32 talking about, or we talked about in the document.

33
34 **CHAIRMAN GUYAS:** I am not seeing any other hands on these goals,
35 and so maybe it would be helpful to move on.

36
37 **DR. LASSETER:** Okay, and so we'll go into the actions, and,
38 again, be thinking about what you have laid out for your
39 potential goals, and so Action 1.1 addresses program eligibility
40 requirements, and, essentially, this would require some
41 shareholders -- The ultimate action would require some
42 shareholders to have a commercial reef fish permit that may not
43 already have one.

44
45 The alternatives here are, in order to obtain or maintain, keep
46 one's shares, the alternatives proposed -- Alternative 2 would
47 require that all shareholders possess a valid or renewable
48 commercial reef fish permit, and then Alternative 3 and 4 would

1 allow grandfathering in of some shareholders, and so Alternative
2 3 would require just shareholders who enter the IFQ programs
3 after January 1 of 2015, and they must possess a valid or
4 renewable commercial reef fish permit, and that date was five
5 years after the grouper-tilefish program, and so this is when
6 participation went public after the grouper-tilefish program,
7 and so then participation was open to the public for both
8 programs.

9
10 All of those prior to that date, who potentially no longer had a
11 permit, had sold their permit, under this alternative, you would
12 allow them to continue to hold their shares and not have a
13 permit.

14
15 Alternative 4 would require shareholders who enter the IFQ
16 program following implementation of this amendment, require them
17 to possess a valid or renewable commercial reef fish permit, and
18 so, basically, everybody now, until this amendment is done,
19 finalized, and implemented, those people who already have shares
20 could continue to keep those shares, maintain those shares,
21 without a reef fish permit, and so, just going into the future,
22 shareholders would be required to have a permit under this
23 alternative.

24
25 Then there is one more slide with one more alternative, and
26 Alternative 5 would restrict the amount of shares that can be
27 held at any one time by a shareholder account without a permit,
28 and then there is options for the amount of shares they could
29 hold.

30
31 The intent of this action is to allow some people, such as small
32 participants and new entrants, or anybody could apply, to hold a
33 small amount of shares, and perhaps they are building up into
34 the fishery, they are buying into the fishery, and allow them to
35 have a small amount of shares before they have bought a permit.
36 Of course, you could put further requirements or limitations on
37 this as well, and so the options would specify 5, 10, 20, or 30
38 percent as the maximum amount of a particular share category
39 share cap that you would allow.

40
41 Coming back to the main part of the action, does this address
42 your goal for requiring active participation? I wouldn't say
43 that it increases shares, but does this relate at all to that
44 new program goal? Let me pause there and let you discuss these
45 actions and alternatives.

46
47 **CHAIRMAN GUYAS:** Leann.

48

1 **MS. BOSARGE:** Ava, I'm looking at that Alternative 3, and so I'm
2 just wondering -- So, if the rationale behind it is that the
3 grouper-tilefish IFQ program when into place -- Is it 2010? Is
4 that when it was? When was it, Ava?

5

6 **DR. LASSETER:** That's correct. It was January 1, 2010.

7

8 **MS. BOSARGE:** So that 2015 date was five years after the
9 grouper-tilefish, and that's when the requirement that you had
10 to have a permit to own shares fell off, right, for grouper-
11 tilefish, but, for red snapper, that fell off five years after
12 that program started in 2007, and then plus five is 2012, and so
13 would it not be more consistent if that alternative said
14 something like shareholders who entered the red snapper IFQ
15 program after January 1, 2012, and shareholders who entered the
16 grouper-tilefish IFQ program after January 1, 2015, must possess
17 a valid or renewable commercial reef fish permit?

18

19 **DR. LASSETER:** We could do that. At a previous meeting, you did
20 remove that alternative, and it's currently in the Considered
21 but Rejected, but, if you would like to -- We did originally lay
22 out both the red snapper and the grouper-tilefish date, and,
23 through discussion, you decided to just consider this one
24 grandfather date, but, if you would like to go back and consider
25 both of those, we can look at that.

26

27 **CHAIRMAN GUYAS:** Mara.

28

29 **MS. LEVY:** I'm not sure that I remember this right, but is the
30 reason we removed that because there are so many shareholders
31 that own boats, and so you might have a situation where, if you
32 used the earlier date and the other date, that it would be -- I
33 just remember there being some discussion about the idea that,
34 if you have grouper-tilefish and red snapper, and you have these
35 two different dates, that that might create a problem, but I am
36 not 100 percent sure that's right.

37

38 **DR. LASSETER:** I can speak that there is over 90 percent overlap
39 in participants across both programs.

40

41 **CHAIRMAN GUYAS:** Leann.

42

43 **MS. BOSARGE:** Yes, but, I mean, there is different shareholder -
44 - I mean, there's a red snapper shareholder, and then you have
45 grouper-tilefish shareholders, and so I don't see where you
46 couldn't differentiate between the two, and I guess, in my mind,
47 if you have the right to catch the fish, you ought to have the
48 ability to catch the fish.

1
2 If you don't have a permit, you are legally not allowed to land
3 the fish, which means you can't catch it, and so I guess those
4 two need to go hand-in-hand at some point. I do, though, like
5 putting that control date on it, and I really do have a soft
6 spot for flipping and flopping with the original people that
7 were in this IFQ, and then we drop the requirement, and now we
8 want to go back, and I guess that's where I was getting to that
9 five-year point.

10
11 If you came in after that, if you were a new shareholder after
12 that, I guess I don't -- I think you should have that
13 grandfather date in there, but I think it should be consistent,
14 which is the five-year rationale, and so you would need a 2012
15 date for red snapper, and you would need a 2015 date for
16 grouper-tilefish. I just can't remember why we got rid of it.
17 To me, it makes sense to go that route.

18
19 **CHAIRMAN GUYAS:** Ava.

20
21 **DR. LASSETER:** You could be a shareholder of each of them, and I
22 think the discussion was, one, to make it simple, and in
23 recognition, like Mara noted, of the overlap between both
24 programs, and so I think you would be looking then at
25 shareholders -- The same shareholder probably has shares in both
26 programs, but looking at different dates and requirements for
27 who would need to have a permit by which date and who would need
28 to have a permit by another date, but we could definitely look
29 at it.

30
31 **CHAIRMAN GUYAS:** Maybe I am wrong, but I feel like some of it
32 might have been because that horse had kind of already left the
33 barn, right, and so like we've got fish houses that own shares,
34 and they don't have the permit, necessarily, but they have boats
35 that have the permits, and so it kind of got complicated with
36 red snapper, and that might have been part of why this ended up
37 the way it is. Are there other comments on Action 1.1? Are we
38 ready to move on?

39
40 **DR. LASSETER:** I did think of one more thing for the -- I did
41 note the crew, and so, in this kind of an approach, in thinking
42 about allowing some shareholders to hold some amount of shares,
43 it is important to keep in mind the multiple ways that people
44 participate in these programs, that you do have crew that might
45 be intending to buy up into the fishery in the future, and, like
46 Martha just noted, dealers, both before and since the program
47 has begun, and so, before the program, you did have some dealers
48 that had vessels.

1
2 Since the program, you have dealers that do not have vessels,
3 but who have bought shares and used that to ensure that vessels
4 are landing at their location, and so there might be multiple
5 reasons why you would want to allow some shareholders to not
6 have a permit, or you may not, but that is something to think
7 about, the different types of participation rules, in here and
8 how people operate in the fishery, and just keep that in mind
9 when you're thinking about how you want to make changes to the
10 program.

11
12 **CHAIRMAN GUYAS:** Kevin and then Roy.

13
14 **MR. ANSON:** Ava, could you just go back and explain share
15 category and share cap, and what does that mean?

16
17 **DR. LASSETER:** Share categories are each of the groupings, and
18 so you have red snapper is its own, and gag is its own, and red
19 grouper is its own. Deepwater grouper is an aggregate, and so
20 we say share category, because it includes several stocks in
21 there. Shallow-water grouper is a share category, and tilefish
22 is a share category.

23
24 **CHAIRMAN GUYAS:** Roy.

25
26 **DR. CRABTREE:** Coming back to the issue of the dates, my
27 understanding is that you can have an account that can have both
28 shares of red snapper and grouper in a single account, and so
29 you're linking the permit requirement to the account, but it's
30 difficult to link it to the types of shares.

31
32 **CHAIRMAN GUYAS:** Leann.

33
34 **MS. BOSARGE:** Can you say that again, Roy?

35
36 **DR. CRABTREE:** You can have an account and have both grouper
37 shares and red snapper shares in it, and we don't split them
38 into separate accounts, and so, if you're going to require a
39 permit, you're tying it to a type of an account, presumably.

40
41 **MS. BOSARGE:** But you can see the date at which they became a
42 shareholder of grouper-tilefish and a shareholder in snapper,
43 right?

44
45 **DR. CRABTREE:** Yes, you can, but it's just a matter of how the
46 program is set up and how the requirements are set up, and,
47 right now, the requirements are tied generally to accounts, and
48 so you're talking about -- That's why having one date is

1 administratively much more efficient than having a separate date
2 for grouper-tilefish and a separate date for -- Because then
3 you're going to have to deal with these accounts and treat the
4 types of shares in them differently, in terms of the permitting
5 requirements. I am not saying that you can't do it, but I'm
6 just saying that it's going to make it a lot more burdensome to
7 get there, in terms of programming, I believe.

8
9 **CHAIRMAN GUYAS:** All right. I think we've had a little bit of
10 discussion on this, and I don't see any more hands, and so we'll
11 move on to 1.2.

12
13 **DR. LASSETER:** Okay, and so the next action, 1.2, addresses
14 share divestment in the event that the council takes action and
15 requires some shareholders to have a permit who do not currently
16 have a permit. The first alternative, your Alternative 1, is no
17 action, and then Alternative 2 here provides a timeframe for
18 allowing those shareholders who do not have a permit to obtain a
19 permit, and so a shareholder with shares that does not have an
20 account associated with a commercial reef fish permit must
21 divest of their shares, as needed, to meet the requirements of
22 the previous action, or the shares will be reclaimed by NMFS.

23
24 Then there is options for the time period for allowing them to
25 obtain that permit. Option 2a is within one year, or Option 2b
26 is within three years, both of which are following the effective
27 date of the final rule implementing this amendment.

28
29 The one implication of this, in kind of coming back to the
30 proposed goal, the new goal, about increasing access to shares,
31 it is possible that you would end up with some additional shares
32 that would be reclaimed by NMFS. We already have some reclaimed
33 from 36A, which we'll get to the Action 2 and discuss that, but
34 there is the possibility that some shares -- I'm not sure if,
35 when you say increase access to shares for actively-
36 participating fishermen, would this satisfy that, or is there
37 something, another action, that you would like to take?

38
39 Then the Action 3 looks into the future, and so, after
40 implementation of this amendment, sometime in the future,
41 thereafter, a shareholder later on sells their permit, or does
42 not renew the permit, and it is terminated, and they would be
43 out of compliance with that requirement, and so they would need
44 to divest their shares, as needed to meet the requirements in
45 that Action 1.1, or the shares would be reclaimed by NMFS, and
46 then here is also a similar timeline provided, and Option 3a is
47 one year, and Option 3b is giving three years following the sale
48 or termination of that permit.

1
2 In the future, there could be shares that are reclaimed by NMFS,
3 and we don't currently have an action alternative that addresses
4 what's going to go on with these shares as this develops. In
5 the subsequent actions, we would reconcile that and tie them
6 together. Let me pause there for discussion of this action.

7
8 **CHAIRMAN GUYAS:** For this alternative, for Alternative 3, what
9 do we mean by "sell"? Let's say, for example, you have one
10 person, or corporation, and they move the permit from one vessel
11 to another. Is that a sale? Do we really mean transfer here,
12 or like what if the business changes hands, even like between
13 family members? Is that a sale? I'm just trying to figure that
14 out.

15
16 **DR. LASSETER:** Okay, and so we're looking at the shareholder
17 account, and so it would be the same as the previous, Action
18 1.1, whoever is required to have a permit. After the Action
19 1.1, that would be defined. Everybody would need to have a
20 permit in the future, if people transfer the permit and no
21 longer have a permit associated with that account, with that
22 shareholder account.

23
24 Now, I think we've all heard, in public comment, and this is
25 discussed in here as well, that we would expect, if you pursue
26 this action, that people are going to create new corporations
27 and whatnot to reorganize their accounts and permits that are
28 associated with different accounts, but, at some point, whatever
29 you select, there would be a requirement for a shareholder
30 account to be associated with a vessel permit.

31
32 **CHAIRMAN GUYAS:** Roy.

33
34 **DR. CRABTREE:** Have we anywhere -- I know we've talked about
35 this, and we have a lot of dealers who don't have a vessel, but
36 they have shares to cover fish needed by fishermen who are out
37 on the water, and we're saying that they're going to have to get
38 a vessel and a reef fish permit, and so one of the guys that is
39 fishing for that dealer is going to get shut down by this,
40 because the dealer now has to have a vessel, and what I suspect
41 will happen is the dealer will just work out a lease arrangement
42 for one of them, and nothing will be changed, and I suspect
43 that's what this whole thing is going to end up doing, but have
44 we put anything in here, Ava, to deal with the dealer issue,
45 because, where it says "permit", we're talking reef fish permit
46 and not a dealer permit, right?

47
48 **DR. LASSETER:** Originally, the previous action also had options

1 to allow a dealer permit to satisfy the requirement, and so you
2 could have either a commercial reef fish permit or a dealer
3 permit, and the council did remove that option from
4 consideration, but that is a point that I am raising. You have
5 got different ways that people are participating in the program,
6 and what is your intent? Do you want to allow dealers to own or
7 not own a vessel and own shares? I mean, these are the
8 decisions for the council.

9
10 **DR. CRABTREE:** Right, and am I correct that the issue there was
11 dealer permits are effectively open access, and so anyone could
12 get one, and I think you just have to have a physical location,
13 and so that's one of the difficulties with trying to come here
14 and make things go back to the way they were five or six years
15 ago, and I guess I've said this before, but we really need to
16 pay attention, because I am not convinced that any of the things
17 that we're looking at in this are going to accomplish what we're
18 trying to accomplish, and I think it is going to build
19 inefficiencies into the program.

20
21 **CHAIRMAN GUYAS:** Other questions on Action 1.2? Seeing none,
22 let's move on.

23
24 **DR. LASSETER:** Okay. Action 2 addresses the distribution of the
25 reclaimed shares, and your Alternative 1, no action, currently,
26 NMFS is holding these shares, and you can see here the amount of
27 shares and the corresponding allocation for the 2018 quota that
28 is represented by those reclaimed shares currently held by NMFS.

29
30 The alternatives proposed are to distribute these reclaimed
31 shares held by NMFS among all accounts with shares of each share
32 category to shareholders within one month of the effective date
33 for the final rule implementing this amendment in one of two
34 ways. Alternative 2 would distribute them equally amongst all
35 of those accounts, and Alternative 3 is proportionally, based on
36 the amount of shares held in those shareholder accounts, such
37 that a shareholder with more accounts would receive
38 proportionally more than a shareholder with less shares, again
39 keeping in mind that we're talking about a very small amount of
40 shares, and, for some of those categories, it may not be
41 feasible to distribute anything to some of those accounts,
42 because they can only be broken up into such a small piece.

43
44 Alternatives 2 or 3 would go ahead and distribute the shares,
45 and they would be now back out amongst shareholders.
46 Alternative 4 proposes to establish a NMFS-administered quota
47 bank with the reclaimed shares, and so NMFS would retain those
48 shares, and a quota bank would be set up, and the allocation

1 associated with those shares would be available for
2 distribution.

3
4 Now, again, looking at the amount of shares and corresponding
5 allocation that we're talking about, that's not very likely to
6 be worth setting up a quota bank for this amount of shares, but,
7 by selecting this alternative, you would be indicating your
8 intent to establish a quota bank, and then the next actions
9 would go to support that.

10
11 Now, also, if you maintain that first action, requiring
12 shareholders to have a permit who may not have one, those who
13 fail to divest of their shares, there could be additional shares
14 here that would be added to that, and we can reconcile these
15 actions as that develops. I am going to pause there before we
16 go into the quota bank.

17
18 **CHAIRMAN GUYAS:** Leann.

19
20 **MS. BOSARGE:** I have got two thoughts going here at the same
21 time, and I was worried that you were going to move on. Ava,
22 and this is sad that I can't remember from the last meeting, and
23 I'm the one that I know said it, but I can't remember what we
24 landed on, but did I pass a motion at the last meeting to do
25 some sort of swap with those fish? Did I bring it up? I sure
26 know that I thought about it.

27
28 **CHAIRMAN GUYAS:** You talked about it.

29
30 **MS. BOSARGE:** So, in other words, the red snapper that we
31 reclaimed, to do like a three-for-one trade. If you were an
32 eastern Gulf grouper IFQ holder, you could trade in three to one
33 and get a few pounds of red snapper with those reclaimed shares
34 to address bycatch, and did I say something about that?

35
36 **DR. LASSETER:** I am remembering that you did discuss it, but
37 there was no motion.

38
39 **CHAIRMAN GUYAS:** Go ahead.

40
41 **MS. BOSARGE:** Okay. That's what I was trying to find, and so
42 there's 4,974 pounds of allocation in 2018 in red snapper, and
43 so, for ease of math, let's call it 5,000 pounds, and I'm
44 looking in the document, and, in 2016, there was about three-
45 hundred-and-something boats, and there's so much overlap with
46 grouper-tilefish, and so there's probably about 350 boats in
47 Florida that are grouper fishing, I am guessing, looking at this
48 table, and so divide by 350, and that's fourteen pounds a boat,

1 and that's not a whole lot, is it?

2
3 I was just trying to find some way to do something good with
4 those, and it doesn't take fish away from anybody, because
5 nobody has been fishing on that particular portion of the quota,
6 and I wanted to address some bycatch with it, and has anybody
7 got any ideas?

8
9 **CHAIRMAN GUYAS:** If I could just provide the information, but
10 the 376 vessels made landings of red grouper in 2018, just to
11 give you a little guidance.

12
13 **MS. BOSARGE:** So I guess what we would be looking at would be a
14 smaller subset of those, because some of those grouper
15 fishermen, I guess, do have some snapper allocation, if they're
16 landing it or they're leasing it or something like that, but I
17 would like to -- Since NMFS, at this point, owns these shares,
18 this could happen each year, right, with this little portion, if
19 it's going to recur each year, if it's going to result in
20 allocation each year, and at least, while we're having so many
21 issues with the grouper, I just wanted to find something that we
22 could do with that, from a conservation perspective, to address
23 some bycatch. Although minimal, it could address something.

24
25 **CHAIRMAN GUYAS:** Roy.

26
27 **DR. CRABTREE:** That's the problem. It is minimal, and, in my
28 judgment, what we have here, it's not enough fish to make it --
29 To justify the cost of doing it, and so, I mean, you're talking
30 -- I don't know what your number was, and it was less than
31 twenty pounds, and so, in setting up things like a quota bank or
32 doing all of these things, it's costly, because it requires
33 reprogramming the system and a lot of administrative burden on
34 it, and, to do that for this very tiny amount of fish, I just
35 don't think it's something we would be able to do, and so one of
36 your goals earlier was to identify quota set-asides, but that's
37 where we've kind of stumbled, because I don't think we have ever
38 really identified a quota set-aside that would set aside enough
39 quota to make this have a difference or actually work.

40
41 **CHAIRMAN GUYAS:** All right. Are there other ideas on this one?
42 Go ahead.

43
44 **DR. LASSETER:** Okay. If the council did select Alternative 4,
45 that would essentially signify your intent to establish this
46 quota bank, which would take us to Action 3. The way the
47 document is set up right now, Action 3 has several sub-actions,
48 and, as this action continues to develop, we may need additional

1 sub-actions, and we may need to re-order some of these.
2
3 The first one is definitely the most developed, but staff -- We
4 kind of need some decisions on what we're really looking at, in
5 terms of the size of the quota bank here, in order to kind of
6 flesh out these other actions, and so, the way it's set up right
7 now, Action 3.1, you would establish the threshold of allocation
8 to add to the quota bank, how much quota to put in that bank,
9 how much allocation to put in that bank.
10
11 Then other decisions you would need to make would include Action
12 3.2, who were the eligible recipients of allocation from the
13 quota bank, and now, in those proposed goals, those new goals,
14 you have small participants, new entrants, and for addressing
15 discards in the eastern Gulf.
16
17 Then you also have wanting to increase shares to actively-
18 participating fishermen. Here, we are just talking allocation,
19 but you could always modify that goal in some way as well, but
20 you would need to define who could receive quota from that bank.
21 In defining those characteristics, you would need the guidance
22 of knowing what kind of quantity of quota you're able to even
23 distribute.
24
25 Then the next decision, Action 3.3, is the amount of allocation
26 for those eligible recipients that you defined. How much quota
27 to provide, not only to eligible recipients, but to each group
28 of recipients, and are new entrants and small participants the
29 same? Are you going to provide some for new entrants and some
30 for small participants and then another pool for reducing
31 discards? How much would go to each of those groups, or would
32 they be kind of combined, and then how much quota would we
33 provide for each of those eligible recipients within a group?
34
35 This action is probably going to need additional sub-actions,
36 and then, finally, Action 3.4 is distributing that allocation
37 from the quota bank. How is it going to be distributed? Just
38 equally amongst everybody who is eligible? In some proportion,
39 based on some other metric? Using a lottery? There is a lot of
40 different approaches that could be used there as well.
41
42 We will go through each of these sub-actions, starting with
43 Action 3.1, thresholds of allocation to add to the quota bank.
44 Of course, Alternative 1 will always be our no action
45 alternative. Alternative 2 proposes that, each year on January
46 1, add to the quota bank the amount of allocation that is
47 greater than the commercial quota at the time of the respective
48 IFQ program's final approval by the council for the selected

1 share categories.

2
3 Alternative 3 is add to the quota bank the amount of allocation
4 greater than the largest commercial quota between 2007, the
5 implementation of the red snapper program, and 2018 of the
6 respective share category, and you would select, for either of
7 these alternatives, 2 or 3, whether you are going to put quota
8 in the quota bank for red snapper or the grouper-tilefish shares
9 or both, and so you do have the leeway here to select, and one
10 reason why you may want to select one and not the other is you
11 have addressed -- You have specified a new goal as being for
12 addressing discards in the eastern Gulf, and so, for that, if
13 that is your intent for part of this quota bank, you may want to
14 only consider red snapper, and so these are provided as options,
15 and you can select from which program you want to add allocation
16 to this quota bank. I will pause there for discussion.

17
18 **CHAIRMAN GUYAS:** Leann.

19
20 **MS. BOSARGE:** I was thinking back to the AP meeting, where we
21 went through this document, and I thought that there was some
22 pretty good presentations at that AP meeting from people -- Not
23 just from the Gulf, but there's a man from outside the Gulf, and
24 I think he's from New England, maybe, but, anyway, on
25 established quota banks and things like that, and I think maybe
26 that could be helpful to the council.

27
28 I mean, if we're thinking about going down this path, where
29 we're going to have a quota bank, it would probably be good to
30 see how these things function in the industry and kind of what
31 decision points we need to make if we're going to go down this
32 path, and I was just thinking that that may be helpful at a
33 future meeting, to have some of those presentations to the
34 council that I saw at the AP meeting.

35
36 **CHAIRMAN GUYAS:** Are there thoughts on that? Kevin.

37
38 **MR. ANSON:** I'm just curious. Leann, do you recall what the
39 content of those presentations were relative to the quota bank
40 and the set-aside, and is that directly from the participants,
41 or is that something that was taken off the top at the beginning
42 of each year by the agency and set aside? Do you recall what
43 the mechanism was for having the quota bank or what was put in
44 the quota bank?

45
46 **MS. BOSARGE:** These were industry quota banks. Like, in New
47 England, there was an industry-led quota bank by some group, and
48 I'm not sure what, but it was more to understand the decision

1 points that we need to make, like how do we -- The decision
2 points that we have to make here, and how are we going to decide
3 who gets it and things like that, what are your thresholds and
4 your qualifications and things, and learn from their history in
5 doing that and going down that road, and that's what I was
6 getting at.

7
8 I'm sure that Ava probably has some information, and I know that
9 there was a presentation from the Gulf quota bank, that we've
10 got in the Gulf led by industry, but there was another
11 presentation that was very interesting from Paul somebody, I
12 think, from a different area of the country.

13
14 **DR. LASSETER:** Yes, that's Paul Parker, and he could even be
15 here, and I think he was at the January meeting, and Eric Brazer
16 of the Reef Fish Shareholders Alliance made a presentation to
17 the AP, as did Paul, and Paul spoke more from -- He is now
18 working with various quota banks around the country, and both of
19 them have made presentations to this council on the topic of
20 quota banks, and we could definitely either invite them again,
21 if you would like to hear from them, and they did speak to the
22 AP.

23
24 Then one other point that Leann did note is that they are both
25 involved with privately-run, industry-run, quota banks, and we
26 are talking here about a government-run one, and we did not have
27 an example of a -- There is no example of a government-run quota
28 bank that we had to draw from from this, and so, yes, learning
29 lessons from industry would be an option.

30
31 **CHAIRMAN GUYAS:** Okay, and so is there other interest in doing
32 that on the committee? I am seeing some nods that, yes, it
33 might be helpful to get some presentations from these folks at a
34 future meeting. Do you all want a motion for that? Okay. If
35 you are against this, now would be the time to bring that up.
36 Otherwise, it seems like people are in favor of that. Okay.
37 Anything else on the quota bank actions? This was just the
38 first one.

39
40 **DR. LASSETER:** Okay, and I realized that I did not include the
41 table in the presentation that shows how much quota you're
42 talking about, but, under each of these alternatives, for these
43 thresholds, there is a table in the document that does provide
44 what that threshold would be, and so for, of course, this
45 Alternative 2, for the red snapper commercial quota at the time
46 of the program's final approval, that was 4.65 million pounds.

47
48 For Alternative 3, if we're talking red snapper, the 2018 quota

1 was 6.57 million pounds, and so anything above that threshold is
2 what you're talking about would go into the quota bank, and so
3 is that enough quota to address whatever goal you have? That is
4 something to think about.

5
6 Turning to the next action, Action 3.2, this action addresses
7 those eligible recipients of allocation from the quota bank, and
8 how do you want to define these eligible recipients for each
9 type of recipient, and so, of course, currently, there is no
10 definition from the Gulf Council of what would constitute a
11 small participant or a new entrant.

12
13 Then, also, you have this new goal about reducing discards in
14 the eastern Gulf and who would qualify for that, and so you must
15 define the characteristics, and there are some different things
16 that you can consider, and, in the document, there is several
17 pages of different ways to look at this, and, if we kind of look
18 at them categorically, you could look at landings history, and
19 you could look at how much poundage people have had in the past,
20 and you would have to select a time series for what you would
21 want to look at, and you could look at shareholdings, defining
22 "small", and you would need to define "small" in some way, or
23 you could consider those who don't hold shares, non-
24 shareholders.

25
26 You could look at their use of allocation, landings, who has
27 made landings, versus who has received allocation in a year and
28 is transferring allocation, and you could look at permit
29 holdings, permit holdings over time, and so there is a lot of
30 different ways, and the document goes into a lot of different
31 ways that you could look at this, and it's really up for the
32 committee to decide how you want to define these groups of
33 eligible recipients of the quota.

34
35 Then, once you define that, we would have to determine how many
36 people would fit those requirements, how much quota is available
37 above that threshold, and are we getting at your goals, and so
38 you can see how there is a lot of moving parts going towards
39 this, and so let me pause there for a moment.

40
41 **CHAIRMAN GUYAS:** Kevin.

42
43 **MR. ANSON:** With the intent of us having something that we can
44 actually look at, how difficult, Ava, would it be to kind of get
45 some of this data? Obviously, you need to know kind of the time
46 series, some range of years, but, I mean, could some of that
47 information be brought forward at a future council meeting that
48 then we could start to kind of wrap our minds around and try to

1 pick and choose?

2
3 **DR. LASSETER:** Of course, and the potential characteristics have
4 been laid out in the document. If you could narrow it down a
5 bit, focus it a bit, and then that could be a starting point.

6
7 **CHAIRMAN GUYAS:** Roy.

8
9 **DR. CRABTREE:** When I think about this, and then I think about
10 the reducing discards in the eastern Gulf, it seems to me -- So
11 that's the grouper fishery, right, and so it seems to me that
12 it's likely to be the big participants in the grouper fishery
13 who are producing most of the discards, and so I could make the
14 case that the guys you want to get these red snapper to, for
15 example, would be the high-liners in the grouper fishery who don't
16 have many shares, and so I think you would have to give a lot of
17 thought to what "small" means. They may be small in red
18 snapper, but, if they are producing discards, they may be big in
19 something else.

20
21 **CHAIRMAN GUYAS:** We're running out of steam, people. Okay. Any
22 other input for Ava on how to define some of these things? If
23 not, then we will keep rolling.

24
25 **DR. LASSETER:** Okay, and the next potential sub-action, proposed
26 sub-action, is 3.3, and that would be the amount of allocation
27 available for eligible recipients, and so, as we have noted, how
28 much allocation should be provided to each group of recipients
29 and to each entity within each group, small participants and new
30 entrants, for addressing discards in the eastern Gulf, and here
31 was that other goal that you added about actively-fishing
32 eligible fishermen, and is that part of the characteristics of
33 these other groups? That is a potential there as well, and so
34 let pause there for a moment.

35
36 Moving right along, Action 3.4 is distribution of allocation to
37 eligible recipients and what method would you use and how would
38 you distribute the allocation, and is it going to be equally
39 amongst all the recipients, are you going to weight it by some
40 measure of participation, those who can demonstrate more fishing
41 activity would receive more allocation, or some measure of
42 activity, and this could go into your goal of active
43 participation, although we're still not in touch with that
44 increasing access to shares, and we are still talking about
45 allocation here.

46
47 Another option, and this came from a motion that you made some
48 time ago, was to use an adaptive management redistribution

1 method based on cyclical redistribution related to fishing
2 participation, and so it would be kind of a rolling change in
3 access, or a lottery is another alternative, and I will pause
4 there.

5
6 Those are all of the current proposed actions we have right now
7 laid out in the document, but, again, until staff has decisions
8 from you as to how we can start to formulate some of this to
9 bring you information back, I'm not really sure where we're
10 going to go, but we'll go on to the next action for now.

11
12 Action 4 is accuracy of estimated weights and advance landing
13 notifications. Alternative 1, of course, is always our no
14 action alternative, and Alternative 2 and 3 are very similar,
15 with a slight decision that you could make, where you would
16 select each alternative. Alternative 2 proposes to require that
17 the estimated weight reported on advance landing notifications,
18 and that's the hail-in, require the estimated weight to be
19 within 10 percent of the actual landed weight per share category
20 of red snapper, deepwater grouper, tilefish, when the total
21 weight onboard of that share category is more than -- Then there
22 is two options of 100 pounds or 500 pounds.

23
24 Then Alternative 3 is a mirror of Alternative 2, except, instead
25 of requiring that that estimated weight be within 10 percent of
26 the actual landed weight, it increases that buffer to 20
27 percent, and then the same options are provided there as well.

28
29 The 10 and 20 percent and the 100 and 500 pounds are provided
30 because it's more difficult, of course, to estimate on a smaller
31 quantity, and we actually brought you some data on the estimated
32 weights compared with the actual landed weights, and that does
33 play out, that difference in smaller versus larger quantities of
34 landings, and so we can take a look at this.

35
36 Estimated weights of red snapper, the next slide is going to
37 have it in percentages, but let's just go over what information
38 is outlined here, and so this is based on 2018 data. 6.285
39 million pounds of gutted weight of red snapper were landed from
40 4,567 landings, and it was 446 unique vessels made those 4,500
41 landings, and so that's our universe here.

42
43 The table is divided into two halves. The first half, above
44 that blue line, these were estimates that were less, that were
45 below, the actual landed weight, and then the bottom half looks
46 at estimates that were greater, that were over, what was
47 actually landed.

48

1 Then they are further broken down by whether the difference
2 between that estimate and the landed weight was between zero and
3 10 percent, and so they were spot-on, or they were 10 percent
4 off. Then between 11 and 20 percent, or, if the difference
5 between the estimate and the landed weight was greater than 20
6 percent, it's that third column for each half, and then we also
7 looked at them broken down by how much weight of that share
8 category was in that trip. There is less than 500 pounds,
9 between 500 pounds and 2,000 pounds, and then, finally, trips
10 that landed over 2,000 pounds, which, of course, is far fewer
11 trips.

12
13 **CHAIRMAN GUYAS:** Ed.

14
15 **MR. SWINDELL:** These are the number of trips that are in the
16 numbers here?

17
18 **DR. LASSETER:** Correct.

19
20 **MR. SWINDELL:** So, on the less than 500 pounds, the difference
21 that was greater than 20 percent is 635 trips?

22
23 **DR. LASSETER:** Correct. I want to qualify this, before I go on
24 to the percentage. Currently, there is no requirement that
25 these estimated weights be accurate. There is a requirement to
26 hail-in what you have, and then you must have that much
27 allocation in your account, and so, when we're looking at this,
28 this is not saying that all those people that are greater than
29 20 percent are somehow doing something wrong or are trying to
30 get away with something. There is no requirement right now for
31 them to be accurate. This is what people are reporting. This
32 is how accurate, without a requirement, they are or are not
33 reporting. Here is that table by percentages.

34
35 What I think is the most striking thing, which we heard from law
36 enforcement, and we've heard it from the commercial guys for
37 several years, is it's much more difficult to be accurate with a
38 smaller quantity of fish, and this would make sense, right, when
39 you're looking at having to estimate how much a smaller quantity
40 weighs, with fewer individual fish, versus how much is in a
41 particular hold that you have, and we can see that, especially
42 in where the estimate is less than the landed weight, and the
43 line that the difference is greater than 20 percent -- The
44 number is much larger for those trips of less than 500 pounds.

45
46 Their accuracy is not as great with no requirement, and we also
47 have that accounted for in those proposed alternatives, where
48 you would be allowed to not even have a requirement for accuracy

1 if you're less than either 100 or 500 pounds, and that may be
2 something that the committee and council want to consider.

3

4 This is red snapper, and then we also brought you -- We also
5 brought it for you broken down by state for red snapper, and
6 then we do have it for red grouper as well, if you would like to
7 look at that. When law enforcement was discussing this, they
8 were speaking specific to red snapper, but the same pattern
9 plays out when you look at the grouper trips with less accuracy
10 amongst all trips for smaller weights than the trips that are
11 bringing in over 2,000 pounds. I will pause there for
12 discussion.

13

14 **CHAIRMAN GUYAS:** Leann.

15

16 **MS. BOSARGE:** I appreciate you bringing that table, because I
17 think it really illustrates what the fishermen have been saying
18 to us. If there was malicious intent, all of these differences
19 would be on one side. Either they would all be estimating less
20 or more, and more likely less, right, and they would be
21 estimating low, and you could see a trend there that somebody is
22 trying to skirt some regulation some regulation somewhere.

23

24 This isn't. This is on both sides. This just goes to show you
25 both estimating your weight being greater than what you actually
26 land and under what you actually land, and it goes both ways.
27 It's in all the species, and this illustrates how hard it is at-
28 sea to try and -- On a multiday trips, a lot of times, to try
29 and accurately keep up with, to the pound, what you're going to
30 land. You're doing the best job you can, and this is very
31 frustrating to me, especially after what we just talked about in
32 the recreational amendment, where we said we're not even going
33 to have at-sea enforcement, pretty much, just no holds barred,
34 and it's dockside.

35

36 These guys call the government before they leave and tell them
37 they're going out, and they have a VMS tracking device on the
38 boat, and so enforcement can catch them any time they want at-
39 sea, and they know exactly where they're at, and they have to
40 hail-in three hours before they hit the dock, to let enforcement
41 know when they're going to be at the dock, and they do the best
42 job they can at telling enforcement about how many pounds they
43 have on the boat. It is frustrating to me that we are even
44 considering this.

45

46 **CHAIRMAN GUYAS:** Roy.

47

48 **DR. CRABTREE:** The numbers I have, that have been given to me,

1 is the median difference between the landed amounts and the
2 estimated amounts is twenty pounds, and so that seems to me
3 that's not a lot of fish, and, in my discussions with NOAA Law
4 Enforcement, their position has been that they don't feel like
5 this is necessary, and Charles Tyer is here, who could comment
6 on that, if you would like, but I know this has been raised, I
7 think, by some of the state enforcement folks, but, at least
8 from our perspective, I'm just not sure there really is a
9 problem here that warrants making a change.

10
11 **CHAIRMAN GUYAS:** Kevin.

12
13 **MR. ANSON:** I appreciate Leann's comments and Roy's comments,
14 and this came through enforcement. At the January meeting, we
15 reviewed the Law Enforcement Committee's report, and all five
16 state law enforcement agencies recommended that we ought to do
17 something, and they recommended 20 percent, is what they ought
18 to be reporting to, and, at the last council meeting, there was
19 comments by fishermen saying there is an extra burden put upon
20 the commercial fishermen, because they have to report more data,
21 and I certainly agree with that. I mean, they're reporting a
22 number now, and they just have to be a little bit more accurate
23 in that number.

24
25 I just see this as a potential -- I see it similar to what the
26 law enforcement folks had said, in that there is the potential
27 for someone to try to circumvent or skirt the system. I mean,
28 this is, essentially, self-reported data, if it's not checked at
29 the dock, and that's primarily how the commercial fishery is
30 enforced, is at the dock, and so we'll be doing that as well.

31
32 I mean, they can be checked at-sea as well, just like the
33 recreational guys can be stopped at-sea, and so I just -- In
34 practicality, and for the business side of things, I think it's
35 not anything outside of normally what happens in the commercial
36 operation. I mean, there is a lot of communication that goes on
37 between the commercial fishermen and the dealer as to how many
38 pounds are you going to bring in at the end of the week, and how
39 many can you sell, and I can sell such an amount, and so bring
40 as many pounds back to me on Friday, and I will buy them from
41 you.

42
43 The dealer has got to know how many fish are coming in, because
44 they've got a certain capacity as to how much fish they can
45 store or how many fish are going to be going out and the
46 logistics of that, and trucking, and that -- If someone wants to
47 kind of get educated on it, the first episode of "Big Fish
48 Texas" talked about these very issues.

1
2 I mean, the whole episode was predicated upon the communication
3 of the seafood dealer with the fishermen and saying, hey, I need
4 X number of fish, and I need them by this time, and then the
5 whole system blows up when somebody else comes in extra that the
6 dealer didn't know about, because a whole bunch of fish showed
7 up, and then they had to scramble to try to find storage space
8 and trucks to deliver and drivers to deliver and all that stuff,
9 and so I think, generally, there is enough communication that
10 goes on that doesn't really impede the business transaction and
11 such, but it's just trying to close a loophole that is there,
12 that is present.

13
14 I am not saying everybody is trying to circumvent and trying to
15 break the law, but it's just available, and, again, law
16 enforcement in the state agencies are unanimous, and, at least
17 at the committee, unanimous in saying that there ought to be a
18 20 percent reporting requirement for it.

19
20 **CHAIRMAN GUYAS:** Leann.

21
22 **MS. BOSARGE:** I think law enforcement has been pretty clear too
23 that we have an issue with being able to enforce the program
24 that we're going to put in place in 50 with at-sea. We're not
25 going to be able to enforce it. The only thing you can do is
26 catch people at the dock, but we don't seem to worry about what
27 law enforcement says there, and it's frustrating to me that
28 we're going to do this to fishermen.

29
30 If you have some bad apples in a certain state, go get them. Go
31 get them. Make them play by the rules. I don't think you
32 should punish the entire industry for those handful of bad
33 apples, and I certainly don't want to base our management on
34 what Hollywood is putting on my TV. I mean, I just -- I really
35 think this is penalizing the entire industry for maybe some
36 small little portion that is doing something wrong and trying to
37 skirt the system, and that's why we have law enforcement is to
38 go after them and give them punishments, but, if you go back to
39 that number of trips, on both sides, whether it's under or over,
40 there was 1,000 trips just in the under 500 category.

41
42 I would like to see how many fines that is and what kind of
43 dollars are associated with that, because we don't have little
44 fines in the commercial industry. The minimum fine we're going
45 to get is three figures, and usually four. I mean, you're
46 talking about a lot of money, and I don't see where it benefits
47 the resource.

48

1 You have got the pounds in your account to cover it, and you
2 were a little off, and, I mean, there's not a conservation
3 benefit. We are punishing the entire industry for a couple of
4 bad apples, and I think we need to go after those bad apples.

5
6 **CHAIRMAN GUYAS:** Roy.

7
8 **DR. CRABTREE:** Well, without commenting on television shows or
9 "Big Fish Texas", I think, Kevin, some of what you brought up
10 about scrambling to cover fish coming in and things are a reason
11 we need to be careful not to interfere with the dealers' ability
12 to hold shares and have allocation, so they can cover unexpected
13 catches that come in and so that they're not discarded. I think
14 that's one of the complexities of this program that we need to
15 be careful not to mess up.

16
17 **CHAIRMAN GUYAS:** Anything else on this action? Tom.

18
19 **DR. FRAZER:** I don't know if this is appropriate or not, but Roy
20 made reference to a federal law enforcement officer right here,
21 and can we put you on the spot? Come on up.

22
23 **MR. CHARLES TYER:** Thank you, sir. My name is Charles Tyer,
24 with NOAA Law Enforcement, and I'm one of the NOAA Law
25 Enforcement supervisors. I am the supervisor for the Gulf of
26 Mexico.

27
28 **DR. FRAZER:** Can you just give me your assessment of the
29 magnitude of this problem?

30
31 **MR. TYER:** Sure. For NOAA Law Enforcement, this isn't an issue.
32 We haven't had a problem in this area. I know the Law
33 Enforcement Committee has met, and it may be an issue in some
34 states, but, for NOAA Fisheries Enforcement, at the dock, we
35 haven't had a need for any change to the current laws, the
36 estimated weight.

37
38 We have used that, in law enforcement, to where, when we respond
39 to a landing, we know if we're going to be there for an hour or
40 for six hours, depending on how much that estimate is, and so,
41 even if the estimate is off, and our officer is on the dock
42 longer than he or she expected, it doesn't affect us.

43
44 **DR. FRAZER:** Does anybody else have any other questions? Thank
45 you for your time.

46
47 **MR. TYER:** You're welcome.

48

1 **DR. FRAZER:** Excuse me. Kevin.
2
3 **MR. ANSON:** Charles, how many NOAA officers are there in the
4 Gulf?
5
6 **MR. TYER:** We have special agents, and we have officers, and
7 there are approximately ten special agents, investigators, and
8 approximately six enforcement officers. Those are estimates. I
9 can get you the actual numbers, but I don't have them off the
10 top of my head.
11
12 **MR. ANSON:** But about fifteen that will go out and inspect and
13 visit the commercial docks?
14
15 **MR. TYER:** Yes, in addition to our JEA agreements with the state
16 officers, but, for NOAA, that's correct.
17
18 **MR. ANSON:** Thank you.
19
20 **CHAIRMAN GUYAS:** Doug.
21
22 **MR. BOYD:** Thank you, sir. A question. When one of your
23 officers does intercept, or actually checks the catch as it
24 comes off the boat, do you all go in and look for any additional
25 fish that are left on the boat?
26
27 **MR. TYER:** Yes.
28
29 **MR. BOYD:** You never find any left on the boat?
30
31 **MR. TYER:** We have before. Yes, sir.
32
33 **MR. BOYD:** Thank you.
34
35 **CHAIRMAN GUYAS:** Sue.
36
37 **MS. GERHART:** If a state enforcement agent encounters this
38 issue, does it get reported to your office?
39
40 **MR. TYER:** Most of the time, or sometimes, it does. If there is
41 a state that also has a corresponding state regulation, and it's
42 a violation of state law, a state officer could write a state
43 ticket, and it would never be reported to us.
44
45 **CHAIRMAN GUYAS:** Anybody else? All right. Thank you. Susan.
46
47 **MS. BOGGS:** Listening to the discussion, and I know this isn't
48 in the same realm, but I remember, during the headboat EFP, just

1 to count the fish could be difficult on days when it was rough,
2 and, again, as long as you have the fish in your account and you
3 weren't over your quota, everything was okay. **Hearing the**
4 **comments made at the table today, I would like to make a motion**
5 **to reject Action 4 to Considered but Rejected.**
6

7 **CHAIRMAN GUYAS:** All right, and so let's take a minute and get
8 that up on the board. I think Ava is going to help while that's
9 happening. Is there a second to this motion? It's seconded by
10 Leann. Let's just give staff a minute here.
11

12 The motion is to move Action 4 to Considered but Rejected. Is
13 there any other discussion on this? We've had a little bit kind
14 of around this topic and at past meetings. I am not seeing any
15 other hands, and so let's raise hands for this one.
16

17 **All in favor of this motion to move this to Considered but**
18 **Rejected, please raise your hands, nine; all opposed, six. The**
19 **motion passes nine to six.**
20

21 That is our last action, correct? Is there anything else that
22 we haven't covered yet? Bob.
23

24 **DR. SHIPP:** To staff, we have talked about new participants, new
25 entrants, smaller, and I think there ought to be some discussion
26 of possible sources of quota, taxes and penalties and overage,
27 just a discussion of where we might possibly have a source for
28 quota in the quota bank.
29

30 **CHAIRMAN GUYAS:** Do you want to discuss that now, Bob, or you
31 are --
32

33 **DR. SHIPP:** No, and I thought the whole exercise today was to
34 get input from the council on what they have put together, which
35 I think is great, but we've kind of skirted the issue, and we're
36 talking about minimal amounts that are available right now, and
37 there may be, with thinking outside the box, some other sources.
38 I am trying to get more fishermen involved, is the goal here.
39

40 **CHAIRMAN GUYAS:** Tom.
41

42 **DR. FRAZER:** I think we're about ready to move on, but I want to
43 follow-up a little bit on what Bob said, too. I mean, that's
44 certainly one goal. I think we have to really think hard about
45 the discard issue. It's a huge problem, and I just was doing
46 some back-of-the-envelope calculations here when Leann indicated
47 that -- The last meeting, there was a discussion about swapping
48 some red snapper, for example, for red grouper, and there is

1 three-hundred-and-something boats, red grouper permits or
2 something, and, if you just look at that, it's 300 boats, and,
3 right now, if you looked at the framework amendment that we just
4 did, they get three-million pounds, and that's about 10,000
5 pounds per person.

6
7 If you talk to the fishermen, they are catching five or more
8 snapper per grouper, and that means they are catching fifteen-
9 million pounds of snapper. The discard mortality, even
10 conservatively, is 20 percent, and that's three-million pounds,
11 and so, by not addressing the discard problem, we are killing
12 three-million fish, and so it's not trivial.

13
14 We could talk about this action all we want, but I think we've
15 got a bigger problem, and I'm not sure how to put it back on the
16 table, but, before the next meeting, I think we'll find a way to
17 do that.

18
19 **CHAIRMAN GUYAS:** Roy.

20
21 **DR. CRABTREE:** Well, I agree that discards are always a problem.
22 Just bear in mind that the magnitude of the discard problem in
23 the recreational fishery is far larger than this problem, but I
24 feel like we have spent an awful lot of time on this amendment,
25 and we do have an action in the amendment that talks about where
26 the quota comes from to go into a quota bank, and there is only
27 one source of quota, and that's what people, fishermen, hold
28 now.

29
30 You can't create new quota out of thin air, but I don't feel
31 like we're really getting anywhere on this amendment. We just
32 seem to come in and spin our wheels on it, and so I really
33 question whether any of these actions make any sense or we're
34 going to get anywhere. We just seem to spin around on pretty
35 hard-to-define goals and not make much progress, and so I think
36 we need to rethink our path forward, because I don't feel like
37 we're moving at all on this one.

38
39 **CHAIRMAN GUYAS:** Kevin.

40
41 **MR. ANSON:** I had that same feeling, Roy, and I was just wanting
42 to make a request to Dr. Simmons and Dr. Frazer to move this
43 topic to the beginning of the Reef Fish Committee, in the
44 morning, rather than the afternoon. In January, it was the same
45 time, and it was late in the afternoon, and I think all of us
46 are probably dealing with some glucose issues and such, and so I
47 think that might stimulate some more conversation, if we have it
48 in the morning rather than the afternoon, and so I would make

1 that recommendation, or that request. Thank you.

2
3 **CHAIRMAN GUYAS:** Noted. All right. Unless there are any last-
4 minute comments on this, Ava says that we have discussed
5 everything that was on our list, maybe not to the extent that
6 she would have liked, but that's where we are. Okay. That
7 brings us to our next agenda item, which is I guess what's left
8 of the SSC Report, and Luiz is coming up for that.

9
10 **SSC REPORT**

11
12 **DR. BARBIERI:** Thank you, Madam Chair. Talk about ending with a
13 bang, right? There's nothing like an SSC report. This is going
14 to be very brief. We have discussed already some of the items,
15 and I'm going to go into a bit more detail, just on the gray
16 snapper reference points and the catch advice, potential catch
17 advice, there, and I'm going to basically just give you a very
18 broad overview on the other topics.

19
20 Of course, you have our full report in your briefing book, and
21 I'm going to be here through Thursday, and so, if you have any
22 questions, I will be more than glad to return to the podium and
23 address any of the questions you might have, but, for now, I'm
24 going to just keep it brief.

25
26 There you have it, in terms of the updated gray snapper
27 projections. You may remember that, back in August, we
28 recommended OFL and ABC yield streams that had been derived
29 using those parameters there, those reference points, and a P*
30 of 40 percent. This was a follow-up to the gray snapper
31 benchmark stock assessment, and the SSC usually comes and makes
32 catch level recommendations besides a stock status report to
33 you.

34
35 However, at that point, there were some discussions about some
36 of those quantities used, and you can see right there the proxy,
37 fishing mortality at MSY proxy there, and the MSST, and you felt
38 that, at the time, since you didn't have those reference points
39 explicitly outlined in your FMP for gray snapper, that you would
40 like to see an additional set of runs, of projections, that
41 included a broader range of FMSY proxies as well as changing the
42 MSST from that old formula, the one minus M times the biomass at
43 MSY, to just half, 0.5, of the biomass at MSY, which is what you
44 had adopted for a number of stocks.

45
46 The Science Center conducted those projections, and I think our
47 very own Dr. Cass-Calay is the one responsible for cranking the
48 numbers and producing those, and she followed standard

1 projection procedures, and those numbers were run from 2016 to
2 the equilibrium FMSY level, with the addition of assumed
3 landings during 2016 through 2018. If you may remember, the
4 terminal year of that assessment was 2015, and so she filled in
5 the additional years to give you an updated value of stock
6 status in these projections.

7
8 Here is the bottom line, and you can see the SSB projections and
9 the fishing mortality projections for different levels of FMSY
10 proxy. Now, and this is the only time that I am going to try to
11 get into the weeds here, because this assessment could not
12 really estimate MSY, and it did not have an estimate of the
13 fishing mortality at MSY directly, because of some technical
14 issues, the SSC recommended the use of a proxy reference point
15 for MSY, an SPR-based reference point, and there are different
16 levels, as you know, for some of the stocks that we have
17 considered over time.

18
19 There are different levels of SPR that can be used for different
20 stocks, in terms of proxy for FMSY, and so, in this case, those
21 projections were run using F 26 percent SPR, which you had
22 requested to see, F 30 percent SPR, which had been the previous
23 recommendation of the SSC, and the Center threw in an additional
24 set of projections using F 40 percent SPR, since I believe, in
25 the books, that was listed as the proxy for FOY.

26
27 The outcome of the projections are there for you to see, that
28 you can actually continue stock trajectories that are
29 sustainable for all levels, the three levels, of fishing
30 mortality FMSY proxies, but, of course, if you fish at an F 26
31 percent SPR, you have higher yields than if you fish at F30 or
32 F40 percent SPR, because those, of course, you are rebuilding
33 the stock to different levels, and you are fishing either harder
34 or a little slower.

35
36 At the end, then the SSC was presented with these tables, which
37 have the yield streams for OFL, and that's the overfishing
38 limit, and the ABC for each FMSY proxy that was considered, and
39 so that would be 26, 30, and 40 percent SPR, and those
40 projections were conducted using an OFL at a P* of 0.5, of 50
41 percent probability of overfishing, and the ABC yield streams
42 using a P* of 40 percent, and there you have the values.

43
44 Considering the uncertainties in this assessment, the committee
45 felt that providing projections just for three years, a shorter
46 period of time than you usually see projections, would be
47 advisable, since, the longer the timeline for projections, the
48 more you run into future uncertainties that you cannot properly

1 account for.

2
3 Basically, presenting this to you, the SSC is stating that these
4 projections were conducted using appropriate, scientifically
5 appropriate, methodologies that met all of the necessary
6 criteria, and all three can be considered best scientific
7 information available.

8
9 The committee went further to make an additional motion stating
10 that, although you had requested to see the projections at F 26
11 percent SPR, and those were considered appropriate as well, the
12 committee was still recommending that you adopt an F 30 percent
13 SPR as the proxy for fishing mortality, MSY, for gray snapper,
14 but, since you haven't made that final decision as yet, you are
15 presented with three sets of recommendations from the committee,
16 and all three are appropriate, depending on the level of FSPR
17 proxy that you decide to adopt, and I will pause there for any
18 questions that you might have.

19
20 **CHAIRMAN GUYAS:** Mara.

21
22 **MS. LEVY:** Thank you. I hear what you're saying. When I read
23 the motion, it says that the SSC moves that the Gulf gray
24 snapper and ABC yield streams presented by the Southeast
25 Fisheries Science Center for these different MSY proxies were
26 computed with the same statistically-appropriate methods, right,
27 and so does that mean that the SSC is saying that these are the
28 recommended catch levels for each of the associated MSY proxies?

29
30 Meaning, is this the ABC recommendation of the SSC for these
31 different proxies, such that the council could then choose a
32 proxy and say that's the appropriate ABC recommendation, because
33 the motion isn't super clear about that. It's like they are
34 statistically-valid, but it doesn't say that this is the catch
35 level recommendation for this MSY proxy.

36
37 **DR. BARBIERI:** Right, and this was a little confusing to us.
38 This is a situation that I don't envision happening again in the
39 future, because usually -- I think this is the only stock that
40 is managed by you that doesn't really have those exploitation
41 and biomass-based reference points that have been already
42 defined in the FMP.

43
44 **DR. CRABTREE:** Was that a yes?

45
46 **DR. BARBIERI:** Yes. If I may, Dr. Crabtree, and I'm sorry,
47 Madam Chairman, but so what happened was, if you had chosen --
48 If the committee had chosen one of those proxies and said, okay,

1 go ahead and develop projections, then we would evaluate those
2 projections for the technical methodologies used and not have to
3 recommend any proxies, if that makes sense. In this case,
4 because we are not presented with a choice of proxies, we
5 basically said that all three were conducted correctly and here
6 are the three sets.

7
8 After the committee chooses what the reference point is, any one
9 of those would be appropriate, depending on the level of risk
10 that the council is willing to assume. A F 20 percent SPR is a
11 little more risk prone, and an F 40 percent SPR is much more
12 risk averse.

13
14 **CHAIRMAN GUYAS:** Mara and then Roy and then Shannon.

15
16 **MS. LEVY:** Just to make it clear, I am then reading this, at
17 least for now, that these are the catch level recommendations
18 that the council's ACLs, annual catch limits, cannot exceed,
19 dependent on which MSY proxy is chosen, and so, if the MSY proxy
20 is chosen, and it's F 26 percent, then those are the ABC
21 recommendations from the SSC that the council can't exceed in
22 developing the annual catch limits, and so that's what I want to
23 just be clear about.

24
25 **DR. BARBIERI:** Absolutely. That's exactly correct.

26
27 **CHAIRMAN GUYAS:** Roy, are you good?

28
29 **DR. CRABTREE:** Luiz, I am just looking -- I was at some of this
30 discussion, and it's fair to say the SSC was pretty divided on
31 this, and I'm looking at the vote over the preference of 30
32 percent, and it was twelve-to-nine, and so there was a lot of
33 disagreement over it.

34
35 **DR. SHANNON CALAY:** To some extent, this is an unusual
36 circumstance, because, as Luiz mentioned, these metrics are not
37 defined currently in the FMP, and so the Science Center was
38 asked, a few meetings ago, to essentially give information to
39 the SSC about biological proxies and which ones might be most
40 appropriate, and what we actually came up with were bounds of
41 biological plausibility, we felt, and so the lower bound was
42 determined by an analysis that we call a global SPR metric, and
43 that was actually 23.4 percent was the lower bound we would have
44 considered biologically appropriate, and an upper bound was from
45 a manuscript by Bill Harfert, et al., which supported values of
46 about FSPR 40, and, in some cases, for some species, higher than
47 that.

48

1 We, the Science Center, recommended values within this range
2 could be biologically appropriate, but we didn't make a
3 recommendation as to which of these values would be most
4 appropriate, and so we left that decision up to the SSC, and, as
5 Roy mentioned, the SSC had a variety of opinions, and most of
6 them supported FSPR 30, which is within the range the Science
7 Center is willing to accept as biologically plausible.

8

9 **DR. BARBIERI:** Correct.

10

11 **CHAIRMAN GUYAS:** Kevin.

12

13 **MR. ANSON:** Dr. Calay, you mentioned the two -- I thought I
14 heard you say two methodologies that were used, and one
15 methodology looked at the lower end, and one methodology looked
16 at the upper end. Have you thought about using the one that was
17 developed for the lower end and using it to determine what the
18 upper end might be, rather than trying to use -- Because it
19 sounds like -- My sense is that the paper may not have used the
20 same methodology used for the lower bound.

21

22 **DR. CALAY:** No, they're very different approaches, and so they
23 really are not directly comparable. We can't use the global SPR
24 analysis, and I don't think we can use it to establish an upper
25 bound. If we can, I have not been smart enough to think of how.

26

27 With red snapper, for example, we used the global SPR analysis
28 to support the current recommendation of an SPR of 26, and it
29 was also supported by our analysis, and so, from the Science
30 Center's perspective, we saw no reason to be more precautionary
31 with gray snapper than we were with red, but some of the SSC
32 members disagreed.

33

34 **DR. BARBIERI:** If I may, Madam Chair, this is an issue that we
35 have been divided, as an SSC, for quite a while, as you know,
36 and so there's a variety of opinions there on the committee, and
37 Dr. Crabtree is correct that that vote -- You can see how
38 divided the committee is.

39

40 I was pleased to hear today from Dr. Simmons that she is
41 planning on developing some workshop that would bring some
42 additional folks into this discussion and help us kind of have
43 some -- Bring some resolution to this, and I think that would be
44 very helpful, hopefully successful.

45

46 Any other questions on gray snapper? The bottom line is what
47 Ms. Levy pointed out, that all three of the sets of projections
48 are correct, and, depending on your choice of FMSY proxy, you

1 can adopt each one of these streams as your ABC recommendation
2 already pre-endorsed by the SSC.

3

4 **CHAIRMAN GUYAS:** Kevin.

5

6 **MR. ANSON:** Luiz, just so we're all clear, in the future, would
7 you ever come to the podium and represent the SSC and bring
8 numbers that were incorrect?

9

10 **DR. BARBIERI:** No, sir. Now, and this was my point earlier to
11 Dr. Crabtree, to make this quicker, I just lumped all these
12 other points as basically a list for you to see everything that
13 is in our report.

14

15 There are some odds-and-ends of things that we have been working
16 on for a while. The SSC operating procedures is really trying
17 to streamline more what we do, and it's basically have the
18 committee chair assign tasks to specific discussion leaders, and
19 so, for example, we were talking, earlier today, about FMP
20 objectives and making sure that we have clarity in who follows
21 up on this and who proposes perhaps pre-written motions that
22 have better-crafted language, so we don't come to you with
23 something that may not be as clear as it could be.

24

25 SEDAR stock assessment executive summary components, this is
26 very good news for us, and I guess for the Center, and for you
27 as well, is that the SEDAR program is moving forward with an
28 idea of developing very abbreviated now stock assessment reports
29 that will have these executive summaries that capture the
30 essence of the assessment without the brick-types of reports
31 that are being produced, and so we have all the necessary
32 details in there, but not necessarily all the details that could
33 make for a very lengthy report, where things are hard to find,
34 and so the committee was pleased to hear that and is supportive
35 of it going forward.

36

37 You already heard about the FMP objectives and the Gulf sector
38 allocations. Our ABC control rule continues to be a work in
39 progress, and we now realize that it's time, perhaps, to revisit
40 the original P* procedure that we have in our ABC control rule,
41 to have something that better captures the uncertainty of
42 assessments, and we have the committee developing options that
43 we are going to bring before you for your consideration.

44

45 Then, eventually, we got two updates on NOAA RESTORE projects
46 that we felt were very relevant to a lot of the issues that we
47 discuss here. One was ecosystem modeling and fishery
48 management, and Dr. David Chagaris, who is a UF professor, and a

1 stock assessment scientist as well, gave an excellent overview
2 report of the work that they are doing there under NOAA RESTORE
3 project support on a number of issues that I think have to do
4 with climate change and impacts of episodic mortality events
5 like red tide and other things that could be interfering with us
6 being able to properly identify the dynamics of stocks as we
7 look at stock assessments.

8
9 This is something that the committee really enjoyed hearing, and
10 it might be, as a recommendation to you, it might be something
11 positive for you to see as a briefer presentation from Dr.
12 Chagaris that would give this overview to you of what he has in
13 mind.

14
15 Finally, there was a presentation by another researcher funded
16 by the NOAA RESTORE project that is working on this management
17 strategy evaluation tool that would allow, in a more practical
18 way, to evaluate a number of management options that could be
19 considered for a number of reef fish stocks.

20
21 In this case, this is being developed specifically for red
22 snapper, and it's something that, right now, it's looking at
23 seasons, size limits, those kinds of things, but, eventually, it
24 could be adapted to include some other things as well, and so
25 this was a very long, technical presentation, but the project
26 will continue, and, eventually, we're going to get to the point
27 where he can bring something for you to see what that has to
28 offer. That, Madam Chair, believe it or not, completes my
29 presentation.

30
31 **CHAIRMAN GUYAS:** Thank you very much. You're not off the hook
32 yet, because I see Dr. Calay has a question for you.

33
34 **DR. CALAY:** It's both a question and really a statement, but the
35 red snapper management strategy evaluation tool has the
36 potential to be a very powerful tool to allow us to examine the
37 effects of different management decisions against performance
38 metrics that are generally defined by the management councils
39 involved, and so there will be a need, at some point, for some
40 feedback between the developer of that project and the council,
41 to establish what are the performance metrics of interest to
42 you, and so, if you haven't already had that conversation,
43 that's something that will really help maximize the value of
44 this project, and I think it's -- It has a lot of potential, but
45 I also wanted to I guess make the council aware that these
46 projects are very technically demanding, and they require a
47 great deal of review and oversight, to ensure that the operating
48 models that are used are -- That they're consistent with your

1 expectations.

2
3 There will also be a need, at some point, if you move forward
4 with these projects and utilize them for management, to create
5 some sort of a review process for that product that has a strong
6 technical review component, and so I think these are both very
7 exciting projects, and I hope we do move forward with them, but
8 they both will require further involvement to maximize their
9 utility.

10
11 **DR. BARBIERI:** If I may, Dr. Cass-Calay is perfectly right, but
12 I think that the first one is at a state that is more palatable
13 to be consumed by the council. The second one is still in such
14 an early stage, and that was -- I mean, even people like myself
15 were kind of glazing over, my eyes, at that SSC meeting, and
16 that's hard to happen, and so I think that, as that project
17 moves along, there might be more practical things to bring
18 before the committee.

19
20 **CHAIRMAN GUYAS:** Kevin.

21
22 **MR. ANSON:** I was thinking along the same lines, but perhaps
23 maybe having that presentation of the draft version and have
24 that presentation sooner than the final version, I guess, or
25 what the developer perceives as a final version, because it is
26 complex, and it will take a couple of times to have the council
27 sit and see it and digest it, and so, if and when it's decided
28 that it's ready to do that, I suggest we do it, but there needs
29 to be some time set aside for that, because I think they were at
30 the January meeting, the developer was there, and provided kind
31 of a summary as to where she was in the process, and my eyes
32 glazed over too, and part of it was that I came in after it had
33 already started, but it is very technical, and it's very
34 comprehensive, very detailed, perhaps maybe a little bit too
35 detailed, and I don't know, but, anyway, that's just my comment.
36 If it comes up that it's ready to come to the council, that
37 there needs to be quite a lot of time devoted for that.

38
39 **DR. BARBIERI:** Yes, and, Kevin, I'm actually involved in that
40 project, as part of the technical advisory committee for that
41 project, and I talked to them, and I said, listen, come to the
42 SSC and give a presentation and see if the SSC can provide some
43 feedback, but we are not expecting to be looking at that level
44 of detail still in the actual guts of how the graphic uses the
45 interface and all the other stuff, and it was rough. I don't
46 know how much feedback, positive feedback, from the SSC she
47 received, because it was presented in a way where it was not
48 very palatable.

1
2 **DR. CALAY:** We have been involved now in the development of
3 several different MSEs for different management, and mostly
4 ICCAT, to be honest, and the very first step that we have always
5 done in the development of those projects is to establish what
6 are the performance objectives of that management organization,
7 and so that's a really important step that helps actually
8 structure the project, and so receiving that sort of feedback
9 early in a project will be helpful to the developer, and so
10 maybe we could at least have that discussion at the next SSC
11 meeting about what performance metrics we might be interested
12 in.

13
14 **CHAIRMAN GUYAS:** Are there other questions for Luiz? All right.
15 Thank you.

16
17 **DR. BARBIERI:** Thank you, Madam Chair.

18
19 **OTHER BUSINESS**

20
21 **CHAIRMAN GUYAS:** That takes us to Other Business, and I had
22 scribbled on my list -- Dale, I had your name. Are you good?

23
24 **MR. DIAZ:** I am going to hold off until Full Council.

25
26 **CHAIRMAN GUYAS:** All right. Is there any other business to come
27 before the Reef Fish Committee? Go ahead.

28
29 **EXECUTIVE DIRECTOR SIMMONS:** I was just going to say that, now
30 that we have the revised OFLs and ABCs for gray snapper, the
31 plan is to incorporate those into the document, and all of those
32 will change slightly from what you saw the last time, because
33 the 2016 and 2017 landings were included in these projections
34 now, and so you will see revised numbers, and I think we're
35 going to try to do that in June, but we will have quite a bit of
36 work to do on that document.

37
38 **DR. FRAZER:** Okay. With that, we're going to recess, and let's
39 pick up at 8:30 in the morning with the Habitat Protection and
40 Restoration Committee with Patrick Banks. See you guys in the
41 morning.

42
43 (Whereupon, the meeting adjourned on April 2, 2019.)

44
45 - - -