

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL
2

3 REEF FISH MANAGEMENT COMMITTEE
4

5 Omni Hotel Corpus Christi, Texas
6

7 August 21-22, 2018
8

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12 Leann Bosarge Mississippi
13 Doug Boyd Texas
14 Dale Diaz Mississippi
15 Phil Dyskow Florida
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4 alternative. The motion carried on page 12.
5
6 PAGE 16: Motion in Action 2 to make Alternative 2 the preferred
7 alternative. The motion carried on page 17.
8
9 PAGE 19: Motion that the council approve the Reef Fish
10 Framework Action: Modification of Gulf of Mexico Red Snapper and
11 West Florida Hogfish Annual Catch Limits and that it be
12 forwarded to the Secretary of Commerce for review and
13 implementation and deem the codified text as necessary and
14 appropriate, giving staff editorial license to make the
15 necessary changes in the document. The Council Chair is given
16 the authority to deem any changes to the codified text as
17 necessary and appropriate. The motion carried on page 19.
18
19 PAGE 28: Motion in Action 1.1, Alternatives 2 through 5, remove
20 the Option b from all alternatives. The motion carried on page
21 30.
22
23 PAGE 30: Motion in Action 1.1 to amend Alternative 3 to say:
24 Alternative 3: In order to obtain (transfer into an account), or
25 maintain shares (hold existing shares in an account), all
26 shareholders who entered the IFQ programs after January 1, 2015,
27 must possess one of the following. The motion carried on page
28 31.
29
30 PAGE 39: Motion in Action 1.2 to remove Option 2a from
31 Alternative 2. The motion carried on page 39.
32
33 PAGE 40: Motion would be to remove Option 2b from Alternative 2
34 and 3a from Alternative 3 in Action 1.2. The motion carried on
35 page 40.
36
37 PAGE 75: Motion that the council approve the Reef Fish
38 Framework Action: Modification to the Recreational Red Snapper
39 Annual Catch Target Buffers and that it be forwarded to the
40 Secretary of Commerce for review and implementation and deem the
41 codified text as necessary and appropriate, giving staff
42 editorial license to make the necessary changes in the document.
43 The Council Chair is given the authority to deem any changes to
44 the codified text as necessary and appropriate. The motion
45 carried on page 77.
46
47 PAGE 105: Motion in Action 2 to de-select Alternative 6 from
48 being the preferred alternative. The motion failed on page 119.

1 PAGE 134: Motion to leave charter/for-hire vessels under
2 federal management and select in Action 1, Alternative 2 as the
3 preferred alternative. The motion carried on page 138.

4
5 PAGE 138: Motion to instruct staff to begin an amendment for
6 state management for the federal for-hire industry. The motion
7 carried on page 140.

8
9
10

1 The Reef Fish Management Committee of the Gulf of Mexico Fishery
2 Management Council convened at the Omni Hotel, Corpus Christi,
3 Texas, Tuesday morning, August 21, 2018, and was called to order
4 by Chairman Martha Guyas.

5

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

9

10 **CHAIRMAN MARTHA GUYAS:** Let's start with the Adoption of the
11 Agenda. Are there any additions to the agenda? Dr. Simmons.

12

13 **EXECUTIVE DIRECTOR CARRIE SIMMONS:** Thank you, Madam Chair.
14 Could we please add, under Other Business, an update on the
15 scheduling of the Red Snapper Charter/For-Hire and Headboat Reef
16 Fish APs, please?

17

18 **CHAIRMAN GUYAS:** We can do that. I had another item on my list
19 as well, a quick discussion of amberjack and the timing of that
20 amendment that we were working on. You all may remember this,
21 and it's been tabled, I think, for a few meetings, or just kind
22 of hanging out on the side, and so anything else that we need to
23 add to the agenda? Okay. Is there a motion to approve this
24 revised agenda? Motion by Tom Frazer, and it's seconded by Paul
25 Mickle. Thank you. Any opposition? Seeing none, the motion is
26 approved. Are there any additions or changes to the minutes?
27 Seeing none, the minutes are approved.

28

29 **MS. LEANN BOSARGE:** Sorry, but I forgot to mention that we have
30 Dr. Shipp that's on the webinar today, and so, if anybody sees
31 him raise his hand electronically on the screen -- Please,
32 everybody, keep an eye and let us know. Dr. Shipp, if for some
33 reason we're not recognizing you, you can always text me, and I
34 will see that, and we'll stop and get you unmuted.

35

36 **CHAIRMAN GUYAS:** All right. We have an action guide, and I
37 don't know that we need to go through that, but keep it with you
38 as we move through the agenda today. That will guide us in what
39 we need to get done on each of these items. Let's just move
40 into our first agenda item, which is the Review of Reef Fish
41 Landings, and I assume that Sue is going to walk us through
42 those.

43

44 **REVIEW OF REEF FISH LANDINGS**

45

46 **MS. SUSAN GERHART:** Thank you. For commercial landings, we just
47 look at gray triggerfish and greater amberjack, because most of
48 the other major species are under the IFQ program. You can see

1 that, for this year, we have landings through mid-August, and
2 triggerfish is still open, with 71 percent. I have actually
3 gotten an update since then, and it's about 78 percent now, and
4 we're looking at perhaps a mid-October closure for that one, if
5 it continues at the rate it currently is. Amberjack closed in
6 April. We also have the 2017 landings down below for
7 comparison.

8
9 On the next page, here we have recreational landings of several
10 species. For MRIP, we only have through the end of April. The
11 rest of the landings there are LA Creel, and we don't have any
12 Texas data for 2018 yet, and so you can see where we are with
13 those species at this point. We don't have any of the red
14 snapper for-hire landings yet, because that was in Wave 3, or
15 began in Wave 3, and so we don't have those yet.

16
17 What we do have is the private angling for red snapper from each
18 of the state EFPs, and there are updates to this table since I
19 put it in the briefing book, and I believe we have all of the
20 states closed now for private angling from their EFPs. These
21 landings are from the time period which you can see under the
22 date, and that is the date through which those landings apply.

23
24 We don't have landings from Florida, because they are tied into
25 the MRIP, and so, obviously, if we don't have MRIP, we don't
26 have the Florida landings as well, and so, right now, Florida
27 closed on July 20, Alabama closed on July 22, Mississippi closed
28 on August 17, and that was last Friday, and Louisiana closed on
29 August 12, and Texas is projecting to close tonight at midnight.

30
31 On the next page, here is the amberjack landings. Remember we
32 changed the fishing year for amberjack, and that's why they are
33 set out separately. The fishing year now starts in August, and
34 so I'm showing you the 2017/2018 landings. We were closed at
35 the end of 2017, although there are some state landings that are
36 included there for August through December that you can see.

37
38 In January, we were open, I believe, for three weeks, until the
39 final rule took effect to do the January/February closure, and
40 so there is landings from that, and then we were closed until
41 May, and so the season was open for the month of May. Of
42 course, we don't have MRIP landings, and so those are only LA
43 Creel landings that you see there, but, as we are right now,
44 it's well, well below the ACL, and, again, that season ended at
45 the end of July, and so we are on a new quota starting August 1,
46 and we should have landings for that at the next meeting. Then,
47 again, there is 2017 final landings that are down below just for
48 comparison sake.

1
2 On the next page, these are a couple of stocks that I
3 highlighted. There are quite a few other stock ACLs that we
4 have, but these are two that you have management actions that
5 you will be discussing today or in October, and so gray snapper
6 and hogfish recently had stock assessments.
7

8 You can see the preliminary landings for 2018. Again, those
9 commercial landings are through mid-August, but the recreational
10 landings, or MRIP at least, is only through the end of April,
11 and then we have some LA Creel data in there, I think, and I'm
12 not sure if those species are in LA Creel, but you can see where
13 we are with those, and you can also, again, see 2017 for
14 comparison, that neither of those closed, although we are
15 looking at reductions in ACLs for both of those species, and
16 that is the end of my report. Thank you.
17

18 **CHAIRMAN GUYAS:** Thank you, Sue. Are there questions?
19

20 **MS. BOSARGE:** Robin, I had a question. I was seeing, on your
21 landings, that you're at about 52 percent as of the 10th, and you
22 all are closing. Are you thinking that you're going to have a
23 fall season? Is that what you're doing or --
24

25 **MR. ROBIN RIECHERS:** No, the way we set up our EFP was we
26 basically started our state water season in January, like we
27 normally do, long before the EFPs came in, and we're going to
28 continue that, and so we basically pulled those landings off the
29 top, so that we could continue that season. We opened on June
30 1, and we have had our federal-water season, and it will be
31 closing tonight at 12:01. That basically is the first minute of
32 closure.
33

34 **CHAIRMAN GUYAS:** Any other questions? Yes, Patrick.
35

36 **MR. PATRICK BANKS:** I just have a question of you. Do you all
37 have any indication at all of your landings?
38

39 **CHAIRMAN GUYAS:** Well, we're nervous, but we're waiting for the
40 MRIP stuff, and so our best estimates are when we have our Gulf
41 Reef Fish Survey and MRIP combined, and so, until we have Wave
42 3, we don't have numbers to post on the website.
43

44 **MR. BANKS:** When do you expect those?
45

46 **CHAIRMAN GUYAS:** Wave 3, I think, was due yesterday, but we
47 don't have it yet, and so we're working with NMFS staff to get
48 that as soon as we can.

1
2 **MR. BANKS:** Thanks.
3
4 **MR. RIECHERS:** To your point, Leann, the other question -- Mara
5 just made me think about it, but, obviously, that was as of
6 through last weekend, and so we'll have an additional X
7 percentage points that are added after we calculate where we are
8 at closure time.
9

10 **CHAIRMAN GUYAS:** Okay. Let's move into our first agenda item
11 then, if there aren't any other questions, I guess other than
12 the reef fish landings, which is the Final Action on the
13 Framework Action to Modify Red Snapper ACLs and ACTs and Gulf
14 Hogfish ACLs. We've got a couple of different staff that are
15 going to help on this one, and it looks like first up we have
16 the Summary of Public Comments Received from Ms. Muehlstein.
17

18 **FINAL ACTION: FRAMEWORK ACTION TO MODIFY RED SNAPPER ACLS AND
19 ACTS AND GULF HOGFISH ACLS
20 SUMMARY OF PUBLIC COMMENTS RECEIVED**

21
22 **MS. EMILY MUEHLSTEIN:** Thank you, Madam Chair. We received
23 three written comments on this issue. Two of them were specific
24 to the amendment, and one of them stated that the red snapper
25 annual catch limit should be increased, because red snapper are
26 everywhere. The other comments suggested that the council do
27 not reduce the hogfish annual catch limit, because they can only
28 be harvested via spearfishing, and that's it.
29

30 **CHAIRMAN GUYAS:** Thank you very much. Questions about the
31 public comments? Let's go ahead and move into the document
32 itself then. I assume, Mr. Rindone, you're going to lead us
33 through?
34

35 **FRAMEWORK ACTION**
36

37 **MR. RYAN RINDONE:** Yes, ma'am. Like we did with the CMP
38 Framework Amendment 7, the last time, we have a hogfish hot
39 sheet, which is Tab B, Number 5(d), which has some of the
40 general hogfish information for you guys to look at. We won't
41 go through that in detail, but it just shows the characteristics
42 of the west Florida stock, which is the one that we're looking
43 at, and it also has a synopsis of the landings down in the lower
44 left, and so you can kind of reference that as we go through
45 this and for your own edification.
46

47 In the actual document, which is Tab B, Number 5(b), we'll start
48 with the purpose and need here. The purpose is to modify the

1 ACLs and ACT for these two species based on the recent stock
2 assessments. The need is to set those catch limits consistent
3 with the best available science, which the SSC just finished
4 reviewing, and to achieve optimum yield consistent with
5 Magnuson.

6
7 As you guys may remember, hogfish are considered to be three
8 separate stocks. We have a west Florida stock, we have a
9 Florida Keys and east Florida stock, and then we have another
10 one that goes from Georgia up through North Carolina, and so
11 this particular document for hogfish is only looking at the west
12 Florida stock.

13
14 Jumping right into the actions, and, of course, as usual, I
15 expect you guys to just interrupt me if you have a question, but
16 the first action would modify the red snapper annual catch
17 limits and recreational annual catch targets. Alternative 1
18 shows what we currently have, based on the last update stock
19 assessment, and these figures are fixed at 2017 levels.

20
21 Alternative 2 would modify the red snapper ACLs and recreational
22 ACTs based on the ABC recommendations from the SSC for 2019
23 through 2021 and subsequent years. What the subsequent years
24 part means is, if no further updated information is received to
25 change the catch limits after 2021, they just get fixed at that
26 2021 level in perpetuity, until that is changed again.

27
28 The ACL is set equal to the ABC, and allocations and ACTs are
29 applied as appropriate in that table, and so this is a declining
30 trend here from 2019 through 2021, in terms of the size of the
31 ABCs and the ACLs, and this is because we are currently a little
32 bit ahead of our rebuilding plan. We've had some good
33 recruitment, and so we're -- Because we are fixing the
34 projections to rebuild the stock at 2032, this is allowing us to
35 fish a little bit harder now and fish that surplus that we have,
36 since we're a little bit ahead of where we projected that we
37 would be based on the rebuilding plan. Does that make sense?
38 All right.

39
40 Alternative 3 sets up a constant catch scenario, which is
41 essentially just the average of what is shown in Alternative 2,
42 for 2019 through 2021 and subsequent years, and, again, the ACL
43 is set equal to the ABC, and the allocations and the ACTs are
44 applied as appropriate within the table for the sector and
45 sector components.

46
47 The SSC recommended both of these in an equal manner. The
48 constant catch one, like I said, is just an average of what is

1 shown in Alternative 2, and so it's really up to you guys as far
2 as how would you like to approach this. Madam Chair.
3

4 **CHAIRMAN GUYAS:** Thank you. Let's have some discussion on this.
5 Remember this is a final action document, and so it would be
6 nice to come out of committee with some recommendations for the
7 public to react to, and so who wants to start? Ms. Boggs.
8

9 **MS. SUSAN BOGGS:** I do have a question. With the new stock
10 assessment that will be coming up next year, how will that
11 affect this, or will that be just a new amendment that would
12 have to take place if we take final action here?
13

14 **MR. RINDONE:** Any new stock assessment that we get will
15 eventually go through the SSC and will yield new OFLs and ABCs
16 and so, after that, we would take that management action, and so
17 that doesn't really affect this. This is based on the
18 assessment that we just received, SEDAR 52, and so this
19 represents the best science that we have now.
20

21 **CHAIRMAN GUYAS:** Dr. Frazer.
22

23 **DR. TOM FRAZER:** I don't have a real strong preference between
24 these Alternatives 2 and 3. One of the things I would ask, I
25 guess, with regard to Alternative 3 is oftentimes we hear about
26 stability in the various industries, and it seems to me that a
27 constant kind of catch scenario might be favorable in that
28 regard, and so maybe we can get somebody to weigh-in on that
29 point.
30

31 **CHAIRMAN GUYAS:** Kevin.
32

33 **MR. KEVIN ANSON:** Yes, that's what I was going to say as well,
34 is that's what folks here in the last four or five years, as I
35 recall, want some stability, or as much as possible in
36 management, and so the Alternative 3, I think, provides that.
37

38 **CHAIRMAN GUYAS:** Andy.
39

40 **MR. ANDY STRELCHECK:** I would speak in support of the average
41 catch as well. I think with where we're at in the rebuilding
42 plan and seeing the growth of the stock, it makes a lot of sense
43 to go with the constant catch for that stability.
44

45 **CHAIRMAN GUYAS:** Ms. Boggs.
46

47 **MS. BOGGS:** I would also agree to Alternative 3 with a constant
48 catch.

1
2 **CHAIRMAN GUYAS:** All right, and so we've got some support for
3 Alternative 3. Dale.

4
5 **MR. DALE DIAZ:** Based on the conversation so far around the
6 table, I would like to make a motion that we make Alternative 3
7 the preferred alternative.

8
9 **CHAIRMAN GUYAS:** Okay. Is there a second for that motion? It's
10 seconded by Kevin Anson. All right. Let's get that up on the
11 board. Is there any discussion or questions on this motion,
12 while we're waiting for that? It seems like we may be in
13 relative agreement on this one.

14
15 All right, and so the motion is up on the board now, which is,
16 in Action 1, to make Alternative 3 the preferred alternative,
17 and that's our constant catch scenario. **Is there any opposition**
18 **to this motion? Seeing none, the motion carries.** Let's go to
19 our next action.

20
21 **MR. RINDONE:** All right. Good job, everybody. That was quick.
22 In Action 2, we're looking at the west Florida stock of hogfish.
23 Alternative 1 is -- Just as an aside, we also have the document
24 that is going to look at the red snapper recreational ACT
25 buffers, and, right now, we have two separate drafts of codified
26 text, one for changing the ACLs and one for looking at the ACTs
27 for those respective documents, but, during rulemaking, those
28 are going to get merged together to do that at one time.

29
30 For this document, the codified text for you guys doesn't really
31 show you an awful lot, because there were no preferred
32 alternatives, but that will all be filled in for you before we
33 get to Full Council, and so we'll have that squared away for
34 you.

35
36 All right, and so back to Action 2, west Florida hogfish. What
37 we have now is in Alternative 1, and so, for 2018, we have an
38 OFL of 232,000 pounds and an ABC of 219,000, and the ACL is
39 equal to the ABC. Then, in 2019 and subsequent years, the ABC
40 drops to 159,300 pounds. That is the yield at 75 percent of F30
41 percent SPR, which is our FMSY proxy.

42
43 Alternative 2 would modify the west Florida hogfish OFL, ABC,
44 and ACL based on the SSC's recommendations for 2019 through 2021
45 and subsequent years from the SEDAR 37 update stock assessment,
46 and, again, the ACL is equal to the ABC. There is no ACT in
47 here, because, in Amendment 43, you guys chose not to use ACT,
48 and so we figured we won't put that in here and rehash it, and

1 so those are the catch limits for 2019 through 2021 that you see
2 in the table there under Alternative 2.

3
4 Hogfish are not thought to be overfished or experiencing
5 overfishing. However, the update assessment -- There was
6 considerably more uncertainty around the projections for the
7 update assessment, and so that's why the catch advice is lower
8 than it was before, to reflect that. We do not have sector
9 allocations for hogfish in the Gulf. It's just managed as a
10 stock ACL, but the recreational sector does harvest the
11 preponderance of hogfish. Any questions?

12
13 **CHAIRMAN GUYAS:** All right. If there aren't any questions for
14 Ryan, we still need to talk about this one as well. This one is
15 also on the agenda for final. I am looking at my Florida people
16 here.

17
18 **MR. RINDONE:** Something that may -- Maybe this will help anyway,
19 and sorry to just jump in like that, Madam Chair, but something
20 that may help is if you look at Table 1.1.2.2, you can see the
21 landings of hogfish for 2001 to 2017. We've been trying to
22 stick to say about 2000 on and forward for some of these
23 documents, just because the dynamics of how we fish and the
24 people that fish and where effort comes from are -- They are not
25 what they were in 1986, and so, if you guys want to see landings
26 back that far, we can certainly provide those to you, but we
27 just thought this was more representative.

28
29 You can see the percent landings recreational and commercial for
30 hogfish and the total landings in the second column from the
31 right, and there is some considerable swings in landings that
32 have happened in the last seventeen years there that you can
33 see, as high as 306,000 pounds in 2016 to as low as 61,000
34 pounds in 2006, and so some big swings for sure. Then, last
35 year, the 2017 estimates were 108,000 pounds, which would be
36 below the catch advice provided in Alternative 2, but, in 2016,
37 there would have been quite an overage, and so that's just
38 something else for you guys to chew on a little bit.

39
40 **CHAIRMAN GUYAS:** Paul, did I see your hand go up?

41
42 **DR. PAUL MICKLE:** Yes, thank you. With MRIP landings, what we
43 do at DMR is we really look at the percent standard errors. It
44 gives us some sort of, I don't know, thermometer of the number
45 that we're pushing through a possible analysis, and is there any
46 way that we could get the PSEs into the table, or are we too far
47 down the road on a final?

48

1 **MR. RINDONE:** If you give me about twenty seconds, I might be
2 able to tell you.
3

4 **DR. MICKLE:** I can talk for twenty seconds. I know hogfish
5 fairly well, being from Florida, but I don't know how variable
6 the catches are. This shows it to be fairly variable. I would
7 say, from year to year, these are large swings, which do you
8 believe that or not, and PSEs kind of give that overall
9 understanding, and does anybody agree or have anything else to
10 add, as far as localized reef fish populations in parts of the
11 Gulf and their variability in catch?
12

13 **CHAIRMAN GUYAS:** Patrick.
14

15 **MR. BANKS:** I was going to put Martha on the spot with that very
16 question, is how much do you believe those big swings? I mean,
17 does that seem consistent with what you guys know about hogfish
18 landings in your state, or could that just be simply an error
19 issue in the data?
20

21 **CHAIRMAN GUYAS:** I mean, I guess I will wait until Ryan pulls up
22 the numbers, but I think it could be an error issue. With
23 hogfish, because they're speared and it's largely recreational,
24 there is a lot of I guess you could say uncertainty in those
25 MRIP landings, which doesn't really set us up for a good
26 situation here, since we would be cutting the quota pretty
27 significantly, but we're not overfished or undergoing
28 overfishing, and so we wouldn't be in a payback situation, but
29 we could be in quota trouble.
30

31 Also remember that last year we increased the minimum size limit
32 a few inches, at the request of the industry, to keep ourselves
33 out of trouble. Whether or not that works or not, I guess we'll
34 find out. Because it only took effect last year, we really
35 don't have a lot to go off of, and so --
36

37 **MR. RINDONE:** I am trying to find it on the NOAA website or
38 CountMyFish, and I am not seeing it.
39

40 **CHAIRMAN GUYAS:** Ryan, while you're doing that, we've got a
41 couple of questions here. Tom, you go first and then Leann.
42

43 **DR. FRAZER:** Sure. I guess this question would be for Clay
44 and/or Luiz, if he's around, but we talked yesterday about
45 changing kind of -- There's an assessment this year for hogfish,
46 right, and I think FWRI does that assessment, and so are they
47 going to complement the NMFS way of doing things? Are they
48 going to have like a research type of an assessment here?

1
2 I mean, because hogfish is unique in the way that it's
3 harvested. There is a lot of spearfishing, and it's maybe
4 subject to that type of an assessment, and I just didn't know
5 what the plans are moving forward with it. If the modeling is
6 problematic or a concern, how conservative do we want to be at
7 this point, maybe, with things?
8

9 **DR. CLAY PORCH:** The proposal, as it stands, is to do it across
10 the board, but we actually haven't had that discussion with
11 Luiz, and so, as you know, we're meeting for lunch to talk about
12 those sorts of things, and so maybe we can iron that out.
13

14 **CHAIRMAN GUYAS:** Carrie.
15

16 **EXECUTIVE DIRECTOR SIMMONS:** Thank you. I just wanted to
17 mention that the SSC did request a benchmark-style assessment
18 for the next assessment regarding hogfish, and so, on our draft
19 agenda for 2021, we did have that noted as a benchmark-style
20 research track, because of the concerns with the last update
21 assessment.
22

23 **MS. BOSARGE:** My question might be for Luiz. I was just -- I
24 was looking at Alternative 1, which I'm assuming those numbers
25 came out of not this assessment that we just did, but the last
26 assessment, because that is status quo. We would just be living
27 with our old numbers, which I grant you is probably not what we
28 want to do, but I noticed, from 2019 forward, that ABC dropped
29 down to 159,000 pounds, roundabout, and, in the new assessment,
30 it's a little lower than that, and it looks like probably
31 because of uncertainty.
32

33 Look at the OFLs. Let's look at that. In Alternative 1, you
34 had 161,000 as your OFL for 2019. Then, in Alternative 2, with
35 the new assessment, it's not that far from it. It's 151,000.
36 Either way, that's a pretty big drop from the 232,000 that it
37 was in 2018, and so it almost looks like, whatever came out of
38 this new assessment, the new assessment saw the same issue as
39 the old assessment in 2019, but what's driving that? I guess
40 that's what I'm wondering. What was driving that dramatic
41 downturn?
42

43 **CHAIRMAN GUYAS:** I think I remember this right, but, Ryan,
44 correct me if I'm wrong. I think, after I guess 2019 and
45 beyond, the SSC defaulted to the equilibrium yield, and so
46 that's what that was. They just didn't want to project beyond
47 three years, in terms of the ABC and the ACL. They were
48 concerned about that, and we had a similar discussion, where we

1 really wanted to have another assessment after those three
2 years, and so we do, hoping that we could update with fresh
3 numbers, and we have, but they're not very optimistic. Andy.
4

5 **MR. STRELCHECK:** To add I guess a finer point to this, in terms
6 of what our options are here, the SSC has specified an ABC that
7 will be lower than that average ABC, and so it might be that we
8 only have Alternative 2 to choose from.
9

10 **CHAIRMAN GUYAS:** Yes, we're in a tough spot here, but anybody
11 have motions or questions? Ryan, were you able to pull those
12 data?
13

14 **MR. RINDONE:** John was able to find it using a different time
15 series, and maybe that was the trick.
16

17 **DR. JOHN FROESCHKE:** Well, I just picked some numbers, and I
18 figured that was close enough.
19

20 **MR. RINDONE:** Well, it worked, and so you're looking at percent
21 standard errors, Dr. Mickle, that range anywhere from --
22 Proportional standard error, excuse me, but from 47.4 in 2012 to
23 as low as 17.9 in 2014, but I would say, eyeballing an average,
24 it's about 28.
25

26 **CHAIRMAN GUYAS:** Dr. Mickle.
27

28 **DR. MICKLE:** Thank you, Madam Chair. The decision that I am
29 chewing on and I want to share with the group is, with the
30 rebuilding plan, you're going to -- If you increase catch now,
31 you've got to reduce later on, and so this is a decision to make
32 between these alternatives, in my mind, and so, if you believe
33 the data that it's a fairly steady catch, and you believe that
34 the fishery is exploited to a certain level of steadiness, then
35 you can be aggressive, but you've got to pay them back down the
36 road on the rebuilding plan.
37

38 **CHAIRMAN GUYAS:** Just to be clear, we're not in a rebuilding
39 plan with this fishery.
40

41 **DR. MICKLE:** I thought we were on 2032. Okay. I thought we
42 were on a rebuilding plan. I apologize. I withdraw.
43

44 **CHAIRMAN GUYAS:** Kevin.
45

46 **MR. ANSON:** Picking up on what Andy had said, I will make a
47 motion to make Alternative 2 the preferred alternative in Action
48 2.

1
2 **CHAIRMAN GUYAS:** Okay. While that's going up on the board, is
3 there a second for that motion?
4

5 **MR. STRELCHECK:** Second.
6

7 **CHAIRMAN GUYAS:** Second by Andy. Thank you. Do we have any
8 more discussion on this issue and this motion in particular?
9 All right. **Is there any opposition to this motion? Seeing**
10 **none, the motion carries.** Leann.
11

12 **MS. BOSARGE:** I am wondering -- Can we not have a constant catch
13 on this one as well? In the past, we've done it as a straight
14 average, and even the SSC has been doing a straight average of
15 those three years.
16

17 **CHAIRMAN GUYAS:** I see lots of staff hands. Dr. Simmons, do you
18 want to go first?
19

20 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. I was just
21 going to bring up that we were there during the SSC meeting, and
22 I think I specifically asked that question, and the SSC said,
23 because there was an increasing yield stream, they didn't think
24 the constant catch was necessary.
25

26 **CHAIRMAN GUYAS:** Is that what you were going to say?
27

28 **MR. STEVEN ATRAN:** Yes, basically. With a declining yield
29 stream, you want to make sure that you're not overfishing
30 because you've ended up with an ABC that's higher than it should
31 be. With an increasing one, you're just being a little
32 conservative by not having the constant catch.
33

34 By the way, I was looking up on the SEDAR update assessment, and
35 somebody had asked about the big variations in landings, and it
36 points out that, in 2006 -- It says recruitment was exceptional,
37 and that resulted in strong year classes during the 2006 to 2010
38 period, and so apparently -- It might not be the only reason,
39 but you had some periodic strong recruitments that have resulted
40 in that fluctuation in catches from year to year.
41

42 **CHAIRMAN GUYAS:** Kevin.
43

44 **MR. ANSON:** I was just going to add that the landings probably
45 were impacted in 2005 and 2006 with the hurricanes and then
46 recovery of the hurricanes and weather, since this is mostly a
47 spearfishing-type event.
48

1 **CHAIRMAN GUYAS:** All right. Anything else on this one? If not,
2 I guess let's keep moving. That's our last action.

4 **MR. RINDONE:** I was just going to say that, if you guys have any
5 other feedback on that one-page hogfish information sheet, by
6 all means give that to us, so that we can improve those and make
7 those better. Thank you.

9 **CHAIRMAN GUYAS:** Dale.

11 **MR. DIAZ:** I would just say keep those sheets coming. They are
12 helpful to me when I'm reading through these documents. Right
13 off the bat, I can get a lot of basic life history about them,
14 and so I like them, and I would encourage you to keep doing
15 them, if you can.

17 **CHAIRMAN GUYAS:** Yes, I agree. We do something like this
18 usually for ourselves as staff for our commission meetings, for
19 those moments where you're at the microphone and you just can't
20 produce numbers and statistics off the top of your head, and
21 it's super helpful, and so thank you. I think, Ryan, you
22 mentioned that it would be probably best for us to go through
23 the codified text at Full Council on this one?

25 **MR. RINDONE:** Yes, ma'am. There's really not a lot of -- Well,
26 I will defer to Sue.

28 **CHAIRMAN GUYAS:** Go ahead.

REVIEW OF CODIFIED TEXT

32 **MS. GERHART:** Let me just say that we do have codified text.
33 Because the council didn't have preferreds, we chose Alternative
34 2 for both actions, and that's correct for hogfish, but now the
35 codified is not correct, given that Alternative 3 is your
36 preferred for the red snapper, and so we will see that in Full
37 Council.

39 Also, what we have given to you here is this codified text in
40 the absence of any other action by the council, but you are
41 going to be looking at the ACT buffer in another document in a
42 little bit, and that changes the same numbers and the same
43 codified text as this one does, and so, as Ryan said earlier,
44 we'll be doing joint rulemaking for those two, and we'll, at
45 Full Council, have a single codified for the both of them that
46 you can review.

48 **CHAIRMAN GUYAS:** Sounds good. Okay. We have made it through

1 the actions for this document. Is anybody willing to make a
2 motion to recommend the council take final action on this at
3 this meeting? We can wait until Full Council. Dale.
4

5 **MR. DIAZ:** I will make a motion that the council take final
6 action on hogfish and red snapper catch limits.
7

8 **DR. FRAZER:** I will second that motion.
9

10 **CHAIRMAN GUYAS:** Okay. I think we've got the motion up there,
11 and, again, we'll come back to that codified text at Full
12 Council. **Is there any opposition to this motion? Seeing none,**
13 **the motion carries.** We are scheduled for a break.
14

15 **MS. BOSARGE:** All right, guys. We'll take a quick, fifteen-
16 minute break, and then we'll pick back up with Draft Amendment
17 36B.
18

19 (Whereupon, a brief recess was taken.)
20

21 **CHAIRMAN GUYAS:** The next thing on our agenda is Draft Amendment
22 36B, and Dr. Lasseter is going to walk us through this one.
23

24 **DRAFT AMENDMENT 36B: MODIFICATIONS TO COMMERCIAL IFQ PROGRAMS**
25

26 **DR. AVA LASSETER:** Thank you. Okay, and so the next agenda item
27 is located at Tab B, Number 6, and this is the Reef Fish
28 Amendment 36B, Modifications to Commercial Individual Fishing
29 Quota Programs.
30

31 This is your first version to see with -- The first stab at
32 actions and alternatives, and so we've gone from the options
33 paper, most recently, to this document, and so it was pretty
34 tricky to develop, and we're really going to ask for some
35 feedback from the committee.
36

37 In developing the decision points, we're not entirely clear what
38 the council is intending to accomplish with some of these
39 actions, and so, if we can get some feedback from you as we go
40 through the document, it will help us refine the text, the
41 actions, and the alternatives, and it will hopefully focus it
42 more around what you're trying to do.
43

44 All of this is going to focus around the purpose and need, what
45 is it that you're trying to achieve, and that's going to either
46 reflect a specific purpose and need in the document or, more
47 broadly, addressing any changes to the goals and objectives of
48 these programs, which start on page 20, the purpose and need,

1 and so if we could scroll down to page 20.
2

3 Currently, the purpose of this amendment will be to -- At this
4 moment, we're still reviewing and considering what updates to
5 the program's goals and objectives you may want to be taking,
6 and you have recently approved the five-year review for the
7 grouper-tilefish review, and we had the previous red snapper
8 review, and so are there any additional changes that you want to
9 address in the fishery since implementation of the programs,
10 and, of course, any changes need to be supported by revising the
11 program goals or further specifying and laying out this purpose
12 and need.

13
14 You did pass a motion recently to add a new goal, which was to
15 identify quota set-asides to address and assist small
16 participants and new entrants and to reduce discards, and so we
17 laid out the proposed actions around this particular motion as
18 well as some of your other motions that you have passed in
19 regards to this amendment, but I will highlight this last
20 sentence in the purpose part, which is that the purpose and need
21 statement will be revised as the council establishes its
22 objectives for modifying the programs, and so we really do need
23 to spend some time on the goals and objectives and what is it
24 that you are trying to do.

25
26 We go to the next page, and this is the first proposed action,
27 Chapter 2, and so page 21. It would concern program
28 eligibility. How can people -- Who is eligible to participate
29 in the program in what ways, and we divided it into two sub-
30 actions.

31
32 The first one would be Action 1.1, Program Eligibility
33 Requirements, and so I'm going to go through Alternative 1 and
34 then take a step to kind of define some terms, just to refresh
35 everybody.

36
37 Alternative 1 is always our no action alternative, and this
38 would not establish requirements to obtain or maintain shares.
39 What we're referring to here in obtaining shares in the IFQ
40 online system -- This refers to transferring shares into your
41 shareholder account, obtaining more shares. For maintaining
42 shares, we're referring to that account, that shareholder
43 account, being able to keep or hold in the account the shares
44 already in the account.

45
46 If you remember, shares are always a percentage of the quota of
47 each share category. Allocation refers to the pounds
48 represented by that share, that proportion of quota, for that

1 given year's quota, and so allocation is in pounds and shares
2 are a percentage of the quota. The shares are considered
3 durable. Unless the shareholder transfers out or in the account
4 their shareholdings, their percentage would stay the same, the
5 proportion of the quota, whereas their allocation, the pounds
6 represented by their shares, could change if the quota changes.
7 There is a short little explanation for that also in Chapter 1,
8 if you would like to go through that as well.
9

10 We will go through the alternatives. Alternatives 2 through 4
11 increase in being more restrictive, who would be required to
12 have some kind of a permit, provide some kind of permit
13 eligibility to be in the program. Then Alternative 5 would be
14 limiting the quantity of shares that someone could hold.
15

16 I will start with Alternative 2. Alternative 2 states that, in
17 order to obtain or maintain shares, all shareholders must
18 possess a permit. Now here is also where we need a little bit
19 of guidance from you.
20

21 What kind of participation are you looking for? In previous
22 discussions, we have heard this association with a commercial
23 reef fish permit, but we've also heard you talking about, well,
24 maybe dealers and fish houses that have bought shares and are
25 holding them to ensure fish are being sold to them -- They have
26 shares, and they are very invested in the fishery, but they're
27 not necessarily owning a vessel that is associated with a
28 permit.
29

30 We have provided you two options here to require that, to obtain
31 or maintain these shares, shareholders would need either --
32 Option a is a valid renewable commercial reef fish permit or the
33 Option b are a valid Gulf or South Atlantic dealer permit. Now,
34 of course, with your shareholder account, that's one type of
35 account. A shareholder account can hold shares, or a
36 shareholder account can only hold allocation, just the pounds
37 associated with -- Those could be transferred in or out from
38 another person that has shares.
39

40 A dealer account is a different type of account. Another
41 difference between Options a and b are the commercial reef fish
42 permits are limited access, and there is a finite number of
43 permits that are out there, and, to obtain a new permit, you
44 must find someone who has a permit that is valid or renewable
45 and transfer that permit.
46

47 The Option b, the dealer permits, are open access permits, and
48 so they are available. However, there are attending

1 requirements that you must provide on your application in
2 addition to the cost of the permit, such as having a state
3 wholesale license, and you need to have receiving facilities,
4 and that can't just be a public dock or a boat ramp, and so
5 there are attending other responsibilities that you must provide
6 with a dealer account, dealer permit, excuse me, but those are
7 open access. Let me pause there for just a moment, because that
8 was a lot of information. Are there any questions on those
9 concepts or terms? Okay. Seeing none, I will carry on.

10
11 Coming back again, Alternative 2, 3, and 4, we're going to
12 increase in the restrictiveness -- I'm sorry. Decreasing who
13 would be required to have some kind of a permit. Again,
14 Alternative 2 would apply to everybody. In order to obtain or
15 maintain shares, all shareholders must have one of the options
16 for a permit.

17
18 Alternative 3 essentially grandfathered in people who entered
19 each respective program by the end of the five years of each
20 program. For the first five years of each of these IFQ
21 programs, the ability to obtain more shares, to buy shares,
22 essentially, was limited to people who did have a commercial
23 reef fish permit.

24
25 Now, if you did sell your permit within those first few years,
26 you could still maintain those existing shares, but you could
27 not purchase additional shares. After the first five years of
28 each program, becoming a shareholder opened up to the general
29 public, and so then we refer to that as public participation.

30
31 Then thereafter, anybody could -- That was a U.S. resident or
32 permanent resident -- I'm sorry. U.S. citizen or permanent
33 resident, and I have so many terms here, was eligible to open a
34 shareholder account and obtain shares. However, it's always
35 required that you still must have the commercial reef fish
36 permit to land the allocation associated with a share, and so
37 that is not changing under any of these alternatives.

38
39 Alternative 2, everybody would have to have one. Alternative 3
40 grandfathered people in from the first five years of each
41 program. Alternative 4 would begin the requirement to obtain or
42 maintain shares going forward from the time of implementing this
43 amendment, and so it essentially grandfathered everybody in
44 until the time that this amendment is passed and finalized and
45 implemented. Again, those same two options are provided there
46 with which type of permit.

47
48 Finally, Alternative 5 reflects that there was discussion that

1 there could be -- There definitely are people that hold small
2 amounts of shares that are possibly buying into the programs who
3 are small participants and have recently joined, or perhaps they
4 are crew that are buying small amounts at a time, for which then
5 they don't have to locate the allocation associated with those,
6 but they may not have a permit, and so this is a type of an
7 exemption from a requirement to have a permit.
8

9 You could allow shares to be held by a shareholder who has
10 perhaps one of those requirements or does not -- Allow them to
11 not have the requirements, but they could only hold shares up to
12 small quantities, and, here, we have just thrown out the ideas
13 of 5, 10, 20, or 30 percent of each share category's share cap.
14

15 We can take a look -- If you see on page 24, you can see what
16 the resulting share percentages would be for each of those share
17 caps. The share cap for each share category is provided along
18 with the respective 5, 10, 20, and 30 percent for those options
19 and what that looks like. Again, remember that these are
20 percentages, and this is share percentage of the quota and not
21 the allocation associated with that.
22

23 If we could scroll back up to the alternatives, this is an
24 action that we do not currently have a purpose and need that
25 supports it, and that has made it kind of difficult to frame the
26 alternatives, because we're not entirely sure who it is you are
27 attempting to put this requirement on and what is the objective.
28 I will stop there and turn this over and see if there is any
29 discussion on this action.
30

31 **CHAIRMAN GUYAS:** Dale.
32

33 **MR. DIAZ:** I just wanted to bring this up. Alternatives 2 and 3
34 would require people to divest shares, where Alternative 4, if
35 we chose Alternative 4, there would be no requirement for
36 anybody to divest shares, and is that correct?
37

38 **DR. LASSETER:** That's a good point. I should mention the next
39 action. We do have the subsequent Action 1.2 that would address
40 share divestment, and so it would provide a grace period for
41 people to obtain the permits required under Alternative 2 or 3.
42

43 That action also has an alternative for going forward, and so,
44 in the next, share divestment, there is an alternative for going
45 forward. If you do not meet one of these requirements, you
46 would have to divest your shares, but you are correct that under
47 Alternative 2 or 3 that it is possible, if people are not able
48 to obtain a permit, that they would need to divest their shares.

1
2 Under Alternative 4, that would not be immediate, but it would
3 be likely to occur at some point going forward, if people gave
4 up their permit. They would need to have whatever the
5 requirement, meet the requirements to obtain their permits, but
6 absolutely, Dale.

7
8 **MR. DIAZ:** I don't know -- Maybe I don't understand one thing
9 then. If it was implemented under Alternative 4, on that date
10 forward, you have to have a permit, and so you said, in the
11 future, they might likely have to obtain a permit, and why would
12 that necessarily be if -- Why would they have to get one in the
13 future? That's what I am not understanding.

14
15 **DR. LASSETER:** I apologize. Those individuals who have already
16 been in the program would not -- Should future people -- I
17 apologize. I probably misspoke. Future people that enter, that
18 perhaps let their permit lapse or whatnot, the next sub-action
19 provides a mechanism for how to address compliance with that.

20
21 **CHAIRMAN GUYAS:** Patrick.

22
23 **MR. BANKS:** Just for some more clarity on Alternative 4, people
24 who already have shares, would they then, in order to buy more
25 shares or get more shares from that point forward, they would
26 have to go and get a permit or they would already be
27 grandfathered in and they could still get more shares, if they
28 were able to, even without a permit and it would only be the new
29 people who would have to have a permit to get more shares or get
30 any shares, and is that correct?

31
32 **DR. LASSETER:** That is correct. Everybody that currently is
33 participating in the program as they're participating would not
34 be affected, but now I want to take a step back that these are
35 just alternatives that we are proposing to you and we're not
36 entirely sure who you are trying -- What you are trying to do,
37 and so you could give us direction on how to change these, but,
38 as we are presenting these to you today, that Alternative 4 --
39 The idea is everybody participating right now could stay the
40 same.

41
42 **MR. BANKS:** Business as usual.

43
44 **DR. LASSETER:** They could even buy additional ones, right,
45 because they are grandfathered in. They will be grandfathered
46 from this date, but it would just be going forward.

47
48 **CHAIRMAN GUYAS:** Kevin.

1
2 **MR. ANSON:** Dr. Lasseter, for Alternative 4, shares in an
3 account, how would the permit requirement be for someone, let's
4 say a company, in those accounts -- We have discussed this, and
5 it's fairly complicated as to who can have or how you set up
6 accounts and how they're linked with permit holder or non-permit
7 holder and such, but if someone has currently an account, and
8 then they want to set up an additional account after let's say
9 this is approved and implemented, if that person did not have a
10 permit, yet they had the account established, one account
11 established already, and so the new account would have to be
12 tied with a permit at that point, and is that correct? It would
13 be the same individual or company that would have the account
14 set up prior to the amendment and then set up an additional
15 account after the amendment is implemented.
16

17 **DR. LASSETER:** Okay. I think we kind of have a lot here to
18 unpack. We could let that be up to you, for one thing. What
19 would you like to do and who would you like to restrict? Do you
20 want to allow that or not?
21

22 None of this is really laid in stone, and we have not -- These
23 are proposals to you, and so I think maybe what you're
24 suggesting there is something that maybe could help guide what
25 it is that you -- Who it is that you are trying to affect here,
26 and so perhaps that's something that we as staff could work that
27 in to reflect -- If you're getting at a point that maybe is
28 something that you want to address.
29

30 **CHAIRMAN GUYAS:** Kevin, go ahead.
31

32 **MR. ANSON:** You brought it up when you were discussing the
33 purpose and need, and it's been talked about a little bit at
34 prior meetings, but, from my perspective, just looking at the
35 programs, the IFQ programs, the one thing that I often hear is
36 the long-term ownership associated with the initial shares, or
37 the shares, and I guess that's just one thing that I would be
38 interested in as we go forward and look at the document, is to
39 how to shape things so that long-term ownership is not
40 maintained in perpetuity with the original fisherman that
41 acquired the shares.
42

43 That's just my take on it right now, and we can come back and
44 address the purpose and need if others also feel the same, but
45 programs are set up for stability in the fishery for the
46 resource, but also for the fishing community, and so it takes
47 fishermen to catch the fish, and so it ought to be somehow tied
48 back to the people who are actively engaged in catching the

1 fish, and that will change over time, and so that's all that I
2 would be interested in as we look at things, is to, over time,
3 to capture or allow those folks that are actively engaged in
4 fishing to acquire some more of the benefits that are associated
5 with the catching of those fish.

6

7 **MR. STRELCHECK:** Thanks, Kevin. One of the things that I was
8 struggling with, jumping back into this after I've been away for
9 a while, is what are we trying to accomplish, and so I think you
10 at least have explained, from your viewpoint, what you would
11 hope to accomplish. I don't think what you just said though can
12 be accomplished by this action.

13

14 I wanted to just specifically kind of walk through the
15 alternatives and give a few thoughts on the alternatives for
16 council consideration. Alternative 2 is obviously, from NMFS's
17 standpoint, the easiest to implement. Options a and b -- To me,
18 b cannot be selected without also selecting Option a, and the
19 other thing is it's a fifty-dollar cost for anyone to obtain a
20 dealer permit, and so it's an open access permit. If you're
21 trying to solve something, people can simply go out and buy a
22 fifty-dollar dealer permit to get around this.

23

24 With Alternative 3, as you well know, most of the participants
25 in the program hold both red snapper and grouper-tilefish
26 shares, or at least a lot of them do, and so it would make more
27 sense to have the same date for all of them, rather than
28 splitting the date, and so something to think about as the
29 alternatives move forward.

30

31 With Alternative 4, and this is the same with Alternative 3, by
32 differentiating based on some deadline, administratively, you
33 are then asking NMFS to track different entities at different
34 periods of time, and so I look at that as just something that
35 will be more burdensome, and it's not something we couldn't do,
36 but that's why I go back to Alternative 2 being kind of the most
37 straightforward.

38

39 Then Alternative 5 I guess is written -- Right now, the way the
40 system works is you can apply for a public participation account
41 without having it linked to a reef fish permit or anything else,
42 and, if someone wanted to get around this, then they simply
43 would apply for a number of public participation accounts and
44 move shares around in a distribution that would ultimately allow
45 them to hold that portion of their shares in some public
46 participation account, and so, with all of that said, I go back
47 to Kevin's main point, which is that I don't think this is fully
48 addressing at least what he is interested in addressing, and I

1 really would want to hear from the rest of the council if there
2 is another way that you would want to approach this, in terms of
3 suggesting what Kevin had suggested.
4

5 **CHAIRMAN GUYAS:** Ava, can you clarify one thing that you said
6 and that Andy just brought up as well with the dealer permits,
7 and so it is really -- I mean, are there inspections to make
8 sure that they have met these requirements, or is it really just
9 you're filling out the application and paying your fifty-dollars
10 or whatever?

11
12 **DR. LASSETER:** I will have NMFS respond more specifically to
13 that. On the permit application, it requires your state
14 wholesale license, and it requires you identify your receiving
15 facilities, and it specifies that it can't be a public dock or
16 boat ramp, but I would like to defer the question to Mara for
17 more clarification.

18
19 **CHAIRMAN GUYAS:** Mara.

20
21 **MS. MARA LEVY:** Right, and so they definitely have to have a
22 state wholesalers license, to the extent the state requires
23 such, right, and so there is that. Then they do have to
24 identify each physical facility at a fixed location where the
25 business receives fish, and we have said that cannot just be a
26 public dock or boat ramp. However, I believe it could be
27 someone's house, and so we don't go out and say you gave us an
28 address of a fixed location and we're going to go inspect it to
29 make sure that it's a fish house.

30
31 I think we are aware of some folks giving us public boat ramp
32 addresses and saying that's not acceptable, but, to the extent
33 they have a brick-and-mortar address, then I think the Permits
34 Office would just issue the permit.

35
36 **CHAIRMAN GUYAS:** All right, and so that's helpful, I think. We
37 need to provide some feedback on this, and I'm hoping, maybe
38 after we go through all these actions, we can look at the
39 purpose and need in a little more detail. I thought it might be
40 helpful to have these conversations first, and it's good that
41 you brought that up, and we can bring it up as we move through
42 it, but I think, collectively, that will be an easier
43 conversation if we talk about the actions. I see your hand
44 popping up.

45
46 **MS. BOSARGE:** So I guess what you're suggesting is that we need
47 to remove Option 2b from all of these alternatives? Otherwise,
48 if we were really wanting people to go out and have a permit,

1 they're going to just circumvent it by getting a dealer permit,
2 and is that what I'm hearing over there?

3
4 **MR. STRELCHECK:** Yes.

5
6 **MS. BOSARGE:** All right. Do we have to have a motion to do
7 that?

8
9 **CHAIRMAN GUYAS:** I guess so, yes.

10
11 **MS. BOSARGE:** Okay. Council, if that's your prerogative, we're
12 going to need a motion that would remove Option 2b from all the
13 alternatives in Action 1.1.

14
15 **CHAIRMAN GUYAS:** Are you making a motion or just suggesting how
16 someone might word a motion?

17
18 **MS. BOSARGE:** I was suggesting how it would be worded, since I'm
19 the Chair, and that would make it very easy for somebody to make
20 it.

21
22 **CHAIRMAN GUYAS:** Kevin.

23
24 **MR. ANSON:** I don't know if it would be easy if I'm doing it,
25 but I will make an attempt that we remove the Option b from each
26 of the alternatives in Action 1.1.

27
28 **CHAIRMAN GUYAS:** We have a second from Dale. While that's going
29 on the board, Ava, can I just ask you a quick question about
30 Table 2.1.1.1 on page 22? There is a table with a number of
31 accounts and the percent of shares, permit versus no permit, and
32 are those permit columns just the commercial reef fish, or is
33 that also accounting for dealers? It's not accounting for
34 dealers? Okay.

35
36 **DR. LASSETER:** If I could just add to the -- It is Alternatives
37 2 through 4 that I believe you were -- No, it is Alternative 5
38 as well. We just have the separate set of options in
39 Alternative 5, and so I wanted to clarify that those, of course,
40 will be renumbered.

41
42 **CHAIRMAN GUYAS:** Okay. Is there discussion on this motion?
43 Does everybody understand what we're doing, at least? Patrick.

44
45 **MR. BANKS:** I just have a question. That only leaves us with
46 that one option, and should we put it as Considered but Rejected
47 instead of just removing it?

48

1 **DR. LASSETER:** I think -- This is our first draft bringing
2 actions and alternatives. If you just say remove here, and if
3 our NEPA advisor recommends that we start it there, we will go
4 ahead and take care of that.

5
6 **CHAIRMAN GUYAS:** All right. Mr. Boyd.
7

8 **MR. BOYD:** Thank you, Madam Chair. Mara always reminds us that
9 we need a suite of alternatives in order to protect ourselves
10 and to have the proper document. We don't have an alternative
11 that says remove the reef fish permit completely, and I think we
12 ought to have that.

13
14 **CHAIRMAN GUYAS:** You're suggesting that in the future -- Can you
15 just clarify that?

16
17 **MR. BOYD:** Well, I am just saying that another alternative,
18 which we have not addressed, is the possibility of just removing
19 the reef fish permit from a requirement and have it an open
20 access fishery.

21
22 **CHAIRMAN GUYAS:** Mara and then --
23

24 **MS. LEVY:** Well, I mean, I will just say that the reef fish
25 permit covers -- I mean, if you're talking about getting rid of
26 the commercial reef fish permit, that goes way beyond the IFQ
27 programs, right? Right now, you don't need the commercial reef
28 fish permit to hold shares or allocation, and so that's the
29 current status quo, but, if you're talking about just not having
30 a commercial reef fish permit, that goes way beyond what this is
31 addressing, which is the IFQ programs. It seems like a broader
32 thing, and I'm not saying that you can't look at it, but it
33 doesn't seem like it fits within this particular amendment.

34
35 **CHAIRMAN GUYAS:** To that point, Doug?

36
37 **MR. BOYD:** Yes, to that point. No, I did not mean get rid of
38 the reef fish permit, and I probably need to be a little more
39 specific. I would say that you do not have to have a reef fish
40 permit to fish allocation under the IFQ program.

41
42 **CHAIRMAN GUYAS:** Go ahead, Mara.
43

44 **MS. LEVY:** You're saying you would have a commercial reef fish
45 permit that would only be applicable to non-IFQ species, meaning
46 you have to have the commercial reef fish permit to be exempt
47 from the bag limit and sell all reef fish species except those
48 managed under the IFQ system, because that's what I'm trying to

1 get at, is that the commercial reef fish permit covers thirty-
2 some species and not just these.

3
4 **MR. BOYD:** I think what I'm trying to say is we are backing up
5 from what the council did before in these alternatives, and that
6 is that we're bringing all those fish back into only IFQ reef
7 fish permit holders holding shares and being able to fish them.
8 Why don't we have an alternative that allows everybody to fish
9 these shares if they purchased them?

10
11 **CHAIRMAN GUYAS:** All right. Tom, do you want to weigh-in here?
12

13 **DR. FRAZER:** I think, and Mara can correct me if I'm wrong,
14 that, in order to fish for reef fish, you have to have a reef
15 fish permit, and it's pretty simple, I think.

16
17 **MR. BOYD:** That's exactly my point.

18
19 **CHAIRMAN GUYAS:** All right, and so we're starting to stray a bit
20 from our motion on the board. Let's cover that, and then, if
21 you want to come back to this topic, we can do that. Any other
22 discussion on the motion on the board regarding whether or not
23 we would like to keep the Option b in Action 1.1? The motion
24 would remove them. I don't see any discussion. **Is there any**
25 **opposition to this motion? Seeing none, the Option b are**
26 **removed. The motion carries.** Kevin.

27
28 **MR. ANSON:** One of the points that Andy brought up was in
29 Alternative 3 and just to maybe have one date in there rather
30 than the two, and so maybe to amend Alternative 3 to say, in
31 order to obtain (transfer into an account) or maintain shares,
32 all shareholders who -- After January 1, 2015 must possess,
33 Option 3a.

34
35 **CHAIRMAN GUYAS:** Is that a motion?

36
37 **MR. ANSON:** Yes.

38
39 **CHAIRMAN GUYAS:** All right, and so it looks like we're on the
40 board, a motion to amend Alternative 3 to say: In order to
41 obtain (transfer into an account), or maintain shares (hold
42 existing shares in an account), all shareholders who entered the
43 red snapper IFQ program or the grouper-tilefish IFQ program
44 after January 1, 2015, must possess one of the following.
45 That's right? Okay. Is there a second for this motion?

46
47 **MR. RIECHERS:** Second.

1 **CHAIRMAN GUYAS:** Okay. It's seconded by Mr. Riechers. Is there
2 discussion on this one?

3
4 **MS. BOSARGE:** Andy, you mentioned that, if you have one date, I
5 guess it's going to be a lot easier to just kind of search that
6 out and figure out what that date is, and I'm assuming the two
7 dates that are there right now, and Ava might have to answer
8 this, but 2012 is five years after the red snapper IFQ went into
9 place, and five years after it went into place is when we nixed
10 the requirement to have a permit, and I'm assuming the same
11 thing happened with grouper-tilefish, that you had to have a
12 permit and five years later that requirement went away. I guess
13 what are the ramifications of just having one date?

14
15 **MR. STRELCHECK:** First of all, just to point out that the
16 control dates were in late 2011 and 2014, and so it makes sense
17 to have the latter date of 2015, but you're right that they
18 correspond with five years into each one of the programs.

19
20 From an administrative standpoint, I would just pointing out
21 that a single control date is easier to administer than multiple
22 or a single date, simply because most of these fishermen have
23 both red snapper and grouper-tilefish IFQ shares, and so they're
24 going to be participants in the program already and ultimately
25 have entered the program, both programs.

26
27 **CHAIRMAN GUYAS:** Other discussion on this motion? Are you ready
28 to vote? Okay. **Is there any opposition to this motion? Seeing**
29 **none, the motion carries.** Okay. Are we -- Ava, what else do
30 you need on this action?

31
32 **DR. LASSETER:** I would just like to clarify that if this passes
33 in Full Council that, removing the 2b, we would then incorporate
34 that a back into the alternatives, and so there would no longer
35 be options.

36
37 Then I don't know if we're going to come back to Mr. Boyd's
38 comment, but I'm also thinking -- What I was a little confused
39 about, what I need a little more clarification on, is we were
40 interpreting this as requiring additional requirements, and so
41 if I could just get a little more of an understanding, because
42 it sounds like what you're proposing is maybe opening it up, and
43 so I'm trying to grapple with that for how to frame -- What is
44 the purpose then of this action? I will turn it back to the
45 committee.

46
47 **CHAIRMAN GUYAS:** Doug, do you want to respond to that?

1 **MR. BOYD:** I am not trying to make it more complicated. It just
2 seems like the alternatives here are all very restrictive and
3 more restrictive than we have today, and my comment is simply
4 that one resolve to all of this would be to not require -- To
5 select Alternative 1, of course, but then to not require a reef
6 fish permit to fish those shares. That's all I'm saying.
7

8 **CHAIRMAN GUYAS:** Ms. Bosarge.
9

10 **MS. BOSARGE:** So the reporting requirements and all the other
11 requirements are attached to the permit, and so, if you get rid
12 of the permit for these particular species, then you lose a lot
13 of your accountability. You are no longer going to -- There is
14 no vessel requirement, and there is no VMS requirement,
15 reporting your catch requirement, and, I mean, all of those
16 requirements go away.
17

18 **MR. BOYD:** No, that's not what I am saying. If you're in the
19 program, you have to have all of that stuff. What I am saying
20 is there is an alternative that we could deal with that just
21 says, if you have a valid fishing permit, you can fish these
22 shares. You would still have to have all that requirement, and
23 you would still have to be in the program, because you're buying
24 shares.
25

26 **MS. BOSARGE:** So you do have to have a -- You just said if you
27 have a valid permit.
28

29 **MR. BOYD:** A fishing permit.
30

31 **MS. BOSARGE:** Like a recreational state --
32

33 **MR. BOYD:** A recreational fishing permit, yes.
34

35 **MS. BOSARGE:** So the states would have to attach the --
36

37 **MR. BOYD:** As an example, I guess, if I wanted to go out and buy
38 shares, go buy a share and buy allocation from somebody, then I
39 could fish it. That's what I'm saying. Without having a reef
40 fish permit, a commercial reef fish permit. If I had a
41 recreational fishing permit, why couldn't I fish it? That's not
42 what we do today, but I'm saying that is an alternative to being
43 more restrictive than what we are today.
44

45 **CHAIRMAN GUYAS:** Andy and then Mara.
46

47 **MR. STRELCHECK:** A couple of comments. Hearing Kevin and then
48 hearing Doug speak, it goes -- It takes me back to what is the

1 purpose we're trying to accomplish here, because I feel like
2 what they're talking about are two entirely different things, in
3 terms of what we're trying to accomplish here, and so I think
4 the council needs to get on the same page in terms of what the
5 goal is.

6
7 The second comment is, in removing the reef fish permit, there
8 is a lot of downstream effects of that that we would have to
9 consider, if that's a direction we would want to head, and so
10 there's a lot of things that are tied to the reef fish permit
11 that, by removing that requirement, would also have to be
12 modified.

13
14 For instance, just one example would be VMS requirements. If
15 you have a reef fish permit, you have to have a VMS on your
16 vessel, and so I guess think of the downstream consequences of
17 an action like that and what else we would have to modify based
18 on removal of the reef fish permit requirement.

19
20 **CHAIRMAN GUYAS:** Mara. You're good? Okay. Robin.

21
22 **MR. RIECHERS:** I think we are at somewhat of a different
23 alternatives here that we're speaking to. What Kevin, I think,
24 was speaking to was some of the long-held discussion that we've
25 heard at locations across the Gulf as we've talked about this,
26 where basically people are holding on to shares and other people
27 are fishing those shares at some point in that time series or
28 timeframe.

29
30 When we think about the current alternative, it really allows --
31 I am not certain really the current alternative does it yet, but
32 I think we're getting closer to that concept of how do you
33 basically ensure that new entrants can come into the fishery
34 and, as Kevin put it, those people who are fishing it are
35 receiving the full benefits of having that share ownership, in
36 some respect. Whether it's ownership for a period of time or
37 some leased period of time or however you execute that, but you
38 get it closer to the person actually fishing it.

39
40 I think what Doug is suggesting is we take a step back from the
41 whole notion of how we're confining those share transfers and
42 possibly create an alternative that allows for a greater share
43 transfer than we have today, and it's basically transferring
44 across sectors, which we know we have some of that going on
45 between certain sectors now, but we don't have it completely
46 open to all sectors. I am speaking for Doug here, but I think
47 that's what he's suggesting.

48

1 **CHAIRMAN GUYAS:** Mr. Banks.
2

3 **MR. BANKS:** I was going to say the same thing, Robin. I think
4 that's what I was hearing, was some sort of quota sharing across
5 sectors, which I think it's certainly worthwhile for us to
6 consider, but I think, if we have one sector that's under a lot
7 of requirements, in terms of VMS and all that kind of stuff, and
8 electronic reporting, would the recreational sector be willing
9 to do the same thing? I would hope we would at least -- If we
10 can allow one sector to use another sector's portion of the
11 quota, they would at least be required to have the same kinds of
12 reporting requirements, and I think that's what you mentioned,
13 and so that seems okay with me.

14
15 **CHAIRMAN GUYAS:** Ms. Bosarge and then Dr. Frazer.
16

17 **MS. BOSARGE:** Okay, and so this document came out of a five-year
18 review of an IFQ program. You're talking about intersector
19 trading, essentially, okay, and that's fine. We have a document
20 that we looked at in the past on that, and we put it on the
21 shelf, and, if you're wanting to look at that, we can pull that
22 document back, but this document is to look at a program that we
23 have in place and take a good, honest, hard look at it and see
24 if there is any way to improve that program.

25
26 That other discussion, that is not a discussion in this
27 particular document. It can happen. We have got a document for
28 it. Bring that forward, but, as we're going through this
29 document, we really need to hone our efforts in on what is in
30 this document and what the purpose of it is.

31
32 If you want to go down that path, we'll bring in that other
33 document, but I think that's why we get so hung up on this
34 document, because we're trying to bring in all these other items
35 that is really not the focus of this document. Let's see if
36 there is a way to improve this program. If we want intersector
37 trading, we will bring that document forward, and we will take a
38 hard look at it, because there is lots of questions to answer to
39 flesh that out and make it work.

40
41 **DR. FRAZER:** I would just add that what I was going to say is I
42 think these are valuable philosophical discussions, actually. I
43 think that they're really important, but I think that they're
44 getting off-track of this particular document, and I don't think
45 this is probably the appropriate place to do it.

46
47 **CHAIRMAN GUYAS:** Go ahead, Doug.
48

1 **MR. BOYD:** To those points, the way I read this is that, if we
2 select Alternative 2 or Alternative 3, we have negated the
3 ability later to do that, basically. We have already said that
4 we want to have a valid commercial reef fish permit in order to
5 fish them, and that's why I bring it up here, is that it looks
6 like it's restricting it, and, Leann, I don't know that we have
7 a document that we have brought out that talks about intersector
8 trading.
9

10 **CHAIRMAN GUYAS:** Can staff speak to that document?
11

12 **EXECUTIVE DIRECTOR SIMMONS:** Thank you. I don't know if I can
13 speak to that exact document, but we did have one that we
14 postponed, and perhaps this is the one that people may be
15 remembering, but maybe I can get Assane or Ava to help me here,
16 but the allocation sharing mechanism between the commercial and
17 recreational sectors -- That was something we started, it looks
18 like, in October of 2016, and then I don't see when we postponed
19 that, but that was something I think we started, and we can pull
20 that out and have it available shortly.
21

22 **CHAIRMAN GUYAS:** Mr. Riechers.
23

24 **MR. RIECHERS:** I think that allocation sharing document, as I'm
25 recalling, was a little bit different, in that it was basically
26 a reallocation document associated with unused quota, as I'm
27 recalling.
28

29 I think, Leann, the document you are referring to is 36B,
30 because I think, when we split 36A and 36B, we had some of these
31 tougher discussions over here in 36B, and intersector trading
32 may have been one of those that we had at the time, and we would
33 have to go back to that document at that time to see if we had a
34 section in there for it, but I think it was one of the items
35 that we kind of parked over here in this document and were going
36 to come back and have this discussion.
37

38 To Tom's point, I mean, none of these discussions are easy, but
39 certainly we've talked about this whole issue of kind of people
40 fishing shares or profiting from shares that they aren't
41 fishing, meaning they're just in a lease program, and we've
42 talked about intersector trading, and we've talked about other
43 ways we could go back and allocate this fishery to receive the
44 rents, the economic rents, and the profits for those fisheries
45 back to the public. These are difficult discussions, but I
46 think this was the document, Leann, unless I'm completely off-
47 base with how we split those, but --
48

1 **CHAIRMAN GUYAS:** I am going to suggest maybe let's do a little
2 bit of research and figure out -- I mean, we've had
3 conversations about intersector trading. It's been a few years,
4 but exactly what we did and where we are, and then we can maybe
5 come back to that topic later.
6

7 **MS. BOSARGE:** That's fine.
8

9 **CHAIRMAN GUYAS:** In the meantime, we do have quite a lengthy
10 document here that we can tackle while we're researching some of
11 these past positions, and then we can figure out where we want
12 to go. Is that amenable to everybody? Is everybody all right
13 with that? Okay. All right, Ava, and is there anything else
14 you need on Action 1.1?
15

16 **DR. LASSETER:** I just want to say something about how I'm now
17 understanding some of the direction. In the options paper, in
18 some of your previous discussion, it did focus on this idea of
19 wanting shareholders to have a reef fish permit. What the
20 options paper also kind of addressed was -- Your discussion
21 seemed a little more broad about wanting people who were
22 participating in the fishery.
23

24 What we need to do is translate, operationalize, that idea into
25 what that means for the IFQ program, and there are fish houses,
26 for example, that rely on people to bring fish to them, but
27 those fish houses may not have a vessel with a permit, and so
28 that is why the options were provided for the dealer permit,
29 because we were trying to get a sense of did you want people who
30 were more broadly participating in the fishery, and so now I
31 understand that motion as you do want the shareholders to be --
32

33 So that's giving us -- I am interpreting that, kind of reading
34 between the lines, and getting that understanding, and so I just
35 wanted to express that is what I'm hearing, and so if that's not
36 what your feeling is, then we probably need a little bit more,
37 but that's how I understand the motion that you just passed
38 here. With that, I can move on.
39

40 **CHAIRMAN GUYAS:** Kevin.
41

42 **MR. ANSON:** Just to expound upon that a little bit, yes, I think
43 that's a correct way to approach, potentially, as we look at
44 this document.
45

46 You know, I don't fully agree with Andy's statement that Doug's
47 and my comments were totally outside of the bounds of this
48 particular document. At least for mine, I think it is

1 applicable. My comments were directed toward those who are
2 engaged in the IFQ program directly, and so I think that would
3 be a correct way to go through it, Ava, your description.

4

5 As we set up these things, it is complicated, this process, and
6 it may end up as no changes in the IFQ program relative to where
7 we are today, but certainly there has been some folks that have
8 come to the table and provided comment that things are not quite
9 right, in their mind, and so we need to have some discussions
10 about things that could address some of their particular
11 concerns and, as we go through this document, there may be ways
12 to address some of those more peculiar or odd cases, if you
13 will, relative to a traditional fisherman in a harvest landings
14 situation and look at dealers and such and try to provide them
15 some protection as well as we go forward in looking at this, and
16 so that's all.

17

18 **CHAIRMAN GUYAS:** Let's move on.

19

20 **DR. LASSETER:** Okay. Thank you. A very related action, 1.2,
21 starts on page 25, and this action will, of course, need to be
22 modified depending on how the previous action shapes up, because
23 this action is going to affect those people who are not able to
24 comply with whatever requirements you define in Action 1.1.

25

26 Right now, Action 1.1 also is only in terms of shares. We
27 didn't address what people could do with or without allocation,
28 and so that's another tangent that we could go off on, but this
29 one addresses share divestment. If people are not able to meet
30 the requirements of 1.1, they would then be out of compliance
31 with the program, and NMFS would reclaim their shares if they're
32 out of compliance.

33

34 This Action 1.2, first of all, is only valid if an alternative
35 other than Alternative 1 is selected in Action 1.1, and so you
36 have to actually be putting in a new requirement on people in
37 1.1 to make this applicable.

38

39 Alternative 2 would require that a shareholder with shares that
40 does not have an account associated with a commercial reef fish
41 permit or a dealer permit, which has now been removed, must
42 divest of shares as needed to meet the requirements set in the
43 previous action or the shares will be reclaimed by NMFS.

44

45 Then we have provided you four options for a grace period to
46 allow people to obtain the permit or to otherwise meet whatever
47 requirement, to reshuffle their accounts, and we do understand
48 that some people have separated, perhaps, their assets or

1 they're in different corporations or business entities. It
2 would give them the opportunity to modify their business
3 approach in order to meet whatever those requirements are.
4

5 Option 2a is the shortest time period, and Option 2d provides
6 the longest grace period, and so Option 2a would require that
7 shareholders be in compliance with Action 1.1 by the effective
8 date of the final rule implementing this amendment. Option 2b
9 provides them until the beginning of the calendar year following
10 the effective date of the final rule implementing this
11 amendment, and Option 2c allows one year after that time, and
12 Option 2d is three years following the effective date of the
13 amendment.

14
15 Now, what happens after you put -- If you should put the
16 requirement in place in the future, if someone does not maintain
17 their permit and then later is no longer in compliance, and
18 Alternative 3 addresses that.
19

20 If you also selected the alternative in the previous action that
21 would only require the permit, that shareholders have a permit
22 from the time of this amendment going forward, then this
23 Alternative 3 would also be applicable, and so Alternative 3 is,
24 after implementation of this amendment, if a shareholder sells
25 their permit or does not renew their permit or for some reason
26 their account is no longer associated with their permit, within
27 one year of the expiration date, termination of their permit,
28 they must divest of shares as needed with the requirements of
29 1.1, whichever permit you may require under whatever conditions,
30 or the shares will be reclaimed by NMFS, and there is three
31 options here for time periods, for grace periods, either before
32 the beginning of the calendar year following the sale or
33 termination of the permit or allowing one or three years
34 following the sale or termination of that permit.
35

36 I will just add that a commercial reef fish permit is valid for
37 one year, but then there is a one-year period after which it is
38 no longer valid, but it's considered renewable. In that one-
39 year renewable time, it may not be actively fished, and it may
40 not be used to land fish, but the holder of the permit has that
41 one year to renew the permit. At the end of that renewable,
42 invalid but renewable, period, the permit is terminated. It is
43 no longer eligible to be transferred or renewed. Let me pause
44 there and see if there is any discussion.
45

46 **CHAIRMAN GUYAS:** Okay, and so I'll start with this one. Ava, it
47 seems like, in Alternative 2, Option 2a -- It seems like that
48 could be problematic if this gets implemented late in the year,

1 right, and someone has shares and they've already been caught
2 up, or the allocation has been caught that's associated with
3 those shares, but maybe that doesn't matter. Can you explain
4 that to me?

5
6 **DR. LASSETER:** Okay, and so this does only affect shares, and so
7 the remaining allocation from that year would not be affected,
8 and I don't think whether this happened at the beginning or the
9 end of the year matters as much. This is at the time of the
10 effective rule, but, again, we are only talking about shares
11 here and not allocation.

12
13 **CHAIRMAN GUYAS:** I'm just trying to understand if it mattered if
14 the allocation associated with those shares for that year had
15 been caught already, if that was a problem. Dale.

16
17 **MR. DIAZ:** Kind of following up on what Martha is talking about,
18 it seems to me like Alternative -- Option 2a under Alternative 2
19 is -- It doesn't give people time. **It seems to me like the**
timeframes in Alternative 2 should be the same as the timeframes
in Alternative 3, and so I would suggest that we remove Option
2a from Alternative 2.

23
24 **CHAIRMAN GUYAS:** Is that a motion?

25
26 **MR. DIAZ:** Yes.

27
28 **CHAIRMAN GUYAS:** Excellent. Okay. Let's get that on the board
29 and see if there's a second out there for that motion. It's
30 seconded by Dr. Frazer.

31
32 **MR. DIAZ:** Part of my rationale is, even if we was to pass this
33 amendment with Option 2a, and people divested their shares,
34 anticipating it getting implemented, and it didn't get
35 implemented for some reason, I mean, they would be really in bad
36 shape, and so I think that's unrealistic to ever put somebody in
37 a situation where that could potentially happen. Thank you.

38
39 **CHAIRMAN GUYAS:** All right, and so it looks like we have our
40 motion on the board now, which is, in Action 1.2, to remove
41 Option 2a. Any other discussion? **Any opposition to this**
motion? Seeing none, the motion carries. Anything else on this
43 action? Kevin.

44
45 **MR. ANSON:** Kind of in the same vein as Dale, for Option 2b in
46 Alternative 2, if the effective date is November 1, or November
47 30, that doesn't leave much time either, and so I think we might
48 want to consider removing that option as well, just for timing

1 purposes and just the unknown of the whole process. I would
2 make a motion that we remove Option 2b from Alternative 2.
3

4 **CHAIRMAN GUYAS:** Okay. Let's get that on the board. Kevin,
5 would you also want to add Option 3a to this?
6

7 **MR. ANSON:** That would be -- I was going to go down that road.
8 Yes, I would like to remove 3a.
9

10 **CHAIRMAN GUYAS:** Okay. The motion would be to remove Option 2b
11 and 3a from -- 2b from Alternative 2 and 3a from Alternative 3
12 in Action 1.2. Are you good with that, Tom?
13

14 **DR. FRAZER:** Yes.
15

16 **CHAIRMAN GUYAS:** Okay. Any discussion on this one? Any
17 opposition to this motion? Seeing none, the motion carries.
18 What else? Do you need anything else on this, Ava? Okay. Then
19 let's move on.
20

21 **DR. LASSETER:** Wonderful. Okay. The next action, Action 2,
22 starts on page 27. This action you had moved from Amendment 36A
23 to address in this 36B amendment, and so, back in 36A, you took
24 action to close accounts that had never been used, activated,
25 accessed, in the IFQ programs.
26

27 NMFS reclaimed those shares. That action was 36A. What you
28 deferred to now is how to distribute those shares, and, if you
29 remember, the amount of shares being held in those accounts was
30 continuing to decrease as other shareholders were locating those
31 inactive shareholders and offering to transfer their accounts in
32 various ways.
33

34 If we scroll down to the bottom of page 27, Table 2.2.1, you can
35 see the amount of shares that were revoked or reclaimed by NMFS
36 from these accounts at the time that 36A went final. Then the
37 final, the very end column there, shows you the corresponding
38 amounts of pounds, which is our allocation, for the amount of
39 shares that NMFS is currently holding. When we first started
40 looking at this action in 36A, it was a substantially larger
41 quantity of quota for all of these, and so a lot of the quota
42 did get moved around in that time.
43

44 This action provides you the opportunity, again, to address how
45 to distribute those shares, but we have also added in the idea
46 of redistributing the shares that may be reclaimed under any
47 requirement you put in place through Action 1 of this amendment.
48 Again, if you require people to have a reef fish permit,

1 shareholders to have a reef fish permit, under whichever
2 conditions you decide, and they are unable to divest of their
3 shares or obtaining a permit in such a time, NMFS reclaims those
4 shares, and this action would address how to distribute those
5 shares, both the ones from 36A reclaimed as well as any that
6 become available to NMFS, are reclaimed by NMFS, under the first
7 action of this amendment.

8

9 Your Alternative 1, your no action, would be not to distribute
10 these reclaimed shares from both of these sources. NMFS would
11 continue to hold these shares, and the allocation associated
12 with the shares would go unused.

13

14 Alternatives 2 through 4 provide methods to distribute the
15 shares. Alternative 2 and 3, these were from 36A, and these
16 were options that you were considering for how to distribute
17 those shares.

18

19 Alternative 2 would equally distribute the reclaimed shares held
20 by NMFS among all accounts with shares of each share category,
21 and so the shares of each share category would be distributed to
22 other shareholders of that share category equally, and then the
23 timeline is provided there, that this would be done within one
24 month of the effective date for the final rule implementing this
25 amendment.

26

27 Alternative 3, in contrast, would distribute those shares
28 proportionally based on how many shares shareholders already
29 have, and the kind of difference here -- For one thing, in
30 Alternative 2, there could be people that have different
31 accounts with different shareholdings, and perhaps they have
32 different investments in different businesses and whatnot, and
33 each one of those accounts would get the same amount, whereas,
34 in Alternative 3, it would really be based on the amount of
35 shares that people already have.

36

37 Alternative 4 takes a different approach, and this comes from
38 one of your motions, where NMFS would establish a quota bank
39 with the reclaimed shares, and so the shares that NMFS is
40 already holding as well as any additional shares that are
41 reclaimed if they haven't been divested from Action 1.2 and 1.1.
42 Those shares would be held by NMFS, and the allocation
43 associated with those shares would form the basis of this quota
44 bank and then would be distributed as you detail and you specify
45 through the remaining actions of the amendment.

46

47 Alternative 4 is both creating the quota bank and having its
48 little seed share, the amount of shares there, and then there is

1 going to be subsequent decisions for you to decide how to
2 distribute the allocation associated with those. I will stop
3 there for just a moment and see if there's any questions.
4

5 **CHAIRMAN GUYAS:** Sue.

7 **MS. GERHART:** There may need to be a little bit of rewording
8 with these alternatives, and I did look at them before and
9 didn't really realize this, but, when we're talking about the
10 shares reclaimed from 36A, all of this works. You can say
11 within one month. We have already reclaimed those shares, and
12 NMFS is holding them, and so, once this rule is effective, we
13 can redistribute, but if we're talking about the shares that are
14 reclaimed from the previous action in this amendment, that will
15 be -- We gave them one or three years, are the options there,
16 and so, one month after the effective date, we couldn't divest
17 them, because we wouldn't -- We couldn't redistribute them,
18 because we wouldn't have reclaimed them yet, and, also, if we
19 have an ongoing thing, where someone sells their permit or
20 allows it to terminate and then they don't divest of their
21 shares and then we reclaim them at that point, we need a time
22 period to do that.

24 I think we can work out the wording on this, and, instead of
25 saying one month from the effective date, it's maybe one month
26 from the effective date or the date at which the shares were
27 reclaimed or something along those lines, but I think that's
28 something staff can work out.

30 **CHAIRMAN GUYAS:** Ava.

32 **DR. LASSETER:** That's a great point, and related to this as well
33 is the issue of when are we looking shareholders -- The
34 existence of shareholders and how many accounts are there and
35 who would be eligible and at what point are their shareholdings
36 valid, and so there are a lot of additional issues that we need
37 to work out as we're developing these actions.

39 **CHAIRMAN GUYAS:** Go ahead, Andy.

41 **MR. STRELCHECK:** Yes, and I'm not making a recommendation here,
42 but one other thing to keep in mind is that the date that the
43 shares are reclaimed, if it's during the middle of the year and
44 you redistribute those shares, you wouldn't necessarily reclaim
45 the allocation associated with those shares, because it could
46 have already been fished or transferred, and so there might be
47 some benefit to these shares being distributed with allocation
48 at the beginning of the fishing year following whatever the date

1 the reclamation occurs.

2

3 **CHAIRMAN GUYAS:** That's a good point. Anything else? Go ahead.

4

5 **MS. BOSARGE:** Well, I mean, there was some discussion at the IFQ
6 AP meeting about this document in general, but these
7 alternatives, and there was a good discussion about that quota
8 bank, and there seemed to be some enthusiasm about looking at
9 it. Obviously there was some hesitation of how would this be
10 set up and what would be the innerworkings of it, and I think
11 that's something we ought to explore, that Alternative 4.

12

13 There may be some good things we can do with that. Obviously it
14 will take a lot of work to hash it out, and I would think you
15 would want to have a working group get together, and it would
16 probably have to be, yes, some industry, but I assume that
17 you're going to have to have NMFS in the room too, to answer
18 questions about what they can and can't make happen, but I think
19 that's something we should explore further.

20

21 We might could address some new entrants. Now, obviously we're
22 not going to do it with the little bit of pounds that's there,
23 but it may be something that develops into something else in the
24 future, and I think that's a good starting point for it. We
25 maybe can use the little bit that's there to start to address
26 bycatch. Just I think it's something we should explore.

27

28 **CHAIRMAN GUYAS:** Go ahead, John.

29

30 **MR. SANCHEZ:** I recently received, and I don't know if anybody
31 else did, a letter from a former council member in Florida who
32 has a fish house, and you probably know who it is, Karen Bell,
33 and she asked me to kind of mention that, because she has an
34 interest.

35

36 She is having a discard problem in the directed red grouper
37 fishery with her groupers, and she was kind of asking if there
38 was a way, while we're discussing the IFQ here, if there was a
39 way that she could do some kind of, I don't know, a sharing, for
40 lack of a better word, of grouper quota for snapper quota to
41 address the discards and kind of give, I guess, the red grouper
42 a break at the same time as well, and I don't know if that's
43 something we would want to entertain or consider, but certainly
44 a quota bank might be the place to have some of that allocation.

45

46 **CHAIRMAN GUYAS:** Okay. Once we leave this action, the next few
47 actions are specific to the quota bank option in Alternative 4.
48 It sounds like we're maybe going there at this point, and so if

1 there are other questions or comments on this Action 2 -- Dale
2 and then Robin.

3
4 **MR. DIAZ:** I just want to say that I agree with Ms. Bosarge, but
5 I do think we've got to find a way to get more fish into this
6 quota bank. The small amount of fish there is -- It's such a
7 small amount that it's not enough to have an impact, and so I do
8 agree with what she said, and I think it's a good idea for us to
9 try to make some improvements to this program for the new
10 entrants and the discard problems, but we just have to find a
11 way to put more fish into the quota bank that's fair. Thank
12 you.
13

14 **CHAIRMAN GUYAS:** Okay, and so I think, with this action, the
15 next time we see it, it will be reworded a bit, it sounds like,
16 maybe.
17

18 **DR. LASSETER:** I believe a lot of the document is going to be
19 reworded.
20

21 **CHAIRMAN GUYAS:** Okay. If there is no other discussion on this
22 action, then let's flip to our next actions and talk about quota
23 banks.
24

25 **DR. LASSETER:** Thank you. Dale, again, perfectly introduced the
26 next section for me. Thank you. Action 3 begins on page 30,
27 and there is actually several sub-actions here, and it's likely
28 we will need to develop some of these into even additional sub-
29 actions. There is a lot of decision points here, and
30 identifying the decision points for how to lay this out was very
31 complex.
32

33 We did kind of start from some of your early motions that talked
34 about wanting to explore a quota set-aside, and you had added
35 the goal about helping new entrants and addressing the bycatch
36 concern, and so we tried to frame it around that. This whole
37 Action 3 and the sub-actions are only applicable if Alternative
38 3 of Action 2 is selected as preferred, and that, again, is that
39 you're going to put those reclaimed shares into a quota bank.
40 In that action right now, you're establishing the quota bank.
41

42 Here, we assume that you did take that action in the previous
43 action, and so you have the quota bank, and you have a little
44 bit of quota there. Now, there is several decisions that are
45 going to need to be made. How much quota and from which share
46 categories would be set aside, and so that's the first sub-
47 action, 3.1.
48

1 Who is going to be the recipients of the allocation, and that's
2 where it gets really complicated. How are you going to define
3 these groups? You have already expressed interest in addressing
4 small participants, replacement fishermen, called new entrants,
5 or addressing discards.

6
7 We did assume that discards is referring to red snapper, but
8 that wasn't specified in the motion, and so all of that is in
9 the Section 3.2. Then how are you going to distribute that
10 allocation to these eligible recipients and how much allocation
11 would be distributed to them, and is it cyclical or is it a one-
12 time opportunity, and so there are several decisions to be made
13 here.

14
15 Now, we also have written this up as only allocation would be
16 distributed to the quota bank and not the shares, and so, for
17 those shares that would form the foundation of the quota bank,
18 they would remain with NMFS, and the allocation would be
19 distributed, but that was our understanding and our
20 interpretation of this quota bank, was that we're going to be
21 distributing allocation and not shares through these.

22
23 Moving into 3.1, thresholds of allocation to add to the quota
24 bank, again, our Alternative 1 is no action. It would not add
25 allocation to the quota bank from any share category. The quota
26 bank would continue to hold the shares reclaimed through
27 Amendment 36A, or Action 1, as we talked about. If you are
28 going to require additional requirements, there may be some
29 shares that end up being reclaimed by NMFS. This would likely
30 entail a very, very small amount of allocation.

31
32 Alternative 2 and 3 provide a threshold of quota. When the
33 quota for each share category, and we're talking here about red
34 snapper is its own share category, red grouper is its own share
35 category, gag, tilefish, deepwater grouper, shallow-water
36 grouper, and so each one of those categories has its own quota
37 and has its own quota set every year, and that amount of quota
38 can go up or down, and so that would be a different amount of
39 pounds of allocation you would receive.

40
41 Alternative 2 would set that threshold at the amount of quota,
42 the amount of the commercial quota, at the time each of the
43 programs final approval by the council was accomplished, and so
44 the year before the program went into place, and so red snapper
45 was 2006, and the program started in 2007, and, for the grouper-
46 tilefish share categories, that would be 2009.

47
48 Any quota above the respective amount for each of those would be

1 put into the quota bank, and then that threshold amount, that
2 specified amount below that, shares would remain in place and
3 the allocation associated with the shares would be distributed
4 to existing shareholders.

5
6 Alternative 3 would set the threshold at the largest commercial
7 quota since the beginning of IFQ programs, and so 2007, and, of
8 course, this would be 2010 for the grouper-tilefish, up until
9 the current year, and so, whichever is the largest quota for any
10 of those share categories, the quota above that would go into
11 the quota bank, and that threshold, that cap, would then be the
12 100 percent. Then shares, allocation, would be distributed
13 according to the shareholdings below that amount.

14
15 Then we have provided you options here, if you wanted to just
16 add to the quota bank red snapper only or all the grouper-
17 tilefish share categories, and we did separate them out, only
18 because you had this idea of the discards, wanting to address
19 discards, and we understood that as being red-snapper-specific,
20 and so it's possible that you could pick both of these, red
21 snapper and all grouper-tilefish categories.

22
23 If there was a reason that you wanted to look at just one or two
24 of the grouper-tilefish share categories, of course, we could
25 talk about that. This is our first proposal to you, but if we
26 take a look at Table 2.3.1.2 on page 32, the top of 32, this
27 provides the thresholds. This is what we're talking about.

28
29 For each of the share categories you can see are the columns,
30 and then you have, under Alternative 2, which is the commercial
31 quota respectively at the time each program was finalized, each
32 amendment was finalized by the council, when the council took
33 final action, or Alternative 3 represents the largest respective
34 share category quota since the program implementations until
35 this year.

36
37 Whenever the quota, depending on what you select, is above -- If
38 it's greater than any of these amounts, the quota, the volume of
39 pounds, above that would go into this quota bank for
40 distribution. That amount of quota and below, that's 100
41 percent that gets distributed out to shareholders according to
42 their percent of shares that they hold. I am going to stop
43 there and see if there's any discussion.

44
45 **CHAIRMAN GUYAS:** Question from Dr. Frazer.

46
47 **DR. FRAZER:** With regard to red snapper, if we complete the
48 rebuilding process by 2032, what would that quota look like?

1 Does anybody know off the top of their head?
2

3 **DR. LASSETER:** I definitely don't, but actually maybe you're
4 going towards something -- Again, all of these alternatives in
5 here were staff taking a first stab at what we think you're
6 trying to look at. If you would like to modify these thresholds
7 or not consider these, look at one that is larger than these,
8 then, please, we are looking for feedback.
9

10 **DR. FRAZER:** Sure, and I appreciate that. I guess what I'm
11 trying to do is think about what the consequences of these
12 actions might be ten or twenty years down the road.
13

14 **CHAIRMAN GUYAS:** Dale.
15

16 **MR. DIAZ:** Ava, try to help me think through this, and so this
17 is what I'm thinking about. I think there is a fair amount of
18 fishermen that have borrowed money to buy shares, and am I using
19 the right word?
20

21 **DR. LASSETER:** Yes.
22

23 **MR. DIAZ:** I mean, that's kind of what I'm thinking about, and
24 so folks are in debt trying to buy shares, and, if we choose
25 Alternative 2, that share is maybe worth less than what it is
26 today, or it more than likely will be, depending on when they
27 purchased those shares, but that's what I'm trying to think.
28 How can we do this fairly, where we don't have people that have
29 went into debt to buy something where we're taking the value
30 away of what they thought they were purchasing at the time?
31

32 I don't know, but, at the same time, I want to do what's right
33 for the fishery too, but I could see where some people could be
34 in some bad financial problems, maybe, depending on what they
35 paid for those shares, and so can you elaborate on that? I
36 mean, am I thinking correctly, or am I wrong?
37

38 **DR. LASSETER:** Yes, I definitely see where you're going, and I
39 think that's been brought out very much in the document, that
40 people's participation, the way that they participate in these
41 programs, is very complex. You do have some shareholders right
42 now who have had their shares since the beginning of these
43 program implementations, and some of them are still out there
44 actively fishing them, and some of them owned multiple vessels
45 at the time.
46

47 Some of them have since sold their permits, and then you have
48 people that have bought into the program in different ways, both

1 ones who have permits and don't have permits, and so you have a
2 really diverse group of participants in this program, and so
3 that does make it very tricky. Absolutely you have people who
4 have bought in since some of these thresholds, especially the
5 Alternative 2.

6
7 What these would essentially do is cap what shares would be
8 like, would ever be based on, right, and it have definitely
9 negative effects on some people who have perhaps even recently
10 taken out loans, and it would have disparate effects on other
11 people, and that is what makes all of this so tricky, is how
12 different people participate and how different people have
13 joined, when they have joined, and how they are participating.
14 I see your concern for negative impacts on people.

15
16 **CHAIRMAN GUYAS:** Robin and then Leann.

17
18 **MR. RIECHERS:** To kind of answer, I think, Dale's question, at
19 least based the way this is framed now, Alternative 3 would
20 provide maybe greater protection than Alternative 2, and there
21 could even be some -- You could even push dates out into the
22 future, which if you're talking about loans and loan guarantees,
23 that would be helpful.

24
25 I mean, so there is either some other alternatives that could be
26 structured that might also help in that protection mechanism, if
27 that's what you were attempting to do, and we're not going to be
28 able to address every situation of each individual's business
29 structure, but there are some things here you could do. I mean,
30 like I said, in general, 3 is more protective than 2, and you
31 could probably push some years out a little bit, if you wanted
32 to do something like that.

33
34 **CHAIRMAN GUYAS:** All right. I've got Leann and then Kevin.

35
36 **MS. BOSARGE:** Yes, and I was just trying to think through it,
37 too. Was there a reason we didn't pursue maybe looking at
38 percentages, and I don't know if that would be a straight
39 percentage, generally speaking, or if that would be a percentage
40 of -- If it would be a sub-alternative on what you have here,
41 like a certain percentage above whatever these maximums were, or
42 if it's just a straight percentage of the quota. I am just
43 trying to think of other options.

44
45 **DR. LASSETER:** I think that very well could be an alternative.
46 If the committee is interested in adding that, we would really
47 like some feedback on what percentages you would like to look
48 at. Again, we had to go by your little bit of motion, your

1 motion for modifying the goal, and so we're trying to adhere to
2 that, and we're trying to provide you some things, but,
3 absolutely, if you would like to add an alternative to look at
4 something such as a percentage, we could do that.

5

6 **CHAIRMAN GUYAS:** Okay. Let's go to Kevin first, before we go
7 down that road.

8

9 **MR. ANSON:** Thank you, Madam Chair. Andy, I didn't recall -- I
10 think Dr. Frazer brought up the question that, when we get to
11 2032, do you have an idea as to what that ACL is going to be at
12 that time, relative to the commercial side?

13

14 **MR. STRELCHECK:** I guess the answer is no. We do have
15 projections, but we know that those will change. My
16 recollection, and Clay and I were just talking about it, is that
17 the ACL will be fairly comparable to where it is today, maybe
18 slightly higher, but a lot of it depends on the spawner-recruit
19 relationship.

20

21 **CHAIRMAN GUYAS:** Okay. So all think about that. It seems we
22 have two questions in front of us. Do we want to add additional
23 alternatives here, and then, at some point, we may need to
24 discuss the sub-options for these, red snapper or all grouper-
25 tilefish, whether we want to do one of those, both of those, or
26 break out the grouper-tilefish.

27

28 Again, driving back to our rationale, if we're dealing with
29 discards, we have mostly had that discussion in a red snapper
30 sense and not so much with the grouper-tilefish. We have a
31 suggestion to maybe add some alternatives with straight
32 percentages. Does anybody want to expand on that and maybe
33 offer up some suggested language to get staff started on that?
34 Dr. Frazer.

35

36 **DR. FRAZER:** I just would like maybe Leann to kind of expand on
37 your thought about percentages. I wasn't quite sure how that
38 would work.

39

40 **MS. BOSARGE:** Well, I don't know that I have thought all that
41 much about it. It was an idea that popped into my head, but, I
42 mean, I guess I would have to think about it a little bit. I
43 mean, obviously, if you're talking about a percentage of the
44 quota and not a percentage of a piece that's above a certain
45 level, that needs to be a pretty small number, and it shouldn't
46 be some astronomical figure, just a couple of percent, and then
47 it gives you a decent amount of poundage, but I don't know. I
48 mean, I guess it all depends on what we're going to end up using

1 all of this for, and do you know what I'm saying?
2

3 That kind of dictates how many pounds you really need to
4 accomplish your goal, and I just feel like we haven't fleshed
5 that part out yet, and that's why I was kind of hoping that we
6 could get into a discussion on the quota bank a little more and
7 try and figure out what we want to use that to accomplish.
8

9 Are we having this be pretty much a discard quota bank, to deal
10 with some discard issues and as a certain species range
11 increases and you're seeing it show up in your discards where
12 you didn't before, or are we wanting to use this more in like a
13 social equity type scenario, where we're trying to provide for
14 that next generation of fishermen in a way that maybe they're
15 not provided for now?
16

17 That is why I said I'm not real sure what percentages -- In my
18 mind, they would be small percentages, but I don't know how
19 small is small at this point. It depends on where you want to
20 go with it and what you want to do with it. I really think we
21 should have a working group to sit down and think about that.
22 What could we accomplish with this, what's feasible and what's
23 not, and then we can start getting into numbers.
24

25 **CHAIRMAN GUYAS:** Robin.
26

27 **MR. RIECHERS:** Well, I mean, at least based on the current
28 poundage we have here now, we're really looking at a bycatch
29 mitigation kind of notion here. We're not really looking at new
30 entrants, or at least I don't think so, unless we find, as Dale
31 suggested, other ways to add poundage.
32

33 I mean, at least framed up within this document now, I think we
34 can suggest that it's pretty much going to be dealing with the
35 bycatch notion, because I just don't think there's a lot of
36 other places that it could deal with.
37

38 Now, it could also deal with some other issues that we are going
39 to deal with later in the document, or that we've talked about
40 earlier, if you just wanted to see how some other things would
41 work, and so I'm not minimizing that there is other places that
42 this could go or be used as, but, if we're thinking new entrants
43 and/or bycatch for other commercial enterprises, it's really
44 going to lead towards bycatch, because we just don't have the
45 poundage here.
46

47 I am not against a workgroup, but I just don't think that we
48 have a lot of poundage here to deal with, Leann, and so, at

1 least from that perspective, I am a little hesitant to send a
2 workgroup off until we know more or a little bit about where
3 we're going to think about this.

4
5 I will also add and remind everyone that we've got a quota bank
6 that people are working on now and have worked with, and so the
7 only difference is that's not being pulled back by NMFS and it's
8 being allocated by shareholders and then provided in some form,
9 and I don't even know the complete business relationships there,
10 but there is some business relationship where they are doing
11 some of that now.

12
13 **CHAIRMAN GUYAS:** Ava.

14
15 **DR. LASSETER:** I can provide a little background, also. The AP
16 had met and discussed this, and one of their recommendations was
17 they requested a steering committee to address quota banks, and
18 then, when I presented these recommendations, Mara had provided
19 feedback that that would actually be an AP, and so that is also
20 always an option, that we have the AP look at some of these
21 issues with a quota bank and then the designing of a quota bank.

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

24
25 **MS. BOSARGE:** Are they scheduled to meet again yet?

26
27 **DR. LASSETER:** We don't currently -- Depending on how far along
28 we get in the document, I would be speaking with Dr. Simmons as
29 to when we're convening them, but I just remembered that
30 recommendation that they had made.

31
32 **MS. BOSARGE:** Okay.

33
34 **CHAIRMAN GUYAS:** Go ahead, Greg.

35
36 **DR. STUNZ:** I mean, I have certainly been a big champion of the
37 quota bank since we have been discussing it and other creative
38 ways to use it with the challenges of the little quota that we
39 have, but what I'm wondering is -- I am not at all opposed to
40 the workgroup, but I'm worried about how much that might slow
41 this down and if that couldn't be a future activity, or is there
42 -- I don't have an answer for this, but is there some way to
43 build into these alternatives enough room that we would have to
44 do things in the future?

45
46 For example, you deal with it now as a way to reduce discards
47 and those issues, but there is some type of future things we can
48 do, as we find ways to build this quota bank, that we're not

1 tied to just using it for discard offsets or something like
2 that.

3
4 Now, I don't know how we do that or how we build it in, but it
5 would be nice to see that the intent is that we have this
6 flexibility to be creative with quotas, but, for now, we do what
7 we can, since the quota is so limited, but I don't have a good
8 solution on how to do that.

9
10 **CHAIRMAN GUYAS:** Mara.

11
12 **MS. LEVY:** Well, I guess I'm just -- I mean, I hear what you're
13 saying about there being a limited amount, but I guess maybe I'm
14 not -- Maybe we went back to another action, but the one that we
15 were talking about, about what sort of threshold to choose about
16 what to put into the quota bank, I mean, that is where you are
17 basically deciding how much is going to be in there, and so we
18 have some that's already available, that little bit that we took
19 back in 36A, but then there's an action here that is addressing
20 how much more you would want to make available.

21
22 It's basically putting a set-aside in, and so I think you're at
23 the point now where you're thinking about how much you want to
24 put in there, and I think what I heard Leann say was that might
25 depend on what you want to use it for, right, and so they seem
26 to be related, and it seems to be addressed somewhat through
27 this action.

28
29 **CHAIRMAN GUYAS:** Leann.

30
31 **MS. BOSARGE:** I think my suggestion would be that, when we're
32 able to reconvene that group, we should have them look at this
33 again. I mean, that's a pretty diverse group, our AP is, and we
34 do have some next-generation fishermen in there and some that
35 are not even really entrants yet, and do you know what I'm
36 saying?

37
38 They're new, new entrants, I guess would be the word, and so I
39 think maybe we should reconvene that group at some point, and
40 let's try and flesh out, with all those people in the room,
41 people that are already established, people that want to become
42 more established, and people that want to become established,
43 period, that aren't established, and how should we set this up
44 to where this could work? Should it just be for discards? Can
45 we work on some perceived social inequities, and how much can we
46 give and take and shift?

47
48 **CHAIRMAN GUYAS:** Andy.

1
2 **MR. STRELCHECK:** I agree with you, Leann. I think that's a good
3 path. A couple of additional thoughts. I know the council
4 spent some time talking about allocation between sectors, and
5 one of the concerns I would have with the current alternatives
6 is, if allocation changed down the road, what impact that could
7 have as well, and so especially if there was a reduction in the
8 commercial quota, if you're reducing their quota and then also
9 redistributing more of it because of that reduction, and so I
10 think it's something that we probably need to put in the
11 amendment with regard to allocation.

12
13 With regard to if the intent is to address discards, and I know
14 we don't have necessarily great discard information, but it
15 seems like we could at least ask the Science Center, work with
16 the Science Center, to try to come up with some calculations as
17 to what those amounts would be and try to establish the quota
18 bank based on existing amounts of quota that would be needed to
19 help cover discards, and so it would get us away from a fixed
20 percentage or some amount above the previous quota levels and
21 really focus on the problem, which is trying to reduce discards
22 in the fishery.

23
24 **CHAIRMAN GUYAS:** Kevin.
25

26 **MR. ANSON:** I know this would be not a very accurate way, but
27 just to kind of give a sense as to maybe what the demand would
28 be for a quota bank, and, Andy, I think Jessica has provided
29 some information on trying to track some of those leased fish
30 and the amount of pounds that are actually leased to another
31 either account holder or, ideally, I guess, another reef fish
32 permit holder, but that might also give a sense as to maybe what
33 level or where we might need to be in order to address some of
34 these issues with access and such and some of the ways that the
35 system is built in right now and some of the costs that are put
36 upon fishermen.

37
38 I wonder if maybe we can revisit that, and, Ava, you might --
39 Again, it might be in that presentation that Jessica provided a
40 couple of meetings ago, but that might be also -- It would kind
41 of set some bounds as to what we might be looking at in terms of
42 a target.

43
44 **CHAIRMAN GUYAS:** Andy, go ahead.
45

46 **MR. STRELCHECK:** In response, we can look at it. My
47 recollection is the amount of allocation that was transferred in
48 especially the early years of the program exceeded the quota,

1 because oftentimes allocation was moved multiple times, and, the
2 way the program works, we're not able to track individual
3 allocation from the initial transfer to wherever the final
4 transfer occurs, if it is transferred multiple times.
5

6 There was also challenges with account holders having multiple
7 accounts and transferring allocation back and forth amongst
8 accounts, and we probably can address that, but it's something
9 we can look into in more detail to see if there's something we
10 can provide the council.
11

12 **CHAIRMAN GUYAS:** Leann.
13

14 **MS. BOSARGE:** Maybe another way to back into that figure is to
15 look at the pounds landed by individuals that have no ownership.
16 Then you know they had to lease those fish, right, and, you
17 know, you could get into a lot of different details. You could
18 take it further and say -- Or they have minimal ownership, but
19 at least that would be a starting point, if they have no
20 ownership, and that would kind of be like a baseline of leasing
21 by fishermen that are actively fishing, and do you know what I'm
22 saying?
23

24 **CHAIRMAN GUYAS:** Andy.
25

26 **MR. STRELCHECK:** Once again, I guess I would just caveat that
27 that there's just a tremendous amount of nuances with this
28 program, and, for example, I am aware of dealers that hold the
29 shares and allocation, and they lease it to vessels that have no
30 ownership related to that dealer, and so you often will then see
31 them as independent from the dealer, when, in reality, there is
32 a business relationship that has been formed, and so it might
33 overstate some of the leasing needs that are occurring in the
34 fishery.
35

36 **CHAIRMAN GUYAS:** Okay. Ava, we've given you a lot to chew on,
37 at least, and not in any motions, but is there anything else
38 that we need to cover here? I don't think you're seeing actual
39 alternative suggestions here, but --
40

41 **DR. LASSETER:** I hope it's kind of been conveyed how staff was
42 really struggling in presenting -- I mean, there are so many
43 things to think about, and what we're struggling with is just
44 knowing -- It would just help if we could really focus on what
45 is it that we're trying to do, and I think I'm getting some
46 points there, and so that's really helping, but maybe, as I
47 carry on with the rest of the sub-actions, we'll have additional
48 issues that will come up.

1
2 If we move on to the Sub-Action 3.2, that starts in the middle
3 of page 32, and so now we've kind of lost the structure of
4 actions and alternatives, because there is just -- There could
5 be an infinite number of ways to approach this, and so we're
6 hoping that we could get some feedback to narrow this down and
7 allow staff to craft some initial alternatives.
8

9 3.2 would address the eligible recipients of allocation from the
10 quota bank, and there is going to be additional questions as a
11 result of this, and some of these questions may drive how you
12 want to define eligible recipients, and so the next questions
13 would be how much quota would be provided to each type of
14 recipient, would the quota be distributed, multiple mechanisms,
15 and is there a limitation on how many years that these eligible
16 recipients would be eligible for getting quota? Like is this
17 just something to help short-term ownership, until people build
18 up in the fishery, et cetera?
19

20 From your motion pertaining to the quota bank, you had
21 identified three potential eligible groups of recipients, and
22 they were small participants, new entrants, and, again, when
23 we're talking new entrants here, we're talking about replacement
24 fishermen. We're talking about the next generation of
25 fishermen, and then, finally, those who need allocation to
26 address discards.
27

28 There are so many ways that we could approach each one of these.
29 The next section of the document talks about the council,
30 several years ago, in 2011, detailed a finance program, and this
31 program has never come about, but you had some deliberation on
32 defining what an entry-level fisherman was and fishermen who
33 fish from small vessels, and so we could call that small
34 participants, if you would like, although there is other ways to
35 define small participants.
36

37 You defined them in terms of they had purchased, previously
38 held, or hold shares in the respective program in excess of a
39 percentage of shares that provides a certain amount of
40 allocation, and it's a little similar to the small vessels as
41 well, with a vessel size restriction on there.
42

43 Then if you look, beginning on page 34, we have laid out some
44 potential characteristics of these small participants and new
45 entrants. Most of this is taken from 36A. Again, this was
46 moved from 36A into this 36B, and we have separated them out
47 into those who would be shareholders and those would be small
48 participants or new entrants who do not have shares, and that's

1 just one way to look at maybe who you are wanting to define.
2

3 These are more approaches, all of which would need further
4 defining and operationalizing for how we would identify them
5 within the program, and, the approaches that we are providing to
6 get some guidance, perhaps some of these resonate with you as to
7 what you're thinking of when you think of a new entrant,
8 replacement fisherman, or a small participant, and if we could
9 get some kind of direction for some of these, some of these that
10 you feel are essential characteristics, we could start to
11 operationalize them and put them into alternatives. I will
12 pause there for comment.

13
14 **CHAIRMAN GUYAS:** Dale.
15

16 **MR. DIAZ:** I am just speaking for myself, but the size of the
17 vessel, to me, doesn't -- It's not important, and so I don't --
18 Just speaking for myself, I don't like that. When I think of a
19 small participant, it goes on their landings, is the way I think
20 about it, and so, anyway, I just wanted to put that, and I'm not
21 sure if that's the kind of input you're wanting, but, when I
22 read through it, that just doesn't -- That doesn't make a lot of
23 sense to me. Thank you.

24
25 **CHAIRMAN GUYAS:** Go ahead, Ava.
26

27 **DR. LASSETER:** Great, and so what I hear from there is one of
28 those potential characteristics was to be eligible to
29 participate in the finance program as fishermen who fish from
30 small vessels, and I have put an X through that, and so I get
31 that that doesn't resonate with you, but perhaps there is other
32 characteristics that do.

33
34 **CHAIRMAN GUYAS:** Leann.
35

36 **MS. BOSARGE:** I was just going to echo what Dale said.
37

38 **CHAIRMAN GUYAS:** Okay. Are there other thoughts on this list?
39 I guess one observation that I had was, if we are defining these
40 people by having landed red snapper or these other species in
41 the past, we're probably missing the people that are just
42 interacting with them and discarding them. I don't know how you
43 deal with that problem, but I think it's a real one.

44
45 **DR. LASSETER:** Okay, and we struggled the most with that group,
46 and so, on page 35, there's really just a paragraph there. One,
47 we're just assuming that discards did mean red snapper, because
48 that wasn't in the original motion, but that seems to be the

1 obvious assumption, but how we're going to define that universe,
2 and I would assume it might be those, more likely, in the
3 eastern Gulf, but then are you going to have an issue with
4 accessing allocation in the western Gulf? There's a lot of
5 things to consider here.
6

7 **CHAIRMAN GUYAS:** Other thoughts on this? I am not hearing much,
8 and so maybe we want to move to 3.3?
9

10 **DR. LASSETER:** Great, and so you can see how these are kind of
11 building on each other, but I will come back to that -- It may
12 have been Andy who pointed out that the amount of quota you may
13 want to be putting in in the previous sub-action might be
14 dictated by these later decisions as well, and so all of this
15 will eventually be some kind of an iterative process, where
16 maybe when you start to refine one section and what it is you're
17 wanting to look at, that might inform staff to help us design
18 alternatives that might be supportive of that in the other
19 direction.
20

21 If we could get some more guidance on these small participants
22 and new entrants, the next decision, as we have it laid out,
23 would be the amount of allocation available to the people that
24 you define as the eligible recipients, and so, of course, those
25 alternatives will be shaped once we know -- They will come out
26 of how we understand small participants and new entrants and
27 potentially addressing these discards.
28

29 That would be the 3.3. We're really kind of stuck until we get
30 a little bit more feedback on how eligible participants are
31 defined, leading in then to Action 3.4. It would be actually
32 distributing that allocation from the quota bank to these
33 eligible recipients, and there is a series of points here.
34

35 You could be distributing the allocation for each share category
36 just equally among all the people that you determine as eligible
37 recipients, and you might want to weight the distribution of
38 allocation according to some measure of fishing activity, and
39 that's going to be quite an extensive range of alternatives
40 there to consider as well, but you may want to consider those
41 who are demonstrating more activity or might be -- Would be
42 eligible to receive more quota.
43

44 Another motion that you had passed was to consider an adaptive
45 management redistribution method based on cyclical
46 redistribution, this idea coming from what you were exploring in
47 Amendment 41, the allocation-based management program for
48 charter vessels, the idea being that moving quota through the

1 quota bank would depend on ongoing fishing participation, and
2 you would distribute the annual allocation based on some
3 cyclical measurement of changing participation.

4
5 Distributing the allocation by lottery, you could do some other
6 kind of either random distribution, but I would expect, I would
7 guess, that you might have more people wanting allocation,
8 needing allocation, than you might have in your quota bank, and
9 so that's why these will need to kind of play together,
10 depending on how much quota you have available and how much
11 demand there is and how much quota would you provide available
12 and how would you do that. I will pause there.

13
14 **CHAIRMAN GUYAS:** Dale.

15
16 **MR. DIAZ:** Are there any fees associated with quota that's
17 distributed to people that would receive quota from the quota
18 bank? I am thinking the answer is no there, but I'm not
19 positive, and that's why I'm asking.

20
21 **DR. LASSETER:** We have not explored that option either. You did
22 have a discussion paper that was presented on the use of
23 auctions, and you did receive a determination that you could
24 auction quota. Now, that seems -- I wasn't sure if that was
25 part of the quota bank or not, and I did ask if we should be
26 including that in the amendment, and we did not at this time.
27 We were not directed to at this time, but that might be a way --
28 Currently, there is not, but there is the potential that there
29 could be.

30
31 If you're referring to the 3 percent, perhaps, that is something
32 that we're wanting to discuss further at the IPT level. We're
33 trying to like look around at what other councils may be doing,
34 but there is language in Magnuson that does specify what that
35 must be based on, the maximum amount, and when it must be
36 collected, and so we're not really -- We're still discussing if
37 there is any mechanism in that to move that 3 percent to a
38 different time or not.

39
40 **MR. DIAZ:** Depending on what we try to do with this quota bank,
41 I don't know that auction strikes me as a good way to do it,
42 because, with new entrants, there is a chance that they might
43 not have a lot of resources, and that's one reason they're a new
44 entrant. They're a poor person trying to get into the fishery,
45 and so, if we do auctions, the people with the most money is
46 going to always get the fish, and I don't know that we help new
47 entrants that way. Part of me likes the concept of auctions,
48 but, if we're trying to do new entrants, I don't think -- For

1 some other purposes, it might be okay, and so thanks.
2

3 **CHAIRMAN GUYAS:** Leann.
4

5 **MS. BOSARGE:** Just looking at those bullets that are on the
6 board, that last one, distributing the allocation by lottery,
7 and I'm just thinking of this, and it's a business, right, and
8 you kind of have to plan for the future. You have to know
9 what's coming, and you need stability. A lottery, I'm just not
10 sure how advantageous that's going to be for a business
11 enterprise.
12

13 **CHAIRMAN GUYAS:** Robin.
14

15 **MR. RIECHERS:** Well, to both of those comments, and I
16 understand, just on the face of it, both of those comments are
17 true, but one could set up eligibility requirements that would
18 get you into a lottery or would get you into an auction where
19 thereby you have already met certain qualifications, and whether
20 it's those business requirements you were talking about, Leann,
21 and you're prepared to meet those if you got some quota, if it
22 were a lottery, or you're prepared to come into the auction and
23 hopefully meet certain requirements, so that you would be
24 prepared, if you did end up purchasing that.
25

26 Now, again, I understand your point about that may deter some
27 new entrants, as opposed to some others who were ready, and it's
28 all about how you want to structure it. It's kind of going back
29 to some of Greg's points about there may be some ways we
30 structure infrastructure items in this whole document that may
31 not deal with this current situation right now as we're seeing
32 it, but we could be forward-thinking a little bit in how we may
33 want it to look with some other options available to us. That's
34 just a thought.
35

36 **CHAIRMAN GUYAS:** Are there other thoughts on this? Andy, go
37 ahead.
38

39 **MR. STRELCHECK:** Ava, I think, was alluding to this as well, and
40 one of the challenges here would be what's the size of the quota
41 bank and then how many applicants do you get for the quota bank,
42 because it could be not meaningful to distribute a very small
43 amount of allocation to a large number of applicants, and, right
44 now, I just don't have a sense of what the demand is and how
45 many people could qualify, because we haven't defined that, and
46 then how big the quota bank would be.
47

48 I think that would be something you would want to think about,

1 or we would want to think about, going forward, just kind of is
2 there sort of minimum thresholds that would make the quota bank
3 viable as well as is the distribution of that allocation
4 meaningful for participants.
5

6 **CHAIRMAN GUYAS:** Yes, and that brings up something else that
7 I've kind of been thinking about with this. At least looking at
8 this list, with the exception of -- Well, even the lottery one,
9 I suppose, but, the way I read these bullets, as long as you're
10 an eligible recipient, you're essentially in the pool.
11

12 I am wondering if we need to consider some kind of options where
13 people step forward and they apply to be in the quota bank or
14 whatever to be eligible for the quota, and I don't know if we
15 would need to lay that out in actions, and not necessarily in an
16 auction system, but just I assume how the Shareholders Alliance
17 quota bank works, where you say, hey, I need some quota, and
18 then you move forward from there, rather than working with a
19 potentially large pool of people right off the bat that may or
20 may not really need that quota.
21

22 **MS. BOSARGE:** I think what you're saying is, okay, we put in
23 requirements for eligibility.
24

25 **CHAIRMAN GUYAS:** Correct.
26

27 **MS. BOSARGE:** But what she's saying is everybody that is
28 eligible may not actually want it, right, and you're going to
29 have to apply and show us -- So you're eligible and you meet the
30 requirements, right, and it's like you might -- It's like
31 college. Think about college. You've got to have a certain
32 minimum ACT. Just because you took the ACT and you made that
33 score, it doesn't mean you're going to go to college. You might
34 choose to do something else. You have to apply to go to the
35 college, right?
36

37 I think that's what Martha is saying. They meet the
38 eligibility, and then there is maybe an application that they
39 fill out, and that is saying, yes, and, by the way, I'm
40 interested and I want to be part of it. Is that what you're
41 kind of saying?
42

43 **CHAIRMAN GUYAS:** Yes, and, I mean, if there's a fee associated
44 with this, then obviously you have to do that, because,
45 otherwise, we would just be basically making people pay for
46 something that they may or may not want, I would think, but I'm
47 just trying to think about this list and if everything that we
48 need is on there, and maybe we need to think about that kind of

1 situation as well. Go ahead, Ava.
2

3 **DR. LASSETER:** I think most definitely. However you define the
4 people that would then be eligible, unless there was some kind
5 of a cost, I can't imagine why people would not, if they
6 qualified for eligible, engage in the application process if it
7 is otherwise free, and so that's why kind of the lottery idea
8 was just thrown out there, as you may have to have some random
9 way to decide if your demand is much greater than your quota
10 pool, but I think what I'm hearing here is there is a lot of
11 issues here, and we're struggling with them as well, as how many
12 decisions to make and how to make all of this work. For us, it
13 really comes down to starting to narrow down who might be
14 eligible recipients, and that's kind of a core thing that will
15 drive a lot of these other sub-actions and decisions.
16

17 **CHAIRMAN GUYAS:** Okay, and so, looking ahead, I think this is
18 our last action, or sub-action, dealing with the quota bank, and
19 so I would say, if you have other thoughts on the quota bank,
20 now would be the time. Otherwise, we're going to shift gears.
21 Okay. Let's go to Action 4, or did you have something else that
22 you needed to say?
23

24 **DR. LASSETER:** I will just say that I didn't really hear a whole
25 lot to help us develop this action more, and I just really want
26 to make that clear, that staff worked to put this together, but
27 we are going to need some direction as for how to refine this
28 into -- So that we can provide you with actions and
29 alternatives, but we can come back to that, I'm sure, and let me
30 go through the final action of the document, just so we can
31 think about something else for a moment.
32

33 The final action is Action 4, and that starts at the top of page
34 36. This action pertains to the accuracy of estimated weights
35 and advanced landing notifications. This action came about from
36 the Law Enforcement Technical Committee that made a
37 recommendation to the council, and the council recommended that
38 this action be added to this document.
39

40 Currently, Alternative 1 would not change the current reporting
41 requirements. When a vessel carrying IFQ-managed species is
42 going to land, they must provide an advanced landing
43 notification. Part of that notification includes an estimation
44 of how much poundage they are carrying for each of the share
45 categories, and, currently, when you land, then the actual
46 weights are determined, and the actual poundage is deducted from
47 the accounts, the allocation accounts, but there is not a
48 requirement that that estimated poundage be within a certain

1 amount of the veracity of what is actually landed.
2

3 My understanding is that, for the most part, people are very
4 close to what is actually landed, but Alternative 2 would
5 specify -- The actual alternative specifies that the estimated
6 weight reported on those advance landing indications be within a
7 percentage of the actual landed weight per share category.
8

9 Alternative 2 would require that to be within 10 percent, and
10 Alternative 3 is 20 percent, and, of course, 10 percent above
11 and 10 percent below and 20 percent above and 20 percent below,
12 but it would be a percentage range.
13

14 We are throwing this number out there. We do not have law
15 enforcement feedback on whether they feel that these are
16 appropriate or not. They are meeting in October, and we could
17 do so at that time.
18

19 The options pertain to a minimum amount of pounds, like a
20 threshold of pounds, above which that percentage would apply,
21 because, if you're less than -- If you have fifty pounds and you
22 said, well, you actually had -- You thought you actually had
23 thirty pounds, and 10 percent could be a very small amount of
24 fish. It could be even a matter of an individual fish for a
25 small weight of fish, and so you might want to have a threshold,
26 a minimum threshold, of a weight above which this percent
27 accuracy would apply, and so we've also thrown two minimum
28 weights out there to you, being 100 pounds and 500 pounds. I
29 will pause there for discussion.
30

31 **CHAIRMAN GUYAS:** Patrick and then Kevin.
32

33 **MR. BANKS:** I am trying to figure out what the problem with this
34 is, really. If somebody calls in and says that I'm going to
35 land 1,000 pounds of snapper, and then they get to the dock and
36 they have 2,000 pounds of snapper, is the landings calculated --
37 Are management decisions being made so quickly between the time
38 of that pre-report and the official report that we have to make
39 sure they're that accurate? I mean, what is -- Can somebody
40 explain to me what the problem is there?
41

42 **CHAIRMAN GUYAS:** Robin and then Ava.
43

44 **MR. RIECHERS:** Patrick, I think, at the Law Enforcement
45 Committee, and I know some of this stemmed from some goings on
46 in Texas, and we certainly have an enforcement officer here who
47 can help speak to it as well, if you would like to bring him to
48 the mic, but I think the issue was the reportings were coming in

1 significantly lower than what the poundage ended up being, and
2 so that lends itself, unless checked by a warden, and we know
3 that every landing is not going to be checked by a warden, it
4 lends itself to the possibility of some abuse, and I believe
5 we've even made some cases with that going on.
6

7 It's just a notion of we believe people can be more accurate,
8 and you said either above or below, and I think the real issue
9 is if you're estimating below, but we think people can probably
10 be more accurate, and even we require them to be more accurate
11 on their last trip, because I think we have a within 10 percent
12 requirement on our last trip, and so I think that's what it's
13 getting at, Patrick, and whether or not the poundage here is
14 exactly where it needs to be or whether other states are seeing
15 that, I don't completely know, but, again, if you want someone
16 to come to the mic, we can also have someone discuss it from a
17 law enforcement perspective, and it's also supposed to go back
18 to LE at some point, isn't it, or the LEAP Committee?
19

20 **DR. LASSETER:** That would be the October meeting with the Gulf
21 States Commission.
22

23 **CHAIRMAN GUYAS:** Kevin, and I'll come back to you.
24

25 **MR. ANSON:** I'm wondering where this would fall in as far as any
26 legal action. How would the agency process this, and what would
27 be the fines associated with this type of violation? Is that
28 something that would have to be established?
29

30 **CHAIRMAN GUYAS:** Andy or Mara, can you answer that, or anybody
31 at the NMFS table?
32

33 **MS. LEVY:** I can't answer it. I mean, I don't know if it's
34 currently contemplated in the penalty schedule. I don't have
35 the penalty schedule here. We could certainly ask, but, I
36 mean, I guess, to me, it would fall under some sort of reporting
37 violation, presumably, but I really don't want to speak to it
38 too much, because I'm not involved in that area a lot.
39

40 **CHAIRMAN GUYAS:** To that point, Kevin?
41

42 **MR. ANSON:** Under the standard reporting violation, there is
43 just a fine that's associated with that and no penalty
44 associated with the permit or the ability to land fish? Is that
45 correct?
46

47 **MS. LEVY:** I would have to check with the enforcement attorneys
48 to see what the standard process is for reporting violations,

1 and I don't know if it gets worse the more you have or how that
2 works, but I can certainly check.

3

4 **CHAIRMAN GUYAS:** Let me go to Patrick.

5

6 **MR. BANKS:** Going back to my original question, and I appreciate
7 the explanation by Robin, but -- I can understand that issue,
8 but the true issue is whether the final report is correct or
9 not, and so who really gives a damn about the estimated report?
10 I mean, are we making a decision to close a season between the
11 time that estimated report comes in and to when we get a final
12 report?

13

14 It's the final report that I can understand that we need to bust
15 somebody if they're way underreporting or way overreporting or
16 whatever, but this estimated weights in the advance landing
17 notification, I just don't understand. If somebody misreports
18 that, have we made a management decision between that and when
19 the final landings come in? If we don't, then what is the
20 difference?

21

22 **CHAIRMAN GUYAS:** Let me go to Leann and then --

23

24 **MS. BOSARGE:** Then, to further complicate matters, you have to
25 give your time that you're going to be at the dock and your
26 estimation three hours in advance, and that is a courtesy to law
27 enforcement, to let them get to the dock, to give them time to
28 get there, and you've got three more hours to fish, and so now
29 you're estimating anyway. Do you see what I'm saying?

30

31 You've got to tell them what you think you might catch in the
32 next three hours, and then we're going to penalize them for
33 being off, not to mention that you're on a boat, and there is a
34 couple of people on the boat. For the captain to have an
35 accurate estimate when you're starting to catch 5,000 or 10,000
36 pounds, he's going to have to be there to watch every single
37 fish that goes in the box. Do you see what I'm saying?

38

39 You are usually estimating, a lot of times, and some boats have
40 scales and stuff, but, like in the shrimp industry, we estimate
41 based on the average pound of the sack. Well, that depends on
42 how full that deckhand fills his basket, right? Some deckhands
43 are going to have a seventy-five-pound sack, and some of them
44 are going to have a fifty-pound sack, depending on whether they
45 crown the basket over or not.

46

47 I mean, I just can't imagine getting quite this detailed. They
48 already hail-out, and they already hail-in. They give an

1 estimate, and they have to have the pounds in the account, and I
2 don't see where this is an issue with some sort of overfishing
3 or anything like that.

4
5 If there's a few bad apples somewhere that we're worried about
6 that are saying they have 1,000 and law enforcement maybe has
7 some unwritten rule that if it's just 1,000 pounds that we're
8 not going to go check it, I don't know, and it's really 2,000,
9 then we need to target maybe those individuals, but I don't see
10 putting this blanket across the entire industry.

11
12 **CHAIRMAN GUYAS:** I'm going to go to Andy and then John, and then
13 we have law enforcement here from Texas Parks and Wildlife, and
14 I don't want to put you on the spot, but if one of you gentlemen
15 want to come to the mic and we can have you speak on this issue
16 after John goes. Go ahead, Andy.

17
18 **MR. STRELCHECK:** You took my thunder away. Yes, and so we've
19 spoken to NOAA Law Enforcement about this, and I think it would
20 be helpful for them to come up and speak to this issue as well,
21 because I don't think there is support, at least from NOAA Law
22 Enforcement.

23
24 Just quickly, in response to Patrick's comment, no, we're not
25 making any decisions on what is provided in a landing
26 notification. Their quota allocation and what we deduct out of
27 their account is what is reported by the dealer and ultimately
28 subtracted from their quota allocation that they maintain
29 throughout the year, and so if I could have someone from NOAA
30 Law Enforcement come up and speak.

31
32 **MR. MATT ROBERTSON:** Good morning. I am Special Agent Matt
33 Robertson with NOAA OLE here in Corpus Christi. I can
34 definitely -- As far as this Action 4, it's a general consensus
35 within OLE that the requirement to include a weight estimate
36 during landing notification of IFQ species was not intended to
37 expose the fishermen to violations based on accuracy of their
38 estimation.

39
40 It was intended to provide all parties involved with an
41 estimate, by definition of approximate calculation or judgment.
42 OLE is not of the opinion that regulations requiring a certain
43 level of accuracy would provide an increased level of compliance
44 to current regulations and does not support a change to
45 reporting requirements regarding estimated weight of IFQ
46 species. Currently, OLE has no reason to believe that a
47 fisherman's accuracy in weight estimations have correlation to
48 noncompliance of other regulations that are governing the

1 landing process.
2

3 **CHAIRMAN GUYAS:** All right. Thanks. John, do you want to
4 weigh-in on this still, or any other questions for NOAA Office
5 of Law Enforcement, first? Everybody is good? Okay. Thank
6 you.
7

8 **MR. SANCHEZ:** No, Leann said what I wanted to say, that either
9 you have the fish in your account or you don't, and so, when
10 you're hailing-in, I don't see the --
11

12 **CHAIRMAN GUYAS:** Robin and then Dale.
13

14 **MR. RIECHERS:** Well, and I hear what people are saying.
15 Certainly, on the backend, if you have the allocation, then you
16 can rectify your situation, but that's only if either you're
17 totally being honest, number one, and/or, number two, you
18 weren't intending to be honest, but the warden is setting there
19 waiting on you.
20

21 I appreciate the three-hour notification and that we have plenty
22 of other regulations, but we're all setting around this table
23 kidding ourselves if you think that every three-hour
24 notification gets checked, because that just doesn't happen, and
25 so there's only a subset of those allocations that are going to
26 get checked, and so there's a chance for some abuse here.
27

28 I'm going to ask Les to come up as well from the state side,
29 because, again, we do a lot of our management with state
30 enforcement, both here and across the Gulf, and at least let him
31 speak to the situation, and then we'll see where this goes.
32 Again, this is a beginning document, and there's certainly no
33 need to suggest we pull something out now, and it's a simple
34 alternative at this point. It could be maybe done better or in
35 a different way, but at least at this point we were getting that
36 concern out here into an alternative. Les, if you will.
37

38 **LT. LES CASTERLINE:** Thank you, Robin. I appreciate you all
39 allowing me to speak. I'm Les Casterline, Lieutenant of
40 Fisheries Enforcement for the Texas Parks and Wildlife
41 Department. In dealing with this subject, one of the main
42 things that I would bring up to you is what Robin actually
43 already spoke about, is, when these fish are coming in, what I'm
44 hearing a lot of is the thought is that it's being reconciled by
45 the dealer when it's being landed and then it's being right.
46

47 What we have found in some cases in the past are the fish that
48 maybe do not make it to the dealer, where the fisherman is

1 actually acting on behalf of the dealer and delivering his own
2 fish to the dealer. Fish don't make it all the way to the
3 dealer that were landed, that were in excess of what they
4 landed, and, as he spoke about earlier, due to manpower in
5 certain areas, there are times where we don't have 100 percent
6 of the vessels that are checked at the dock.

7
8 Even the vessels that are checked at the dock, if they're
9 allowed to actually adjust the weight, that can be done while
10 you're standing there. If you weren't there and you had a
11 vessel that came in and declared 500 pounds, but they really had
12 1,000, the question is, if the game warden was not there, would
13 that other 500 pounds have been calculated.

14
15 I can tell you that we had a case in the last few years where we
16 had a vessel that did that exact same scenario. He unloaded his
17 own fish and utilized a copy of the license for the dealer he
18 was unloading to. Throughout over about a year's time, it was
19 found that there was over 14,000 pounds of fish that were not
20 deducted from the quota that that vessel was selling not through
21 the actual dealer himself.

22
23 There are circumstances where we do have issues where we have
24 somebody that is not honest, and I do agree that a large portion
25 of our fishermen are honest folks, and they're going to make
26 that change, but we do have the select few that we do have
27 issues with in that respect, and the other thing is, for you all
28 that do not realize how we respond to these vessels, that three-
29 hour notification is vital. That's what we utilize to respond
30 to these landings.

31
32 We get a three-hour notification in, and it could be in the
33 middle of the night. Of course, they cannot unload until six in
34 the morning, and so that means you have to make the decision,
35 depending on your manpower, are you going to go sit on the boat
36 starting at two o'clock in the morning when it actually makes
37 its landing or are you going to show up there for the offload,
38 and you've got more than just a few hours that you're actually
39 sitting there, depending on the issues that you have with a
40 certain vessel.

41
42 The accuracy in this program allows us to better target our
43 enforcement by the mechanisms that went into it. The email will
44 actually identify if there is sufficient allocation, if they
45 over-drafted from another account. If you have a drastic
46 underreporting of what that actual landing is going to be, none
47 of those mechanisms will work.

48

1 If they show 500 pounds, and they have 500 pounds, but they
2 unload 1,000, none of those mechanisms are going to trigger that
3 there could possibly be a violation, and, in those situations
4 where those occur, it's very highly likely that, if there is one
5 of those notifications that is triggered, there will be an
6 officer show up to the dock.

7
8 Depending on manpower, if they do have sufficient allocation,
9 although we do make it to most landings, it's not going to be
10 100 percent, and so that's a vulnerability to the system, to
11 where basically the three-hour notification -- If there is no
12 requirement for that information to be accurate, then you almost
13 have to assume that the byproducts or alerts -- You have to
14 question their accuracy as well.

15
16 **CHAIRMAN GUYAS:** All right. Thanks for that information. Are
17 there other questions? Dale.

18
19 **MR. DIAZ:** I was just going to ask if Mr. Atran -- You know, our
20 Law Enforcement Technical Committee asked for this, and I like
21 to take things serious when they ask for stuff, but if we could
22 maybe get Mr. Atran to give us some idea of how that meeting
23 went and give us a little summary of the discussions, if that
24 would be okay.

25
26 **CHAIRMAN GUYAS:** Before we do that, I just want to make sure
27 there is no questions for this gentleman here. Yes, Patrick.

28
29 **MR. BANKS:** So the estimated weight is going to be the advanced
30 landing notification. What you're -- I think what I was hearing
31 you say is that it helps you corroborate the final dealer report
32 and whether the final dealer report of the landings is truly
33 what the fisherman caught or not, and is that what I'm hearing,
34 because I look at it as the landings, the official landings or
35 whatever, comes in on the dealer report. That's what we need to
36 be checking for accuracy, but I think what I heard is this
37 estimated advanced landing notification helps you corroborate
38 those final landings, and is that right?

39
40 **LT. CASTERLINE:** In part, but, also, I would suggest that you're
41 also looking at the amount of landings that the vessel is
42 declaring, because your assumption is that all of that fish is
43 going to go to that dealer.

44
45 In instances, we have had high volumes of fish that the actual
46 vessel is bringing in in addition to what he has sold to a
47 dealer and selling it to another party, and the fish do not make
48 it into the system, and so you have the dealer may or may not

1 have actually received the fish from the vessel.
2

3 **MR. BANKS:** Is the party that they sell the other fish to not a
4 dealer or --
5

6 **LT. CASTERLINE:** Correct, in some cases.
7

8 **MR. BANKS:** So they're purchasing fish without any kind of
9 dealer license or anything?
10

11 **LT. CASTERLINE:** Correct, in some cases.
12

13 **CHAIRMAN GUYAS:** Tom.
14

15 **DR. FRAZER:** Thank you, and so you've provided an example of one
16 case where there was 14,000 pounds or something that went
17 unaccounted for, but I guess I'm trying to get a better feel for
18 the extent of the problem, more generally.
19

20 **LT. CASTERLINE:** I can tell you that we do run into a few of the
21 landings where there is a considerable amount of difference,
22 but, just in general overall, the ability for us to provide law
23 enforcement to this effort, it would be more effective for us to
24 target these enforcement efforts towards, putting time towards
25 this, if we knew an accurate amount of the fish.
26

27 As far as the exact number of how many times it has occurred in
28 Texas, I don't have that with me today. I can give you the
29 example that I gave you earlier, and I can also help answer the
30 question that was given to me, because we actually had, in two
31 instances within that 14,000 pounds, where we had covert
32 officers that were actually the purchasers of that fish, and so
33 we can assure that those two purchases were done by non-
34 legitimate dealers.
35

36 The other thing that I would ask you all to look at, as far as
37 the manpower, is future funding that is used to increase the
38 amount of patrols that we have. We receive funding from NOAA.
39 After this year, it's undetermined whether we're actually going
40 to have the CEP funding, the Cooperative Enforcement Program,
41 after August of next year, and so, as resources are available or
42 shorter, we have to be better at targeting our approaches to
43 inspections of vessels at-sea and at dockside.
44

45 This mechanism that we have with the three-hour notification
46 allows us to do that and determine which inspections it's highly
47 likely that we need to be present at and identify if there are
48 some overages as far as overdrafts or within that program.

1
2 **CHAIRMAN GUYAS:** Okay. Go ahead, Andy.

3
4 **MR. STRELCHECK:** This is where I'm struggling to understand how
5 this helps law enforcement. It is a notification system, three
6 hours, to let you know when a vessel is landing. You guys are
7 making decisions as to whether you're going to go inspect that
8 or not, based on manpower and resources, and it is done, I will
9 say, fairly randomly.

10
11 There might be some targeted enforcement though, based on what
12 you know about a particular vessel. At the end of the day
13 though, if you have a person that wants to violate the law, how
14 does this deter them from violating -- It's going to be another
15 deterrent, but it doesn't necessarily mean that it will be a
16 deterrent.

17
18 **LT. CASTERLINE:** I believe that the amount of inspections we do
19 conduct, if there is a percentage of accuracy to those landings,
20 although you are going to have some folks that will violate the
21 law, by doing that, you will at least tighten that number of
22 overages that may occur, in the event that you're not there and
23 that they wouldn't record, and it would give us the ability to
24 conserve the resource.

25
26 **MR. STRELCHECK:** Then a follow-up question. How often do you
27 encounter fishermen overreporting their landing estimate?

28
29 **LT. CASTERLINE:** I would have to pull the statistics, sir.

30
31 **MR. STRELCHECK:** Okay.

32
33 **CHAIRMAN GUYAS:** All right. Thank you for coming up here and
34 answering questions. We really appreciate it. Steven Atran, I
35 think Dale had requested some info from the LEAP meeting. Are
36 you able to comment on that real quick?

37
38 **MR. ATRAN:** Yes, Madam Chairman, and I actually have the LETC
39 report open right now. There were actually two times when the
40 LETC brought this up as an issue. The first time was in October
41 of 2013, in which some committee members reported that, under
42 the hail-in requirements, they had reports that some fishermen
43 were underreporting their catches.

44
45 Now, at that point, the reason given was because, if they're
46 going to make a mistake, they would rather err on the side of
47 underreporting than overreporting, because correcting an
48 overreport involved more paperwork. The question though was

1 that, when officers were present to observe the vessel being
2 offloaded, corrections were made at that time, but there was
3 some question whether or not the corrections would be made in
4 the absence of enforcement. Back in 2013, the LEAP had
5 suggested that NMFS have an auditor investigate this, and I
6 don't know if anything came of that.

7
8 The next time they brought this up was at their last meeting,
9 which was in March of this year. Again, they brought this up,
10 one specific instance of a boat that had hailed-in with an
11 estimate of 500 pounds of red snapper, but, at the dock, it
12 unloaded 1,100 pounds.

13
14 The officer was there to observe the unloading, but there was
15 concern that, in a situation like that, the underreported catch
16 might either go unreported or reported and sold as a different
17 species, such as vermilion snapper.

18
19 One of the committee members also had indicated that they felt
20 that some of the fishermen weren't taking this reporting
21 requirement seriously. They had to report a number, and so they
22 would just throw out any number and that would satisfy their
23 requirement.

24
25 They discussed some of the issues that Ava brought up about, if
26 there is a small amount being landed and a percentage
27 requirement, it could be more difficult to be accurate within
28 the percentage. Also, if you have new fishermen, it may be more
29 difficult for them to make a correct estimate, and so what was
30 suggested then is that NMFS can match every landing notification
31 by the fisherman with the landings transaction by the dealer to
32 see if there is any discrepancies and at least find out if there
33 is a -- How much of a problem we have here.

34
35 The only other thing they mentioned was, because of the three-
36 hour hail-in requirement, some vessels that are just making day
37 trips may have to both hail-out and hail-in as they are leaving
38 the dock, and so they may have to make an estimate before they
39 even caught any fish.

40
41 They did pass a motion in March. The LETC recommends that the
42 Gulf Council entertain discussion regarding the accuracy of
43 reporting estimates in the advance notification of landing of
44 the red snapper IFQ program, due to an increased observance of
45 underreporting, and I think that's what you're doing right now.
46 Thank you.

47
48 **CHAIRMAN GUYAS:** All right. I'm going to recognize Kevin, and

1 then we have got to go to lunch.
2

3 **MR. ANSON:** I will try to be brief, and so a couple of points.
4 It's a little surprising that we're actually having this
5 conversation, I guess, and I will follow-up with Leann's
6 comments and respond to those. You know, the IFQ program was
7 all built on accountability and being accurate, and I just find
8 it hard trying to recall other instances -- We have seen on
9 television shows about commercial fishing related to the red
10 snapper IFQ that the customer places an order and there is IFQ
11 available. The fisherman goes out and catches those 500 or
12 1,000 pounds and brings them back and sells them to fill the
13 order.

14
15 I would suspect that there probably isn't a lot of -- They don't
16 want to short the customer, and so they're going to at least
17 provide those pounds, and I don't suspect there's going to be
18 much above that order when they bring them in, relative, and so
19 I think having a range in there of 10 or 20 percent probably is
20 going to be sufficient.

21
22 As the officer from Texas alluded to, it just increases the
23 enforcement presence, if you will, passively -- Or in a passive
24 manner and not an active manner, and so, bringing up a point
25 that Steven just brought up about the matching and the validity
26 of those trips when they're trying to look at and reconcile
27 trips that have been reported and such, on our Snapper Check
28 Program, for us to have a matching valid trip for our private
29 anglers, we have to match by the number of anglers and by the
30 number of fish, and I understand it's a much smaller number of
31 fish, or the way you're counting them, but there is some
32 accountability there, in that we're only able to match or we're
33 only matching those trips down to the number of anglers and the
34 number of fish, and so it's trying to get to a point where you
35 can avoid some issues or avoid the possibility and the
36 enticement of the situation that the enforcement officer from
37 Texas alluded to.

38
39 **CHAIRMAN GUYAS:** Okay. So we're really behind, and we're up
40 against lunch, and so, at this point, I think we need to walk
41 away from the IFQ document. We can maybe come back to the
42 purpose and need in Full Council, if anybody has any ideas, and,
43 Kevin, you kind of put some things on the table that we can
44 consider adding. Can you maybe craft some language for us, if
45 you can think about it, but I will turn it over to Madam Chair.

46
47 **MS. BOSARGE:** I will be the one to tell you that we might have
48 to shorten this lunch break a little bit. We did not get to our

1 Modification of Recreational Red Snapper ACT Buffers before
2 lunch, and that's a half-hour discussion in and of itself, and
3 so let's go to lunch, but you have a regular one-hour lunch
4 today, and so let's be back here at one o'clock.
5

6 (Whereupon, the meeting recessed for lunch on August 21, 2018.)
7

8 - - -
9

10 August 21, 2018
11

12 TUESDAY AFTERNOON SESSION
13

14 - - -
15

16 The Reef Fish Management Committee of the Gulf of Mexico Fishery
17 Management Council reconvened at the Omni Hotel, Corpus Christi,
18 Texas, Tuesday afternoon, August 21, 2018, and was called to
19 order by Chairman Martha Guyas.
20

21 **CHAIRMAN GUYAS:** Sue has an IFQ newsletter that she is going to
22 pass around for people to take a look at, and do you want to
23 describe what this is?
24

25 **MS. GERHART:** We had been asked for information on IFQ programs
26 and reminders and updates, and so our group that works on IFQ
27 programs put together these newsletters, and it's really more of
28 a brochure sort of thing, and I thought the council might like
29 to take a look at the kind of thing that we're putting out
30 there, and so we don't have a lot of copies, and I have two
31 issues that we have put out so far, and I will just start them,
32 and you can pass them around the table.
33

34 If you want one for yourself, Alicia from our office is over
35 here, and she has some extra copies if you're interested, and so
36 I just wanted you guys to see some of the information that we're
37 putting out to the participants in the program.
38

39 **CHAIRMAN GUYAS:** Okay. Thank you. So I'm also told that Carrie
40 was able to track down the intersector trading history, wherever
41 we left that subject, but she is missing at the moment, and so
42 we'll just have to come back to that. Assane, can you speak to
43 that?
44

45 **DR. ASSANE DIAGNE:** About the intersector trading, in August of
46 2013, we presented a scoping document to the council, and there
47 was extensive discussions, and, in October of 2014, the council
48 approved a motion requesting that we stop working on the

1 intersector trading document, and so that motion is available,
2 as well as the scoping document, if someone wanted a copy.

3
4 **CHAIRMAN GUYAS:** All right, and so there you have it. That's
5 where we are with that. Our next item on the agenda is the
6 Recreational Red Snapper ACT Buffers. All right, Ryan. We're
7 ready.

8
9 **FINAL ACTION: MODIFICATION TO THE RECREATIONAL RED SNAPPER ACT**
10 **BUFFERS**
11 **SUMMARY PRESENTATION**

12
13 **MR. RINDONE:** Yes, ma'am. You guys saw this framework action
14 the last time, and we're looking at potentially taking final
15 action this time around. The codified text for this document is
16 7(d), and it reflects the current preferred alternative that you
17 guys have, and it will be combined with the codified text from
18 the other framework action, which modifies the red snapper and
19 hogfish catch limits, so that those red snapper catch limits all
20 line up, given whatever decisions are made here, and you guys
21 will see that at Full Council.

22
23 Just to review the purpose, it's to reduce the federal for-hire
24 component's ACT buffer for the red snapper recreational sector
25 to a level that will allow greater harvest while continuing to
26 constrain the component ACL as well as the total recreational
27 ACL. The need is to allow the recreational sector components to
28 harvest red snapper at a level consistent with optimum yield
29 while preventing overfishing and rebuilding the stock.

30
31 You guys currently have listed as preferred in Chapter 2
32 Alternative 3, which would apply the council's ACL/ACT control
33 rule to the landings from 2014 to 2017 to set the respective
34 component ACT buffers for the private angling and for-hire
35 components.

36
37 This results in a for-hire component ACT that is set 9 percent
38 below the for-hire ACL, and the private angling component's ACT
39 would be 20 percent below that component's ACL, and the total
40 recreational sector ACT would be approximately 15 percent below
41 the recreational ACL.

42
43 Then you guys have also preferred the Alternative 4, which
44 establishes a sunset on this decision for the end of the 2019
45 fishing season. Are there any questions about the preferred
46 alternatives?

47
48 **CHAIRMAN GUYAS:** Okay. I don't think we have any questions, and

1 so let's keep going.
2

3 **MR. RINDONE:** Well, Madam Chair, we have added a couple of
4 additional tables in here for you guys, to help with any
5 additional decision-making you think that you need for this
6 particular document, particularly Table 2.1.2. It shows the
7 breakdown of the recreational catch limits by component for red
8 snapper under Alternative 2, which was discussed some last time,
9 to show how all -- Because there was a question about how all of
10 those values added up, because we had basically a sliding scale
11 for how the for-hire component's buffer may change compared to
12 the private angling component, and so that's one of the main
13 things that was added, but, other than that, you guys have
14 preferred alternatives at this point, and so, if you don't see
15 fit to change those and you would like to recommend that the
16 council go final action on this, you could do that.
17

18 **CHAIRMAN GUYAS:** Mara.
19

20 **MS. LEVY:** Just a suggestion, when we go back and finalize the
21 document, if you take final action. We have the table that
22 shows the ones for Alternative 2, and I think it would be
23 helpful in this action or discussion to also have the numbers
24 associated with Alternative 3, so that -- I didn't see that in
25 Chapter 2, and I think it's somewhere in Chapter 4, but I think
26 it would be helpful someplace in Chapter 2, where the
27 alternatives are, to show what the actual numbers come out to
28 be.
29

30 **MR. RINDONE:** Let me blaze through Chapter 4 real quick and see
31 if I can't drum that out.
32

33 **MS. LEVY:** I don't know that you need to do it now. It's in the
34 codified, but just when we're looking at finalizing the
35 document.
36

37 **MR. RINDONE:** Sure, and so it's Table 4.3.1. This shows the
38 catch limits relative to Alternative 1, or the status quo, and
39 so a negative percent ACT change would represent a decrease, and
40 a positive would represent an increase over the status quo.
41

42 **CHAIRMAN GUYAS:** Dale.
43

44 **MR. DIAZ:** I think we're at the point where I would like to
45 recommend that we take final action on this document.
46

47 **CHAIRMAN GUYAS:** Okay. Let's get that motion on the board. Is
48 there a second for that motion? Patrick. Thanks.

1
2 **MR. RINDONE:** You guys also have public comments that you might
3 want to hear before you go forward with this.
4

5 **SUMMARY OF PUBLIC COMMENTS RECEIVED**
6

7 **MS. MUEHLSTEIN:** Okay. Thank you, guys. We did receive twenty
8 written comments on this framework action. We heard support for
9 no action, and we also heard support for the buffer on the for-
10 hire sector to be decreased in order to allow the federal for-
11 hire component to reach its annual catch limit.
12

13 We heard that the red snapper fishery is robust and that it has
14 recovered to the point that anglers must actively avoid them,
15 and so the red snapper annual catch limit should be increased so
16 that the recreational sector can increase its buffer without
17 impacting the number of fishing days.
18

19 We also heard that the for-hire sector's buffer should be
20 reduced to 10 percent. We heard that the for-hire annual catch
21 target should be reduced while the private recreational annual
22 catch target should remain the same. We heard that there needs
23 to be a true scientific analysis of the for-hire landings before
24 annual catch targets are adjusted.
25

26 We heard that there is no accountability or special data
27 collection for the recently separated for-hire sector, and so
28 the council should not be able to saddle the private anglers
29 with a higher buffer while easing the buffer on the for-hire
30 sector. We heard that 407(d) mandates that all within the
31 sector must be punished for overages. The for-hire sector is a
32 sub-component of the recreational quota, and it is not a sector
33 in itself, and so it should be managed alongside the private
34 anglers unless the entire quota is split three ways amongst
35 commercial, for-hire, and the private recreational sectors.
36

37 We also heard that it's more appropriate to reset the total
38 allocation between the for-hire and private components based on
39 an equal number of days fished. Manipulating the annual catch
40 targets is the wrong approach, and it discriminates unfairly
41 against private anglers. If the for-hire fleet can't catch its
42 allocation, then the allocation is wrong.
43

44 We also heard some other comments that I don't think are
45 pertinent to share right now, and you can see those and read
46 them in Tab B, Number 7(b). Thank you.
47

48 **CHAIRMAN GUYAS:** Okay. We have a motion, and we have public

1 comments. Any discussion on this motion? Andy.
2

3 **MR. STRELCHECK:** Not discussion, but I think it's just a word of
4 caution. Obviously we've done a good job of managing the
5 charter sector in the last few years, and we've been under, and
6 certainly reducing the buffer is to their favor, but, as
7 everyone well knows, 407(d) applies here, and we've had two
8 years of private overages, and we have not yet determined,
9 obviously, what will happen under the EFP, and so we'll take
10 that into consideration, obviously, as we look to approve this
11 amendment.

12
13 **CHAIRMAN GUYAS:** All right. Anybody else? **If not, is there any**
14 **opposition to this motion? Seeing none, the motion carries.**

15
16 That helped us catch up a little bit. All right. Our next item
17 is going to be Gulf of Mexico Allocation Review Triggers, and so
18 that might slow us down again. We'll see how it goes.

19
20 **GULF OF MEXICO ALLOCATION REVIEW TRIGGERS**
21 **DISCUSSION PAPER**
22 **PRESENTATION: GULF OF MEXICO ALLOCATION REVIEW TRIGGERS**

23
24 **DR. DIAGNE:** Good afternoon. We are going to discuss the
25 allocation review policy and triggers, and there is a discussion
26 paper that is Tab B, Number 8(a), and a short presentation to
27 guide us through it.

28
29 Essentially, NMFS and the CCC, the Council Coordination
30 Committee, got together and developed several documents, and
31 these documents were developed to help councils in reviewing
32 existing allocations as well as adjusting those allocations, if
33 need be.

34
35 The three documents are, one, a fisheries allocation review
36 policy and, two, associated documents, which are procedural
37 guidelines. The first guideline provides directives addressing
38 criteria for initiating allocation reviews, and the second
39 document emphasizes the recommended practices and factors to
40 consider when reviewing and making allocation decisions.

41
42 The first two documents, meaning the policy and the first
43 directive, are as an appendix to the discussion paper, and the
44 second directive is added as an appendix to the document that
45 Dr. Freeman will discuss right after this one. Essentially,
46 this presentation will really concentrate on the first two, the
47 policy as well as the triggers.

1 Before we start, let us look at the definitions of some of the
2 key terms, so that we will all be on the same page. By
3 "fisheries allocation", it is meant in the policy -- It is
4 defined in the policy by NMFS as a direct and deliberate
5 distribution of the opportunity to participate in the fishery
6 amongst identifiable discreet user groups or individuals.
7

8 "Fisheries allocation review" is defined as the evaluation that
9 leads to the decision of whether or not the development and
10 evaluation of allocation options is warranted, but is not, by
11 itself, an implicit trigger to consider alternative allocation.
12 Finally, the "of fisheries allocation options for an FMP
13 amendment", if the allocation review warrants it, then there is
14 a full analysis and evaluation of allocation options to be
15 initiated. The goal is an FMP amendment, or framework action,
16 if applicable, to update the allocation or maintain status quo.
17

18 To put this in perspective, the allocation amendment that the
19 council has begun developing is the last step, essentially,
20 because that will be an FMP action with alternatives and so
21 forth to be discussed, following our usual process, and so the
22 allocation review is one step before that.
23

24 Now let's spend a few minutes looking at the policy, which is
25 really the main document, and then we have the guidelines
26 associated to it. The allocation review policy recommends the
27 use of adaptive management for allocation reviews, and, by
28 adaptive management, it is meant to be an ongoing process of
29 evaluating if management objectives have been met and adjusting
30 management strategies in response, if need be, and I believe, in
31 the allocation amendment and the development, there is a section
32 that discusses the FMP objectives, goals and objectives.
33

34 The process that is suggested by the review policy includes a
35 periodical reevaluation and updating of the management goals and
36 objectives to ensure that they are relevant to current
37 conditions and needs.
38

39 The policy, allocation review policy, clearly states that the
40 council is responsible for establishing the triggers, and, by
41 that, it is meant that selecting the criteria for initiating
42 fisheries allocation reviews. The policy recommends three types
43 of triggers. One group would be time-based triggers and the
44 second is public-interest-based, and, finally, a third group
45 would be indicator-based criteria. We will come back to these
46 and discuss them in more details.
47

48 For the last one, the indicator-based criteria, the council must

1 lay out the process that it will use to assess whether the
2 trigger or triggers are met. The council has to identify these
3 triggers by August of 2019, or as soon as practicable, and I
4 understand, from discussions with Dr. Simmons, that the deadline
5 is not really a hard-and-fast deadline.
6

7 This adaptive management ongoing process recommended would be a
8 three-step process, and this diagram here summarizes the
9 process, and the first step would be the identification of the
10 triggers. As we said, it would be one of the three groups,
11 indicator-based, time-based, or public-input-based.
12

13 After those triggers are identified, the allocation review will
14 then proceed, and, by allocation review, we would look at the
15 FMP objectives and revise them, if necessary, to make sure that
16 they are current, and, number two, ask the fundamental question
17 as to whether the objectives are met, whether the allocation
18 that we are looking at meets the objectives of the FMP, the
19 goals and objectives of it, and, three, inquire and see if there
20 are other relevant factors that have changed and if those
21 changes would have impacted allocation.
22

23 One of two things. We could answer, let's say, after reviewing
24 the objectives, that the allocation still meets the FMP
25 objectives and no additional relevant factor has changed to
26 impact the FMP. In that case, then there is no need to go to
27 the following step.
28

29 Then we will stop and, when the time comes, or when warranted,
30 go back to the first step, meaning the identification of the
31 triggers, but if it is found, following the review, that the FMP
32 objectives are no longer met by the existing allocation or that
33 some relevant factors have significantly changed, then we would
34 proceed to the third step, meaning have the formal evaluation of
35 the allocation and possibly recommend a reallocation, which is
36 the formal council process, which the current amendment for red
37 snapper has initiated.
38

39 The three-step process is, one, the identification of the
40 triggers, two, the allocation review, and, three, if needed, the
41 formal, I would say, just FMP amendment to look at the
42 allocation.
43

44 Now let's spend a little more time and look at the triggers,
45 and, as we mentioned initially, we have three types of triggers,
46 public-interest-based, time-based, and, finally, based on some
47 indicators. In terms of public-interest-based criteria, this is
48 something that the council has used, given that our process,

1 meaning the council process, is an open process at all stages,
2 and there are many opportunities for the public to provide
3 inputs on all the issues, including the issues of allocation,
4 and the public has routinely expressed themselves and
5 recommended for the council to take another look at allocation.
6

7 Specifically, the review policy looks at the public input in
8 three different ways, at three levels. One is the ongoing
9 public input on public performance and two is the specific
10 solicitation of public comment regarding allocation review, and
11 three is a formal initiative, and, by formal initiative, is
12 meant in the policy of having a petition, for example.
13

14 The ongoing public input, again, our process is open and
15 transparent, and the public has opportunities to provide
16 comments, and this creates, if you would, a feedback loop.
17 Let's say, for example, during public testimony, the public
18 could express itself, and then the council can pick it up and
19 discuss it and perhaps offer a motion and then take us to the
20 next step of the process.
21

22 Then, just to reemphasize that, the public's interest in
23 allocation review is likely to be expressed and, I guess in our
24 case here, has been expressed on various occasions during, for
25 example, public testimony.
26

27 The council could also require or request, in specifics, input
28 on allocation review, and that would be then deliberate, and it
29 specifically targets the public input on the need for allocation
30 review, and that is a question then that, as a council, you
31 would ask from the public.
32

33 In doing so, the council would have the ability to dictate the
34 schedule, but it should be aware of the expectation of its
35 stakeholders, because, before asking that question, one has to
36 be, I guess, relatively sure, when it comes to the resources and
37 the capacity and the willingness of the council as a body to
38 follow through, should that information come back and the public
39 saying that, yes, we would like the allocations to be reviewed.
40

41 The final group or type of criterion to be used would be the
42 public-interest-based criteria here, formal initiative, under
43 the public interest, and, here, a petition would be formally
44 initiated, and then it would require that the council review a
45 particular allocation within a specified time period.
46

47 It may be appropriate to include some type of an indicator-based
48 criteria to establish a minimum threshold to initiate the

1 review. If not, I guess you may have too many of them, and, if
2 the council decided to rely on petitions, it would be
3 recommended to establish guidelines for those petitions, how
4 they should be drafted, what would be the purpose, and so on.
5

6 Time-based criteria, and this is by far the most straightforward
7 and the easiest way to approach this issue. Essentially, this
8 would be a periodic allocation review on a set schedule, and
9 this would be, again, the simplest and most straightforward
10 approach. One of the advantages is that this approach is less
11 vulnerable to, I guess, political pressures, as well as to
12 changes in council dynamics.
13

14 However, time-based criteria would mandate a strict schedule,
15 which would take away some of the council's flexibility, in the
16 sense that, if a more pressing issue was to come to the front,
17 then the council would have its hands tied in saying, well, we
18 said we would do this every ten years, and it is ten years, and
19 we have to do it.
20

21 Another, I guess, advantage of time-based criteria is that they
22 are very suitable for fisheries where the conflict amongst user
23 groups are very important, which makes the allocation issue
24 fairly contentious, and so, if it is on a schedule, everyone
25 knows the schedule. Let's say every ten years the allocation
26 for X species would be reviewed.
27

28 The last group of triggers would be the indicator-based
29 criteria, and these criteria are based on the definition for OY,
30 optimum yield, in the Magnuson Act, and optimum yield, as you
31 know, is MSY as reduced by those relevant social and economic
32 and ecological factors.
33

34 Those factors are the ones that would be used as triggers, and,
35 of course, one could have these triggers as a single criterion
36 or a combination of criteria, let's say some economic, social,
37 and ecological, as the council would see fit.
38

39 In terms of economic criteria, we have, at our disposal,
40 multiple tools, and those include cost-benefit analysis, impact
41 analysis, and efficiency analysis. The policy here has one
42 caution, and that is that the public sometimes misunderstands
43 the differences between the different tools, and the example
44 that is given there is the undue emphasis that is placed on
45 economic impacts when allocations are discussed, because it is
46 everywhere published that some other tool, meaning looking at
47 efficiency, would be the better way to look at that.
48

1 In terms of social criteria, some studies have been published
2 looking at the measurement, the development and measurement, of
3 social metrics, such as resilience, vulnerability, and
4 wellbeing, and, if the council were to look at indicator-based
5 criteria, then it may choose one or a combination of these
6 criteria.

7
8 Finally, ecological criteria, changes in fishery status
9 resulting from a stock assessment and an increase in discards
10 would be some of the examples of ecological factors that could
11 be used as review criteria.

12
13 Now, how many allocations do we have in the Gulf of Mexico that
14 may be subject to this policy? I would say may because a final
15 determination has yet to be made, and we will discuss that
16 further. To date, as a council, you have allocated resources,
17 fishery resources, between sectors, meaning mainly between the
18 commercial and the recreational sectors, and we have allocations
19 within a given sector, and that would be within the recreational
20 sector, for example red snapper, between the federal for-hire
21 and the private angling components and between councils.

22
23 There are some jurisdictional apportionments between the Gulf
24 Council and the South Atlantic Council for several species, and,
25 finally, you are considering allocating resources between the
26 states in Amendment 50, state management.

27
28 This table provides the allocations between the commercial and
29 recreational sectors that we have to date, and the percentages
30 are provided, as well as the amendment and the year in which
31 that allocation was set, or implemented, if you would. We have
32 the reef fish on top, and we finish with the CMP, the coastal
33 migratory pelagics, allocation that we have at the bottom.

34
35 We also did mention the allocation of the red snapper annual
36 catch limit between the federal for-hire and the private angling
37 component, and the percentages are given here, and the bottom of
38 this slide would give the allocations between our council and
39 the South Atlantic Council for black grouper, yellowtail
40 snapper, and mutton snapper.

41
42 Now, stepping back a little bit and looking at the steps that as
43 a council we need to follow to essentially go until the
44 identification of our triggers and notify NMFS of the process
45 that we have selected.

46
47 The first step would be for us to identify the fisheries that
48 have allocations that would require a trigger for the allocation

1 review. It seems to me that all of those allocations that we
2 mentioned in the previous two slides may be subject to the
3 policy, but, of course, this is after consultation with legal,
4 et cetera, that we will get, and I will stop here for Ms. Levy.
5

6 **CHAIRMAN GUYAS:** Mara.
7

8 **MS. LEVY:** Just since we were at the point of identifying -- The
9 presentation pointed out the allocations, I think, in the reef
10 fish fishery, but it didn't show that there is mackerel
11 allocations. There is a commercial allocation between king
12 mackerel for the different zones, and we have the, I guess, gear
13 types and things like that, and that, I think, should probably
14 also be mentioned.
15

16 **DR. DIAGNE:** Yes, and I think we just showed the allocation
17 between the sectors, the commercial and the recreational sector,
18 but, yes, for the policy, as you said, we need to expand this
19 and go further into the Gulf Zone and the different gear types,
20 yes, but, here, I guess we just limited this to the commercial
21 versus rec, but we will expand that, of course.
22

23 Then we have additional information to consider to expand the
24 identification of the fisheries, or let's say sectors and zones
25 and so forth, that would require a trigger, and the second part
26 of Step 1 is important, that we consult with the agency if we
27 are uncertain in making that determination, and so that will be
28 part of the process, us working together with SERO as well as
29 the Science Center to have that established for the other
30 things.
31

32 Number 2 is reassess the relevance of the FMP objectives for the
33 fisheries identified in Step 1, and so the council has, I guess,
34 an opportunity to look at the objectives of the various FMPs, I
35 guess the two, the Reef Fish FMP and the others, to reassess
36 their relevance and recommend changes, if need be.
37

38 Number 3 is discuss and decide if a trigger already exists, and,
39 if not, select an appropriate trigger for the various fisheries,
40 and, again, here, discuss with the agency to make sure that we
41 have the complete information.
42

43 Step 4 is the creation of a policy document or an FMP amendment.
44 The council has a lot of flexibility in approaching this. It
45 could be that when we finish 1, 2, and 3 that the council drafts
46 a policy document and, on the basis of that policy document,
47 send a letter to NMFS documenting the fisheries and the triggers
48 that were selected or the council could use what I would call a

1 more laborious route in drafting an FMP and taking final action
2 subject to approval and then, at the end, sending a letter to
3 NMFS.

4
5 From looking around a little bit, it seems to me that the North
6 Pacific has already done some of these, and I believe it was
7 discussed at one of the CCC meetings, as you told me, and what
8 they chose was essentially to draft a policy document, and also
9 their primary targets selected was a time-based criteria, which
10 is absolutely simple and straightforward without, I guess, too
11 much discussion, but just for your consideration.

12
13 That is the last slide of this presentation, and this is the
14 first time that this issue is discussed with you as a council,
15 and, moving forward, I guess with your approval, the first thing
16 we would do, of course, is work with NMFS SERO and the Science
17 Center to have a final determination as to the sectors and the
18 fisheries that would be subject to this policy.

19
20 Then, next time you see this, I guess spend a little more time
21 on the three types of triggers, and, hopefully at that time, as
22 a council, you may be ready to pick the trigger or triggers that
23 you are comfortable with and decide whether you would want a
24 policy document or request that, as staff, we write an FMP
25 amendment, or several in this case, because we have CMP and Reef
26 Fish, et cetera. For now, I will stop here and try to answer
27 questions. Thank you.

28
29 **CHAIRMAN GUYAS:** Thank you, Assane. Are there questions about
30 this? It's kind of a lot to digest, and we have more allocation
31 things to discuss. Kevin.

32
33 **MR. ANSON:** Dr. Diagne, I guess I'm trying to think about this
34 after we get through the amendment, and we have one on the
35 books, so to speak, and we need to go in there and we need to
36 change one of the triggers, and let's assume it's not a time-
37 based, which would be the easiest, I believe, yes, but if we
38 have some other type of trigger or triggers that are identified,
39 and let's say, hypothetically, some new information comes in, or
40 maybe one of the data streams, triggers, if you will, are no
41 longer applicable or available, and they just kind of stop and
42 aren't available for us to use in our criterion for establishing
43 a trigger.

44
45 Do we have to come in and -- I mean, we have to come in and make
46 a framework action then to change that trigger or to modify the
47 trigger matrix that we utilized for that fishery, and is that
48 how we're going to have to do all of that? I guess I am

1 thinking of if we do something outside of just simple time-
2 based, and is that how the process would work?

3
4 **DR. DIAGNE:** I think it all depends on how, essentially, you
5 structure the process that you would want to use moving forward.
6 For example, you could have a combination of triggers, meaning
7 you can have a primary trigger and then attach conditions to it.

8
9 You could have a time-based trigger, but you could have a
10 secondary trigger that says that, if X, Y, and Z information, or
11 relevant information, comes up, for example let's say data
12 subject to calibration, new calibration results and so forth,
13 and that gives the council the latitude to revisit the
14 allocation, or a time-based trigger with a secondary trigger,
15 based on public interest, and, as council members, you guys
16 typically come and offer motions, because you have received
17 public input by discussing with stakeholders, and that is the
18 basis of a motion that you offer, and so then a primary trigger
19 could be time-based and a secondary trigger could be based on
20 public input, either received in public comments or relayed by
21 let's say council members or an AP and so forth.

22
23 In this, I believe the councils, or this council in particular,
24 has a lot of flexibility. It is just to be able to lay out a
25 transparent process so that everybody knows that, based on X, Y,
26 or Z set of criteria, allocations would be reviewed. That
27 review is just the first step, and it doesn't mean that you
28 would turn around and initiate an amendment. You could just
29 review and say nothing to see and we are waiting until the next
30 opportunity, but it is just to allow yourselves the transparent
31 procedure for everybody to know where you go.

32
33 **MR. ANSON:** Thank you.

34
35 **CHAIRMAN GUYAS:** Are there other questions for Assane? Yes,
36 Robin.

37
38 **MR. RIECHERS:** This is really a question of Anna. How is the
39 South Atlantic approaching this, or where are you all at in your
40 efforts in this regard, given it sounds like only the Pacific
41 Fishery Management Council has moved through this process
42 completely at this point in time, or at least to a point where
43 they have written a letter and suggested this is what we want to
44 do, and maybe answer about all councils and then we'll turn to
45 the South Atlantic.

46
47 **DR. DIAGNE:** I do not know for certain about all councils. What
48 I know for sure is that, during the last CCC meeting, the North

1 Pacific did provide an update, and, in that update, the triggers
2 that we discussed were mentioned and how they are approaching
3 this.

4

5 **MS. BECKWITH:** We're in a similar position. We're just starting
6 the discussions, and so I think we've had some similar questions
7 about using a time-based trigger and then adding in some
8 additional special case scenarios, depending on the fishery, but
9 I suspect that it's going to take us a while as well to figure
10 this out.

11

12 **CHAIRMAN GUYAS:** Okay. Any other reactions to this? Should we
13 move on to our next allocation task, which would be Comparing
14 our current allocation policy as a council with the NMFS
15 allocation guidance documents? I guess let's move on, and I
16 will let Dr. Freeman come up here. Go ahead.

17

18 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. I just had
19 a question, Mara and Sue. If we went the way of an FMP for this
20 and the non-policy side of things, for basically documenting
21 this process, that would have to be for reef fish or for CMP, or
22 it would be some type of generic document that we would have to
23 put it in if we went the FMP route, and it certainly wouldn't
24 have any regulations behind it, but it would just be a document,
25 a generic document, where we're documenting what our policy is,
26 and is that correct, how you guys see it?

27

28 **MS. LEVY:** I really haven't thought about what it would look
29 like. I mean, I think you would need to -- If you're actually
30 going to amend an FMP, you would amend those FMPs that have the
31 allocations that are relevant to the policy, right, and so I
32 think it would probably be reef fish and CMP, and so it would be
33 an FMP amendment to both of those, and you would be laying out
34 what you want to do and incorporating that into your fishery
35 management plan.

36

37 I don't think we would put it in the regulations, but we have a
38 number of things in our FMP that we don't put in the
39 regulations, but they're still part of the fishery management
40 plan. I haven't really looked into the benefits of doing it way
41 versus the policy, and I'm not sure why you would want to do it
42 that way versus just doing a policy document, but we can explore
43 that, whether there are any upsides or downsides to doing it one
44 way or the other.

45

46 **CHAIRMAN GUYAS:** Okay, and so I think we are on to Tab B-9 at
47 this point. Are you ready to take us through?

48

1 **COMPARISON OF COUNCIL'S ALLOCATION POLICY WITH NMFS ALLOCATION**
2 **REVIEW POLICY**

3
4 **DR. MATT FREEMAN:** Certainly. As a reminder, at the last
5 council meeting, there was a discussion on the paper regarding
6 reallocation of red snapper. During that discussion, it was
7 mentioned that there were a few NMFS Procedural Directives, and
8 the council was curious how those compared with the current Gulf
9 Council's allocation policy, and the motion is presented on that
10 second line, asking for this side-by-side evaluation.

11
12 The way that this is structured, there are three tables, one for
13 each of the main sections from the Gulf Council's fishery
14 allocation policy, and those three sections are principles of
15 allocation, guidelines for allocation, and suggested methods for
16 determining allocation/reallocation, and then it ends by listing
17 items that are included in NMFS Procedural Directive 01-119-02
18 that don't appear in the Gulf Council document.

19
20 Going through these tables, I think the best way probably for me
21 to present this is to acknowledge that a lot of what appears in
22 the Gulf Council's current allocation policy either occurs as
23 well in that NMFS Procedural Directive and/or in one of the
24 National Standards or other legal mandates, such as Magnuson-
25 Stevens.

26
27 What I am going to do instead is sort of highlight the items
28 that occur in the Gulf Council's policy that we don't see in one
29 of those other columns, and so, on this first page of the table,
30 for instance, we see, in that third line, where it says that
31 fairness should be considered for indirect changes in
32 allocation, while it doesn't appear specifically in the
33 Procedural Directive, it is mentioned in MSA, and it relates as
34 well to National Standard 4, but you will see that most of the
35 other items under this first line for principles for allocation
36 does occur as well in the Procedural Directive, and if I could
37 get you all to page down to the next page.

38
39 Similarly, at the end of this first table, the last four items,
40 which are specific to red snapper, they don't appear
41 specifically in that NMFS Procedural Directive. However, they
42 are almost verbatim from MSA, and so they would still be
43 applicable. If anyone has any questions as I am going through
44 these tables, please feel free to stop me and ask.

45
46 **CHAIRMAN GUYAS:** Let me ask you one on I guess what is page 3,
47 the fourth one down, establish separate quotas for recreational
48 fishing, including charter fishing, and commercial, is that

1 specific to red snapper, since it's correlating with 407(d), I
2 assume?

3
4 **DR. FREEMAN:** Okay, and so the language you're talking about is
5 in the left-hand column?
6

7 **CHAIRMAN GUYAS:** Yes.
8

9 **DR. FREEMAN:** Okay, and so Part e starts out and it mentions
10 that it's for the red snapper fishery, and so that is a sub-part
11 to that, yes.
12

13 **CHAIRMAN GUYAS:** Thanks.
14

15 **DR. FREEMAN:** If you all can go to the top of page 4, there are
16 a few items in this table, and in this case, it would be a, b,
17 and d on this first page, that do not appear either in the NMFS
18 Procedural Directive or that I could locate in one of the
19 National Standards or other legal mandates.
20

21 I would note though that Item b, and I was speaking with Dr.
22 Diagne, there is a little bit of overlap there, in terms of what
23 he was just presenting on with the trigger mechanisms, and so
24 that would sort of tie in in terms of initiating sort of a
25 review for allocation or reallocation.
26

27 If we can scroll down to the top of page 6, this is where the
28 Gulf Council has listed suggested methods for determining
29 allocation/reallocation. Here, a lot of the items occur solely
30 in the Gulf Council document and are not seen either in the
31 Procedural Directive or in one of the National Standards or
32 other legal mandates.
33

34 For instance, it is the third line down of a(2), which is quota
35 purchases between commercial and recreational sectors, and there
36 are about five sort of sub-items there, and they're very
37 specific, under the Gulf Council policy. However, again,
38 everything in this particular table, they are all suggested
39 methods for looking at allocation or reallocation.
40

41 We can scroll just to the bottom of this page, and the last item
42 there I will note, where it has -- This is under historical
43 landings data, and it says averages based on longest period of
44 credible records. While it's primarily specific to the Gulf
45 Council document, there is some information in the procedural
46 directive in terms of having consideration of both quality and
47 availability of fishery-dependent data that's collected and that
48 lack of that detailed data should not be used to penalize a

1 sector or a group.

2
3 If we scroll towards the bottom of page 8, similarly, it is the
4 portion referred to as efficiency analysis and, a little bit
5 further down, negotiation-based allocation, and those are sort
6 of headers there. While efficiency analysis is mentioned in the
7 Procedural Directive, some of the more specifics, in terms of
8 how that efficiency analysis would be conducted, or, again,
9 suggested method for conducting that, occurs in the Gulf Council
10 document, but it does not necessarily translate over to the NMFS
11 Procedural Directive.

12
13 Likewise for the negotiation-based allocation. That is a
14 specific suggested method under the Gulf Council document that
15 is not seen under the NMFS Procedural Directive, and, if we
16 could go to page 9 now, and so, in addition, the NMFS Procedural
17 Directive provides other information. In this case, they have
18 four recommended practices during the process of reviewing and
19 making allocation decisions.

20
21 The first, which was also mentioned during Dr. Diagne's
22 presentation, is the need to evaluate and, when necessary,
23 update council and fishery management plan objectives.
24 Secondly, it's to identify user needs. Third is to minimize
25 speculative behavior, and, specific to that, it's referring to
26 establishing a control date for a given fishery, and by sector
27 as appropriate, and, lastly, plan for future conditions. Again,
28 these are recommended practices when applicable.

29
30 We can scroll down a little bit more, and another thing to note
31 is that, under the suggested methods for determining allocation
32 and reallocation under the Gulf Council's policy, those are
33 primarily socioeconomic in nature.

34
35 The NMFS Procedural Directive breaks it down sort of into four
36 categories, and you'll see that the second and third certainly
37 includes both economic factors and social factors. It does also
38 include ecological factors, so noting that sectors may affect
39 target species as well as non-target species differently, and it
40 also includes indicators of performance and change, and that
41 first item is noted under the Gulf Council document, in terms of
42 looking at trends in catch and landings, but it notes other
43 things, such as that there may be changes in species
44 distribution, which could call for updates to allocation. I
45 will stop there, and that is the comparison of the two
46 documents, if there are any questions.

47
48 **CHAIRMAN GUYAS:** All right. Are there questions for Dr.

1 Freeman? Okay. If there aren't any questions, is there any
2 discussion on the differences between these documents and
3 potential changes to our Gulf document? Doug.
4

5 **MR. BOYD:** I originally brought this up, and so I do have a
6 question. The document that is in here, which looks like a
7 formal document discussion paper, is that the start of a review
8 based on the NMFS Policy Directives, and is that something we
9 need to vote on to start, or have you started that?
10

11 **DR. FREEMAN:** I apologize, but are you referring to the document
12 that just went through or this next --
13

14 **MR. BOYD:** No, I guess the next one that's coming up, the white
15 paper.
16

17 **DR. FREEMAN:** I'm sorry, but could you repeat your question
18 regarding that?
19

20 **MR. BOYD:** Do you want to go ahead and go through the next
21 document and then I will comment?
22

23 **DR. FREEMAN:** Certainly, but I will see if there is other
24 questions before I go into that.
25

26 **MR. BOYD:** Yes, there may be other questions on this.
27

28 **CHAIRMAN GUYAS:** Yes, and so we're kind of -- We have multiple,
29 I guess, tasks with allocation. This document and the one we
30 just went through are the broader-picture, applying to
31 everything, and then the next thing that we'll go through is
32 specific to red snapper, but, if there is interest or
33 willingness in reviewing the council allocation policy that we
34 have in general now, now would be the time to discuss that.
35

36 **MR. BOYD:** I'm not talking about the allocation document for red
37 snapper. There is another document in here that is just a
38 discussion paper about the NMFS directive, and is that correct?
39

40 **DR. FREEMAN:** Are you referring to the next page, where that's
41 Appendix A?
42

43 **MR. BOYD:** I don't know. Let me look at that.
44

45 **CHAIRMAN GUYAS:** Which tab are you on, Doug?
46

47 **MR. BOYD:** It's Tab B-8(a), Allocation Review Policy and
48 Triggers. Is that what is coming up?

1
2 **CHAIRMAN GUYAS:** No, I think that's what Assane walked through.
3
4 **DR. FREEMAN:** I apologize. Yes, that was Dr. Diagne's
5 presentation, was an overview of that document.
6
7 **MR. BOYD:** Okay, and so my question is, is this document the
8 start of a process to meet the NMFS directive that is asked for
9 within three years and the council will take this document and
10 begin to flesh it out and talk about actual triggers and
11 procedures, rather than policies?
12
13 **DR. FREEMAN:** The paper, and I will let him add to it as well,
14 but the paper that Dr. Diagne presented an overview of I think
15 was to provide general information, and I don't want to put
16 words in his mouth, but I believe he may develop a separate item
17 that goes through all the species with allocation, but I will
18 defer to him and let him answer that.
19
20 **CHAIRMAN GUYAS:** Dr. Diagne.
21
22 **DR. DIAGNE:** Thank you. Yes, just like Dr. Freeman mentioned,
23 this was just an introduction to the topic, if you would, to lay
24 out the policy and the procedural guidelines and so forth, and I
25 believe that, before concluding, we suggested that we would work
26 with NMFS and SERO and the Science Center to follow those steps,
27 meaning identify the fisheries and the FMPs, the various
28 allocations, and next time discuss, in-depth with you as a
29 council, I guess the pros and cons of the three types of
30 triggers.
31
32 Then, at that time, you would direct us to develop either a
33 policy document or an FMP, or FMPs, as the case may be,
34 amendments, to proceed and meet the requirements of the policy,
35 and so this was an introduction, and I guess more to come in the
36 near future, so to speak.
37
38 **CHAIRMAN GUYAS:** Okay. I've got a couple of hands here. Susan,
39 go ahead.
40
41 **MS. SUSAN BOGGS:** Is the purpose of this, when you do the
42 comparisons, where you see the no to the NMFS, are we wanting
43 now to go back and see if we need to align with what NMFS is
44 doing, or is it just to see where the differences are?
45
46 **DR. FREEMAN:** Certainly, and so, if I remember correctly, some
47 of the discussion was understanding if there were items in the
48 Gulf Council's policy that did not appear in the NMFS Procedural

1 Directive, and, again, if I remember correctly, some of the
2 conversation was, if there is a NMFS Procedural Directive, and
3 they're sufficient, should we potentially adopt that instead of
4 our current policy, or are there items, perhaps, that we could
5 meld, and I think people were just kind of curious in sort of
6 learning what was in that document that wasn't in the Gulf
7 Council document.

8

9 **CHAIRMAN GUYAS:** Yes, and I think the Gulf Council document is
10 significantly older than the NMFS documents, and so this was
11 kind of our chance to look at all of them at one time and figure
12 out if we were where we need to be on our Gulf Council
13 allocation policy. Kevin.

14

15 **MR. ANSON:** I guess a follow-up to that is I appreciate the
16 effort you put into creating the document, and it looks like we
17 might be, potentially, a little bit more strict in identifying
18 those items that we would use, but it appears there is enough
19 flexibility in the council's policy that would allow us to maybe
20 think of something different that wasn't already identified, and
21 so it's just suggestions, for instance, as to ways to look at
22 allocation.

23

24 I guess, going back to Dr. Diagne's comment, or summary, of the
25 process of where we are in the document, I thought, in your
26 presentation, that we were supposed to have the deadline for
27 getting the final document relative to those species, or FMPs
28 that have allocation, in August of 2019, is when we're supposed
29 to have that all wrapped up.

30

31 **DR. DIAGNE:** Yes, the policy indicates that councils need to do
32 this by August of 2019, and then it says "or as soon as
33 practicable". Our intent is to finish, hopefully, before then.

34

35 **CHAIRMAN GUYAS:** Kevin.

36

37 **MR. ANSON:** I may be asking this a little early, but we don't
38 have too many fisheries in the Gulf that currently have
39 allocations, but have you talked with the Southeast Regional
40 Office, and Andy, you can answer this. I mean, in my mind, I
41 was looking at all of the species would be included in this, but
42 it sounds like there is some other internal guidelines or
43 something that decides or identifies which species would go
44 under this allocation review document. Dr. Diagne is raising
45 his hand.

46

47 **CHAIRMAN GUYAS:** Go ahead.

48

1 **DR. DIAGNE:** Yes. I mean, the allocation review policy suggests
2 a procedure by which you can review your existing allocations,
3 and, if need be, adjust those and reallocate, if need be. Those
4 would be within the confines of the allocations between the
5 sectors, between the states, intrasector, and between us and the
6 South Atlantic, for the allocations that we have currently.
7

8 It doesn't say for us to go and look at all the species that we
9 manage and try to establish allocations. I just provides, I
10 guess, a roadmap or procedure for us to evaluate, if you would,
11 at regular intervals the allocations that we already have and
12 make adjustments, if need be, and that's all it is, and, as we
13 said, we will work with SERO and the Science Center to make sure
14 that we don't miss anything, including the CMP allocations
15 between the various zones and gear types, et cetera, and that
16 would be the basis for it.
17

18 The next time we come, you will consider the various triggers
19 and indicate your preference, and that would be number one, and
20 number two is look at the type of documents that you want to
21 create. Would it be a policy document, or would it be full-
22 fledged FMP amendments to be developed, et cetera?
23

24 **CHAIRMAN GUYAS:** Sort of along those lines, since some of the
25 allocations that we'll have to deal with and the decision points
26 will be about species where we're allocating with the South
27 Atlantic Council, are we going to have to, I guess, choose the
28 same mechanism, in terms of document?
29

30 Obviously, we'll have to work with them, I would think, so that
31 we were at least in agreement on how we handle those species,
32 but have you all thought about the best way to work together
33 with them on this?
34

35 **DR. DIAGNE:** I have to say that, no, the thinking hasn't been
36 that far yet, but, as you said, yes, if there is an
37 apportionment between the two councils, then we would have to
38 agree on the trigger or triggers to use to review that, so that
39 we can do it at the same time. If you are creating a workgroup
40 to look at this, we will make sure that the South Atlantic would
41 be involved, and, on their end, I assume that they would do the
42 same thing.
43

44 **CHAIRMAN GUYAS:** Are there other thoughts on I guess our broad
45 allocation discussion, before we drill into the red snapper
46 allocation stuff? Are we all right? Okay. Then let's move on
47 to our next task, which is B-10, Reallocation of the Red Snapper
48 ACL.

1
2 **SCOPING DOCUMENT: REALLOCATION OF THE RED SNAPPER ACL**
3

4 **DR. FREEMAN:** Hopefully we won't have to drill too far with this
5 document. Primarily here, in this version compared to the
6 version that was presented to the council in June, if we could
7 scroll to page 9 of the document. I apologize. It's page 6.
8

9 The primary thing that was done with this version is, from page
10 6 through page 9, a lot of that was expanded from the June
11 version, given the two documents that Dr. Diagne and I have been
12 working on, and so we incorporated a little bit more of the
13 discussion here, in terms of allocation review and what is
14 involved.
15

16 Otherwise, this documents at this point is primarily the same as
17 what you all saw in June, and the conversation there had kind of
18 paused, since the council was curious at the time about the
19 difference between the council allocation policy and that NMFS
20 Procedural Directive.
21

22 That is the primary change, and the next thing that staff would
23 still be requesting from the council would be input and guidance
24 on developing the purpose and need for this particular document,
25 and so if there's any questions or if the council has any input
26 or guidance there, we are receptive to that.
27

28 **CHAIRMAN GUYAS:** Okay. We need to provide some -- We need to
29 provide a purpose and need. If you flip to that page in the
30 document, it is blank, and so does anybody care to weigh-in on
31 that issue right now? Robin.
32

33 **MR. RIECHERS:** Well, one of the things, I think, in certainly
34 dealing with this particular document, but also as we look at
35 some of these other documents, we know that we have been in some
36 recalibration efforts regarding several species. We, of course,
37 know that we attempted to adjust according to some of those
38 recalibration efforts, and we know the outcome of that, based on
39 the way the document was framed up and maybe the way we did some
40 of that work.
41

42 Certainly that recalibration and the continued recalibration of
43 some of the efforts that are ongoing that we're just coming to
44 grips with are part of what we're going to be doing, I would
45 suggest, both with this document as well as if we think about
46 these other triggers, and so that certainly needs to be part of
47 that purpose and need.
48

1 **CHAIRMAN GUYAS:** All right. Anybody else? Robin, go ahead.
2

3 **MR. RIECHERS:** Well, I will follow-up. I mean, we've talked
4 about these kinds of issues for a long time, and we have --
5 There has been discussions about several species, both from rec
6 to commercial and commercial to rec, and so it's not like it
7 hasn't occurred on both sides of that window.

8
9 What we're recognizing is that some of these fisheries have
10 changed fairly significantly from the time some of these
11 allocations were made, even within the context of just the
12 mackerel fishery and the discussion we've had versus east and
13 west Gulf, and so part of it is a review of those changing
14 conditions and looking at the allocations and seeing how they
15 currently fit some of the possibly changing objectives in those
16 fisheries, based on what we as a council try to do.

17
18 I am not saying we are going to change, but certainly that can
19 be inside of that umbrella of purpose and need, is to review
20 those changing needs and conditions and see if there is a need
21 for an allocation shift, and, again, I think it probably applies
22 here and also will apply, ultimately, to our discussion of the
23 previous documents.

24
25 **CHAIRMAN GUYAS:** Okay. I've got Mara.

26
27 **MS. LEVY:** Right, and so, sort of following on that, I don't
28 know if we sort of jumped ahead, but if you look at page 9, the
29 very end of page 9, I think it summarizes where we think we are,
30 or staff did, and where we need to go, and so it basically says,
31 with respect to red snapper allocation, which is what is being
32 addressed in this document, the council has already identified a
33 need to conduct an allocation review, right, because that's kind
34 of what we're doing, and so, somewhere, we have determined that
35 that trigger has been met, outside of the process that we're
36 going to go through to define that for all different types of
37 allocations.

38
39 Then it says the allocation review should begin with the review
40 of the FMP objectives to determine whether they are still
41 relevant, and, if not, the council should revise them. As
42 stated in the directive, an allocation review should consider
43 FMP objectives along with other relevant factors that have
44 changed and may be important to fisheries allocation.

45
46 Then, after completing that review, if the council determines
47 that development of allocation options is warranted, the council
48 should determine which factors are relevant to the red snapper

1 allocation decision, and so I feel like we have been at this
2 particular stage for a while, and we're still at the stage of
3 looking at the objectives of the FMP and figuring out whether
4 those are still all relevant or whether want to change any of
5 them and then sort of figuring out what allocation -- What your
6 objectives -- Which ones you are trying to meet with respect to
7 this allocation discussion.

8
9 I don't know if it would be helpful to look at those again, and
10 I think they're on the next page, and I'm not sure how to move
11 that forward. Like I said, I think we've been talking about it
12 for a while, but one thing I did hear was the idea of the
13 calibration and data, and I'm not sure how to get at that with
14 the objectives, and I don't see anything that expressly speaks
15 to that, and I'm not sure how to create an objective that speaks
16 to that, but maybe that's something to think about, about
17 somehow having objectives to incorporate new recreational data
18 and use that, and I don't know how to phrase it at this point.
19

20 **CHAIRMAN GUYAS:** I am glad you brought that up, and that was
21 kind of at least a question that I had about this. If we go
22 through the objectives and feel like they were missing
23 something, how do we change them? Is it through an FMP? I
24 don't know, and then some of these objectives are very, very,
25 very specific, and I kind of would question if they are an
26 objective to the Reef Fish FMP in general, and so I don't know.
27 I kind of wonder if we need to do a clean-up of these somehow,
28 but maybe I'm out of turn. Mara.
29

30 **MS. LEVY:** Well, and, I mean, they are the objectives of the
31 fishery management plan, and the fishery management plan is a
32 Reef Fish Fishery Management Plan, and so, I mean, they're
33 general for certain things because we're addressing the FMP as a
34 whole, and that doesn't mean that I don't think you can have
35 more specific objectives. The way that you change them is this
36 is potentially a plan amendment, right?
37

38 If you're going to -- I think we did that, and it mentions it in
39 Amendment 28, that the council reviewed the objectives and
40 identified the ones that were most relevant to reallocation at
41 that time and sort of that was the basis for the discussion. I
42 think you could do the same thing here. You look at the
43 objectives, and, if you decide as a council that you want to
44 remove an objective or you think it's been met or you see a new
45 objective that you want to add, we would add it through an FMP
46 amendment process, which could go along with an allocation FMP
47 amendment.
48

1 **CHAIRMAN GUYAS:** All right, and so, as Mara mentioned, those
2 objectives are on page 10 of the document. Do you all want to
3 go through those now? We've got time. I realize this is kind
4 of painful, but it is a step that we're going to have to do if
5 we're going to do something here, and so what's your pleasure?
6 Andy.

7
8 **MR. STRELCHECK:** I don't know how much staff has or hasn't done
9 this, but maybe it would be worth directing staff to review
10 these objectives in light of what we know about the fishery as
11 of today and bring those back to you for the October meeting for
12 you to review and react to. That would be a more comprehensive,
13 I think, analysis and something that people could then focus on
14 for discussion.

15
16 **CHAIRMAN GUYAS:** Okay. Robin.

17
18 **MR. RIECHERS:** Andy, when you say "review", what are you
19 envisioning, just so that we get some notion of what should be
20 coming back to us? I mean, Number 1 is pretty easy, but some of
21 these others are going to be a little more difficult, and so I'm
22 trying to just envision what we would be getting back and
23 whether that's better than us going through them one at a time
24 and just deciding whether or not they're still germane or not
25 germane or having a discussion about that.

26
27 **MR. STRELCHECK:** I think there's two parts to this. One is
28 whether or not they're germane or not, but what's the basis for
29 that decision, and so having that kind of more comprehensive
30 input review that's written down for you to take into
31 consideration.

32
33 I certainly agree with you, Robin, that there are going to be
34 some that they will probably want the council to weigh-in or
35 discuss that may not be easily answered, and so that would be
36 something that the staff could acknowledge and bring back as
37 well, is that they couldn't fully answer this.

38
39 **CHAIRMAN GUYAS:** All right. Leann.

40
41 **MS. BOSARGE:** I was just going to mention that, when I read
42 through these, I had a couple of questions, but I guess we can
43 get to those as we get this analysis back that we're talking
44 about, but one thing that seemed to be missing were the words
45 "conservation" and "accountability", and I think the
46 accountability is probably a big one that should be an objective
47 of any fishery management plan, to make sure that you have
48 accountable fisheries. I think that's one that we probably need

1 to take a look at adding to it as we go through this.
2

3 **CHAIRMAN GUYAS:** All right. Any other reaction to this? Are
4 folks okay with the approach that Andy has suggested, where
5 staff would initiate review of this, more or less, and bring
6 something back to the council to digest? I see that Dr. Simmons
7 has something to say about that.

8
9 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. I guess
10 just, Andy, were you thinking this would be a literature review
11 and a review of the stock assessments and going through and
12 pulling some of that information and putting it kind of under
13 these objectives as where we are currently? Is that what your
14 thinking was with this?

15
16 **MR. STRELCHECK:** Yes, and maybe "review" is the wrong term, but
17 I know, when I come to the council meeting, it's good to react
18 to something if I have something on paper, and so, to me, going
19 through each objective and providing some information that would
20 help with the council discussion would be beneficial, and how
21 comprehensive that is I think will be dependent on what
22 information is available and how much time you have to put into
23 it, given every other priority you have to work on, but I think
24 there is a lot of information out there to address these, and
25 there's a lot of amendments that we've worked on over the past,
26 and we've dealt with some of these objectives, and then there's
27 some things that probably are still relevant at this point and
28 to put some context around all of this.

29
30 **CHAIRMAN GUYAS:** Okay. Do we want to move forward with that
31 approach? Anybody? I see a couple of head-nods yes. Okay. I
32 think that's maybe our next step with this document. Dr.
33 Simmons.

34
35 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. I just
36 want to say that we'll do our best for October in looking at
37 some of these things. One other thing that I wanted to talk
38 about a little bit regarding the MRIP calibrations is our plan,
39 staff's plan, is to have Science and Technology staff come to
40 the October SSC meeting and provide a presentation. We're
41 working with our SSC Chair and our staff to figure out what we
42 need for the SSC meeting and trying to figure out how much time
43 we need. I am expecting that presentation to be longer, perhaps
44 maybe even half a day for our SSC, and I'm not exactly sure, and
45 so we're still working on that.

46
47 I have contacted those people, and then the council would also
48 get a presentation as well at the October council meeting

1 regarding those calibrations, but I don't think -- After we are
2 briefed on that, the schedule, specifically for red snapper,
3 regarding this action that we just talked about earlier for red
4 snapper, would be putting those calibration estimates in the
5 update assessment and producing new projections, and I don't
6 think that will be completed, according to our schedule right
7 now, until June of 2019.

8
9 I just wanted to put that on the record and make sure that
10 everybody was aware of that schedule, and maybe we should talk
11 about that some more, regarding where we are with this
12 amendment, or this scoping document, and the next steps.

13
14 **CHAIRMAN GUYAS:** Kevin.

15
16 **MR. ANSON:** June of 2019 seems significantly later than I recall
17 from six months ago, and I wonder if Dr. Porch can comment on
18 that.

19
20 **CHAIRMAN GUYAS:** Dr. Porch.

21
22 **DR. PORCH:** I think that was just being generous. I think most
23 of them will be done much sooner than that, because it really
24 doesn't take that long to do the MRIP lite, as envisioned.
25 You're just replacing the time series of recreational catch
26 estimates and nothing else, and so, in principle, most of those
27 stocks should be done within a month or so of getting the final
28 data, and so I would expect it to be done at least this calendar
29 year, if not maybe not quite by this fiscal year.

30
31 In other words, it may go into November or something, but I
32 don't think it should take that long. There may be one or two
33 other species that we encounter some problem with that could go
34 longer, but I really don't anticipate waiting until June to
35 release the results.

36
37 **CHAIRMAN GUYAS:** Go ahead.

38
39 **MS. BOSARGE:** Then, after your piece of that puzzle is done,
40 then it will go to our SSC for their review of that MRIP lite
41 and catch advice, and then all of that would come back to us,
42 and so, depending on when you get it out -- You know, if it
43 happens in November, then we won't see it until our
44 January/February meeting of next year, just so the council
45 understands the schedule we're on.

46
47 **CHAIRMAN GUYAS:** Okay. Well, I think it will be good to get an
48 update in October on the MRIP calibration stuff, and there's a

1 lot of questions about that, and then we'll move forward from
2 there. Anything else on red snapper allocation for the time
3 being? Kevin.

4

5 **MR. ANSON:** Carrie, I know it might be a little bit difficult to
6 answer, but, based on you said some time devoted at the next
7 meeting for the MRIP presentation and such, do you anticipate
8 that staff could potentially have something at the next meeting,
9 or would probably January be more likely, as far as review of
10 these objectives and any relevant or pertinent information that
11 would help guide us as to which ones would develop a purpose and
12 need?

13

14 **EXECUTIVE DIRECTOR SIMMONS:** I think I understood your question.
15 The MRIP calibrations, we're planning that as a separate
16 presentation. That would come from the Science and Technology
17 staff to the SSC and then to the council.

18

19 **MR. ANSON:** Yes, but I was just thinking more of time for the
20 actual meeting and whether it not it could be -- If this topic
21 would be on the next meeting's agenda under Reef Fish. I didn't
22 know, with everything else that is already being worked on,
23 relative to staff time, is just not having enough time during
24 the next meeting, in addition to all of the other things that
25 you have, including the MRIP presentation, you don't anticipate
26 us seeing this until January, or do you think you can swing it
27 and everything will come into place and you will have something
28 back in October?

29

30 **EXECUTIVE DIRECTOR SIMMONS:** I mean, we're going to have a new
31 Chair, I think, and I'm pretty new in this job still, and we'll
32 do our best to at least get started on this, but we do need to
33 look at the priority schedule.

34

35 **MS. BOSARGE:** Just for the record, you've had it on the agenda
36 at every meeting since you've brought it up with this Chair, and
37 so I just wanted to put that out there, and no pressure for the
38 next Chair or anything.

39

40 **CHAIRMAN GUYAS:** Okay. So, it seems, I think, that we are back
41 ahead of schedule. Hang on a minute. Dale.

42

43 **MR. DIAZ:** I was wanting to back up for a minute. We broke for
44 lunch, but we were on that law enforcement discussion, and I did
45 want to ask a question that's been eating at me a little bit.
46 My question is, is there a point in the IFQ regulations where
47 people have violations and we remove them from this fishery? I
48 don't know if that's in there or not.

1
2 In the State of Mississippi, the way our regulations are in our
3 state, if you have three seafood violations, the judge can pull
4 your license for a period of time. Kevin had brought up about
5 accountability for this fishery, and, when I hear a law
6 enforcement officer tell us that they had one boat that they
7 documented 14,000 pounds that circumvented the system, we don't
8 need those people in that fishery, and we need a mechanism to
9 get them out. Is there a mechanism now? I probably should know
10 that, but I don't, but is there a mechanism now to do something
11 with folks?

12
13 **CHAIRMAN GUYAS:** Mara, can you address that?
14

15 **MS. LEVY:** Well, an IFQ is essentially a permit, right? Under
16 the Act, it's a permit. Like any of our other permits, if there
17 is some sort of violation of the regulations, there has to be
18 some sort of enforcement action, whether it's covered by the
19 summary settlement schedule or whether they issue a NOVA and
20 they go through the process, and then there are different levels
21 of penalties that can be applied that is really a matter of
22 discretion of the NOAA Office of General Counsel, in terms of
23 they follow a schedule and guidelines, but there is some leeway
24 in there.

25
26 There is, I think, set bounds. At some point, I suspect you
27 could have a serious enough violation, or enough of them, that
28 you would go through a revocation process to revoke somebody's
29 permit, but that requires an enforcement proceeding and notice
30 and the opportunity to be heard, and so there's no mechanism to
31 just simply take somebody's permit or IFQ away without that
32 proceeding, and I think it would be a case-by-case judgment and
33 determination.

34
35 **CHAIRMAN GUYAS:** Patrick.
36

37 **MR. BANKS:** Let me ask it a different way, maybe. In federal
38 law, does it set about the exact penalties that will occur if
39 this example that he talks about happened? For instance, if
40 this gentleman who -- Maybe he's not a gentleman, but maybe if
41 he harvested 14,000 pounds and circumvented reporting that, and
42 that's his third offense or fifth offense, is there something in
43 the federal law that says, upon the third offense, the judge
44 shall revoke his permit?

45
46 In a lot of our state laws, and I think Dale was describing that
47 for us, there is a mandated law that says that, upon the third
48 offense, that license will be revoked for five years, and is

1 that what you're asking? Is there something that mandates the
2 judge, after this due hearing that you're talking about, and I'm
3 assuming that you're talking about in front of a judge, that
4 tells a judge that he has to revoke that permit? Do we have a
5 hammer to get this person out of the fishery and not just by the
6 discretion of OLE?

7

8 **CHAIRMAN GUYAS:** Go ahead, Mara.

9

10 **MS. LEVY:** Discretion has many levels. I mean, there is the
11 decision to charge, right, and then there is the decision to I'm
12 going to say prosecute the violation, but all of this is
13 generally happening in an administrative law format, right, and
14 so you're going before an administrative law judge, if you have
15 to go that far, and there are penalty schedules that sort of, I
16 think, set the bounds about this type of violation should incur
17 this type of penalty.

18

19 You might have mitigating factors, and you might have
20 aggregating factors, in terms of what type of penalty the agency
21 wants to set or ask the judge, administrative law judge, to
22 impose, and I think, depending on the severity of the violation
23 and re-offenses, it might call for asking for a revocation of
24 the permit, or it might call for suspending or whatever, but
25 nothing is going to say, I do not think, this mandates this
26 result in all circumstances, and do you see what I'm saying?

27

28 It's always going to be a case-by-case determination, and it's
29 always going to be going through, generally, NOAA Office of
30 General Counsel to make that assessment about what the correct
31 penalty is to assess or ask for. Does that make sense?

32

33 **CHAIRMAN GUYAS:** All right, and so next on our agenda was a
34 break, but it's pretty early. What do you want to do, Madam
35 Chair? Do you want to move to the next item? Okay. We'll take
36 a break. We will be back at 2:50.

37

38 (Whereupon, a brief recess was taken.)

39

40 **CHAIRMAN GUYAS:** The next item is Revised Draft Amendment 50.

41

42 **REVISED DRAFT AMENDMENT 50: STATE MANAGEMENT PROGRAM FOR**
43 **RECREATIONAL RED SNAPPER AND INDIVIDUAL STATE AMENDMENTS**

44

45 **DR. LASSETER:** Thank you very much. Okay. We did bring you the
46 state management documents again. As a refresh, we have the
47 overarching program amendment, which we're calling 50A, and then
48 each of the five states has an individual amendment sequentially

1 lettered from that.
2

3 Rather than go through the amendments this time, we have put
4 together a little presentation, and it's located at Tab B,
5 Number 11(g), and we want to really focus on some of the
6 outstanding issues, in order to move forward with these
7 amendments.
8

9 I think we can come back to the timeline at the end, but what
10 staff is aiming for is to have public hearing drafts in October
11 for these, in order to go out for public hearings and then have
12 the council take final action in time to get this put in place
13 for the following fishing year, and so we'll come back to the
14 timeline at the very end, after we go through this presentation.
15

16 Okay, and so a little overview of what we want to highlight for
17 you today are a looking at the current preferred alternatives
18 and looking at how state management would work and really
19 addressing some of the issues or obstacles to this running
20 smoothly, and we have brought you some of the potential
21 solutions for addressing some of these problems as well, but
22 we're going to need some help and some feedback on this as well.
23

24 First, addressing the current preferred alternatives. We have
25 had to make tables to keep the different documents straight as
26 to what has been selected in each of them, but this is also a
27 good opportunity to show you all what we are looking at, and so
28 the top table is for the program amendment, the 50A, and then,
29 in the bottom part, you can see the individual states and the
30 selection of preferreds for each of those, and then, in
31 parentheses, is the meeting at which those alternatives and/or
32 options were selected as preferred, most recently. If there was
33 a change, it just reflects the most recent time.
34

35 Here is our first issue. For Action 1, which addresses the
36 components of the recreational sector to include in state
37 management programs, your current preferred alternative is
38 Alternative 4. Alternative 4 would allow each state to decide
39 whether to manage its private angling component only or to
40 manage both components.
41

42 Then, in Action 2, this action addresses the allocation, how to
43 divide the recreational quota amongst the states, and your
44 current preferred alternative is Alternative 6, which would use
45 the allocations selected for the EFPs that are being used for
46 this year and next for managing state management.
47

48 Now, the problem is that these two are currently inconsistent

1 with each other. The allocation alternative for the EFP
2 allocations is for private anglers only, but your current
3 preferred alternative for the previous action requires an
4 allocation amongst the for-hire vessels by state as well, and
5 so, as stated, while you have preferred alternatives, we need to
6 know the allocation for the for-hire vessels as well, because
7 that is a necessary component of that, and I will pause there
8 for a moment and see if there is any desire to perhaps look at
9 the alternatives for these two actions.

10
11 **CHAIRMAN GUYAS:** All right, committee. What are your thoughts?
12 A question from Patrick.
13

14 **MR. BANKS:** Would the method of determining those allocations
15 for both of those sub-sectors need to be the same? Can anybody
16 answer that for us? I mean, we see we have a preferred
17 alternative for the private angling, based on the EFP. I guess
18 they would have to be, or we might --
19

20 **CHAIRMAN GUYAS:** It would have to add up to 100, at the end of
21 the day.
22

23 **MR. BANKS:** That's right.
24

25 **CHAIRMAN GUYAS:** One way or the other, but, Mara, you had your
26 hand up.
27

28 **MS. LEVY:** Well, and I think I said this at the last meeting,
29 when you were looking at choosing the preferreds you did in
30 Action 2, that -- I mean, the first issue was the rationale for
31 it and explaining or adding some discussion about how it meets
32 all the requirements for allocations, right, and then the second
33 issue was addressing the for-hire side, and, if you are going to
34 choose a different method for the for-hire side, explaining,
35 again, how that's fair and equitable and why they would be
36 different and what the basis for that decision is and all the
37 other things that go with it.
38

39 I'm not going to say that you can't do it, but I think we would
40 have to have some pretty clear reasoning and discussion about
41 why that is and how it still is consistent with the requirements
42 of the Act.
43

44 **CHAIRMAN GUYAS:** Robin.
45

46 **MR. RIECHERS:** Well, and we discussed this at the last meeting
47 as well, that really there was this inconsistency after we had
48 gone through several discussions. The other part to this, and

1 certainly I said it at the last meeting and I will say it again,
2 is that, of the different options we have here in allocation,
3 using the EFPs as an allocation, given the very inconsistent
4 methods that were created by each state, and it was done for so
5 an EFP, and we understand that, but it truly was fairly
6 inconsistent, as far as the approach you took on the years.
7

8 One state took more biomass or a more biologically-based
9 approach, and others took historical time series, and each of us
10 ended up doing it somewhat differently, and that was because
11 there wasn't, like I said, a set of guidelines that allowed
12 that. Then, at the end, the states created their requests, but
13 then they went back and got some more pounds that was given to
14 them by National Marine Fisheries Service, the Regional Director
15 and the Regional Office.

16
17 Alternative 6 is a tough one to keep as a preferred. **It creates**
this inconsistency, and so what I will do is move that we remove
the preferred from Alternative 6 at this point.
18

19
20 **CHAIRMAN GUYAS:** Just to clarify, we're talking about Action 2,
21 right?
22

23
24 **MR. RIECHERS:** Yes.
25

26 **CHAIRMAN GUYAS:** All right, and so let's get the motion on the
27 board. If you're following along in the actual amendment, which
28 is B-11(a), Action 2 starts on page 16, since we're toggling
29 between documents here.
30

31 Okay, Robin. I think we have your motion on the board. In
32 Action 2, to remove Alternative 6 from being preferred, and so
33 we would not have a preferred in that case. Is there a second
34 to this motion? Second by Dr. Stunz. Is there discussion? Ms.
35 Dyskow.
36

37 **MR. DYSKOW:** Greg and Robin, what are you contemplating as an
38 alternative?
39

40 **MR. RIECHERS:** Well, I am hesitant to make that motion, given
41 that -- I have one that I would prefer, but I certainly believe
42 that it would not muster around this table today. I just
43 know that we have this conflict in what's going on here, and so
44 at least let's not continue down the road of providing a
45 conflict that we know we can't achieve one or the other, and so
46 all I'm doing at this point is just kind of noticing that, if
47 it's passed, that this one is not really one that we -- It could
48 end up being preferred, but at least at this point we're not

1 signaling that it's our preferred option, which is the same
2 argument that I made against the motion at the last meeting.
3

4 **CHAIRMAN GUYAS:** Does anybody else care to weigh-in on this?
5 Paul.
6

7 **DR. MICKLE:** Thank you, Madam Chair. If we could have multiple
8 preferreds, and our ultimate goal is to get it out for public
9 comment, and it seems like, to stay on the timeline, which I'm
10 very interested in, and I don't know about everyone else, but,
11 if we could have multiple preferreds, I would say, if we can get
12 another preferred selected, we can keep this one available,
13 because a preferred alternative is an alternative preferred by
14 the majority of the group, and, at this point, this one is the
15 majority of the group, which we voted on, and so I would suggest
16 we do -- I have a hard time supporting this motion, but, if we
17 have multiple alternatives, I think, at this point, we all move
18 forward together on our preferred alternatives as a group, and
19 we get our comments and we stay on the timeline and eyes on the
20 prize, right? Anyway --
21

22 **CHAIRMAN GUYAS:** Let me make sure that I understand what you're
23 suggesting. Are you suggesting a preferred for private anglers
24 and one for for-hire or just --
25

26 **DR. MICKLE:** This is Action 2 alone, specifically, and I
27 apologize. I should have clarified. This is Action 2.
28

29 **CHAIRMAN GUYAS:** Right.
30

31 **DR. MICKLE:** So a second preferred in Action 2.
32

33 **CHAIRMAN GUYAS:** Yes, and I was just trying to figure out -- In
34 Action 1, a state could choose whether they want to manage one
35 or the other or just one or both, and I was trying to understand
36 if the allocation -- This one, obviously, only applies to
37 private anglers, right, because that's the system we're in, and
38 so I was just trying to understand if the other one would be
39 specific to for-hire or just another alternative.
40

41 **DR. MICKLE:** Another alternative, yes. I think, if we get
42 multiple alternatives, I think we meet the goals of our
43 timeline, and I'm speaking for the timeline only in Action 2.
44 Thank you.
45

46 **CHAIRMAN GUYAS:** Got it. Robin.
47

48 **MR. RIECHERS:** Paul, let me make sure I understand what you're

1 trying to do here. Are you just saying that go ahead and pick
2 another most-preferred option, so that there's two that we're
3 kind of still talking about? Is that what you're suggesting?
4

5 **DR. MICKLE:** Yes, and so, if we lose all of our preferred
6 alternatives, we can't go out for public comment, and is that
7 correct?
8

9 **CHAIRMAN GUYAS:** We can, but it's just not --
10

11 **DR. MICKLE:** We don't get the input that we want to stay on
12 track.
13

14 **CHAIRMAN GUYAS:** Yes, and we don't really signal to the public
15 where we're heading.
16

17 **DR. MICKLE:** Exactly.
18

19 **CHAIRMAN GUYAS:** Mara has got her hand up.
20

21 **MS. LEVY:** You can go out to public comment without preferred
22 alternatives, though it's helpful if you have them, but, I mean,
23 you have the same problem if you have no preferred or you have
24 two preferred alternatives or three. Then you're saying we
25 still don't know what we want to do, but maybe it could be this
26 or that. I don't know how helpful it is to have two preferreds
27 that are mutually exclusive.
28

29 Sometimes we have actions where you have multiple preferreds
30 because you can implement them both. In this case, they are
31 going to be mutually exclusive unless one is specific to for-
32 hire and one is specific to private anglers.
33

34 **CHAIRMAN GUYAS:** Okay. I will go back to Paul and then Robin.
35

36 **DR. MICKLE:** I somewhat disagree, because the number of
37 alternatives in Action 2 is -- There is a lot. There is
38 different sectors, and it gives direction with multiple
39 preferreds, in this case, in my opinion.
40

41 **CHAIRMAN GUYAS:** Robin and then Kevin.
42

43 **MR. RIECHERS:** Maybe I misunderstood. We are going to public
44 hearing when?
45

46 **DR. LASSETER:** Between October and January.
47

48 **MR. RIECHERS:** Yes, and so we have another meeting between now

1 and then, as I'm recalling, and so, Paul, from that perspective,
2 it still doesn't give us a lot of time, but we would still have
3 another opportunity to get that preferred selected.

4
5 Again, part of my rationale is just I think the preferred that
6 we selected is probably the one that has the least ability to be
7 really supported here through a record that would allow us to
8 keep it as a preferred, and so, again, I'm not trying to offer a
9 different one at this point, Paul, but I think our goal here is
10 -- You and I, I don't think, are really completely opposite.
11 You're wanting to keep it on track, and I'm saying this won't
12 knock it off-track, necessarily, at this point in time. Your
13 concern is we get to October and we don't get one selected.

14
15 **CHAIRMAN GUYAS:** Let me get Kevin and then Mara.

16
17 **MR. ANSON:** A couple of comments for ones that I was going to
18 address is the timing of it. We have until October to pick our
19 preferreds. At the last meeting, I wasn't in support of the
20 motion to make Alternative 6 the preferred, kind of on the same
21 notion that Robin brought up, is that the EFP was kind of to get
22 us to a point that we could come up with 100 percent and try to
23 get it so that it would give us an option for managing the
24 respective state fisheries.

25
26 I would be in support of this motion at this point in time, with
27 the understanding that October is really going to be the meeting
28 that we have to all come together and pick a preferred, so they
29 can go out to the public and the public can have a good sense as
30 to where the council is right now, and so I will be in support
31 of this motion.

32
33 **CHAIRMAN GUYAS:** Mara.

34
35 **MS. LEVY:** Well, I mean, to the extent you would go down the
36 road of potentially having two preferreds that can't be
37 implemented together, I guess it doesn't matter that much, but
38 you're setting yourselves up, potentially, for then you're going
39 to have to de-select something, and that's going to have to be a
40 majority, and then what if you can't come to a majority about
41 what to de-select, and I'm not sure that's any different than
42 having to select something, but it just sort of seems like
43 you're setting yourselves up for something down the road that
44 then could potentially be, again, stopping progress if you can't
45 come to a decision about what to de-select when you have two
46 things that can't be selected at the same time.

47
48 **CHAIRMAN GUYAS:** Patrick.

1
2 **MR. BANKS:** Speaking of stopping progress, that's exactly what
3 this is designed to do right here, and that's to stop progress.
4 We picked a preferred as the majority of this body, and this
5 motion is not happy with what the majority of this body chose.
6 We already chose the preferred. We chose it at the last
7 meeting. We also chose it in our EFPs, and that was twice that
8 the states chose what they could accept. We have made progress,
9 and let's keep the progress going, please. This is only a
10 measure to stop that progress. Thanks.

11
12 **CHAIRMAN GUYAS:** Robin.

13
14 **MR. RIECHERS:** Patrick, I beg to differ with you, and I have
15 that right, and you have the right to say what you said, but
16 what this is, it's an attempt to create consistency between the
17 two alternatives that are there now, or at least not have
18 inconsistency.

19
20 I definitely appreciate your notion that we picked it last time,
21 but, as we see around this council table, until we reach the
22 final vote on alternatives, we will always have an opportunity
23 to change them, right up until we send it to the Secretary, and
24 so, again, if the majority picks it, it stays again, but it's at
25 least a motion on the board.

26
27 You have indicated that you are going to vote no, and I
28 appreciate that, but it certainly isn't an attempt to stall
29 something. It's an attempt -- Or to slow progress. It's an
30 attempt to hopefully make the document more like it's going to
31 be by the time we get to the end of the road.

32
33 **CHAIRMAN GUYAS:** Patrick.

34
35 **MR. BANKS:** Then the appropriate way to make it consistent is
36 for you to make a motion on Action 1 and not on this.

37
38 **CHAIRMAN GUYAS:** Phil.

39
40 **MR. DYSKOW:** Thank you, Madam Chair. I would like, in my heart,
41 to support Robin's motion, but, because it lacks an alternative,
42 I find that very difficult to delete it, or to de-select it,
43 without an alternative, and I don't understand what -- We would
44 be taking a risk of slowing it down, and I'm not willing to do
45 that. I would like to support it, but, since there is no
46 alternative as part of the motion, I am reluctant to do that.

47
48 **CHAIRMAN GUYAS:** Kevin.

1
2 **MR. ANSON:** I appreciate your comment and concern, but we will
3 have a need, and I'm sure a desire by October, in order to meet
4 our January deadline, to come with a preferred, and we may
5 settle on the same preferred, but we'll have as many choices to
6 vote as there are options or motions that are provided for
7 establishing the preferred, and so I just don't see this as not
8 being able to select a preferred in the future, but that's just
9 my take.

10
11 **CHAIRMAN GUYAS:** Andy.
12

13 **MR. STRELCHECK:** Although the EFP allocations might be
14 imperfect, I agree that they were put forth by the states, and,
15 with a small modification, largely NMFS implemented those
16 allocations for the EFP. I am recommending that we go to Action
17 1 and take a look at Action 1, if that's the concern here of the
18 actions not aligning well with one another, and base the
19 decision on the alternative in Action 2, based on any revised
20 decisions in Action 1.

21
22 I am also of the opinion that let's keep this moving, and,
23 unless we have another preferred alternative to identify, not
24 de-select a preferred alternative, but replace this with another
25 preferred in the amendment, if that's the council's view.

26
27 **CHAIRMAN GUYAS:** Okay. Is there other discussion on this
28 motion? Patrick, go ahead.

29
30 **MR. BANKS:** I make a substitute motion to, in the spirit of what
31 Mr. Dyskow just said, that, as an alternative, to change our
32 preferred from Alternative 6 back to Alternative 2, Option 2d.
33 If I can get a second, I will give some rationale.

34
35 **CHAIRMAN GUYAS:** Okay. We've got the motion itself, and let's
36 get the language from the document, so that everybody can see
37 exactly what that is. It's on page 16, if you've got your copy
38 with you. All right. Do we have a second for this motion?
39 We've got a second from Dr. Mickle. Is there discussion?
40 Patrick.

41
42 **MR. BANKS:** This is a motion that I made a few meetings ago, and
43 the basis, as it is today, is based on our allocation policy,
44 and that was to use the historical time series as well as giving
45 some consideration of some more recent years, which I think this
46 does.

47
48 It's also something that we have adopted as a council, and maybe

1 not unanimously, but we have accepted it under Amendment 40
2 already, that type of a calculation, and so it's accepted, and
3 it's been challenged in court, and it's passed through the
4 courts, and it has passed this council, and it follows our
5 allocation policy, and it's a good method, and I would like to
6 see that used. Thanks.

7
8 **CHAIRMAN GUYAS:** Other discussion on the substitute motion?
9 Tom.

10
11 **DR. FRAZER:** I guess I want to direct this discussion or comment
12 towards Paul a little bit. Is this kind of where you were
13 headed with two preferreds, because, depending on where you go
14 in Action 1, you could go either way here.

15
16 **DR. MICKLE:** Yes, that's exactly right, and so we have
17 potentially two preferred alternatives if this passes, correct?
18 So that would allow --

19
20 **CHAIRMAN GUYAS:** No. The way this is worded, this would replace
21 Alternative 6.

22
23 **DR. MICKLE:** I'm sorry. You're right. So this is on the track
24 that we still have a preferred, right, and so the fact that this
25 one is a more legally -- This has been justified through the
26 process of allocation and is a little bit easier to swallow,
27 from a legal sense.

28
29 As Alternative 6 was, it was just kind of states doing different
30 methodologies, which legally seems to be challenged a little
31 bit, and so, again, this -- Having this alternative alive allows
32 public comment to come out, but having two preferred
33 alternatives, even if this one switched out, I just don't see
34 the problem with it, but, yes, that was my idea, intentionally,
35 to keep it alive in that sense, to get that focused public
36 comment, to keep it on track. Thank you.

37
38 **CHAIRMAN GUYAS:** Robin, did you have your hand up? No? Phil,
39 go ahead.

40
41 **MR. DYSKOW:** Thank you, Madam Chair. My concern with 2d is the
42 timeframe of going from 1986 to 2015. Data from the ancient
43 past isn't really relevant to what we want to do in the future
44 with allocation of red snapper, and I think that the timeframe
45 that we're using for evaluation purposes goes back too far into
46 a period of time where it lacks relevance. I mean, so much has
47 changed since then, as far as population demographics and
48 fishing methods even, and, to me, that timeframe is too deep.

1
2 **CHAIRMAN GUYAS:** Paul and then Robin.
3
4 **DR. MICKLE:** Mr. Dyskow, are you talking population change --
5 Are you talking about the fish or the people? I always have to
6 ask.
7
8 **MR. DYSKOW:** If I may answer, both.
9
10 **CHAIRMAN GUYAS:** Robin.
11
12 **MR. RIECHERS:** In that vein, and I could have probably started
13 out with this motion and we would have been in the same place,
14 but I think we have room on the board, and I would substitute a
15 motion then that would list Option 5e as our preferred
16 alternative.
17
18 **CHAIRMAN GUYAS:** All right. We're up to the second substitute,
19 and this is our max. I'm just putting that out there. We've
20 got to dispense with some of these. Let's get this one on the
21 board.
22
23 **MR. RIECHERS:** If I do receive a second, I will have a little
24 discussion.
25
26 **CHAIRMAN GUYAS:** Okay. Robin, do we have that motion right now?
27 It would change the Preferred Alternative 6 to Alternative 5,
28 Option 5b and 5e? Okay. Good catch. Do we have a second for
29 this motion? Second by Dr. Stunz. All right. Let's have some
30 discussion on this second substitute. Robin.
31
32 **MR. RIECHERS:** Getting at Mr. Dyskow's point, this actually goes
33 to a more recent time period, and, in addition to that, it
34 actually starts to really look at something other than just the
35 historical time series of catches, which we know, for a host of
36 reasons, they have changed through time. The currencies are
37 somewhat different, and they have been changing most recently,
38 and we know that that's some difficulty that we have.
39
40 This at least starts to bring in the notion of biomass and
41 recreational trips, and we may have even sent something to
42 selected but preferred which also could bring in, possibly,
43 trips, but this would at least get us, I believe, a signaling
44 that we're going to try to consider more than just catch history
45 in this, in this kind of allocation, and I think that's
46 important.
47
48 This is not meant to try to completely reduce one state or the

1 other, but it's trying to think about, as we're moving forward,
2 where those trips are and where those demographics are as well
3 as more recent time series as opposed to the longer time series.
4 Again, like I said, I probably could have made this motion to
5 start this, as opposed to just maybe trying to de-select the
6 preferred, but this is the motion that I would have made.

7

8 **CHAIRMAN GUYAS:** Okay, and so I see lots of scrambling in the
9 document, people scrambling through the document. If you're
10 trying to find the implications of this, you want to look on
11 page 20 and on page 21. There is two sets of tables. Paul, you
12 had your hand up.

13

14 **DR. MICKLE:** Yes, and so, with the catch histories, you want a
15 representative -- Like Mr. Dyskow said, a representative time
16 series, and so I have to speak for the State of Mississippi.
17 With Katrina in 2005, the fleets were gone, private and for-hire
18 and everything, and so, to represent a catch history, when you
19 start your catch history with a decimated fleet, and you're
20 building back up, do you give more justification for the longer
21 catch history because you're rebuilding back to where it was? I
22 would say that's more representative over that longer time
23 period, and so it's hard to support this, from the Mississippi
24 perspective, because of the rebuilding that occurred of the
25 fleets and the fishery itself. Thank you.

26

27 **CHAIRMAN GUYAS:** Andy.

28

29 **MR. STRELCHECK:** One challenge with all of these analyses that
30 use either historical landings or, in this instance, trips is
31 the MRIP revisions that we're now going to be dealing with and
32 the effort survey, and my concern is this is based on historical
33 data, but it's going to be subject to change, and there's going
34 to be a fairly substantial shift, especially on the trip side,
35 toward the eastern Gulf, and so these numbers aren't going to be
36 very representative once that new effort survey information is
37 taken into account as well as how we use the state-certified
38 surveys with regard to red snapper management.

39

40 **CHAIRMAN GUYAS:** Kevin.

41

42 **MR. ANSON:** A point of clarification. Robin or someone else, if
43 the motion could be brought back up, I know we're in 5e, Option
44 5e, but is it related to Option 5a or 5b or 5c? It's for 5b?
45 Okay. All right.

46

47 Just to echo some of the comments that Dr. Mickle just said and
48 Andy, I don't know, necessarily, that this -- I recognize,

1 Robin, that biomass is certainly important to you, and you've
2 mentioned before that it's been a challenge for your anglers in
3 Texas to access the resource with the June season, and so I
4 certainly recognize some emphasis or some way to include biomass
5 into the formula, but I think, at the end of the day, like Paul
6 suggested about Mississippi, it creates some issues for Alabama
7 anglers, in that we end up with nearly half as much under this
8 scenario as we would with most of the other scenarios that you
9 look at, traditionally how we look at things with trips and such
10 and landings, and so I would not be supportive of this second
11 substitute motion.

12
13 **CHAIRMAN GUYAS:** Dale.

14
15 **MR. DIAZ:** I am not really speaking to the motion, but this is
16 where the hard work is at. I mean, we know that, this
17 allocation thing, and human nature is we're all trying to figure
18 out what's best for our state, but I will say that I'm so
19 encouraged by how successful these state management plans, these
20 EFPs, have been this summer, and we've just got to get this
21 worked out to where -- I don't know if everybody can be happy,
22 but we've got to get it worked out to where we can move forward,
23 and I have always wanted there to be a consensus on this. I
24 don't know if it's possible, but, anyway, this is the thing that
25 I fear is going to sink everything right here, this allocation
26 thing.

27
28 We went down the road with 39, and there was two things, what to
29 do with charter boats and allocation, and we couldn't get past
30 those two things, and I don't know what it's going to take to
31 get us over the hump, but everybody try to think -- Not
32 necessarily what is the very best for my state, but maybe what
33 can we live with, and just I think everybody thinks like I do,
34 that these state EFPs were great this summer, and so we've got
35 to keep this momentum going.

36
37 The folks that fish deserve that, and so just try to be as
38 objective as you can, and I will try to do that too, although
39 it's hard for me not to figure out what I think is the best for
40 us, but I'm trying to figure out what's best for all the
41 fishermen, and so thank you.

42
43 **CHAIRMAN GUYAS:** I've got Tom and then Patrick.

44
45 **DR. FRAZER:** I would like to echo what Dale had to say. I mean,
46 I think what we ought to be trying to do is figure out what is
47 fair for everybody, and what is the best for each state isn't
48 necessarily fair for everybody, right?

1
2 I like the last substitute motion, in the sense that it
3 incorporates both biomass and trips, and so what it does is it
4 captures a dynamic that a historical time series doesn't, but
5 I'm concerned with the comment that Andy made that the numbers
6 that we're looking at today aren't very representative,
7 potentially, when we get the MRIP recalibration, and so I might
8 lean that way eventually, but I don't know if we're going to
9 have enough support for that now, and I would make a similar
10 argument, I guess, with regard to the second substitute motion.
11

12 What we're seeing here is, because we don't know, amongst the
13 states still, what we're happy with from an allocation
14 perspective, we're not likely going to be able to agree on an
15 alternative today again, and so, in the absence of identifying a
16 preferred, I am inclined to stay with the original one that we
17 have, still recognizing that there is a timeframe in play and
18 that we need to make a decision by October.
19

20 As Kevin has pointed out, and as Robin has pointed out too, we
21 can change these preferreds, but we have one on the board, and,
22 until there is really a compelling reason to pick a new one, I
23 probably will speak in opposition to all of these, to the two
24 substitutes.
25

26 **CHAIRMAN GUYAS:** Patrick.
27

28 **MR. BANKS:** I appreciate what Tom just said. If you run the
29 numbers on all of these alternatives, the ones that I have made
30 the motions for don't give us the most fish in Louisiana. It
31 does not give us the most fish in Louisiana.
32

33 The people in Louisiana hearing me say that are probably upset
34 with me right now, but it's the fairest way to do the
35 allocation. It's the one that passes the legal muster, and it's
36 the one that follows our policy, and so I appreciate what Dale
37 says and what you said, but that's exactly what my motion does,
38 and I have not been here trying to figure out which number gives
39 us the most fish. I have been trying to figure out what is the
40 fairest for everybody.
41

42 **DR. FRAZER:** I heard the argument, and I guess what I'm saying
43 is that the alternative, the second alternative motion here, I
44 guess, or substitute motion, again relies on the historical
45 timeframe, and, from my perspective, what I am interested in is
46 trying to capture a dynamic, I think, and am I wrong?
47

48 **MR. BANKS:** To that point, it partly relies on the historical

1 timeframe, which is what our policy says, but it also takes into
2 account a more recent timeframe, which is what our policy also
3 says, 50 percent of each of those. I think it addresses exactly
4 what you're saying.

5

6 **CHAIRMAN GUYAS:** I've got Leann, and then I've got Robin.

7

8 **MS. BOSARGE:** Just to clarify it, because I think you all are
9 talking around each other, you are talking about the first
10 substitute. You are speaking to that first substitute motion,
11 and you're telling us that that's what that one does and not the
12 second substitute that was on the board, but the first. I get
13 it, but I just wanted to make sure.

14

15 **MR. BANKS:** And Alternative 6, because we based our EFP
16 allocation on that method.

17

18 **CHAIRMAN GUYAS:** Robin.

19

20 **MR. RIECHERS:** Well, a little bit of discussion has occurred,
21 and both Andy and Tom mentioned it, about how some of the
22 recalibration is going to impact this, and realize that trips
23 are both impacted by the recalibration, but trips are heavily
24 equated to landings also, and so we don't get out of it by going
25 to trips or by going to landings instead of trips.

26

27 That is just the quandary we're in, and part of what we are
28 going to have to figure out is how we do make those adjustments,
29 because some of those calibrations may occur after the period of
30 time that we have to both get this out into the public hearing
31 world as well as, frankly, may occur even after we adopt it,
32 depending on the timing of all that, and we've heard different
33 discussions about how that may occur today, but that's one of
34 the other struggles that we have here, and I think that's just
35 something we have to consider.

36

37 I appreciate your comments about the biomass and, like I said,
38 trying to reflect some of that in the fishery as well, and we
39 know that's out there. It's both been used in SEDAR, and it's
40 been used in really all of our stock assessments most recently,
41 and it also has to do with where some of those fish are landed
42 and how those fisheries are prosecuted, but, again, like I said,
43 I think we're likely to end up back at square-one here, but it's
44 been a good discussion about some of the things we need to
45 consider as well.

46

47 **CHAIRMAN GUYAS:** Andy.

48

1 **MR. STRELCHECK:** Going back to the current preferred, one of the
2 things that I like about it still is that some of these moving
3 parts, the changes in MRIP, aren't factored into that decision.
4 The fact that the states took kind of different approaches to
5 arrive at their allocation, based on what you thought was going
6 to be best suited for your particular state -- To be honest,
7 NMFS expected, when we got all the numbers together, that you
8 were going to be way over 100 percent, and the fact that it was
9 96 or 97 percent allocation, when all of it was tallied up, said
10 a lot in terms of what we could do under the EFPs, and it made
11 it simpler to implement.

12
13 One of the, I guess, things going forward here would be, to make
14 this successful, we have to have some agreement, and we have to
15 have some give-and-take, and this whole issue of what's fair and
16 what is equitable is a challenge, because we know, right now,
17 under the current EFP and the allocations, the states that get
18 the highest allocation also have the shortest seasons.

19
20 That's a reality. The states that have the smallest allocations
21 are having some of the longest seasons, but what's fair and
22 equitable and what isn't can be viewed very differently
23 depending on what state you sit in and where you're fishing out
24 of, and so I think that's a challenge here, and I agree with
25 some of the comments that there's going to have to be some give-
26 and-take here, but the nice thing about the existing preferred
27 is at least you all had a chance to put it out on the table and
28 give some consideration to that, and I just don't like changing
29 the preferred until we have really given some better thought to
30 a modified alternative.

31
32 **CHAIRMAN GUYAS:** Kevin.

33
34 **MR. ANSON:** I don't want to expound on it too long, but, Andy, I
35 appreciate your appreciation for the preferred that's currently
36 on there, but, to pick up a little bit on what Robin said
37 earlier, that was some give-and-take. We did come to an
38 agreement, and I think the states came into it with a different
39 perspective or goals.

40
41 I know that we were kind of under the gun, in trying to provide
42 some access to our respective private recreational anglers, and
43 so, for Alabama's case, we kind of took it to heart, the spirit
44 of the language that came from Congress in some of the
45 discussions that were had for last year, as far as last year's
46 season, the 2017 season.

47
48 From Alabama's perspective, we offered an alternative management

1 plan that kind of looked at how we came up with the pounds that
2 we thought would be sufficient relative to Alabama's slice of
3 the pie or Alabama's portion of the red snapper resource, and so
4 that was just one number of five that got us to the 100.
5

6 For other states, they looked at it differently, and they got
7 their number in a different manner, and so we're going to come
8 to a similar crossroads here very soon in regards to expediency
9 and trying to realize that, come 2020, we are back in the same
10 boat, like we were in 2017, prior to June 1, as far as what kind
11 of season we could face or we could offer in federal waters for
12 our private recreational anglers, and so I think that will be
13 some motivation for us to try to come together and, by October,
14 we will probably have a little bit more consensus, I am hoping.
15

16 I am still holding out hope, but, anyways, I am still under the
17 thought that we ought to step away and keep the slate clean
18 prior to October and, in October, come with a preferred or
19 preferreds that we could send out to the public for the public
20 hearing process.
21

22 **CHAIRMAN GUYAS:** All right. Any more discussion on our string
23 of motions here? Okay. Let's start voting this down or up or
24 however we're going to move through them. Let's start with the
25 second substitute that we have, if we can scroll to that one.
26 Clearly, we're going to need to raise hands for this. **Raise**
27 **your hand if you are in support of this motion; all hands in**
28 **opposition to this motion.**
29

30 **DR. BOB SHIPP:** I assume, since I'm not there, that I'm not able
31 to vote, and is that correct, Martha?
32

33 **CHAIRMAN GUYAS:** That is correct, Dr. Shipp, but if you want to
34 comment on any of these things, although it's kind of late and
35 we have passed the discussion, but, if you need to comment on
36 anything, just speak up, I guess.
37

38 **DR. SHIPP:** I should have done it before, but I was trying to
39 get this damn computer to work. I am just listening at this
40 point.
41

42 **CHAIRMAN GUYAS:** Okay. Did you all get that count?
43

44 **MS. BOSARGE:** Seven to three, and the motion fails.
45

46 **CHAIRMAN GUYAS:** Okay. **Seven to three, the motion fails.**
47

48 So let's scroll up to our substitute motion. This one is, in

1 Action 2, change the Preferred Alternative 6 to Alternative 2,
2 Option 2d. **Raise your hand if you are in support of this**
3 **motion, one; all those in opposition, raise your hand.**

4
5 **MS. BOSARGE:** The motion fails nine to one.
6

7 **CHAIRMAN GUYAS:** All right. **The motion fails nine to one.**
8

9 We are back to the original motion. This one was, in Action 2,
10 to de-select Alternative 6 from being the preferred. This would
11 mean no preferred. **All hands in favor of this motion, or raise**
12 **your hand if you're in favor; raise your hand if you're in**
13 **opposition.**

14
15 **MS. BOSARGE:** The motion fails seven to four.
16

17 **CHAIRMAN GUYAS:** **The motion fails seven to four.** All right, and
18 so we are with our original preferred at this point. Okay.
19 Where are we? I guess we're still on Action 2 and Action 1.
20 Ava, do you want to -- Let me make sure there is no other
21 discussion on Action 1 or Action 2, I guess, before we move
22 forward in Ava's presentation. Okay. That was enough for now.
23 Got it. Okay.
24

25 **DR. LASSETER:** Okay. Thank you. Let's just review the
26 remaining preferred alternatives in the individual state
27 amendments while we have this one open right now. Again, if you
28 would like to go through the individual amendments, if we have
29 time at the end, we most definitely can do so, but this is just
30 to summarize briefly.
31

32 In the individual state amendments, you do have two actions.
33 The Action 1 is determining the authority structure that each
34 state would use for state management, either delegation or CEPs,
35 conservation equivalency plans. We have current preferred
36 alternatives for all states except Florida.
37

38 In Action 2, it reflects a quota adjustment, either an underage
39 or an overage adjustment, and only Louisiana and Mississippi
40 currently have preferred alternatives. Alabama, Florida, and
41 Texas do not, and so, again, when we get to the end of this
42 presentation, if the representatives of the states or anybody
43 would like to make a motion for preferred alternatives, we
44 definitely could bring up these documents.
45

46 For now, let's move on, and so here was a slide that just had
47 the current preferred alternatives for Action 1 and 2, which we
48 went to the document for, and so well move on from that.

1
2 The second issue that we were going to address in this
3 presentation is how state management would work. Basically, we
4 have multiple scenarios and multiple factors and moving parts,
5 and so, here, we're calling this Scenario 1. This is when
6 everything is the most simple, the most clean, and it works
7 perfectly.
8

9 In an ideal world, under state management, all five states will
10 have state management amendments approved and their individual
11 programs in place. Each state will establish its fishing season
12 when red snapper may be landed from state and federal waters,
13 and, here, "federal waters" means any federal waters.
14

15 Enforcement is primarily carried out dockside, and there is some
16 discussion in the document that talks about, of course, there is
17 some ongoing enforcement in federal waters, but, largely, it
18 would be on the most liberal, most generous, of any bag limit,
19 if an officer is checking you. If you have only recreational
20 licenses onboard and no commercial permit and your anglers are
21 in a very large quantity possession of red snapper, you would
22 likely be in some kind of violation, but, essentially,
23 enforcement is carried out dockside.
24

25 Therefore, the EEZ essentially stays open, and, again, this is
26 contingent on all five states having state management programs,
27 and so then your state regulations just pertain to when anglers
28 can land red snapper in your state. They could be fishing in
29 any part of the EEZ, because the EEZ, essentially, remains open.
30 Again, landings in state waters are what is controlled or what
31 is dictated for each state management program. This is Scenario
32 1. Everything is clean and easy.
33

34 Then we have other scenarios, and so here is where we have some
35 of these issues that make things a little more complicated, and,
36 under these scenarios, it's when we have this concept of default
37 regulations that would come into play. In the event that not
38 all states are participating at a time, again, we have
39 individual state amendments right now, and it may be different
40 timeframes before different states come onboard, and there may
41 be other issues in even going forward with your delegation or
42 your CEP.
43

44 The inclusion of for-hire vessels, I'm going to come back and
45 talk about this more in the next two slides, but it poses some
46 problems, because of the federal Gulf-wide permit. Another
47 issue that creates a different approach would be the delegation
48 of options that require on-the-water enforcement.

1
2 Under any of these, it may require partitioning the EEZ, and
3 here we have the map that is provided in the documents as well.
4 These lines represent borders that the council had agreed on
5 when you were discussing Amendment 39. Two of the lines, the
6 Florida/Alabama and Louisiana/Texas, are established lines that
7 are used. The other two went straight north-south, and you
8 agreed on these I believe it was -- It was a meeting in 2013
9 that you discussed these at.

10
11 Once you have any of these three potential alternate scenarios,
12 NMFS may need to use these lines designating offshore waters
13 adjacent to each state in the EEZ, and default regulations would
14 apply in the event that say not all states are participating.

15
16 Let's say we have one state that is participating and everything
17 is working along and the neighboring state does not yet have its
18 state management program onboard. The default federal
19 regulations would apply to the adjacent EEZ to that state, and
20 the default regulations are essentially the existing current
21 recreational red snapper regulations, a two-fish bag limit, a
22 season that NMFS would estimate that begins on June 1, and the
23 length of the season would be based on the amount of quota not
24 delegated, not assigned, to the states that are participating,
25 and it would be the difference of that from the ACL, and NMFS
26 would need to set the season.

27
28 It gets complicated, because that closure and that season under
29 the default regulations off of that state must apply to all
30 vessels and not just the vessels from a particular state. If
31 one state -- If everything is working well, but their
32 neighboring state has not come onboard yet, the anglers in the
33 state with the program would not be able to fish, necessarily,
34 during their season in the EEZ adjacent to a state that does not
35 have its program in place.

36
37 If part of the NMFS default regulation season coincides with the
38 state management program season, then, of course, those waters
39 would be open then, but you start to see how one state not
40 participating or not being onboard yet could affect access to
41 federal waters to anglers of another state, and that could get
42 more complicated in the smaller zones of some of the central
43 Gulf states as well. I'm going to pause there for just a
44 moment, because I feel like that's pretty confusing, and see if
45 there's any questions.

46
47 **CHAIRMAN GUYAS:** Are there questions for Ava about these
48 scenarios? Robin.

1
2 **MR. RIECHERS:** So, short of the issues regarding complete
3 closures, basically, if you are a noncompliant -- If you're a
4 state that doesn't have a state management plan, you basically
5 would be participating in the fishery at the same percentage
6 rate you would receive given a plan, because that's what is
7 left, and you would start on June 1 and have a two-fish bag
8 limit.
9

10 **DR. LASSETER:** If only one state does not participate, you are
11 essentially exactly -- Because the other four states would have.
12 If two states or three states are not participating, then the
13 difference -- NMFS would subtract out the quota that has been
14 agreed upon and that is then assigned to states that have the
15 developed, approved programs. The balance would be used to
16 estimate a single default regulation state for whichever states
17 are in that class. Yes, exactly.
18

19 **CHAIRMAN GUYAS:** Other questions for Ava?
20

21 **DR. LASSETER:** Okay, and so that kind of focuses more on the not
22 all states participating. We're going to go through the next
23 two scenarios with a little bit more slides, and that is the
24 inclusion of for-hire vessels.
25

26 First of all, as we just went through this discussion, what's
27 currently missing in the council's current preferred alternative
28 is an allocation by state for the federal for-hire vessels.
29 That Preferred Alternative 6 remains in place, and it is for the
30 private angling component only, and so that is an obstacle at
31 the moment, and we still need to get to that point.
32

33 Some other issues to keep in mind is whatever allocation you
34 select for the for-hire vessels, based on the alternatives that
35 are in the document, they are referencing past participation,
36 but these permits, the for-hire permits, are transferable, and
37 they could be transferred to another part of the Gulf.
38

39 The permits that are held, for example, in south Florida, those
40 probably aren't currently being used for red snapper. Should
41 some of those permits be transferred to other parts of the Gulf,
42 you could be affecting -- There could be changes in regional
43 catches for red snapper.
44

45 Then there is also issues of how would the permit holders --
46 Which state would they be fishing under. Again, it's a Gulf-
47 wide permit, and it is a landings-based enforcement, but, in our
48 discussions in the IPT about how to address the Gulf-wide

1 federal permit for the participating in the different states, it
2 would either rely on partitioning the EEZ, just as with the
3 previous example, or there is a concept that we came up with
4 which would be to create an endorsement to the for-hire permits
5 that would determine the state that they would be participating
6 in for landings.

7
8 The purpose of this, one, would be to keep permit holders
9 participating in only one state program, and, of course, there
10 would be a separate endorsement for Gulf-wide participation,
11 which would be for states or regions that do not currently have
12 an active state management program.

13
14 If there is only one state doing that, it would be pretty clear
15 who that would apply to, but there could be one endorsement that
16 would apply to any and all states that are not participating and
17 as well as the individual state endorsements.

18
19 We crafted some alternatives, just to show you what this would
20 look like, what we envision this to look like, and so it would
21 be to establish a red snapper endorsement. For vessels with the
22 charter headboat permit for Gulf reef fish, to land red snapper
23 in a state managing its federal for-hire component in the Gulf,
24 the federally-permitted vessel must have an endorsement for that
25 state, as well as a Gulf-wide endorsement would be created and
26 would be required for vessels with the charter headboat permit
27 for Gulf reef fish to land red snapper in a state not managing
28 the federal for-hire component under an approved state
29 management program.

30
31 This would be optional as a for-hire permit holder. If you're
32 in an area that never catches red snapper, you would not need an
33 endorsement.

34
35 Then we have also provided some options that, if we were to go
36 forward with this approach, an endorsement -- This council would
37 be able to select whether the endorsement could be used only for
38 one program in a year, and what happens if that permit is
39 transferred? Would you want that permit to wait until the
40 following year and then be granted an endorsement for a
41 particular program, or could they go ahead and get an
42 endorsement for another program in that year?

43
44 This is a different approach besides the idea of partitioning
45 the lines. Now, there is pros and cons to each of these, and we
46 touched on timeline right when we began, and we're going to kind
47 of come back to that, but the idea of an endorsement, if you
48 were taking final action at the January meeting, the time it

1 takes to implement the amendment and then develop the
2 endorsement -- My understanding is that that would take longer
3 than getting this ready for 2020.

4

5 There are still issues to work out as far as permits being able
6 to transfer across the Gulf and whether or not they could
7 participate in a different program, and I'm going to pause there
8 and also see if NMFS has any additional feedback they would like
9 to contribute on this issue with for-hire vessels.

10

11 **CHAIRMAN GUYAS:** Okay, and so let's start with NMFS, and then we
12 need to discuss this, especially considering our preferred
13 alternative relative to this issue. Andy, Mara, Sue, are you
14 guys good?

15

16 **MR. STRELCHECK:** I don't think we have anything else to add at
17 this point.

18

19 **CHAIRMAN GUYAS:** All right. Who wants to start? Patrick.

20

21 **MR. BANKS:** I just want to ask -- I am going to put Andy on the
22 spot, but remind me of each of the issues with some states
23 having charters and some states not, if you can just reiterate
24 those few -- I remember one was the fact that charters would be
25 able to fish that federal season regardless of -- For instance,
26 if we had charters in Louisiana stay in our management plan, but
27 not in another management plan, you would set a charter season
28 throughout the Gulf, and we could not keep our charters from
29 also fishing in the Gulf during that time. That was one of the
30 issues that I remember you raising, but what were the other
31 ones?

32

33 **MR. STRELCHECK:** Well, it complicates matters, because of how we
34 had to handle the EFP versus regional management and how that
35 might move forward, but, at least under the EFP, the main issue
36 is the council made a motion saying that, if for-hire vessels
37 were included under the EFP, they could be included as long as
38 it didn't reduce the season length for the states that were
39 excluding vessels from their EFPs.

40

41 When we estimated the allocation and determined how much that
42 would be taken off the for-hire quota, the season length was
43 reduced by some amount, and I don't recall exactly what, and so
44 that's why we did not include the for-hire vessels in the EFP.

45

46 The challenge here is what Ava just spoke about, which is
47 clearly identifying the vessels that are participating in the
48 regional management program off of each state, and she just

1 walked through the endorsement requirements or some other way of
2 identification, but it increases the administrative complexity
3 of being able to identify those vessels clearly from one program
4 to the next, not to mention, obviously, determining what's going
5 to be a fair and equitable allocation that is going to be
6 satisfactory for the states that want to be included versus
7 those that might not be included in the program.

8

9 **CHAIRMAN GUYAS:** Kevin.

10

11 **MR. ANSON:** Andy, a little point of clarification. The
12 endorsement wasn't an option, per se, for the permit holder. It
13 was an option to the state, going through the council process,
14 to identify which states would have their for-hire component
15 involved or not, and so, for instance, Alabama, if Alabama were
16 to choose that and include for-hire vessels into theirs, they
17 would get a percentage based on historical or whatever the time
18 series is and everything, and then that would be deducted from
19 the rest of the Gulf, if the rest of the states didn't want to,
20 but the federally-permitted Alabama vessels would then have an
21 Alabama endorsement.

22

23 Then they would follow the season that Alabama set, and so they
24 couldn't fish outside of those days that may have been set for
25 just the federal season, for instance go off of Florida in
26 federal waters and fish when the Alabama season was closed, and
27 so they would be -- You would be able to constrain the catch and
28 everything, and I understand what they're trying to do with
29 moving vessels throughout different states and regions, but
30 that's my understanding, is that, once the vessel got an
31 endorsement, that vessel then would be participating in the
32 state seasons and be monitored under that state season.

33

34 **CHAIRMAN GUYAS:** Mara.

35

36 **MS. LEVY:** Right, and I think that's the way we were envisioning
37 potentially addressing some states wanting the for-hire and some
38 not and how do you identify which ones are confined to a state's
39 management program, and you have to give them something to say,
40 hey, you are an Alabama or you are a -- Once they have that,
41 then, yes, we would write the FMP and the regulations such that
42 they would be required to follow that. The question is how do
43 you identify them?

44

45 The way that this was presented was we're giving them a choice.
46 Do you want to be an Alabama charter vessel or do you want to be
47 a Gulf-wide vessel, or do you have your vessel somewhere else
48 and you want to be a Louisiana vessel, because how are we -- I

1 guess one of the issues to grapple is how are you going to
2 identify those, quota, Alabama federal charter vessels?
3

4 Also, how are we going to do that, potentially, in making sure
5 that we're consistent with the National Standards, and so I
6 think that's where the choice came in, and then the whole idea -
7 - I think part of the reason for putting the endorsement out
8 there as an example is just to say this is a way that it can be
9 done, but we would be essentially creating a new permit and
10 having a process that has to go through -- Administratively, to
11 get the permit and all that stuff, and in terms of the timeline,
12 whether that's possible to get done under this timeline of when
13 you want this implemented, that's not clear, because that is
14 much more complicated to get that implemented.
15

16 **CHAIRMAN GUYAS:** All right. I've got Andy and then Paul.
17

18 **MR. STRELCHECK:** Just to make another distinction with the
19 exempted fishing permit, the other challenge we ran into with
20 including the for-hire is that federal waters were going to
21 remain open Gulf-wide, and so vessels that would have been under
22 the EFP for-hire program could also have fished in federal
23 waters off of that state when the EFP is closed and the federal
24 waters are open. Under this scenario, obviously, the
25 endorsement would preclude that from happening.
26

27 **CHAIRMAN GUYAS:** All right. Paul.
28

29 **DR. MICKLE:** Thank you. I guess I'm just really good at
30 complicating things, or at least looking at them so that they
31 become complicated, but, just from an administrative and a
32 management perspective, this potential discussion leads into
33 four for-hire sectors that would be fishing for red snapper
34 potentially for a state. You have the regular state for-hire,
35 and then you have federal Mississippi for-hire, and then you
36 have federal for-hire, and then it becomes extremely expensive
37 and very difficult, and I just wanted to voice that, with that
38 many sectors.
39

40 **CHAIRMAN GUYAS:** Ava.
41

42 **DR. LASSETER:** I do just want to make sure that -- If you are a
43 state that is going to manage both your private angling and
44 federal for-hire, your for-hire vessels could not decide to do
45 the Gulf-wide one. They could only do a Mississippi
46 endorsement.
47

48 Then a neighboring state that is doing private only, those

1 anglers would be required to get that Gulf-wide endorsement in
2 order to land red snapper in that state, but for-hire operators
3 in a single state that is managing its for-hire cannot opt
4 between the Gulf-wide season and that state. They would only be
5 eligible for that state's endorsement.
6

7 **CHAIRMAN GUYAS:** All right. I've got Susan and then Leann.
8

9 **MS. BOGGS:** As a point of clarification, and here we go again,
10 if Mississippi is a state-managed fishery, but your charter
11 boats are fishing Gulf-wide, and I am going to use the adjacent
12 state of Louisiana, he doesn't want his -- He wants to retain
13 his charter boats. Are they then going to be confined to those
14 lines of demarcation off the state of Louisiana, to where they
15 can't go outside of federal waters if they are state managed,
16 meaning they can only fish in those lines of demarcation and
17 they can't go over to the Mississippi side and fish?
18

19 **CHAIRMAN GUYAS:** Ava.
20

21 **DR. LASSETER:** Okay, and I want NMFS to please correct me if I'm
22 misunderstanding this. Those are the two alternatives. Under
23 the endorsement idea, you could fish in different parts of the
24 EEZ. That would be an advantage of not needing those lines.
25 Now, however, if not all five states are participating,
26 regardless of for-hire or not, we'll be having the lines, and so
27 then that does affect it.
28

29 But let's say that everybody is participating and everything is
30 true with Scenario 1 and we're all clean, except for some states
31 are managing for-hire and some aren't. Then Mississippi --
32 Again, they're not managing their charter, and they would have
33 the Gulf-wide endorsement.
34

35 They would be fishing underneath that season in any part of the
36 EEZ and landing, and Louisiana for-hire operators would have to
37 have the Louisiana endorsement, and then that would specify that
38 they could be in any part of the EEZ as well, but only be
39 landing within their season, but it would get complicated if we
40 were doing the endorsement for the for-hire and that not all
41 states are participating. Then we would need to have the lines
42 in the water, and so then it gets extra complicated. Did I get
43 that right?
44

45 **CHAIRMAN GUYAS:** All right. Leann.
46

47 **MS. BOSARGE:** So these are permits that are transferrable and
48 that have value, and so, even if all the states said they were

1 going to manage their for-hire, I'm assuming what would happen,
2 in a market environment, with businessmen that are good
3 businessmen, whatever state ends up with the most advantageous
4 season for that -- It may not be the state with the most
5 allocation, as we said earlier, but, whatever state it is, those
6 permits are going to start to transfer.

7
8 I'm assuming, once that permit transfers to a vessel that is
9 home-ported -- Say it transfers from Florida to Texas, and it's
10 home-ported in Texas now, and it's going to be fishing under
11 whatever that allocation for Texas is. I mean, I can just -- I
12 don't quite -- Yes, it's going to be based off of some
13 historical average, but then the boats are going to shift, and
14 they're going to go wherever -- It just seems like it's going to
15 be pretty hard to manage.

16
17 **CHAIRMAN GUYAS:** John.

18
19 **MR. SANCHEZ:** Potentially multiple permits.

20
21 **CHAIRMAN GUYAS:** All right. Any other discussion on this or
22 thoughts about what we may or may not want to do with these
23 alternatives? I guess would we want to add something like these
24 to the document, because we would need to add the endorsement as
25 an action, and is that right?

26
27 **DR. LASSETER:** We were envisioning it as an action, but it's
28 also a mechanism for making it work, and the reason we pulled it
29 back from being an action we were proposing to you was because
30 there are these different approaches with these pros and cons,
31 these different ways to make this work, and we were still
32 struggling -- The team was still struggling with minimizing
33 unintended consequences, and so I'm not sure if we see this as a
34 decision point. There is definitely the options were a decision
35 point, and let me turn this over to NMFS.

36
37 **CHAIRMAN GUYAS:** Mara.

38
39 **MS. LEVY:** I think, if you're going to keep the idea that the
40 for-hire vessels are going to be managed by the states, or the
41 states are going to be able to choose whether or not they're
42 managing them, we have to have some mechanism to know what
43 vessels are associated with what state, and so, I mean, this was
44 just throwing out an idea about how that could happen.

45
46 I know we kind of have two alternatives here, endorsement and
47 partition, and I know I talked about the partitioning with
48 staff, but I can't remember how I thought that would work. I

1 mean, it's just really complicated, but I think you need to
2 think about, if you're going to go down this road, how are you
3 going to identify those federal for-hire vessels that are going
4 to be associated with a state who has decided to manage them and
5 knowing that we're not going to, under the current preferred
6 alternative, we're not going to know whether the states decide
7 to manage them until after the council takes final action,
8 right, because it's giving the states a choice and then it's
9 saying you have to tell NMFS within thirty days what you're
10 doing.

11

12 How are we going to identify those vessels? What mechanism are
13 we going to set up that we can automatically put in place after
14 the state makes the decision to do it, and then recognizing that
15 what we choose may not be able to be done in time to get this to
16 public hearings between October and January.

17

18 **CHAIRMAN GUYAS:** Kevin.

19

20 **MR. ANSON:** Yes, that was my question, is to how quickly these
21 additional action items could be incorporated into the document.
22 Then, looking at our timeline for trying to get something in
23 place for 2020, if the council votes that they want to have the
24 option in there for states to have a for-hire component, could
25 that be something that could be done, I guess, and I hate to say
26 a different document, but at least outlined through some action
27 items that we can try to get signed off or passed in January,
28 but recognizing that the agency is going to have some issues and
29 that it may not be 2020 that the state, if they wanted to choose
30 to include the for-hire component, is they would realize that
31 maybe it might actually come in 2021, until all of the bugs are
32 worked out, so to speak, and those things can be set up.

33

34 I guess my question is how much has to be in the document in
35 order for it to go forward to the Secretary for signature and
36 implementation? I mean, is it like a law, federal law, where
37 you pass it and then the CFRs come in later and you can kind of
38 go with that, of what the intent is in the document, Mara?

39

40 **MS. LEVY:** Well, I mean, nothing -- Passing the document doesn't
41 implement anything, right, and so you have to have the
42 regulations and the CFR, and that is what is going to create the
43 requirements, and that's what is going to let you go ahead and
44 do whatever you want to do.

45

46 If you're talking about sort of having an alternative that says
47 we're going to let the states choose if they want to manage the
48 for-hire or not, but we're not going to figure out how that's

1 going to happen until later, that's essentially saying that you
2 don't get to manage them until we've come up with a way to do
3 it, and so this is really then just a document that is for the
4 private angling sector, or component, and then we're going to
5 figure out later what to do with the private -- If that's the
6 way you're going to go, then this should just be about private
7 angling, and then you should be addressing the for-hire guys in
8 a completely different document, because it just makes it much
9 more confusing to say that they can do it, but you have no
10 mechanism to do it until we do the second thing.

11
12 **CHAIRMAN GUYAS:** Robin.
13

14 **MR. RIECHERS:** Yes, but I think Kevin was getting at, Mara, the
15 notion of could there be a phased approach, realizing that we
16 may pass this at a point when we know, in year-one, you couldn't
17 execute everything, and so could you actually state, but for
18 this group, we're going to implement this two years down the
19 road or three years down the road, whatever it would take, and I
20 would hope that we could create an endorsement in a year, but,
21 if that's really what we're really talking about here, is just
22 the creation of an endorsement.

23
24 I mean, I don't see a reason why we couldn't phase that in, but
25 please tell me if there's some reason why you couldn't signal
26 that in the document, if that's what you had to do, if there was
27 no way to do it for the upcoming season after the passage of the
28 document.

29
30 **MS. LEVY:** I guess, if it's a matter of the council making all
31 the relevant decisions here and then it's just a matter of
32 having time for the agency to implement it, knowing that part of
33 it would get implemented first and part of it would get
34 implemented second, I think that that can happen, but the
35 decisions about what we're going to require and how we're going
36 to require it still need to be made then in this document.

37
38 You would still be under the timeline, if you want, to submit
39 this thing as a whole and get it implemented, part of it, for
40 your timeline, but you would still need to submit it by -- I
41 think April was the drop-dead for that, right, and so the
42 council would still have to make all the decisions, is what I'm
43 saying, and then, if it took more time to implement, that would
44 be one thing.

45
46 **CHAIRMAN GUYAS:** All right. I've got John.
47

48 **MR. SANCHEZ:** I kind of have a question. If right now a

1 federal-for-hire-permitted vessel can fish around the whole Gulf
2 EEZ, is this going to restrict him to his state zone, so to
3 speak, potentially?

4

5 **MS. LEVY:** Creating the endorsement, in and of itself, wouldn't
6 -- I wouldn't envision it as restricting the for-hire vessel to
7 its zone. It would restrict it to whatever the state management
8 for that -- So if the state says your for-hire season is X to Y,
9 that's your season. You could fish in the EEZ, but, in terms of
10 landing in that state for which you have the endorsement, that
11 is your season.

12

13 It gets more complicated, as Ava said, if not all states have
14 their plans in place, because then we have to start delineating
15 where in the EEZ the federal regulations apply, and so that is
16 when it starts getting more complicated. That's not a function
17 of the endorsement. That's a function of not all states
18 participating and having these plans that are active.

19

20 **CHAIRMAN GUYAS:** John and then Kevin.

21

22 **MR. SANCHEZ:** That, I get, and I recall having had this
23 discussion already, and we kind of ended up where we have, and
24 it seems like now we're revisiting and going back to the same
25 confusion that I thought we had addressed a little bit before
26 when we decided to leave the federal for-hire essentially out of
27 just about everything.

28

29 **CHAIRMAN GUYAS:** Kevin.

30

31 **CHAIRMAN GUYAS:** Mr. Anson.

32

33 **MR. ANSON:** As my sixteen-year-old daughter often tells me, I'm
34 a little slow on the uptake, and so we have a state-endorsed
35 federally-permitted vessel, and they are endorsed for Alabama,
36 and Alabama is participating, obviously, or they wouldn't have
37 been endorsed as Alabama and they would be endorsed as a Gulf-
38 wide permit.

39

40 If that vessel is out on the water, or it's checked at the dock
41 and it has snapper onboard, in either case, the enforcement
42 officer is going to look to see, if it's an Alabama-endorsed
43 vessel, is the Alabama season open. If it is, and he or she is
44 within their limits and sizes, everything is okay. If Alabama
45 is not open and they have an Alabama endorsement, that vessel is
46 going to have some problems, and likewise for a Gulf-endorsed
47 vessel. The vessel would be available to access the federal
48 waters in the Gulf season, and so I guess I'm -- My point, or my

1 question, is to why we are still talking about lines in those
2 situations.

3
4 **CHAIRMAN GUYAS:** Go ahead, Mara.
5

6 **MS. LEVY:** We're only talking about it in the situation of if
7 there's a state that is not participating, right? If not all
8 five states are participating, then we have to establish --
9 Well, maybe you're right for the for-hire vessels. Yes, it's
10 not like the private angling -- See how complicated it is.
11

12 **MR. ANSON:** I am trying to make it less complicated.
13

14 **MS. LEVY:** I think you might be right for the for-hire vessels.
15 As long as we have an endorsement that indicates they are either
16 Gulf-wide or state, then the EEZ is just -- I mean, the Gulf-
17 wide would be under the federal season and the state ones would
18 be under the state seasons, and it's not like the private
19 anglers, where they could have multiple areas in which they
20 could potentially land.
21

22 **CHAIRMAN GUYAS:** Okay. Ava and then Andy.
23

24 **DR. LASSETER:** I want to make sure that I understand this,
25 because I thought, if we had those lines, then the closure and
26 the application of the default regulations would apply to all
27 vessels, regardless of the state, and so is that not an obstacle
28 for the for-hire vessels, again, if not everybody is
29 participating?
30

31 **MS. LEVY:** Well, I think we would have just a Gulf-wide season,
32 right, and anybody who -- We would have a federal season that
33 would be open to those permit holders who have a Gulf-wide
34 endorsement. When the federal season is closed, you would still
35 be able to be -- I mean, I think we would have to think about
36 how the regulations would work, because part of the way it was
37 going to work was the federal EEZ was just open, right, and so
38 we had no closure. It's just open, and, if you're landing in a
39 state that's open, you're good. If the state is closed, you're
40 not good.
41

42 In this case, we would have to set some sort of federal for-hire
43 season, and the question is, once that is over, what does that
44 mean for the EEZ? It would probably have to be closed, but then
45 what does that mean for the people that have the Alabama
46 endorsement? Does that mean maybe we're writing it and that
47 they're exempt from that closure? I think we would have to
48 figure out how to work it, and I am still -- It's not clear to

1 me exactly how the regulations would have to be written to do
2 that.

3
4 **CHAIRMAN GUYAS:** All right. I had Andy, I think, and clearly we
5 need to hash this out at some point, and then Kevin.
6

7 **MR. STRELCHECK:** Unfortunately, Robin stepped out, it looks like,
8 and so the problem we have is dissatisfaction with the private
9 season, and then the charter sector, obviously, being divided in
10 terms of state management or not state management, and we all
11 well know that.
12

13 We also know the clock is ticking on the EFPs, and we need to
14 get something in place in 2020. I know, Kevin, you weren't
15 suggesting this, per se, but I'm wondering if there is value in
16 moving forward with private under this amendment, regional
17 management amendment, and then addressing charter, given the
18 complexities and challenges that we've already discussed,
19 through some sort of separate amendment that would closely
20 follow this, but wouldn't hold up any sort of decision-making
21 for that 2020 private season that we really need to be
22 addressing, because, in the interim, the default for the charter
23 sector is still going to be an approximately fifty to sixty-day
24 season, I would expect, going forward, which has been fairly
25 satisfactory in recent years for the charter sector.
26

27 **MR. ANSON:** I may have been saying something like that, Andy,
28 but I am not going to propose a motion at this point. I will
29 just come back to the discussion relative to the concept of
30 having the Gulf open and when it might be closed, and we had
31 some of the discussion when we talked about the EFPs, and,
32 basically, it just came down to the Gulf was open until it was
33 determined that the landings exceeded the ACL, and then it had
34 to close. That's where I -- Is that wrong?
35

36 **MS. LEVY:** For the EFPs, it was the opposite, right? The Gulf
37 was closed, but then we gave the states an exemption to that,
38 and so that's the way -- The exempted fishing permit is not
39 really the model to use here, because it's solely exempting
40 people from the regulations, and so it was exempting them from
41 the closure.
42

43 The way this was structured, when we're thinking private angling
44 only, was the EEZ is open, and we're not going to close it,
45 unless for some reason we had to draw the lines and say you
46 could only fish here during this time. Otherwise, it was open,
47 and you were subject to wherever you were landing. You were
48 subject to those regulations wherever you were landing.

1
2 **CHAIRMAN GUYAS:** Mr. Dyskow.

3
4 **MR. DYSKOW:** Thank you, Madam Chair. I have been going both
5 ways on this issue. Consistently, I thought for-hire vessels
6 should remain under federal management, because it seems like a
7 more simple and more structured process than each state doing
8 something different.

9
10 **I respect the states' abilities to manage their fisheries, but I**
11 **see this being a very difficult scenario, and, because of that,**
12 **if it's appropriate, Madam Chair, I would like to propose a**
13 **motion to leave charter and for-hire vessels under federal**
14 **management.**

15
16 **CHAIRMAN GUYAS:** Okay. Let's get the words on the board, and
17 then we can match it up to the action and alternative. For
18 those of you who are toggling documents, you've got to go back
19 to the big fat one, 50A, and so this would be Action 1,
20 Alternative 2 of Amendment 50A, just so that we're all crystal
21 clear, since we have many, many documents for this. I think
22 what you are saying, Phil, is, in Action 1, make Alternative 2
23 the preferred alternative.

24
25 **MR. DYSKOW:** Yes, that's another way of saying it.

26
27 **CHAIRMAN GUYAS:** Okay. I am good with getting it in words
28 first, and then we can match it up with the actions. It's all
29 good. Everybody knows where we're at, I think. All right, and
30 so I think we have the motion on the board now. Is there a
31 second for this motion? Seconded by John Sanchez. All right.
32 Is there discussion? Robin.

33
34 **MR. RIECHERS:** Well, we've been having this discussion. I mean,
35 this is the same motion that was up last time, and so I'm not
36 going to go and spend a long time going on the record. We left
37 the preferred at Alternative 4 last time, as we tried to work
38 through this, and we've had a long discussion here about the
39 complexities, and I fully understand that it is somewhat
40 complex.

41
42 I am not certain it's always as complex as we try to make it,
43 but there are certainly some ways to still think about it, and
44 that would be using some sort of permit, and one option we have,
45 in addition to not necessarily going with Preferred Alternative
46 2 is leaving Preferred Alternative 4 and actually fleshing out a
47 little bit of what that permit would look like, because I'm
48 still not convinced, even though people are saying it couldn't

1 be done in the timeframe that we're talking about, I am not
2 completely convinced that it couldn't be, or I'm not convinced
3 that we couldn't take the tactic that Kevin was leaning towards,
4 which is a delayed implementation of that side of it, if you
5 wanted to do that in some way in this amendment.
6

7 The other part is certainly, Andy, we could put it in a
8 different amendment, but I will be honest that, just from the
9 state's perspective and from some of our discussions around this
10 table, when we tend to split things and say we'll bring things
11 back later, we don't do a very good job of that, and so, until
12 we can reach a point where we just know we can't get this done,
13 I am trying to preserve the option of having charter/for-hire
14 with the states, but, like I said, I'm just -- I'm speaking
15 against the motion, and, Phil, you and I have had this
16 discussion. I still like the Preferred Alternative 4, and we'll
17 see where we end up as we go forward here in the next two
18 meetings.
19

20 **CHAIRMAN GUYAS:** Kevin.

21
22 **MR. ANSON:** Thank you, Madam Chair. I forgot to mention
earlier, Patrick, about your other motion that I didn't support,
but I do support the idea of kind of extending the olive branch
and such and trying to come to that middle-of-the-road and come
to a negotiated settlement, if you will.
23

24 That's what I kind of look at this right now, is that Alabama
25 does not have support amongst its federally-permitted charter
26 boats, but, in the interest of trying to provide as much
27 opportunity for other states and as much as trying to come to an
28 agreed-upon arrangement of how we could proceed with this, I
29 will not be in support of this motion at this time either.
30

31 I just want to get one point of clarification, because it has
32 come up here recently with some of our federally-permitted
33 charter boats. Andy, I wonder if you can answer the question as
34 to how much protection, if you want to use that word, can be
35 afforded to federally-permitted charter boats for having
36 equitable access to the federal fishery in states that may opt,
37 if we go that route, with their own state-managed program, how
38 much protection does the federal government provide them,
39 inasmuch as having fair and equitable access to the federal
40 fishery?
41

42 Can the state kind of change the numbers and go off the rail, if
43 you will, from what their historical access has been without any
44 recourse from NOAA?

1
2 **CHAIRMAN GUYAS:** Andy.

3
4 **MR. STRELCHECK:** Well, I will let Mara also weigh-in, but I
5 guess my view would be that that would be whatever the decision
6 would be in terms of the delegation and the review by this body,
7 in terms of what that management would look like and whether or
8 not that is approved to be delegated to the state.
9

10 "Protection", I don't know if that's the right word, but there
11 would be a deliberative process that we would go through in
12 order to establish that. Now, to the extent that -- Well, I'll
13 just leave it at that.
14

15 **MR. ANSON:** You may have been going there, but if the council
16 comes up or approves the plan that the state can implement and
17 the state decides to change it at some point, that then would be
18 against what the council had approved, and then NOAA has some
19 authority, under that situation then, to revoke or not approve,
20 basically, the state's management of the fishery, and is that
21 correct?
22

23 **MS. LEVY:** To the extent we're talking about -- I'm going with
24 delegation, just because that's what we've been talking about,
25 and so the Act provides that, if the Secretary determines that a
26 state law or regulation applicable to a fishing vessel under
27 delegation is not consistent with the fishery management plan,
28 the Secretary has to notify the state and the appropriate
29 council and provide an opportunity for the state to correct any
30 inconsistencies.
31

32 If, after that notice and an opportunity for corrective action,
33 the state does not correct the inconsistency, the authority
34 granted to the state for the delegation doesn't apply until the
35 Secretary and the council find that the state has corrected the
36 inconsistency, and so you're delegating something specific here,
37 and whatever the state does has to be consistent with the
38 delegation. Otherwise, there is this procedure for -- I'm going
39 to call it suspending the delegation.
40

41 In this particular case -- If you recall, at the last council
42 meeting, the two alternatives that either say that the state is
43 only going to manage the private angling component or the state
44 has the choice of managing either, also, and the sunset, and so
45 it gets rid of the sunset for sector separation, and so it keeps
46 sector separation in place, and the allocations are specific,
47 private angling and for-hire. There is nothing in here that
48 allows the state to then decide it wants to somehow have a new

1 allocation that is not consistent with what the FMP decided it
2 should be.

3

4 **MR. ANSON:** Thank you.

5

6 **CHAIRMAN GUYAS:** Andy.

7

8 **MR. STRELCHECK:** I wanted to go back to Robin's comment, and,
9 Robin, I realize that what I was suggesting didn't necessarily
10 agree with -- I am looking for a compromise here, and this, to
11 me, is kind of an all or nothing. We're going to take it out
12 and not consider it down the road, and obviously we still have a
13 few meetings to discuss this, whereas separating the two allows
14 for the private amendment to move forward in a timeline that
15 could be implemented by 2020, with a for-hire amendment being
16 split out, but being considered during that same timeframe and
17 then subsequent meetings, as needed, to hammer out any of the
18 details, and so I wasn't suggesting that we were going to split
19 it and just table it and we'll come back to it at a much later
20 date.

21

22 I was just suggesting that we could split it out and deal with
23 it in a separate amendment and work toward trying to get that
24 implemented, but it wouldn't then be binding for the 2020
25 schedule that we're really needing to focus on for private
26 angling.

27

28 **CHAIRMAN GUYAS:** Ms. Bosarge.

29

30 **MS. BOSARGE:** Yes, and I mentioned separating the document a
31 couple of meetings ago, and so that wouldn't bother me, but I
32 will support this motion. In order for us to have the charter
33 in and let some people manage it and some people not or all
34 people manage it, we would have to have all of those decisions
35 and all of those alternatives hashed out in the document and
36 pick preferreds at the next meeting, just like we were talking
37 about with allocation.

38

39 We need a preferred by the next meeting, and I think we're nuts
40 if we really think that we can do all of that by October, in
41 order to get all of this final action by April and implemented
42 in time for the EFP expiration, and so I'm going to support
43 this.

44

45 Dale said that the private angling EFPs went extremely well this
46 summer, and I would agree, and I want to see that move forward,
47 and I don't see it moving forward with this still in the
48 document.

1
2 **CHAIRMAN GUYAS:** All right. Is there any other discussion of
3 this motion? Doug.
4

5 **MR. BOYD:** Just a comment on this. I'm not going to support
6 this motion, because I believe that there are states who have
7 voiced that they would like to have the charter fleet within
8 their state management, and we hear from approximately 50
9 percent of the charter fleet that they don't want to be in
10 federal management and they would rather be with state
11 management.
12

13 We hear a lot of public testimony that the charter fleet would
14 like to be with federal management, but it's from small, vocal
15 groups, and we do hear from other people, both in emails, both
16 in conversation and in public testimony, that they don't want to
17 be, and so, at this point in time, I am not going to support
18 this motion.
19

20 **CHAIRMAN GUYAS:** All right. Are we ready to vote? I think we
21 are. Okay. **All in favor of this motion, please raise your
hand, seven in favor; if you're opposed, raise your hand, five.**
22 **The motion carries seven to five.** All right, and so I know we
23 have more slides, Dr. Lasseter.
24

25 **DR. LASSETER:** Okay. I will pause there for just a moment. I
26 think there's a question.
27

28 **CHAIRMAN GUYAS:** Go ahead.
29

30 **MR. BANKS:** In light of that, at the appropriate time, I would
31 like to make a motion concerning charter/for-hire in a separate
32 amendment, please.
33

34 **CHAIRMAN GUYAS:** Let's do it now.
35

36 **MR. BANKS:** I don't have the wording, and so I'll try to fumble
37 through it, but I would like to start a separate amendment to
38 begin state management for the charter/for-hire industry. If I
39 get a second, I will explain, again.
40

41 **CHAIRMAN GUYAS:** All right. I think everybody knows what we're
42 talking about here. Is there a second for this motion?
43

44 **DR. FRAZER:** I will second it.
45

46 **CHAIRMAN GUYAS:** We have a second by Dr. Frazer. Is there
47 discussion? Leann.
48

1
2 **MS. BOSARGE:** So, Patrick, you want to begin a separate
3 document, I guess a plan amendment, begin a separate plan
4 amendment, for state management for the charter/for-hire
5 industry? In other words, you're separating this document out
6 now?
7

8 **MR. BANKS:** Well, I may be premature, because we may be able to
9 get the charters back it at Full Council, but that's wishful
10 thinking, maybe, and I don't know. There is some other votes
11 that are not yet seated at the table, but, obviously, everybody
12 knows my hope is to manage both the charters and the private
13 recs within our state management plan, and I know we can do it,
14 and I hear all of these complications, but somebody mentioned
15 that it doesn't have to be that complicated, and I don't believe
16 it's that complicated.
17

18 We have talked about the complications multiple times, and we
19 have talked about these lines in the Gulf, and it doesn't have
20 to be lines in the Gulf. We have already debunked that. We
21 have already debunked a lot of this stuff.
22

23 It doesn't have to be that complicated, and it's not that
24 complicated, but I'm okay if we separate them out, I guess, as
25 long as we can move forward the charter/for-hire down that road
26 as well and work out all of these, and we'll debunk the concerns
27 again and maybe give us some more time, because I don't want to
28 see 50 stall and not move anywhere, and so, if pulling the
29 charters out and putting them separate, if that's the only way
30 it can move forward, then I'm in favor of that. Thanks.
31

32 **CHAIRMAN GUYAS:** Mara.
33

34 **MS. LEVY:** I think we all know what you're talking about, but
35 could we say for the federal for-hire industry or permit holders
36 instead of just charter?
37

38 **MR. BANKS:** Yes. Sorry.
39

40 **CHAIRMAN GUYAS:** Is there other discussion of this motion?
41 Robin.
42

43 **MR. RIECHERS:** Patrick, just for my own clarification, if --
44 Well, let me put it a different way. Let me suggest this, that
45 even if I vote for this that I'm not suggesting that I won't try
46 to change it in this amendment, just so that you and I are clear
47 on that.
48

1 **MR. BANKS:** I'm not so sure that I won't try to change it
2 either, and I just said that about it, that maybe it will change
3 in Full Council, but I just want to make sure that we've got
4 some fallback here, so that we keep something for the charter
5 guys moving forward.

6
7 **MR. RIECHERS:** I will just echo my comment from before, and I
8 appreciate Andy trying to make that clarification, but I still
9 have that same fear, because we've seen it too many times around
10 this table, and so I don't think it's as complex as we're trying
11 to make it. I think there is some solutions that we could work
12 towards, and I think we can get them done in the timeframe that
13 we have allocated ourselves, or we can phase them in in some
14 way, and so, again, I will support the motion, just because it
15 will keep something on track, and whether or not we end up -- I
16 am not supporting it though to the context that I am still going
17 to work towards including them in the current plan.

18
19 **CHAIRMAN GUYAS:** All right. Other comments on this motion or
20 questions? Are we ready to vote for this one? Okay. **All in**
21 **favor, please raise your hand, of beginning an amendment for**
22 **state management of the federal for-hire industry; all opposed.**
23 **The motion passes ten to two.**

24
25 All right. Now are we ready to go back to that PowerPoint? I
26 think we are. Okay.

27
28 **DR. LASSETER:** Great. Thank you. Okay. We just have a couple
29 more slides. Going back to the overview, we were touching on
30 the current preferred alternatives and how state management
31 would work, and here is our last one of the issues. We covered
32 the not all states participating inclusion of for-hire, and then
33 now we're on to the options for delegation.

34
35 The alternative is -- The options are provided up here on the
36 board. This is Action 1 from the individual state management
37 amendments, each state's individual amendment, and so state
38 management, as it has been previously considered by the council
39 and how we talked about it in that Scenario 1, it included
40 measures that would rely primarily on dockside enforcement, such
41 as the bag limits and the size limits, such that, when in
42 federal waters, enforcement would be of the most generous of the
43 state regulations, for example the highest bag limit, of a state
44 with an open season at that time.

45
46 The bracketed final three options at the bottom are different
47 than these bag limits and minimum size limits from this dockside
48 enforcement, as currently written, and so, in Option 2e, we're

1 talking about requirements for live-release devices, such as
2 descending devices, and Option 2f is requirements for harvest
3 gear, and Option 2g is use of area or depth-specific
4 regulations.

5
6 These options for delegation, Option 2e and 2f, and I believe
7 Dr. Crabtree touched on this at the last meeting, these don't
8 necessarily need to be delegated, depending on how the state
9 writes the regulation, and so state regulations -- If a state
10 wants to include these as part of its red snapper management,
11 rather than being delegated some kind of authority, because,
12 again, remember that you're delegating red snapper authority
13 specifically and not reef fish more broadly, state regulations
14 could be written for dockside enforcement.

15
16 Rather than require use of such a device or such a harvest gear,
17 the regulation could be written by the state that it just must
18 carry aboard. Therefore, would be no need for delegation, and
19 so that is one potential solution for addressing these original
20 options.

21
22 The final one, the Option 2g, the use of area or depth-specific
23 regulations, we still have the same problem, and the sentence
24 that is here that is italicized is italicized in the document as
25 well, that without further information about the scope and
26 purpose of the area or depth-specific regulations, Option 2g
27 cannot be included in a state's delegation.

28
29 If you remember a few meetings ago, we took the list of the
30 three states that provided letters as to what they would like to
31 be delegated, and we compiled those items into a list and
32 provided them to GC, and what came back -- These three were
33 tentative. We needed to discuss them more, but they were
34 probable, or there were issues, and this issue for 2g has been
35 there from that time, that we needed more information in order
36 to enact this, and Dr. Crabtree discussed this at the last
37 meeting, that that just can't be openly -- Blanket delegation of
38 allowing a state to make whatever regulations they want in
39 federal waters.

40
41 These three options, we still have some issues with. Two of
42 them are selected as preferred currently in one state document,
43 but, for other states that may be considering especially e and
44 f, if your intent is just to have possession of these types of
45 gear or devices, then that would not necessarily require
46 delegation, and so that might be a solution for these.

47
48 For the 2g, again, we would need additional information

1 specifics that it could be analyzed and see if such a depth or
2 area closure could be delegated. More information is needed to
3 pursue this option, and so let me stop there a moment and see if
4 there's any discussion.

5
6 **MR. RIECHERS:** I don't quite understand the designation you all
7 are making of require aboard versus use of. Why are you saying
8 we can require aboard but not require the use of, if we chose to
9 do that?

10
11 **CHAIRMAN GUYAS:** Mara.
12

13 **MS. LEVY:** I think what it's trying to get at is that, if you're
14 going to delegate something that requires use or a specific
15 thing to happen in federal waters, then you have to tell folks,
16 and the states, what their area of jurisdiction is in federal
17 waters, right, and so, if we're going to say the state of
18 whatever can require the use of these specific devices, where in
19 this area off the EEZ, and so you get into those lines, right?
20 You've got to tell which state where their authority extends to,
21 and that was the issue with these things that were sort of not
22 something that you could just enforce in state waters and
23 dockside.

24
25 If you wanted to actually require use in certain areas, you have
26 to tell the state where they can do that, and I think this was a
27 suggestion to get around that, and so, instead of saying, state,
28 you can require the use of live release devices in this area of
29 the EEZ, we were suggesting that the state could just say that
30 these vessels have to carry these things aboard, meaning, if
31 you're in state waters or you're landing in the state, you have
32 to carry this aboard, and presumably they would have it onboard
33 in the EEZ, but you wouldn't be requiring that they use it.
34 Does that make sense? You wouldn't be saying what had to happen
35 in an area of the EEZ.

36
37 **CHAIRMAN GUYAS:** Leann and then I have a question, I think.
38

39 **MS. BOSARGE:** I was just thinking then about this relative to
40 how you're managing right now, and I asked you whenever, and
41 maybe that was yesterday or today, but anyway, what you were
42 doing with the rest of that quota, and you said, well, we're
43 going to use that for state waters. We're going to close
44 federal waters and we're going to spend the rest of our year
45 fishing, or hopefully the rest of the year fishing, in state
46 waters.

47
48 If Texas wants to do that in the future under this plan, you

1 have to draw your lines in the EEZ to say what part of the EEZ
2 Texas can close. In other words, they couldn't have a state-
3 water season anymore unless we draw lines, right?

4

5 **CHAIRMAN GUYAS:** Mara.

6

7 **MS. LEVY:** Well, so that gets to another issue that we haven't
8 worked out yet, is if you're going -- 2g creates its own set of
9 issues that need to be addressed, meaning, yes, you would --
10 Again, you would have to be defining the area and the
11 jurisdiction in the EEZ that the state can have authority, over,
12 right, and so we would have to say this is Texas's area of
13 authority in the EEZ, and then we would have to figure out how
14 we would implement such a closure, and I don't think we've
15 worked out exactly how that would happen.

16

17 Would it have to go through NMFS and NMFS do it? Could the
18 state actually close federal waters? I don't think we've -- At
19 least I have been looking at it, but I haven't gotten far enough
20 down the road to figure out the mechanism, but you would still
21 have to, again, determine the jurisdiction that Texas had, or
22 whatever state had this, and what is their jurisdiction, and so
23 that's where the lines come in.

24

25 It's difficult, because we have five states in one body of
26 water, and, to the extent they all want to do something
27 different in their, quote, area of jurisdiction, we have to know
28 what their area of jurisdiction is.

29

30 **CHAIRMAN GUYAS:** Okay. Mara, regarding 2e and 2f, I am just
31 trying to think this through. In Florida, if you're fishing for
32 red snapper and nine other reef fish, you have to participate in
33 our Gulf Reef Fish Survey, and that is something that's shown on
34 your license. It's not a license or a permit, but it identifies
35 the people that are participating in that fishery.

36

37 Could you potentially require the use of descending devices for
38 those people that are participants in the Gulf Reef Fish Survey,
39 as a way to make sure that those devices are used, rather than
40 just say that you have to carry them aboard?

41

42 Maybe it's less of an issue with the descending devices, whereas
43 if say, and I'm not saying that we're going to do this, but, if
44 we require that only red snapper could be harvested using a
45 spear gun, in which case, if that was the case, then requiring
46 someone to carry a spear gun aboard doesn't really maybe solve
47 the problem of actually restricting the use to that gear. Do
48 you see what I'm saying?

1
2 **MS. LEVY:** But if you're going to tell people they can only
3 harvest red snapper using a spear gun under Florida's red
4 snapper delegation, you still have to define the area in which
5 that is relevant, and it would be some area off of Florida, and
6 so there would be a line, and, if you're in Florida's area, you
7 would be required to use a spear gun. If you're in Alabama's
8 area, presumably that wouldn't be required, or they might have
9 something different.

10
11 I am just saying, if you're going to tell people they need to do
12 something in a specific area of the EEZ, you have to identify
13 what state regulation they are supposed to follow, and so you
14 have to identify what the state's area of jurisdiction in the
15 EEZ is. That's why it gets more complicated.

16
17 **CHAIRMAN GUYAS:** Yes, I hear what you're saying, but I guess I'm
18 trying to look at this kind of like how we were just talking
19 about the charter, right, where, if we had a situation where we
20 had these endorsements, so to speak, to me, you could do
21 something like that here, right, and so, if you have this
22 endorsement that basically allows you to fish a state season,
23 that here is the requirements that you have to follow. Does
24 that make sense?

25
26 **MS. LEVY:** I guess to the extent that Florida has requirements
27 associated with their license, right, and you want to land in
28 Florida, then you would have to comply with Florida license
29 requirements no matter where you were, and that would be however
30 you set up your regs, and I don't think we need to delegate that
31 to the state, right?

32
33 **CHAIRMAN GUYAS:** Kevin.

34
35 **MR. ANSON:** Mara, on that point of identifying the vessels, I
36 mean, and, again, I may be slow on the uptake here, but, under
37 the EFP, the participants that were able to go out in federal
38 waters were those that had the state fishing licenses,
39 essentially, and then they were identified back to that state,
40 and so wouldn't that still apply and you would have your license
41 as a Florida fisherman, as Martha is saying, but we didn't have
42 lines in the Gulf for Florida fishermen to not come over to
43 Alabama. They could do that.

44
45 **MS. LEVY:** Right, but say I have a Florida license and an
46 Alabama license, and I live on the border, right, and what rules
47 am I supposed to be following in the EEZ? Is this delegated to
48 Florida and this is their section of the EEZ, or is this

1 delegated to Alabama and this is Alabama's section of the EEZ?
2

3 With the EFPs, we said you were exempt from the closure as long
4 as you had a valid fishing license to land in an open state, and
5 then that was enforced when you got into the state, right, and
6 like so, if Florida was closed and Alabama was open and I had
7 both and I was in the EEZ, I would be fine, but, as soon as I
8 went into the closed state, I wouldn't be fine. I would have to
9 go into the open state. Does that make sense? We were
10 enforcing it based on what state you went into as opposed to
11 what you were doing in the EEZ.
12

13 **CHAIRMAN GUYAS:** Kevin.

14
15 **MR. ANSON:** It does make it clearer. Thank you.

16
17 **CHAIRMAN GUYAS:** Robin.

18
19 **MR. RIECHERS:** Well, yes, I'm clear on that one now, because
20 that's the way we do bag limits now, and so that's pretty
21 simple, in that respect, which is, if you're going to land them
22 in Texas, you're going to abide by our rules, and so that's the
23 same sort of thing. As you suggested, if we wanted to say
24 you're required to have a descending device, and if you're
25 checked and landing in our waters, then you would have to have a
26 descending device onboard.
27

28 I want to go back to 2g though, because you are, I think,
29 correct, though I don't necessarily think it really would need
30 this purpose and scope as much as you all are trying to suggest
31 it will, because we're basically deciding what our allocation is
32 and we're staying within that allocation, no matter where those
33 fish are caught, and so I think there can be an analysis, a
34 biological analysis, of that, regarding what the impacts of that
35 change would be, and that biological analysis is based on the
36 fish that are being landed.
37

38 I don't agree with what you're saying in 2g, because I think it
39 can be done by doing it that way, but, if you want to know the
40 scope, yes, we want to have the ability to have our state-water
41 season open and then have the remaining days that we choose out
42 in federal waters, and that's based on a poundage that's caught
43 in each.
44

45 We also talked about, though I'm not necessarily proposing it
46 now, but I would want to leave a discussion element open to have
47 something like Florida, because, at some point in time, there
48 might be a south Texas, upper coast Texas, lower coast Texas,

1 given our weather patterns and the distance between those
2 places, and I realize the place right in the middle, where there
3 can be crossover, that gets more complicated, but we at least
4 ought to have some opening to have that further discussion at
5 some point in time, and I don't know how you would do that here,
6 but, at the very least, we want the notion of a state season
7 left in here.

8

9 **CHAIRMAN GUYAS:** Mara.

10

11 **MS. LEVY:** Well, so just a couple of points that -- I hear what
12 you're saying, and that's fine. Just to be clear though that,
13 if you're going to delegate the authority for a state to close
14 areas in the EEZ, and we figure out mechanically how that's
15 going to work, that's going to apply to everybody, meaning it's
16 not going to apply to just Texas anglers or -- It's a closure,
17 right?

18

19 The second point is I think we've said that you can do that sort
20 of split state season without closing the EEZ. Meaning, if
21 Florida says you can only land in this half of the state and
22 these waters are closed during this year and the other, you
23 don't need to close the EEZ for them to do that, and so I would
24 assume that maybe it might work for you too, but I don't know,
25 and because I think we talked about that a lot with Florida and
26 said you really don't need a delegation to do that sort of
27 thing, because you're controlling where people land as opposed
28 to where they fish.

29

30 **CHAIRMAN GUYAS:** Robin.

31

32 **MR. RIECHERS:** Just as a follow-up, we may look to shrimp to be
33 the model of how you actually execute it, because we've been
34 doing it for twenty-something years there, and so it's not
35 exactly the same, but the execution part is basically the same.

36

37 **CHAIRMAN GUYAS:** All right. Are there other questions or
38 comments on 2e, 2f, and 2g at this time? Yes, sir.

39

40 **LT. ZANOWICZ:** I am just confused under the options for
41 delegation slide, where it says, when in federal waters,
42 enforcement will be at the most generous state regulation of a
43 state with an open season, and so does that mean that basically
44 the Coast Guard would need to track what state has an open
45 season and then -- I guess I'm just confused as to what that
46 means, and any clarification that I could get would be helpful.

47

48 **MS. BOSARGE:** Mara.

1
2 **MS. LEVY:** I mean, I think you would be looking at where people
3 could land with what. Meaning, if the states are all closed,
4 then there shouldn't be anyone in the EEZ. If there is a state
5 open, and the person can land legally in that state, then
6 they're allowed to be out there, and, with respect to things
7 like bag limits, it would be the maximum bag limit of a state,
8 an open state, and so, if a state had a four-fish bag limit and
9 another open state had a two-fish bag limit and they were both
10 open, then the person in the EEZ could have up to four fish and
11 still legally land somewhere, and they would be fine.
12

13 We would write the regulations to indicate that. I mean, that's
14 how we had drafted them for 39, is that there was sort of this
15 upper bound based on what the state was doing, and so it would
16 be more clear once we write the regulations, but, when you try
17 to figure out how it's going to work without the regulations,
18 from your perspective, I think it's hard. I think, from the
19 enforcement perspective, you kind of need to wait and see how we
20 write the regs to see how you would be enforcing.
21

22 **CHAIRMAN GUYAS:** Go ahead.
23

24 **LT. ZANOWICZ:** Thanks for the clarification on that, and it
25 might be a little premature to ask this as well, but I did have
26 another question as well. It says that enforcement would be of
27 the most generous state regulation, but, some of those options,
28 it seems like an either/or thing and not necessarily a most
29 generous or less generous thing.
30

31 For example, Option 2b, the requirement to have for-hire vessel
32 captain and crew may not retain a bag limit, would the current
33 federal regulations continue to apply, where for-hire vessel
34 captain and crews cannot retain bag limits, or, if the only
35 state with an open season allows that, then we start enforcing
36 that, and hopefully that made sense.
37

38 **CHAIRMAN GUYAS:** Mara.
39

40 **MS. LEVY:** I might have to think about that. I might need to
41 hear the question again, because, as soon as you mentioned for-
42 hire, I started thinking about whether that would be applicable
43 if they weren't in it anymore in this document, and so I have to
44 think about how everything is sort of intersecting.
45

46 **CHAIRMAN GUYAS:** Robin, go ahead.
47

48 **MR. RIECHERS:** I think the question is, and they're still in

1 until Full Council, by the way, Mara. This is just committee,
2 but what I'm thinking you're saying is, when you talk about --
3 Because you were referring to 2b and you're saying that more
4 generous, in that case, could be thought of as giving the
5 captain and crew a bag limit as well as the passenger, and so,
6 in that case, by using the words "more generous", you're
7 actually being less conservative for the fish and to the vessel,
8 and what I think he's saying is which one would I go by if, for
9 instance, the state had one thing, and, if you were in Texas,
10 the state has no captain and crew on charter vessels and
11 guideboats, but, in federal waters, you still allow it, for the
12 particular species in question. In this case, it would be
13 snapper, but --

14

15 **MS. GERHART:** I think, regardless of what the federal
16 regulations, default regulations, are, if we're assuming all the
17 states are going to have state management, it would be just like
18 the bag limit. If there are two states that are open and the
19 vessel has permits for both of those states and one of them
20 allows captain and crew to take and one doesn't, then the most
21 generous would be, as Robin said, the ones that allows them to
22 keep -- The captain and crew to keep that, and so we would have
23 to say, okay, I'm going to assume they're going to land in the
24 state that allows that versus not.

25

26 **CHAIRMAN GUYAS:** All right. I think we're winding down. Are
27 there other questions or comments? Yes, Robin.

28

29 **MR. RIECHERS:** Let's just take a -- We are the state apt to not
30 have to deal with this as much as other states, but let's say we
31 have got a Louisiana boat and Louisiana has a more generous bag
32 limit, yet we catch him in our state waters, and we ask him --
33 Because this is what we typically do, and Les can probably
34 answer this, but we ask him where is he going back to, and, if
35 he says he's going back to Louisiana, and, Les, if I'm wrong,
36 come to the mic and tell us, but, if he says he's going to
37 Louisiana, we let him transport back to Louisiana, but, if he
38 were in our waters with more than the bag limit, he's still in
39 violation when he is in our waters. I thought I heard you say
40 the opposite, that he got to go back to the more generous, or
41 you would have to apply the more generous of the two
42 regulations.

43

44 **MS. GERHART:** In federal waters is what I was referring to, and
45 I'm sorry. Once they're in state waters, they're under your
46 regulations, and so, in federal waters, we would enforce the
47 more generous.

48

1 **CHAIRMAN GUYAS:** Kevin, do you want to jump in on this?
2

3 **MR. ANSON:** I do, and Option 2b, for-hire vessel captain and
4 crew may not retain the bag limit, and so if a state -- This is
5 for the current -- Well, it's for the future for-hire amendment,
6 potentially, but, if a state did not select 2b, then it was
7 inferred that they would -- The captain and crew provision would
8 be available then. I mean, there is no option for I guess
9 identifying that, and it would just be, if we selected that,
10 yes, we would have a bag limit, and we're going to do the
11 minimum size of fourteen -- I mean, is this the range? I can't
12 remember, Ava, how the individual state management documents are
13 set up. Is the bag limit identified? Do we have the bag limit
14 of two, three, or four fish type of thing?

15
16 **DR. LASSETER:** I'm sorry, but I don't quite understand. The bag
17 limit is selected as an option to delegate, and then, at the
18 state level, you could determine your bag limit.

19
20 **MR. ANSON:** Right, and so this is the overarching document, and
21 so no?

22
23 **DR. LASSETER:** The options for delegations, this is Action 1 in
24 each individual state amendment.

25
26 **MR. ANSON:** Okay, and so, if a state decided not to choose
27 Option 2, then it would automatically be recognized as the
28 captain and crew would have their limit, correct, if they didn't
29 select 2b?

30
31 **DR. LASSETER:** Okay, and so, currently, captain and crew may not
32 retain a bag limit, and so, whether or not a state has selected
33 this -- If a state selects this as preferred, you don't
34 necessarily have to change it, but you're just wanting to be
35 delegated the authority to change it, first of all, but status
36 quo is that captain and crew may not retain a bag limit, but it
37 was added to the list of options to delegate because some states
38 may want to consider modifying that, and did I get your
39 question?

40
41 **MR. ANSON:** I think so.

42
43 **CHAIRMAN GUYAS:** All right. I see some -- Mara.

44
45 **MS. LEVY:** I hate to confuse this even more. Just, with respect
46 to this particular thing, changing the prohibition on for-hire
47 permit vessel captain and crew not retaining a bag limit, I
48 think that it would only be applicable if the state was managing

1 its federal for-hire component, right, and so, to the extent the
2 preferred stays the way the committee did, or to the extent it
3 went back and the state chose not to manage the for-hire sector,
4 I don't think this would actually be delegated. I mean, it's
5 only delegated in that circumstance.
6

7 **CHAIRMAN GUYAS:** Yes, and so, at some point, if we move forward
8 with this as a private-angler-only document, we'll have to clean
9 up a bunch of stuff that refers to federal for-hire, but I
10 think, for the time being, we need to just kind of let that
11 ride, based on how this has gone in past meetings, but we'll see
12 how it goes. All right. Is there other discussion on this? I
13 think this is our last slide, maybe.
14

15 **DR. LASSETER:** It is actually the last slide. I have a couple
16 other just points to bring up. One is did any other state want
17 to select preferreds in their individual state amendments?
18 Again, here is where we're at, and I wanted to throw that out
19 there, and, of course, we're not going to go out for public
20 hearings until after October, but, between October and January,
21 we are thinking ahead for that, if you would like to go ahead
22 and select public hearing locations. Our meeting coordinator
23 could go ahead and start investigating options, and that would
24 kind of help our planning. Then, finally, I would like to touch
25 on the timeline overall and bring up the carryover amendment.
26

27 Your second action in your individual state amendments, you
28 added an underage adjustment, a carryover, and there's a
29 separate action that you're looking at that was not brought to
30 this meeting, but you're going to look at it again at the
31 October meeting, and that amendment is addressing being able to
32 carry over underages, and I believe the SSC is going to have to
33 be involved in that, and so that is looking like that action is
34 going to be a little further behind this, and so I did want to
35 raise that.
36

37 That may not -- I am really not sure if I can speak to the
38 timeline of that specifically, but, should that not be finalized
39 at the same time, or in time for this to be finalized --
40 Basically, we need to negotiate and reconcile those two. The
41 underage adjustment needs to be in place in that different
42 amendment so that it can be applied here, and so those are kind
43 of some issues that I wanted to bring up.
44

45 **CHAIRMAN GUYAS:** Thoughts or reactions to any of those items
46 that Ava just brought up? Mara.
47

48 **MS. LEVY:** Just with respect to the timing, I mean, even to the

1 extent the carryover amendment is a -- If it ends up being a bit
2 behind this, I think we just wouldn't be able to do the
3 carryover piece of this until it's in place, and it doesn't mean
4 that you have to change the option to do it. I think the
5 alternative sort of reads underage consistent with the procedure
6 set up in the plan, and so, to the extent the procedure is not
7 set up yet, we couldn't do it, but, when it went in place, we
8 could just do it.
9

10 **CHAIRMAN GUYAS:** Kevin.

11
12 **MR. ANSON:** Can we wait until Full Council to determine the
13 cities?

14
15 **CHAIRMAN GUYAS:** Yes, let's do that at Full Council for
16 locations. Then the overall timeline, and is that the other
17 thing on the list, or other preferreds? I think we're -- We
18 have covered the timeline, it sounds like. All right. So,
19 we've got twenty minutes left, and we have hit our target for
20 the end of the day, but I think we had two relatively quick
21 Other Business items that we could hit. Anna, go ahead.
22

23 **MS. BECKWITH:** Thank you, Martha. Just to go back to the
24 allocation policy discussion, I did get some clarification on
25 how the South Atlantic is handling the allocation review
26 procedure, and, specifically, we're going to be discussing it
27 again in December, but we are considering the MRIP revisions as
28 our trigger, and so we are going to be looking at red grouper,
29 vermillion, black sea bass, blueline tilefish, and possibly
30 wreckfish, and we'll be pulling those back into our
31 comprehensive ACL amendment and running them back through our
32 allocation formula.
33

34 That is the extent of the action that we plan on taking in the
35 short-term. Apparently our leadership asked the question at the
36 CCC meeting that if we went ahead and revised our allocations
37 first and then, in a longer-term process, went through and
38 established a policy with written procedures, if that would be
39 acceptable, and the answer that we received was yes, and so,
40 apparently, in December, that's how we're going to move forward.
41 We're only going to move forward considering the MRIP revisions
42 as our trigger for those species, and then we'll look at this as
43 a longer-term process and probably do that after the August
44 deadline.
45

46 **OTHER BUSINESS**
47
48 **CHAIRMAN GUYAS:** Okay. Thanks, Anna. All right, and so our two

1 Other Business items that we had, I think the first one on my
2 list was, Carrie, you had an update about the Ad Hoc Red Snapper
3 Charter/For-Hire and the Ad Hoc Reef Fish Headboat APs.

4

5 **EXECUTIVE DIRECTOR SIMMONS:** Yes, and thank you, Madam Chair. I
6 just wanted to bring up that we've sent out -- First of all, the
7 council requested, at I think it was the April council meeting,
8 for us to convene the two APs and have them look at the decision
9 tools in detail, and we have been trying to convene those two
10 groups independently, and we have been unsuccessful with getting
11 a quorum so far.

12

13 We sent out several dates in September and several dates in
14 October that Dr. Jessica Stephen was available, because we'll
15 need her there to go through those decision tools, and we were
16 unsuccessful with getting a quorum, and so now our plan is to
17 send out revised doodle polls after this council meeting and try
18 to convene them in the first couple of weeks of November.

19

20 **CHAIRMAN GUYAS:** Are there questions? John.

21

22 **MR. SANCHEZ:** I appreciate that, and I look forward to us maybe
23 hopefully finally getting a quorum, and I know they were busy
24 fishing and what have you, but maybe we could mention that again
25 when some of them are here. They have probably all -- It's
26 happy hour somewhere, and they're gone, and so we could mention
27 that again at some time during the meeting.

28

29 **CHAIRMAN GUYAS:** Yes, happy hour started on Eastern Time quite a
30 bit ago, and so our next Other Business item was amberjack.
31 John Froeschke.

32

33 **DR. FROESCHKE:** I just wanted to bring this up quickly. If you
34 recall, we completed a couple of documents related to amberjack,
35 and we started work on a third one with three actions, one
36 considering vessel bag limits or recreational bag limits less
37 than one fish per day and then a second one which would consider
38 seasonal quotas. If you recall, we implemented just this year
39 the August through October season and then a May season, and
40 then the action in the document that we started working on would
41 implement a quota, 60/40 or 70/30, something like that, for
42 those, and we had some discussions, and I don't know whether we
43 resolved it, about that would as far as accountability measures
44 and if we could carry that over.

45

46 Then the third action was the commercial measure to consider
47 reductions in the trip limit, which we've done that a couple of
48 times before. That part is fairly straightforward, and so my

1 question is we haven't looked at that document, not at this
2 meeting and not in June, and is this still a priority? Then,
3 just to remind you, on the recreational side of this, we do have
4 a stock assessment upcoming.

5
6 As far as changing the season and things, which would likely be
7 required if we did something on the management, and this is just
8 the first year, and we would just now have a year of data, and
9 so is this something that we wanted to let roll and actually get
10 some data on the catch rates in this actual season, or do you
11 want to continue doing that?

12
13 **CHAIRMAN GUYAS:** All right, and so thoughts on how to proceed
14 with amberjack? Do we want to potentially change that
15 recreational season while we are still in the first year of the
16 new season? I guess that's one question, right, because this
17 would come back in October, and then, if we did not want to move
18 forward with looking at that, do we want to move the commercial
19 part of that amendment forward? Kevin.

20
21 **MR. ANSON:** I recall several instances where fishermen
22 complained that we kind of do things in a knee-jerk reaction,
23 and so, the longer we can postpone some action on looking at
24 changing the season length that we just changed, I think it
25 would be best, and so maybe just looking at the commercial
26 aspect of that would probably be most appropriate at this point
27 in time.

28
29 **CHAIRMAN GUYAS:** Yes, and just what I've heard about
30 recreational amberjack this year, just in general, it seems like
31 with the way that we have distributed the seasons for amberjack,
32 triggerfish, red snapper, the groupers, people seem to be -- It
33 seems to be working so far. Of course, if we burn through the
34 quota for amberjack, probably people won't be so happy, but we
35 don't know that we've done that yet, and so I would be curious
36 to hear if there is public comment on this issue, I guess, but I
37 think that seems safe, and so do we want to move the commercial
38 part forward, or is everybody okay with this approach? Leann.

39
40 **MS. BOSARGE:** I'm hoping we'll hear some public comment on it
41 too, because I'm not sure if it was a burning issue on the
42 commercial side or if it was more, hey, here's an amberjack
43 document on the table and let's go ahead and look at this while
44 we've got it, and so maybe we'll get some feedback as to which
45 way they want to go on that.

46
47 **CHAIRMAN GUYAS:** Yes, that would be good, and I think they are
48 closed for the year already too, and so that may inspire some

1 comment on that. Okay. That's it for Other Business, at least
2 that I had on my list. We only have thirteen minutes left, and
3 the next two things are presentations, and so I think we will
4 recess for now.

5
6 **MS. BOSARGE:** All right, guys. So, that will wind us up for
7 today. Tomorrow morning, we're going to start back up with Reef
8 Fish again, imagine that, at 8:30 in the morning. I want you to
9 know that we're starting at 8:30 every day this meeting. I am
10 being so nice to you all for my last meeting, and so sleep in.
11 See you in the morning.

12
13 **DR. SHIPP:** See you all tomorrow morning.

14
15 (Whereupon, the meeting recessed on August 21, 2018.)

16 - - -
17
18

19 August 22, 2018
20

21 WEDNESDAY MORNING SESSION
22
23 - - -
24

25 The Reef Fish Management Committee of the Gulf of Mexico Fishery
26 Management Council reconvened at the Omni Hotel, Corpus Christi,
27 Texas, Wednesday morning, August 22, 2018, and was called to
28 order by Chairman Martha Guyas.

29
30 **MS. BOSARGE:** This morning, we're going to pick back up with our
31 Reef Fish Committee. We have just a little bit to finish up
32 there, and then we'll move into Data Collection, and so, for
33 Reef Fish, Ms. Guyas, I will turn it over to you.

34
35 **CHAIRMAN GUYAS:** Thanks. Our first thing this morning, we have
36 a presentation by our very own Dr. Stunz.

37
38 PRESENTATION: THE GREAT RED SNAPPER COUNT
39

40
41 **DR. STUNZ:** Thanks, Madam Chair. First, I appreciate the
42 council taking some time to hear about a project that we have
43 going on. I think it will be of high relevance to the
44 discussions that we have around the table, and, in fact, we've
45 already discussed it somewhat, but I also think that I could
shed some light on exactly what we're doing.

46
47 The project, we kind of have this tongue-in-cheek title of the
48 "The Great Red Snapper Count", and I'm not sure how we got that

1 name. I think I can blame that on Dr. Patterson, who is a key
2 player with this, but everyone kept asking us what was going on
3 with the great red snapper count, and so the name kind of stuck.
4

5 Really, what it is, it's estimating the absolute abundance of
6 red snapper in our Gulf of Mexico waters, and that's what it's
7 really about, and so what I thought I would do today was give
8 just a general introduction to it and talk about what it's
9 about, and, if there's any questions, I will be happy to answer
10 that.

11

12 Part of the project is we have an entire angler engagement of
13 all sectors of the fishery to how they can become involved in
14 the project, and that lead is also one of our SSC members,
15 Marcus Drymon, and, in Mississippi, maybe at the next meeting,
16 he can talk a little bit more about the specifics, because his
17 team is involved in outreach that, and I'm really hoping,
18 Carrie, your team and Emily can help us as well and get some of
19 this information out, so people are aware, because we were
20 charged by Congress to heavily engage and involve commercial and
21 recreational fishermen and all the constituents, and we really
22 want to do that.

23

24 To give a little bit of background, Congress appropriated funds
25 to do this project, and the full price tag is \$12 million.
26 There is a little bit of different numbers floating around, but
27 Congress appropriated really about nine-and-a-half, and we had
28 to come up with the other two-and-a-half-million as a match
29 towards the actual project, but the idea is to get a firm number
30 of red snapper by habitat and by region in the Gulf of Mexico.

31

32 We have got some short outreach-type videos that I will show you
33 in just a second, but, with that, I will just sort of give a
34 little bit of background.

35

36 Of course, what is the issue here, and I think everyone, all of
37 our stakeholders, want a well-managed red snapper fishery. A
38 lot of that hinges on that we know an estimate of that absolute
39 abundance. That gives us a lot more tools in our toolbox that
40 Clay and his team can use for an assessment purpose and that
41 kind of thing when we have this absolute abundance.

42

43 Of course, Congress is very interested in fish on artificial
44 reefs, and we are specifically charged with getting a number on
45 artificial reefs by depth and by region as well as natural,
46 known features as well as something we're calling
47 uncharacterized bottom, which is the open ocean out there that
48 we know harbors red snapper, but it's very difficult to get at.

1
2 The other interesting thing about the project is we were charged
3 with bringing advanced technology, and that is very good, but
4 very challenging as well, because we're developing new
5 techniques, literally as we speak, to assess that will hopefully
6 be new tools that we can bring into the assessment project.
7

8 At the end of the day, what we want is an absolute independent
9 estimate of red snapper in the Gulf. The funding source was
10 very clear about it wanted it to be as independent as possible
11 from NOAA, but, at the same time, we do have to rely on
12 expertise, because they bring important aspects to the table as
13 well, and so they are unpaid participants from some aspects in
14 this project.

15
16 If you looked at how we're doing this, it's really a who's who
17 of red snapper researchers across the Gulf, and I think we all
18 know them, and it's pretty much -- I don't know that there is a
19 member of our SSC that is not involved in this project and in
20 some very meaningful ways.

21
22 We have methods of direct count, which is sending down ROVs and
23 visually counting these, among some other advanced technology
24 methods, and there are some depletion surveys, which I'm not
25 going to get into, but you can deplete populations and assess
26 them and get an abundance that way, but probably one of the most
27 important aspects of the project that was -- We were required to
28 spend at least half of the money on a tagging study.

29
30 That is where a lot of folks come in that might be interested,
31 and we've been outreaching for quite some time, and many of the
32 folks right behind me here, as well as across the Gulf, are
33 involved in this, from really a citizen science perspective, and
34 we're looking for straight-up -- Whether it's charters or
35 returning tags and that sort of thing, but those groups are
36 really integrated into the tagging component of this study, and
37 I will be happy to ask more questions, and this will become more
38 and more apparent as the project develops.

39
40 I probably should tell you that the greatest challenge of this
41 project was it was a two-year study period, and so that's quite
42 challenging, considering what we have to ramp up and do in that
43 very, very short period of time, and so our crews are literally
44 out as we speak at sea and doing things to get at this challenge
45 that we have ahead of us.

46
47 That will end at the end of next year, and so just a little over
48 a year from now, at the end of 2019, is when we have to have

1 these final estimates in, and so you will be hearing, obviously,
2 more about that and how that will be built into the assessment
3 process and what we're hoping will bolster our assessment
4 process with this new data.

5
6 Anyway, that's the broad, 30,000-foot view of the project. In
7 the briefing book, there is a couple of fact sheets that Dr.
8 Drymon has developed that talk -- In fact, there will be five or
9 six videos, five or six fact sheets, that, as we're going
10 through the project -- It goes from introduction and pretty much
11 into the specifics. The tone of a lot of our engagement stuff
12 is how to become involved if you're interested, whether you're a
13 commercial fisherman, a charter captain, or a private angler.
14 There is opportunity in this project for everyone, and those
15 fact sheets and information on our websites and things clearly
16 say how to do that.

17
18 I will go through a couple of just really quick videos here, and
19 these are really short clips. Jessica, if you want to hit
20 "play", I think this probably explains it a little better than I
21 can.

22
23 (Whereupon, a video was presented.)

24
25 **DR. STUNZ:** That was one of our initial intro videos. One just
26 hit the street last week that I will show you real quick, and
27 then, in addition to those -- It's that second video. Those
28 institutions you saw, it's led by many of the folks that you
29 know around the table, but we each have about ten or fifteen
30 people within each of those groups, and so it's a really
31 monumental undertaking to pull this off, with pretty much
32 anybody that's done red snapper work in the Gulf is involved, to
33 some extent, and so we'll have several other videos, a habitat
34 classification or tagging or the depletion coming up, and this
35 is one with habitat classification, and this is the last one
36 that I will make you watch, and then I will have any questions
37 that you might have. Jessica, if you want to play that one,
38 real quick.

39
40 (Whereupon, a video was presented.)

41
42 **DR. STUNZ:** There will be several more of those. Just for the
43 record here, I wanted to put this slide in the presentation. If
44 you're interested in participating, you can send us an email at
45 that email address. Of course, we have a website that is
46 snappercount.org that archives all these videos and information
47 in a lot more detail, such as the fact sheets and those sorts of
48 things, and so I would heavily encourage individuals to reach

1 out to us.

2
3 This project is led by regional groups within each region, and I
4 can put you in contact with who those are, so you can see how
5 you can participate in your particular region, and so, Madam
6 Chair, with that, that's my presentation, and I will be happy to
7 answer any questions.

8
9 **CHAIRMAN GUYAS:** All right. Thank you. Are there questions for
10 Dr. Stunz? Kevin.

11
12 **MR. ANSON:** Greg, thanks for the presentation. Has the survey
13 design been approved by the SSC?

14
15 **DR. STUNZ:** No, I guess not directly through all the SSC, other
16 than that all the SSC members are on it, and that's not a
17 requirement of the project. In fact, it was pretty explicitly
18 stated that we maintain as much independence as we can from the
19 NOAA process, and so you know I don't know that that is a
20 requirement.

21
22 I don't know what will happen at the end of our study, and I'm
23 sure they will have some input, but the fact that every SSC
24 member is involved with this project gives some indication that
25 they're approving their own work kind of thing.

26
27 **MR. ANSON:** This may be a question for Dr. Porch. What would
28 the process be, I guess, once this project is completed? How
29 would that information be utilized by the Science Center, if it
30 could be utilized by the Science Center, and I guess that's the
31 question of why I asked about the SSC preapproval, if you will,
32 design, to make sure that we ended up with at least some
33 recognition that the survey design met muster amongst the SSC.

34
35 **DR. PORCH:** Thank you. I, and a number of folks involved in the
36 assessment process, were involved in the structuring of the RFP,
37 and we paid a lot of attention to the details, to make sure that
38 whoever was ultimately awarded this grant would actually be able
39 to -- They would have a reasonable chance of coming up with a
40 total abundance estimate, and we wanted it stratified at least
41 by east and west, preferably in smaller units, which they have
42 done, and the idea now would be, first of all, if they're able
43 to come up with a credible independent estimate of abundance,
44 you have a direct comparison there with the existing assessment,
45 and so that enables us to figure out if we're in the right
46 ballpark.

47
48 Of course, one of the main uncertainties in the assessment are

1 the recreational catches, and you all know very well about that,
2 and so, as now we're estimating -- I think the new MRIP
3 estimates generally estimate a much higher private recreational
4 catch, and so we're anticipating that might translate into a
5 little bit higher estimates of abundance out there.
6

7 How that's going to play out in management is yet to be seen,
8 but the gist of it is, if we have an independent estimate of
9 abundance, and we compare that with the abundance estimates in
10 the assessment, then it actually gives us a way to sort of
11 estimate our uncertainty in the landings, right, because, if you
12 know landings and you know abundance trends, you can estimate
13 abundance, in other words changes in abundance. If you have a
14 chance in abundance in response to a certain amount of catch,
15 that enables you to estimate how many fish were out there and to
16 have that kind of signal.
17

18 In this way, we can do it the other way around. We have an
19 estimate of the abundance, and then the abundance trends, and we
20 can flip that around and estimate how much catch must have been
21 taken, and so there's a lot of possibilities here, but, to make
22 the longer story short, I think what we'll end up doing is
23 taking those absolute estimates of abundance and plugging them
24 directly into the assessment.
25

26 Now, unfortunately, we'll only have it for, I guess, essentially
27 one full year of abundance estimates. What we would really like
28 is to have it for several years and see how the abundance
29 changes with the estimates of catch, et cetera, but it's still --
30 We will basically groundtruth the assessment, and so it will
31 give us a way to kind of scale the total numbers that are coming
32 out of the assessment, make sure they more or less match with
33 the estimates that are coming from the survey.
34

35 It gives us a way to look at possible uncertainties in catch,
36 and it also -- I think there is going to be some side benefits
37 from the survey. We should get a lot of reproductive
38 information, some valuable genetic information, et cetera, that,
39 down the road, will also help to inform the assessment, and so
40 that's pretty much it, in a nutshell, but we do plan to use it
41 in the -- I guess we're scheduling for 2020 our research track
42 assessment, and so we plan to use this information, and, in
43 fact, that's why we want it to be a research track assessment,
44 because there is so much new information coming in, and we want
45 to take our time and make sure we do it right.
46

47 **CHAIRMAN GUYAS:** Greg and then Leann.
48

1 **DR. STUNZ:** To follow up on Clay's point, Kevin, one, we
2 recognize that is a relative snapshot, and we're happy to
3 continue the study. In fact, Congress had recognized the
4 challenge of just having the one year, and there was intent that
5 additional funding would become available. Whether that happens
6 or not is still yet to be determined, but maybe, to allay some
7 of your concerns, Kevin, that you might have, we're not doing
8 this study completely in the dark.
9

10 The RFP was very structured and guided in what they wanted us to
11 do, and there wasn't a whole lot of -- We have some flexibility
12 outside of what they specifically requested, but it's guided by
13 a steering team of experts from all over the world that are
14 experts in statistical design, fisheries scientists and that
15 sort of thing.
16

17 We also have a team of experts that is heavily involved in our -
18 - It's basically MRIP statisticians that help us with what we're
19 essentially calling our estimators, or our extrapolators, and
20 how do we get our estimates up to a total number, and so it's a
21 very large group of people that's being heavily watched and
22 scrutinized, and so it's not like it's just completely just
23 independent and doing whatever we want. We're working really
24 closely with the top experts in the world to get at this
25 problem.
26

27 **CHAIRMAN GUYAS:** Leann.
28

29 **MS. BOSARGE:** Yes, and, Kevin, your question about has the SSC
30 looked at it, no, they haven't, but I do think that would
31 probably be a wise move, and, granted, yes, you're right, Greg,
32 that a lot of those men and women are probably part of your
33 project, but I can think of three, off the top of my head, that
34 are not part of the project that are on our Standing SSC.
35

36 Because our SSC, at some point, will be the one that has to
37 declare that the assessment itself is the best science
38 available, if they have questions, it will probably be best to
39 bring those questions in on the frontend than to get all the way
40 to the end, where it's been plugged into the assessment and
41 somebody has got a big issue with something, because I think
42 there is a real public expectation that this is going to be done
43 and it will go into the assessment and it's going to be blessed,
44 and so I think, from a science realm standpoint, I think we
45 should have those discussions early on and make sure that
46 everybody is comfortable and it's the best that it can be, and
47 that's not a reflection on you at all, Greg. I think you're
48 doing great work, but I'm just thinking of the way that our

1 process typically runs, and so we may try and do that and see
2 what comes out of it.

3
4 **CHAIRMAN GUYAS:** Dale.

5
6 **MR. DIAZ:** This is for Dr. Porch, and bear in mind we don't know
7 if this Great Snapper Count is going to show a greater abundance
8 or less abundance than what we're using now, but, if it did show
9 a greater abundance, Dr. Porch, I mean, would it have the
10 potential of affecting the rebuilding timeline?

11
12 **DR. PORCH:** Not necessarily. I mean, I guess you could say it
13 has the potential, but I can't say that it would for certain,
14 because it just may scale up the estimates of abundance and not
15 necessarily change your perception of trends. We will have to
16 really just see how that plays out.

17
18 I also wanted to comment on the review aspect, the SSC review.
19 Remember, as part of the research track assessment, you will
20 have an assessment team, which will typically include SSC
21 members, and can include SSC members that weren't involved in
22 the study, and then, after that, it goes for a full SSC review,
23 and so I think it's going to get -- In addition to the
24 independent peer review, and so there is going to be an awful
25 lot of review of this process. I think, at the end of it, we'll
26 probably do about as good as one could do, and, if you can't get
27 the best minds in the Gulf together to make this thing work,
28 then no one can.

29
30 **CHAIRMAN GUYAS:** Paul, did I see your hand?

31
32 **DR. MICKLE:** Yes, and thank you, Madam Chair. These questions
33 are directed to Greg, I guess. I see a potential, of course, of
34 all these other interesting questions that we would like to get
35 from this data, and I know something near and dear to you is
36 discard mortality.

37
38 With the tagging aspect of this snapper count, is the design and
39 those metrics of getting the size and depth at release to
40 actually maybe use that towards some of the discard mortalities?
41 My other question is will we be able to get at the biomass
42 metrics a little bit better from this overall study, because the
43 biomass that we're using in our allocations is from a single
44 manuscript, which terrifies me. Thank you.

45
46 **DR. STUNZ:** The short answer to those questions is yes. As Clay
47 had mentioned, there will be a lot of ancillary things going on.
48 One of the major -- When we're charged with spending nearly half

1 of the money on a tagging study, the first question we all said
2 is how are we going to deal with discards, because that greatly
3 influences your recapture rate, obviously, and we have ways, and
4 I don't want to burden the committee and the council now with
5 that, but we're getting at that very closely, but it will also
6 shed a lot more light on discard mortality in general.

7

8 As Clay mentioned, we were specifically told in the RFP that we
9 could not do a genetics component, one because of the expense,
10 and they wanted direct, in-the-water kind of observational-type
11 things, but we are collecting the most comprehensive genetic
12 dataset across the Gulf that's ever been done, or really
13 probably ever in the world, in terms of at that level.

14

15 That will be available for future studies and future funding.
16 There will be a whole host of other ancillary data that comes
17 out of this, just by the nature of what we're doing and that
18 sort of thing, and so, beyond just the estimate of absolute
19 abundance, which is the driving primary goal, there will be a
20 wealth of scientific information coming from it.

21

22 **CHAIRMAN GUYAS:** All right. Any other questions for Greg? All
23 right. Thank you, Dr. Stunz.

24

25 **DR. STUNZ:** One last thing, Madam Chair. We are happy to
26 periodically update the council as things go and really data
27 starts coming in, and so I will kind of defer to you guys at
28 what point you all would like to hear other updates. Thank you.

29

30 **CHAIRMAN GUYAS:** Sounds great. Our last thing for today, unless
31 we have any other business that we didn't cover yesterday, is
32 the SSC Summary Report and Luiz.

33

34 **SSC SUMMARY REPORT**

35

36 **DR. LUIZ BARBIERI:** Thank you, Madam Chair. Good morning,
37 council members. Coming up to just sort of finalize, finish,
38 the report from the SSC, and several of the items that the SSC
39 discussed at the last meeting, and we had a very full agenda,
40 were already covered in previous committee meetings, and so I'm
41 just going to wrap up the report and a couple of items that are
42 still pending.

43

44 Those are the items that I am going to be discussing this
45 morning with you. You may remember that you had requested of
46 the SSC some guidance in terms of how to interpret the red
47 grouper indices of abundance, the decreasing abundance that was
48 being perceived on the red grouper stock, and the SSC felt

1 incapable at that time to give you any conclusive advice on
2 that, and discussions between us and the Science Center kind of
3 generated this impetus to develop an interim analysis for red
4 grouper that would better inform, as we integrate more data
5 conducted in a way that's more formalized within that framework
6 of the interim analysis that Dr. Porch discussed on Monday
7 afternoon during the SEDAR Committee.

8

9 We are following up on that, and I will give you an update on
10 that, and then you may remember that, at the June meeting, I
11 gave you a presentation and the SSC recommendation on the status
12 of gray snapper. One of the pending issues there was stock
13 status determination criteria for gray snapper and whether we
14 wanted to stay with -- What kind of MSY proxy the council would
15 like to adopt and then, thinking about MSST, there was two ways
16 to calculate MSST, and you asked for some guidance from the SSC
17 on that as well.

18

19 Finally, Draft Reef Fish Amendment 48/Red Drum Amendment 5, this
20 is that massive amendment that has been going through
21 development and review for quite a while, and it's very
22 inclusive, and it really handles all of the status determination
23 criteria for a variety of reef fish, I guess all the reef fish
24 that are managed by the council, plus red drum, and so this is
25 really identifying the MSY proxies and identifying MFMT and MSST
26 criteria to use for stock status determination.

27

28 I am not going to go into details on that last item, but I just
29 wanted to let you know that the committee received a
30 presentation. We had a lot of discussion about this, and the
31 committee made some recommendations to staff on issues that
32 should be adjusted in the present condition of the amendment and
33 that we're going to continue looking into this at future
34 meetings, and I will come back. As we get further updates, I
35 will come back to talk to you about that.

36

37 Anyway, here is the interim analysis for red grouper. This is
38 not really the results of the analysis, but it's just to give
39 you an idea of how the Science Center is framing this whole
40 process. It's something that kind of ties into what Dr. Porch
41 talked about the other day, this revised stock assessment
42 process that we are getting into through SEDAR and working with
43 the Science Center.

44

45 This interim analysis is going to be a way to have faster
46 throughput of analysis and actually provide some advice, in
47 terms of catch advice, to you without having to go through a
48 long stock assessment process, and so how is that going to work,

1 that interim analysis process?

2

3 Basically, you know the process that we have in place now for a
4 benchmark or a standard, and now we actually call it research
5 and operational assessments, but those are more complex
6 assessments that integrate different -- A whole variety of types
7 of data into a stock assessment model, and usually the model is
8 very complex, and there are so many sources of data that it's a
9 long process, and it ties up a lot of weeks of data processing
10 and a lot of resources from the Science Center.

11

12 All of the transparency and all the process involved in the
13 stock assessment makes the whole thing be a little less nimble
14 than sometimes we need it, in terms of catch advice, and so this
15 interim analysis comes in as a way to having already have a
16 model from the stock assessment, and you actually look at some
17 auxiliary data sources and indices of abundance, for example, in
18 that box on the right there, and you can see if the catch is
19 increasing or if it's stable or decreasing, and you can then
20 adjust your catch advice that is coming out of your projections
21 in accordance with this new information, in line with what Dr.
22 Porch talked about the other day, and so that could update the
23 catch and the survey indices for that analysis, and then you
24 have catch advice.

25

26 Here, again, is the example Dr. Porch talked about the other
27 day, and so the left axis is the ABC value, and that black line
28 on top is a constant ABC, and then the right-hand axis is the
29 index of abundance, the value of the index of abundance, and you
30 can see that, when the index of abundance is decreasing, that
31 suggests that stock abundance is no longer able to support that
32 same level of constant catch, and so, with that information, the
33 interim analysis would be able to recommend a decrease in the
34 ABC to be in line with the abundance trends of the stock, and so
35 pretty much it's what you had asked, the type of guidance that
36 you had asked the SSC to provide, regarding red grouper.

37

38 Here, just to bring it home more in terms of reality, you can
39 see the update of the red grouper indices, and they all tend to
40 show a decreasing trend when you look at the combined effect,
41 but, in reality, this is a very complex issue to look into,
42 because we have multiple indices, and these indices are not
43 necessarily having the exact same trajectory, and, because
44 different indices from different surveys are indexing different
45 portions of the population, and some are more focused on
46 juveniles and some are more focused on adults and some are
47 fishery-dependent and some are fishery-independent, you have to
48 go through a process to identify which indices or which index is

1 the most reliable and is best to be used for you to evaluate
2 that abundance of the stock.

3
4 This interim analysis actually provides a formal framework that
5 allows it go through that process instead of just an ad hoc sort
6 of choice of index, but you want to make sure that even going
7 through that index selection process, through that more
8 structured framework, you want to make sure that what you are
9 doing, in terms of the interim analysis, is actually in line
10 with all the other issues that you are trying to evaluate as
11 well, and so you want to actually, in this case, conduct a
12 management strategy evaluation that would basically test -- It's
13 a simulation process that tests how the information that is
14 being processed through that interim analysis is actually
15 fitting into the existing management of the stock in question,
16 and so it's basically a way to simulate reality, so that you can
17 generate, through that process, an idea of where you are and
18 whether the information that is coming out of this analysis is
19 actually correct.

20
21 Obviously, this is not a very simple process. This is why it's
22 taking a little longer for the Science Center to bring back our
23 red grouper analysis, but the good news is that you don't have
24 to do this MSE every single time for every single stock or every
25 single situation. After you run it the first time and you know
26 where you are and that your procedures are correct, you can just
27 use the same type of procedures later on, and so, eventually,
28 with time, this is going to move a little faster.

29
30 Madam Chair, that completes my presentation on the interim
31 analysis of red grouper, and so I'm going to pause there, in
32 case there are questions on that topic.

33
34 **CHAIRMAN GUYAS:** Any questions? Yes, Dr. Porch.

35
36 **DR. PORCH:** Thank you, Chair. Dr. Barbieri, when this was
37 presented to the SSC, how was the reception? I mean, I think
38 Skyler showed you the equations and gave you the basic
39 principles behind it. Did they basically buy into the method,
40 apart from the fact that an MSE hasn't been conducted, because,
41 from my standpoint, it kind of stands on its own, and it's
42 pretty clear how it would work. Ideally, yes, we'll do the MSE
43 to fully vet it, but I think it's actually useable even in the
44 near term, if the SSC is comfortable with it.

45
46 **DR. BARBIERI:** Right, and the SSC was very comfortable with the
47 methodology. We actually discussed this in quite a bit of
48 detail. Skyler's full presentation had a whole bunch of all the

1 equations, and, actually, that kind of went through the
2 rationale, the process, for how the different types of data --
3 How you develop those scalars and that whole thing, and the SSC
4 thought that it was very much in line with what we would expect
5 and want to see, and so I thought that the committee responded
6 very well to that analysis.

7
8 Talking to not just Skyler, but Shannon, Dr. Cass-Calay, and she
9 also was on the webinar, and she brought up the issue that now,
10 in the very beginning, they feel, or you guys feel, that it
11 would be good to have the MSE conducted to test those
12 methodologies, just to be sure, but the SSC really didn't have
13 any problem with the analysis and the process that was
14 presented.

15
16 **CHAIRMAN GUYAS:** All right. Are there other questions on this
17 interim analysis? Seeing none, I think you can move to the next
18 topic.

19
20 **DR. BARBIERI:** Thank you, Madam Chair. The next topic is,
21 again, a summary of a presentation that the Science Center gave
22 to the SSC, and this is discussing catch advice for gray snapper
23 since this last assessment using alternative SPR proxies.

24
25 You may remember that the SEDAR assessment for gray snapper
26 wasn't able, really, to estimate MSY directly, and the stock-
27 recruitment relationship wasn't informative, and so the
28 assessment actually produced stock status based on an MSY proxy,
29 and so discussion at the June meeting was regarding the value
30 for that proxy, because that wasn't really defined in the
31 regulatory amendment for gray snapper specifically, and so the
32 council requested that the Center produce trajectories of
33 spawning stock biomass, OFL, and ABC yield streams looking at
34 FMSY proxies ranging from F23 percent SPR to F40 percent SPR,
35 and you may remember that there was a previous analysis and some
36 research done at the Center that identified that we can consider
37 23 percent SPR as a lower value as a proxy for MSY and 40
38 percent could be considered like a higher limit for the reef
39 fish species that we have in the Southeast U.S.

40
41 The Center produced those data, those analysis, and as well as
42 something that is looking at the different MSST values using
43 those two procedures, the two calculations that are used to
44 estimate MSST. One looks into the natural mortality estimate,
45 that one minus M, that is multiplied by the SSB, and the other
46 one is one that the council has recommended for a number of
47 stocks, which is half of SSB MSY, but gray snapper was not in
48 that amendment that set up the 0.5, and so you wanted to have an

1 analysis to look into this.
2

3 I will try to go through this as fast as possible. Looking at
4 the fishing mortality ratio, you can see there a table that
5 lists the SPR values on top and then the ratios of fishing
6 mortality, current versus base, and you can see that all the
7 values that are larger, the SPR targets larger than 26 percent,
8 would indicate that the stock is actually undergoing overfishing
9 in 2015, which was the terminal year of the assessment. When
10 projected at that constant FSPR, overfishing is eliminated
11 during the projection interval for all SPR targets.
12

13 Looking at the other side of the biomass, the spawning stock
14 ratio values of MSST that were estimated using the old formula,
15 the one minus M times SSB MSY, indicated that the stock was
16 overfished, while using the new methodology, the new method of
17 estimating MST, the stock was not considered overfished at that
18 terminal year of the assessment.
19

20 This pattern was also, of course, consistent for the rebuilding
21 plans. Depending on the value of MSST that you consider, you
22 either would have the ability to project and lead the stock to a
23 non-overfished stock status using the old methodology versus the
24 new one.
25

26 This is just to confirm, in terms of OFL and ABC values that are
27 being projected, those yield streams using those different
28 values of MSST and, of course, that they will lead to the same
29 type of outcome, that either you are overfished or not going
30 into the future.
31

32 In conclusion, and this is part of what we were trying to
33 discuss back in June when I presented the results of the
34 assessment, is that stock status determination criteria depend
35 on the values of MFMT and MSST that you are using, and so this
36 idea of considering a stock -- The result of your stock
37 assessment being overfished or not or undergoing overfishing or
38 not will depend on those bars and where you want to set the
39 bars, and this analysis basically gives you an idea of what the
40 outcomes of your stock status would be if you used those
41 different values.
42

43 The SSC looked at this and basically recommended that, given the
44 results of this analysis and given the type of life history and
45 population dynamics pattern that you find for gray snapper, you
46 should stay with an FMSY proxy that is not below F30 percent
47 SPR. Then, in setting MSST, that you should consider using the
48 one minus M methodology versus BMSY for the proxy instead of

1 just using the half of SSB MSY. I think that completes my
2 presentation, Madam Chair, and I will leave that slide there and
3 see if you have any questions.

4

5 **CHAIRMAN GUYAS:** All right. Are there questions for Dr.
6 Barbieri? Andy.

7

8 **MR. STRELCHECK:** Thanks, Dr. Barbieri, for the presentation.
9 I'm interested in a little bit more rationale regarding your
10 first recommendation there, and I guess specifically comparing
11 it to red snapper, and so red snapper is very different juvenile
12 life history, in terms of offshore versus inshore with gray
13 snapper, and they live to older ages. Is the basis for
14 recommending a higher SPR for gray snapper primarily based on
15 that life history?

16

17 **DR. BARBIERI:** Yes, and, of course, that difference is there,
18 but, when you look at the productivity of the stock, at the
19 ability of the stock to age and size at sexual maturity and all
20 the other parameters, and you look at the condition of the
21 stock, given the pattern of fishing, and this is what came out
22 of the assessment, the assessment basically estimated that this
23 stock, if we use the general bar of the 30 percent SPR, that
24 this stock has been overfished since the 1980s.

25

26 Basically, the committee felt that keeping that bar at 30
27 percent would give you a better idea of the true stock status
28 and an opportunity to actually rebuild the stock into something
29 that is more in line with sustainable.

30

31 **CHAIRMAN GUYAS:** Dr. Simmons.

32

33 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. I just
34 wanted to kind of remind the council where we are with gray
35 snapper and kind of bring this full circle. Remember we're
36 taking gray snapper out of the Amendment 48/5 and putting it in
37 its own standalone document, and so we'll take these SSC
38 recommendations and have actions and alternatives and have a
39 suite in there and identify what the SSC has recommended as well
40 as those new catch levels, and so we're going to start working
41 on that and try to bring an options paper in October for the
42 council to look at.

43

44 **CHAIRMAN GUYAS:** Dr. Porch.

45

46 **DR. PORCH:** Thank you. Dr. Barbieri, could you maybe explain
47 the rationale behind preferring the one minus M BMSY proxy over
48 say 75 percent BMSY or 50 percent BMSY? The reason why I ask is

1 obviously there were a lot of uncertainties in the gray snapper
2 assessment, one of the big ones being the shore-based catch, and
3 that's the one that expansion factor now is eight-fold higher
4 than what was previously estimated by the Marine Recreational
5 Survey.

6
7 The other point being that -- Well, to elaborate with the BMSY,
8 that's calculated by assuming recent levels of recruitment will
9 continue forever, and that's -- It's something we don't actually
10 support from the Science Center perspective. It's just, to
11 create a status determination criteria, we have to make some
12 assumption about recruitment, but we don't actually know that
13 recruitment will stay the same forever and ever, and so we place
14 a lot less stock in the MSST than we do the FMSY proxy for a
15 species like this.

16
17 The other point is we did a study, some time ago, that suggested,
18 especially for smaller values of M, that that one minus M is a bit too conservative, because the stock could
19 easily fluctuate up and down below that, even if you never were
20 overfishing, and so I wonder if you could comment on that and if
21 you had that kind of discussion at the SSC.

22
23 **DR. BARBIERI:** To be perfectly honest, I actually had to leave
24 the meeting early, and I wasn't there for that discussion. I am
25 going with the report, and I can ask Dr. Froeschke to jump in
26 and help me with that, but, looking at the report, the committee
27 basically went back and forth on that discussion, and so there
28 were issues about, yes, the value of recruitment that was used
29 in all of this analysis that -- Assuming a steepness of one
30 versus 0.99 and how that was impacting what -- How these results
31 would pan out here, but, really, it was more, I think, a -- That
32 was my interpretation of reading the report, John, is that it
33 was more looking at the current condition of the stock and
34 looking at what the committee felt represents the productivity
35 of the stock, and they felt that that should be the
36 recommendation going forward. I can't elaborate any more than
37 that, because I don't think that they went into any more detail.
38 John.

39
40 **DR. FROESCHKE:** Just briefly, based on my recollection of the
41 conversation, they discussed that the default, if you will, is
42 calculated using the one minus M, and, based on the information
43 that was provided at the meeting, they just didn't feel that
44 they had enough information to change it. I wouldn't say that
45 it was wrong, but they just didn't have anything to change it
46 from what they considered to be the default, based on what they
47 saw.

1
2 **CHAIRMAN GUYAS:** Dr. Frazer.
3
4 **DR. FRAZER:** What was the value of M that they used, the
5 mortality rate?
6
7 **DR. FROESCHKE:** That is 0.15.
8
9 **CHAIRMAN GUYAS:** Dr. Simmons.
10
11 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. I just
12 wanted to add to that. I think that was coming from an SSC
13 member that kept bringing up some analysis that I believe you
14 and some of your staff had done regarding minimum stock size
15 threshold when we were working on Amendment 44, and I think they
16 were reverting back to some of that analysis that had been done
17 and a working paper that was presented several SSC meetings ago,
18 and so we can dig that out.
19
20 **CHAIRMAN GUYAS:** Clay.
21
22 **DR. PORCH:** That recommended 75 percent of BMSY, whereas one
23 minus M is 85 percent of BMSY, that analysis that you're
24 referring to.
25
26 **DR. BARBIERI:** Madam Chair, just to that point, Clay, this is
27 one of those things, and John and I and Carrie and I have been
28 discussing this, how can we do a better job at capturing here
29 what direction from the council is, in terms of what questions
30 are being asked of the SSC and how is the SSC responding in
31 addressing those questions, because sometimes it isn't clear for
32 us how many options do you want us to look at.
33
34 In this case, basically, the way that we interpreted direction
35 from the council, it was to look at the default method that was
36 used before and the potential for the one that the council had
37 adopted in that subsequent regulatory amendment, and so not
38 really to explore any of those other values in between. This
39 was specific to gray snapper, and it was really looking at those
40 two values.
41
42 Now, in the past, and we have discussed this several times, we
43 could put together a working group, and we talked about this,
44 having SSC members and Science Center and council staff and SERO
45 staff put together a working group that would look into this in
46 more detail and actually look at a whole bunch of different
47 options, through a more exploratory evaluation of different
48 values, and then come present that to the council and say, okay,

1 here's an analysis that has all of this, similar to what you
2 guys did at the Center in that white paper that was done a few
3 years back. We could do this, but, in this case, we just didn't
4 feel that that was the question being asked.

5

6 **CHAIRMAN GUYAS:** Mara.

7

8 **MS. LEVY:** Kind of to that point, I think that is being done, in
9 a way, through the status determination criteria amendment that
10 is looking at this issue for stocks that don't have this. This
11 got separated out because we had an assessment and we need to
12 address the issues that came out of the assessment, and so I
13 think it will also be looked at again by the SSC when we have an
14 amendment that's going to have the options, and so this sort of
15 was their second look at it, and these are their
16 recommendations, but these are recommendations sort of outside
17 the context of looking at a document with different alternatives
18 and what the council is going to look at in terms of options,
19 and so I am pretty sure, and Carrie can correct me if I'm wrong,
20 that they'll get another chance when we actually develop the
21 document with the alternatives.

22

23 **CHAIRMAN GUYAS:** Steven.

24

25 **MR. ATRAN:** We actually removed gray snapper from that other
26 document, because it's being handled through what we anticipate
27 to be a rebuilding plan amendment, and so, unless you
28 specifically request that it be added back into that other
29 document, it will be handled in the document that Carrie
30 indicated that will be brought to you in October.

31

32 **CHAIRMAN GUYAS:** Okay. Luiz.

33

34 **DR. BARBIERI:** Madam Chair, just another quick point here. This
35 is not the sexiest topic. It's a little boring to present and
36 discuss, but the reality is that stock status determination
37 criteria is a very, very important topic, and this is important
38 to you, and it's something where the SSC should engage fully in
39 providing you as much guidance, and I think this is kind of like
40 along the lines of what Dr. Porch was thinking about, where the
41 SSC can provide a lot of guidance, and not necessarily hold your
42 hand and tell you to do this, but at least say, okay, here are a
43 number of different options that we evaluated, and you can see
44 the pluses and minuses, given these different life history and
45 population dynamics attributes of stocks, of where you would end
46 up using this different criteria.

47

48 I am bringing this up here because I think that, at some point,

1 we should be focusing on dedicating a bit more time, and I know
2 that the regulatory amendment, Draft Regulatory Amendment 48 for
3 Reef Fish and Amendment 5 for Red Drum, is in the development
4 process, and it's a massive, long document, and it's going to be
5 a bear to plow through that whole thing, but I think that we
6 should engage the SSC and develop more time on the agenda for
7 something that is done very, very carefully and that we can
8 bring you guidance that's more explicit on that topic.
9

10 **CHAIRMAN GUYAS:** All right. Any other questions for Dr.
11 Barbieri? Thank you.

12
13 **DR. BARBIERI:** Thank you.

14
15 **CHAIRMAN GUYAS:** All right. Is there any other business for the
16 Reef Fish Committee? I think we hit all of our topics
17 yesterday, at least that we identified right off the bat, and
18 so, seeing none, we are done with Reef Fish.

19
20 (Whereupon, the meeting adjourned on August 22, 2018.)
21
22 - - -