

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

2
3 REEF FISH MANAGEMENT COMMITTEE

4
5 Perdido Beach Resort Orange Beach, Alabama

6
7 JANUARY 28-30, 2019

8
9 **VOTING MEMBERS**

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

27
28 **NON-VOTING MEMBERS**

- 29 Dave Donaldson.....GSMFC

30
31 **STAFF**

- 32 Assane Diagne.....Economist
- 33 Matt Freeman.....Economist
- 34 John Froeschke.....Deputy Director
- 35 Morgan Kilgour.....Fishery Biologist
- 36 Ava Lasseter.....Anthropologist
- 37 Mara Levy.....NOAA General Counsel
- 38 Emily Muehlstein.....Public Information Officer
- 39 Ryan Rindone.....Fishery Biologist & SEDAR Liaison
- 40 Bernadine Roy.....Office Manager
- 41 Camilla Shireman.....Administrative and Communications Assistant
- 42 Carrie Simmons.....Executive Director

43
44 **OTHER PARTICIPANTS**

- 45 Gary Bahn.....Alexandria, MN
- 46 Greg Ball.....Galveston, TX
- 47 Scott Bannon.....AL
- 48 Avery Bates.....Organized Seafood Association of Alabama, AL

1 Seth Blitch.....TNC, Baton Rouge, LA
2 Randy Boggs.....Orange Beach, AL
3 Darryl Boudreau.....Milton, FL
4 Ryan Bradley.....MS Commercial Fisheries United, MS
5 J.P. Brooker.....Ocean Conservancy, St. Petersburg, FL
6 Glen Brooks.....FL
7 James Bruce.....Magnolia, MS
8 Gary Bryant.....Gulf Shores, AL
9 Nikki Burch.....Magnolia, MS
10 Laura Chicola.....Ruston, LA
11 Ron Chicola.....Ruston, LA
12 Bubba Cochrane.....Galveston, TX
13 Mike Colby.....Clearwater, FL
14 Chris Conklin.....SAFMC
15 Jason Downey.....AL
16 Michael Drexler.....Ocean Conservancy, St. Petersburg, FL
17 Mike Eller.....Destin, FL
18 Traci Floyd.....MDMR, Biloxi, MS
19 Troy Frady.....AL
20 Jorge Fraga.....
21 Susan Gerhart.....NMFS
22 Mike Gordee.....Appleton, WI
23 Jim Green.....DCBA, Destin, FL
24 Ken Haddad.....ASA, FL
25 Chad Hanson.....Pew Charitable Trusts
26 Scott Hickman.....Galveston, TX
27 Chris Horton.....Congressional Sportsmen Foundation
28 Bill Kelly.....FKCFA, FL
29 Daniel Korbutt.....Caseville, MI
30 David Krebs.....Destin, FL
31 Bud Miller.....Fish and Game Scales, FL
32 Tom Mohrman.....TNC, MS
33 Captain Morky.....Gulf Breeze, FL
34 Bart Niquet.....Lynn Haven, FL
35 Jay Odell.....TNC, Fredericksburg, VA
36 Jeremy Olsen.....St. James, FL
37 Laura Picariello.....
38 Tracy Redding.....AL
39 Diane Roell.....Channing, MI
40 Vince Roell.....Channing, MI
41 Ashford Rosenberg.....Reef Fish Shareholders Alliance
42 Chris Schieble.....LA
43 Don Schlutter.....Sun Prairie, WI
44 Clarence Seymour.....Ocean Springs, MS
45 Mark Siegel.....
46 Carl Sitka.....Weston, WI
47 Kathy Sitka.....Weston, WI
48 Nick Spiliotis.....TX

1 Victor Stini.....Marshfield, WI
2 Casey Streeter.....FL
3 Donna Tryon.....Gulf Breeze, FL
4 Mark Tryon.....Gulf Breeze, FL
5 Ed Walker.....Tarpon Springs, FL
6 James Waller.....Orange Beach, AL
7 William Young.....Foley, AL
8 Bob Zales.....Panama City, FL
9 Jim Zurbrick.....Steinhatchee, FL
10 Patty Zurbrick.....Steinhatchee, FL

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TABLE OF MOTIONS

PAGE 23: Motion in Action 2 to add an Alternative 8 that would allocate the private angling annual catch limit as follows: Alabama 26.298 percent, Florida 44.822 percent, Louisiana 19.120 percent, Mississippi 3.550 percent, and Texas 6.210 percent. The motion carried on page 27.

PAGE 27: Motion in Action 2 to make the new Alternative 8 the preferred alternative. The motion carried on page 28.

PAGE 30: Motion in Action 3 to make Alternative 2 the preferred alternative. The motion carried on page 31.

PAGE 45: Motion to add the appropriate language to the Individual State Amendments Action 2: Post-Season Quota Adjustments to specify that the overage/underage adjustment would be implemented in 2020 based on each state's 2019 landings under the EFPs. Thus, each state's quota under the first year of state management in 2020 would reflect a quota adjustment (overage/underage) based on that state's 2019 landings. The motion carried on page 45.

PAGE 59: Motion in Action 1 to add an alternative that, for gray snapper, the MSY proxy is the yield when fishing at 26 percent spawning potential ratio. The motion carried on page 59.

PAGE 64: Motion in Action 2 to add alternative that the definition for the gray snapper MFMT is equal to F 26 percent SPR. The motion carried on page 64.

PAGE 66: Motion in Action 3 to make Alternative 4 the preferred alternative. The motion carried on page 66.

PAGE 68: Motion in Action 4 to make Alternative 2, Option 2c the preferred alternative. The motion carried on page 69.

PAGE 72: Motion in Action 5 to add a new alternative that mirrors Alternative 2 and Alternative 4 using F 26 percent SPR. The motion carried on page 72.

PAGE 76: Motion in Action 1 to make Alternative 3 the preferred alternative. The motion carried on page 77.

PAGE 84: Motion to add language to the purpose and need section that states the purpose will be to increase access to shares to actively fishing eligible commercial fishermen. The motion

1 [carried on page 91](#).

2
3 [PAGE 124](#): Motion in Table 1.2.1 (Objectives of the Fishery
4 Management Plan for Reef Fish Resources in the Gulf of Mexico,
5 Post-October 2018 Council Meeting), to revise Objective 2 to
6 read: To achieve robust fishery reporting and data collection
7 systems across all sectors for monitoring the reef fish fishery
8 which minimizes management uncertainty. [The motion carried on](#)
9 [page 126](#).

10
11 [PAGE 126](#): Motion in Table 1.2.1 (Objectives of the Fishery
12 Management Plan for Reef Fish Resources in the Gulf of Mexico,
13 Post-October 2018 Council Meeting), to add an objective to
14 promote and maintain accountability in the reef fish fishery.
15 [The motion carried on page 128](#).

16
17 [PAGE 137](#): Motion in Action 1 to add additional sub-options to
18 Options 3 and 4 that would include percentages on historical
19 distributions as determined in Options 1 and 2. [The motion](#)
20 [carried on page 137](#).

21
22 [PAGE 137](#): Motion in Action 1 to add an option that uses
23 historical landings between 1979 and 2006. [The motion carried](#)
24 [on page 140](#).

25
26 [PAGE 142](#): Motion in Action 2 to add an option to establish a
27 private angling and federal for-hire component allocations based
28 on average landings between 1979 and 2016, with 2010 excluded,
29 and to have sub-options to exclude other years. [The motion](#)
30 [failed on page 149](#).

31
32 [PAGE 149](#): Motion in Action 2 that Options 1, 2, and 3 have a
33 terminal year of 2016. [The motion carried on page 150](#).

34
35 - - -
36

1 The Reef Fish Management Committee of the Gulf of Mexico Fishery
2 Management Council convened at Perdido Beach Resort, Orange
3 Beach, Alabama, Monday afternoon, January 28, 2019, and was
4 called to order by Chairman Martha Guyas.

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

10 **CHAIRMAN MARTHA GUYAS:** I will call the Reef Fish Committee to
11 order. If you go into your briefing book, Tab B, we have an
12 agenda. Our Chair made some suggestions to rearrange that
13 agenda, so that we take up the SSC report today, and that may be
14 all that we can really do.

15
16 Last time we went through this committee, we did what Dale did
17 earlier today and went through the action guide right before we
18 started each item, and I think I would like to do that again.
19 That seemed to work pretty well. The only other thing that we
20 may be able to do, and this is a question for you, Roy, is would
21 you be prepared to go over any reef fish landings today, or is
22 that something we aren't going to have, or we need to wait for
23 Sue?

24
25 **DR. ROY CRABTREE:** We need to wait for Sue, and I'm not sure if
26 we'll even have them then.

27
28 **CHAIRMAN GUYAS:** Okay, and so it looks like, for today, we can
29 cover the basics and the SSC report. Are there any other
30 additions or changes for the agenda? Seeing none, I am looking
31 for a motion to adopt the agenda as modified. Motion from Mr.
32 Diaz and a second from John Sanchez. Is there any opposition to
33 this motion? Seeing none, the motion carries.

34
35 We also have minutes in Tab B, Number 2. Are there any changes
36 to the minutes? All right. Seeing none, is there a motion to
37 adopt the minutes as written? Motion by Dale and a second by
38 Leann. Thank you. Any opposition? Okay. Seeing none, that
39 motion carries. Let's jump ahead to the SSC report, and, Ryan,
40 you're going to take us through that, right?

41
42 **SSC REPORT**
43

44 **MR. RYAN RINDONE:** Yes, ma'am. This SSC meeting was held on
45 January 9, and it was held via webinar, and it was the SEDAR
46 show, and so we discussed lots of things about upcoming stock
47 assessments.

1 Before all that got started though, the SSC did modify part of
2 their October report so that it clarified a discussion they had
3 on best available science and their role in peer review as it
4 pertains to status determination criteria, and so you can see
5 what they added to the report right there in that first motion
6 they made.

7
8 The first set of terms of reference we discussed were for the
9 king mackerel update assessment, and this is going to be done by
10 the NMFS Highly Migratory Species group, and, as with all of the
11 terms of reference, council staff makes certain recommendations
12 to the SSC based on previous research recommendations and such,
13 and council staff took a look at all of the terms of reference
14 that were before the SSC before they got there, but one of the
15 things that the SSC decided to add to king mackerel, and also to
16 cobia, was the text there in italics, which says, to the extent
17 practical, provide recommendations of future research to be
18 conducted on Gulf of Mexico migratory group king mackerel, and,
19 as it were, also cobia for that update assessment, and any
20 additional analyses which should be considered during the
21 subsequent stock assessment.

22
23 Their intent behind this was to make sure that future
24 considerations were being thought about well in advance for
25 whatever the next assessment might be and things to include,
26 especially things that might ultimately influence whether
27 something should be an operational assessment in the future,
28 which includes what we in the past have called standards and
29 updates, or whether it should be more along the research track,
30 something that's going to need an awful lot more time and
31 critical thought put into it. Ultimately, the SSC added this
32 text in italics to both the kingfish and the cobia update terms
33 of reference.

34
35 Seeing no hands, we moved on to the vermilion snapper standard
36 assessment, and this will be the last standard assessment, as
37 worded, that we do. They will all be operational assessments
38 after this point, per the new SEDAR process.

39
40 Staff had posed several different modifications to the terms of
41 reference, which are all in italics down there, and these
42 included to clearly indicate the data sources considered for
43 determining recreational landings and effort, be they state,
44 federal, or other surveys, whether those data sources were used,
45 and, if not, to explain why, and this is to try to help provide
46 some feedback, especially for the state surveys as they continue
47 to be developed, and to increase the probability that all of
48 these surveys are producing information that's useful to the

1 assessment process.

2
3 Something from the previous assessment, which was SEDAR 45, was
4 to combine the FWC and NMFS video surveys into a single index,
5 if possible, and this will just create a larger index with more
6 data over more time in a larger area.

7
8 Also, we added to obtain the length and/or age composition data
9 for the shrimp bycatch fisheries to better inform shrimp
10 selectivity estimates, if possible. The last time, these data
11 were not available, and it's unclear if they will be this time,
12 but it's better to ask and not receive than not ask and never
13 know. Then, also, we clarified some of the projections
14 information under the fifth term of reference.

15
16 The committee did discuss the impact of updated Fishing Effort
17 Survey and Access Point Angler Intercept Survey data on
18 vermilion, and these data will be considered for SEDAR 67. Then
19 the SSC ultimately approved those terms of reference, as
20 modified, and then they approved the assessment schedule for
21 vermilion as well.

22
23 Then we got some volunteers from them for those assessments, and
24 then we discussed the SEDAR schedule for 2021, and I don't know
25 if we have the SEDAR schedule in the briefing book, and we might
26 not, but it's on the website.

27
28 Just generally speaking, we have the operational assessments for
29 gag and scamp that will be wrapping up in 2021, in the first
30 quarter and the fourth quarter, respectively, and then the red
31 snapper research track will also be wrapping up in the fourth
32 quarter of 2021, and, based on what we've had going on with red
33 grouper, we proposed starting a research track for red grouper
34 in 2021.

35
36 Where it says 2019 for the red grouper research track, we will
37 delete that, and that's because we don't actually use terminal
38 years for the research tracks. We let the assessment scientists
39 determine a set of years that they want to work with, and then,
40 during the operational assessment, which actually provides the
41 management advice, the most recent possible terminal year is
42 used for that portion of the assessment, so you guys have the
43 most up-to-date information. We're going to bring the updated
44 schedule to the SEDAR Steering Committee at its in-person
45 meeting in May in Charleston.

46
47 They discussed, under Other Business, about participating in the
48 National SSC Meeting, and one of the members volunteered to lead

1 that effort, and they are going to talk more about outlining a
2 set of standard operating procedures for different ways in which
3 the committee does its business at their next meeting, and there
4 will also be a presentation on collaborative work between the
5 University of Miami and the Southeast Fisheries Science Center
6 on ecosystem research. That's what I had.

7
8 **CHAIRMAN GUYAS:** All right. Thank you, Ryan. Any questions for
9 Ryan with the SSC report? Okay. I think this is where we're at
10 for today.

11
12 **DR. TOM FRAZER:** That's okay, and so we're going to recess until
13 tomorrow morning with the Reef Fish Committee, but, in the
14 interim, I guess I would like to remind people that there is the
15 workshop on for-hire reporting requirements that starts at 5:45,
16 and that's in the Orange Beach Community Center, and there is a
17 social to follow from the Alabama Charter Fishing Association,
18 and that starts at 6:30, and there is transportation from the
19 hotel. With that said, people have a couple of hours before the
20 workshop, and I hope you enjoy the afternoon.

21
22 (Whereupon, the meeting recessed on January 28, 2019.)

23
24 - - -

25
26 January 29, 2019

27
28 TUESDAY MORNING SESSION

29
30 - - -

31
32 The Reef Fish Management Committee of the Gulf of Mexico Fishery
33 Management Council reconvened at Perdido Beach Resort, Orange
34 Beach, Alabama, Tuesday morning, January 29, 2019, and was
35 called to order by Chairman Martha Guyas.

36
37 **CHAIRMAN GUYAS:** We will pick up again this morning with state
38 management. We will come back to the reef fish landings this
39 afternoon, but, for now, we'll get into Amendment 50, and I
40 think our first item for that is the summary of public hearings
41 and comments from Ms. Muehlstein.

42
43 **DRAFT AMENDMENT 50: STATE MANAGEMENT PROGRAM FOR RECREATIONAL**
44 **RED SNAPPER AND INDIVIDUAL STATE AMENDMENTS**
45 **SUMMARY OF PUBLIC HEARINGS AND COMMENTS**

46
47 **MS. EMILY MUEHLSTEIN:** We hosted ten in-person meetings and one
48 webinar on Amendment 50, and I'm just going to go through these

1 in order of the date that those meetings were conducted.

2
3 We started on December 3 in Pensacola, Florida, and we had
4 sixteen members of the public attend. In Pensacola, we heard
5 support for state management. However, there was a belief that,
6 in this form, there are too many rules. There was support for
7 the sunset to remain in place under all circumstances, and there
8 was a request for the slot limit to be used for red snapper
9 management. There was support expressed for Action 1,
10 Alternative 4, which would allow the states to select who they
11 wanted to manage.

12
13 There was support for Action 2, Alternative 6, Florida should
14 have the biggest allocation, and then there was support for
15 management through delegation and for the new accountability
16 measures. We also heard, in Pensacola, support for ecosystem-
17 based management rather than single-species management, which
18 causes issues with bycatch.

19
20 Moving on to December 4, we met in Destin, Florida, and twenty-
21 six members of the public attended that meeting, and we had a
22 request that the for-hire season and private seasons open on the
23 same day, and we heard support for the for-hire season opening
24 before the private season.

25
26 We also heard support for the federally-permitted for-hire
27 component to stay under federal management, and we heard support
28 for accountability measures in the private sector. We heard
29 support for sector separation, which has stabilized the fishery,
30 and we had a request for as much advance notice of the season as
31 possible.

32
33 In Destin, we also heard that the anglers would like the council
34 to consider opening the for-hire season in other times of year,
35 if it remains under federal control, and also support for a
36 program or a pilot program that would require private anglers to
37 report.

38
39 Moving to Mobile, Alabama, we hosted that meeting on December 5,
40 and we had twelve members of the public attend. We heard
41 support for state management, and anglers were satisfied with
42 the 2018 fishing season. We heard that state management can
43 more effectively manage the resource for their anglers, and we
44 heard a request that federally-permitted charter vessels remain
45 under federal management.

46
47 We also heard support for including both the private and the
48 for-hire components under state management, because the state

1 should have as much control as possible. In Mobile, we also
2 heard a suggestion that the council consider reallocating red
3 snapper between the commercial and recreational sectors.

4
5 Moving to Baton Rouge, Louisiana, we had twenty-four members of
6 the public attend that meeting, and we heard support for state
7 management. We heard that the states are better equipped to
8 make decisions on season length, size limits, and bag limits.
9 We heard support for all the preferred alternatives, and we also
10 heard support for Action 1, Alternative 2.

11
12 While it would be nice to include the for-hire component in the
13 amendment, that shouldn't hang up the management solutions for
14 the private anglers. We also heard support for Action 1,
15 Alternative 3, which would allow the state to manage both the
16 for-hire and private components, and we heard that for-hire
17 operators have been underharvesting their quota. Under state
18 management, they will be able to fish their full quota, and
19 those fish should not be left in the water.

20
21 We heard that managing the for-hire sector in state management
22 is not a logistical issue, as the council has thought in the
23 past, and we also heard support for the no-action alternative in
24 Action 3. The Gulf federal waters should remain open. There
25 should not be lines drawn.

26
27 We heard support for payback and carryover together. We also
28 heard support for delegation so that the state can have maximum
29 authority over the resource. In Baton Rouge, we also heard
30 concern for the red snapper discard mortality during closed
31 seasons.

32
33 Next, we moved to Biloxi, Mississippi, and that meeting was held
34 on December 11 with fourteen members of the public in
35 attendance. We heard that state management has worked and that
36 the Tails 'n Scales has been a great success. We heard that the
37 charter/for-hire sector should be managed by the states, and we
38 also heard support for all of the preferred alternatives.

39
40 We heard support in Action 1 for Alternative 4, which would
41 allow the states to optionally manage the charter/for-hire
42 sector, because this would allow the states to provide more
43 flexibility to that fleet.

44
45 We heard that allocation should be based on the best ten years
46 of landings. We heard that management should be achieved
47 through delegation, and we also heard support for Action 1,
48 Alternative 2. The for-hire should remain under federal

1 management. The fishery needs stability of set opening dates,
2 so that they can book trips in advance. In Biloxi, we also
3 heard that a split season, including October, should be
4 considered for the for-hire sector if that sector remains under
5 federal management.

6
7 Next, we moved to Fort Myers, Florida, and we hosted that
8 meeting on January 7, and we had four members of the public in
9 attendance. At that meeting, we heard that state management
10 makes sense and allowing the states more flexibility is a good
11 idea. We also heard that anglers should not be allowed to fish
12 in the federal waters off of a state whose season is closed. We
13 also heard, in Fort Myers, that goliath grouper is -- That the
14 stock is healthy, and the council needs to consider a limited
15 harvest option, once again.

16
17 Moving to St. Petersburg, Florida, we hosted that meeting on
18 January 8, and we had nineteen members of the public attend. At
19 that meeting, we heard that the state is better equipped to
20 manage red snapper. We also heard that the feds should not
21 manage reef fish at all. We heard that for-hire operators
22 should remain under federal control, and we heard that federal
23 permits are a big investment, and so they should remain under
24 federal control.

25
26 We heard that final action should be taken on this document, so
27 that, when the EFPs expire, we will have management in place.
28 We heard concern for using boundary lines to divide the Gulf,
29 because it would overcomplicate management, and we heard that
30 each component of the recreational sector should be allowed to
31 select whether or not they wanted to be managed by the states.
32 We heard anticipation that there would be challenges from
33 multiple quota-monitoring programs from each state under state
34 management.

35
36 We also heard some cynicism about state management, because the
37 states were responsible for the short federal seasons in recent
38 years, and then we also heard, in St. Pete, that fish have to be
39 counted better in the private angling component of the
40 recreational sector and that tags or stamps could be used to
41 gain more accountability in that sector. We also heard that
42 it's not reasonable to expect private anglers to report.

43
44 Then we moved to Brownsville, Texas, on January 4, and we had
45 two members of the public attend, and we heard that Texas needs
46 more than 6 percent of the quota. While Alabama may have more
47 fishermen and artificial reefs, Texas has more biomass, and so
48 there was support for Alternative 5d, which would allocate based

1 mostly on biomass.
2
3 We moved to Corpus Christi, Texas, and we hosted that meeting on
4 January 15, and we had twenty-six members of the public attend
5 that meeting. We heard that for-hire operators wanted to stay
6 out of federal management, and we heard that, under sector
7 separation, the for-hire fleet has underharvested its ACT, while
8 the private anglers have overharvested, and it would be poor
9 conservation to lump those two groups back together in state
10 management.
11
12 We heard that there should be a consistent Gulf-wide system for
13 reporting, to ensure that the states are all reporting the same
14 way under state management, and we heard that one-size-fits-all
15 management is unworkable in the Gulf, and we also heard that
16 each state knows best how to manage its own anglers.
17
18 We heard support for Action 1, Alternative 4, which would allow
19 the states to decide if they wanted to manage their own for-hire
20 component or not, and then we also heard concern for the
21 allocation options, because allowing the most harvest where the
22 least fish exists makes no sense. It was suggested that the
23 council should consider biomass as a critical component for
24 allocation under state management.
25
26 We also heard that data collection in the private sector needs
27 to improve. Finally, we moved to League City, Texas, on January
28 16, where fifty-three members of the public attended. We heard
29 that Texas would do a good job managing the private component of
30 the red snapper fishery. We also heard support for the overage
31 and underage adjustments in the accountability measures, and we
32 heard that the charter/for-hire sector should remain under
33 federal control. We heard that the longest time series should
34 be used to make allocation decisions. Texas biomass and anglers
35 have rebuilt the stock, and they should reap the benefits of
36 that rebuild stock, because of their biomass.
37
38 We also heard that biomass should be taken into consideration
39 for allocation, and we heard that one-size-fits-all management
40 does not work in the Gulf and that the states know best how to
41 manage their fish. We also heard, in League City, that private
42 anglers should be subject to mandatory data reporting.
43
44 We also hosted a webinar on January 17, and we had sixteen
45 members of the public attend, but there were no comments. We
46 did answer some questions, but there were no direct comments to
47 state management.
48

1 Now I will move on to the summary of the public comments that we
2 received either written or through our online comment form. We
3 did receive 200 written comments, and so the general support
4 that we heard for the amendment included that private anglers
5 should have a chance to have a meaningful red snapper season
6 based on science rather than politics and that individual plans
7 should be made to meet the needs of the fishermen.

8
9 State or regional management provides a real and meaningful
10 chance for private recreational fishermen to fish under
11 regulatory conditions that cater directly to their local needs
12 and that state management will allow more flexibility in
13 management and that the states could be more nimble in their
14 management.

15
16 State management could enhance recreational catch opportunities,
17 that one-size-fits-all management has proven to be unworkable,
18 with seasons decreasing, and that the states know how to best
19 manage their fishery to meet the needs of everyone in the state.
20 Control of red snapper should be in the hands of the states and
21 not the bureaucracy of Washington. Individual states should
22 have the most to gain or lose from proper management of their
23 reef fish and that states can manage and monitor fish better
24 than the federal government.

25
26 State-based management will support recreational and commercial
27 harvesters in ways that are more economically-sound and
28 conservation-minded. Commercial and charter captains will not
29 support state management, out of greed and self-interest, and
30 that past regulations have appeared to favor those with the most
31 money, guiding longer seasons for profit. State management will
32 allow for more equitable opportunities and better data-driven
33 decisions. There are more fish than federal fisheries managers
34 claim and there is no reason for such restrictive regulations on
35 recreational fishermen. The states should be given management
36 control.

37
38 We also heard that the federal government has no business
39 regulating state fisheries and state waters, especially since
40 red snapper are not a migratory fish. We heard that the council
41 shouldn't manage red snapper, because it didn't count them on
42 artificial reefs or oil platforms, nor does it consider how well
43 the population has rebounded since the fish excluder devices
44 were mandated on shrimp boats and the shrimp fleet has declined.

45
46 We also heard that the states have worked hard to develop data
47 collection systems to make them accountable. The State of
48 Louisiana is capable of monitoring recreational landings and is

1 eager to do so under state management. The Mississippi Tails 'n
2 Scales program has proven to be successful in gathering data,
3 and the state is committed to responsible management. Snapper
4 Check in Alabama is very useful, and Texas has done well
5 managing other species and has good systems in place to monitor
6 catch rates.

7
8 We heard that the exempted fishing permits to allow state
9 management had been successful and that this type of management
10 should continue. The extended fishing season resulting from the
11 EFP reduced the urgency to fish and alleviated derby-style
12 fishing. Under state management, the fish size remained
13 consistent throughout the season, which shows that the fishery
14 is healthy.

15
16 We also heard that the states should plan to continuously
17 evaluate their management of the recreational sector to take
18 into account the evolving conditions and the health of snapper
19 biomass off of each state. We heard that Texas Parks and
20 Wildlife has managed state fisheries, whereby fish populations
21 are at all-time highs, in spite of increasing pressure and
22 declining habitat. Each area across the Gulf is its own
23 ecosystem, and one regulation cannot be applied across all
24 sectors.

25
26 We also heard some general dissent for the idea of state
27 management, and that dissent is as follows. State management in
28 federal waters should not be considered. The states don't care
29 or are oblivious to the effects of longer state snapper seasons,
30 which have taken a toll on inshore snapper stocks, and the
31 states show a disregard for federal laws and seasons, because
32 they are interested in pleasing the people rather than
33 protecting our fishery.

34
35 We also heard that allowing individual states or regions to set
36 regulations will lead to conflicts of interest. In areas
37 dependent upon commercial recreational fishing for income,
38 regions may make short-sighted decisions that threaten the
39 health of the fish stocks in the long-term.

40
41 We heard that, without stringent language in the amendment,
42 special interest groups may get worse under state management.
43 There could be massive abuses of the fishery unless the
44 amendment binds all states to the same uniform rules, and we
45 heard that regulations should remain under the control of
46 National Marine Fisheries to properly regulate species fairly
47 across the recreational and for-hire boats fishing in the same
48 waters.

1
2 Next, we'll move on to some of the action-specific comments that
3 we heard in our written comments. Moving on to Program Action
4 1, which considers the components of the recreational sector to
5 include, we heard that state management should be considered
6 exclusively for the private angling component of the
7 recreational sector. This is Preferred Alternative 2.

8
9 Private anglers will benefit the most from state management.
10 Sector separation has been a success, and federally-permitted
11 for-hire vessels should be allowed to continue developing their
12 own solutions and strategies for their portion of the
13 recreational fishery. The federal for-hire fleet wants to
14 remain under the protection of the federal law. The
15 charter/for-hire component is using logbooks and has not
16 overfished its quota, and so it should not be punished by being
17 included in state management.

18
19 The states have not operated with engagement and transparency
20 when considering the potential impacts to federally-permitted
21 businesses and coastal communities. The sunset on sector
22 separation should be removed. The majority of the charter/for-
23 hire vessels have expressed their desire to remain under federal
24 management.

25
26 Including the for-hire sector in Amendment 50 would violate
27 numerous provisions of the Magnuson Act and other laws and would
28 raise a host of complications that would only further delay
29 consideration and approval of the amendment. Forcing the for-
30 hire sector into Amendment 50 would jeopardize state management
31 by increasing complexity, controversy, and legal risk.

32
33 We heard the council adopted and extended Amendment 40, sector
34 separation, to insulate the for-hire sector from losing fishing
35 opportunities as the private angling component grew and utilized
36 more of the quota. Including the for-hire sector component in
37 the amendment would nullify the benefits achieved by sector
38 separation.

39
40 Finally, including the for-hire vessels in state management
41 would compromise their continued access to the fishery and
42 violate National Standard 8 that requires management measures to
43 provide for sustained participation of fishing communities.

44
45 We also heard not to exclude charter vessels from state
46 management. That would be support for Alternative 3. The
47 rationale provided was that having a federal permit should not
48 penalize companies from operating successful businesses under

1 state management and that Mississippi was able to successfully
2 manage its state for-hire vessels in the exempted fishing
3 permits, and vessels with federal reef fish permits should
4 recognize that state management is a best course for them as
5 well. It keeps them under the recreational sector that
6 comprises their clients.

7
8 Next, we heard that the states should be able to decide whether
9 they wanted to include the for-hire fleet or not, and so that's
10 support for Alternative 4. The rationale provided was that the
11 states will deliver more robust seasons for all recreational
12 anglers, regardless of whether they fish from their own boats or
13 from for-hire vessels.

14
15 We heard that this will allow average recreational anglers to be
16 treated the same as anglers who can afford offshore boats and
17 that, although sector separation has created more stability for
18 the for-hire sub-component in recent years, the success of state
19 management exempted fishing permits has demonstrated that the
20 states are more capable of providing longer access to red
21 snapper in the Gulf, while continuing to constrain harvest to
22 appropriate levels.

23
24 Providing the for-hire fleet the opportunity to be managed by
25 their states will likely result in more days on the water and
26 more flexibility in choosing seasons than the current federal
27 regulations.

28
29 We also heard, under Alternative 4, the prior preferred
30 alternative, each Gulf state could choose, could decide, whether
31 to be managed under Amendment 50 or not. The result would be an
32 unpredictable patchwork of conflicting regulations across the
33 Gulf. Federal permit holders in one state might be regulated
34 under a set of state regulations, while federal permit holders
35 under another state would be regulated under a different set of
36 state regulations or under federal regulations.

37
38 Now we'll move to the comments we heard on Program Action 2,
39 which considers apportioning the recreational sector annual
40 catch limit. We heard that the council needs to consider the
41 national allocation policy while considering apportioning
42 allocation to the states, and we heard that allocation should be
43 apportioned based on biomass. It differs from state to state,
44 and using biomass would be the best way to allow continued
45 recovery and measure the results of any conservation effort. We
46 heard that Texas has 42 percent of the red snapper biomass, and
47 so it should receive the same percentage of the quota.

48

1 We also heard that scientists can make the biomass be whatever
2 they want, through their political control, and so allocation
3 should not be apportioned based on biomass, and we heard, while
4 making allocation decisions, do not get hung up on half of a
5 percentage point and please get the deal done for recreational
6 anglers.

7
8 Next, we moved to Program Action 3, which considers the
9 procedure for allowing a Gulf state to request the closure of
10 areas of federal waters, and we heard that states need to be
11 able to coordinate and allow transit through the state or
12 federal waters when the seasons are not the same for each region
13 in the Gulf.

14
15 Now we move on to what we heard for the state actions. For
16 Action 1, which considers the authority structure for state
17 management, we heard that, no matter which authority structure
18 is used, it is important that the states are constrained to
19 their quotas. A reasonable expectation, as required by a CEP,
20 is not enough. Managers have relied on a reasonable expectation
21 that the recreational sector would stay within its historical
22 quotas, and that hasn't worked so far. There have been twenty-
23 two overages in the last twenty-six years, and so true in-season
24 accountability needs to be built in.

25
26 We heard that allowing states to develop CEPs that are
27 customized to unique fishing traits of their private fishermen
28 in their waters could ultimately result in more days on the
29 water, greater accountability, and a decreased likelihood that
30 the recreational component would exceed its share of the quota.
31 We also heard that slot limits for red snapper should be allowed
32 to use larger fish to spawn more.

33
34 There is also some other comments that were included that were
35 not necessarily related to this amendment, and I'm not going to
36 read those out loud. I think that you guys can explore those on
37 your own, if you would like to see them, but that concludes the
38 report of what we heard on state management. Thanks for
39 sticking with me.

40
41 **CHAIRMAN GUYAS:** Okay. Thank you, Emily. That was very
42 thorough, and there was lots to say there. I will let you get
43 some water, but I also want to give people opportunity to ask
44 any questions. That was a lot of information, and I also want
45 to allow people who attended these meetings, or other meetings
46 where they got input on state management, to chime in as well,
47 and I can start on that.

48

1 Our agency held three extra meetings to round-out the Gulf coast
2 of Florida. We had a meeting in Key West on January 15, where
3 five people attended. We had a meeting in Crystal River on the
4 22nd, with fourteen, and then Tallahassee on the 23rd, also with
5 fourteen people.

6
7 I would say, in general, the majority of anglers that were there
8 were supportive of 50 and of states having more control over
9 recreational red snapper. Several supported including private
10 recreational anglers only and leaving the federal for-hire under
11 federal management, but we did have a stakeholder that supported
12 including federal for-hire in 50 and under state management.

13
14 We heard a lot of frustration about the short seasons in
15 Florida, including last year's season, I guess relative to
16 everyone else's and how these seasons impact the local economies
17 throughout Florida. We heard a lot of folks talk about how red
18 snapper are plentiful, they're over-abundant, and in some places
19 becoming a nuisance. We had a lot of questions about
20 recreational data and how it's collected, and we had some good
21 discussion about that.

22
23 We also had folks that noted that recreational anglers need to
24 be held accountable for their harvest and improve data
25 collection, and we also heard concerns about dead discards
26 throughout the year, especially when the season is closed for
27 most of the year, and support for requiring descending devices
28 and venting tools to help reduce mortality from discards, and I
29 will let other folks add more information, if they like, or ask
30 questions. If there aren't any, then I think we can move on to
31 the AP summaries. We skipped the action guide, and so we'll
32 back up slightly for that.

33
34 **DR. AVA LASSETER:** Great. Thank you. I will just say a couple
35 of words about the action guide. First, of course, what we just
36 heard were the public hearing summaries and comments on state
37 management. I am going to briefly highlight what the two ad hoc
38 APs, the charter and the headboat APs, had to say about state
39 management, and then we will go into the amendments, and,
40 really, we're just going to go through the actions and let you
41 review the preferred alternatives and review the one new action,
42 which is on the closed areas in federal waters. As you all
43 know, we were intending to take final action at this meeting,
44 and that will need to be postponed, and so that was the action
45 guide. Should I go on into the AP summaries?

46
47 **CHAIRMAN GUYAS:** Yes.

1 **AD HOC FOR-HIRE AP SUMMARIES**

2
3 **DR. LASSETER:** Okay. Very briefly, the Ad Hoc Charter/For-Hire,
4 and so that would the Red Snapper Charter, and the Reef Fish
5 Headboat APs met, and you will receive presentations on the full
6 summaries this afternoon, but, relative to Amendment 50, state
7 management, each group did receive a summary of the amendment,
8 and they did make a comment about them, and so, for the red
9 snapper charter group, they recommended an actual preferred
10 alternative. They supported the current Preferred Alternative
11 2, which is in Action 1, state management, which would apply
12 state management to the private angling component only.

13
14 Then the Reef Fish Headboat AP group, after hearing the
15 presentation on Amendment 50, made a motion to have the for-hire
16 sector be managed federally, and so they essentially both sent
17 the same message, but one supported the council's current
18 preferred alternative, and the other one just expressed that
19 they would like to be managed outside of state management
20 federally. Are there any questions on the AP comments? Hearing
21 none, we can move into the amendment.

22
23 **DRAFT PROGRAM AMENDMENT 50A**

24
25 We will begin with Amendment 50A, which is located at Tab B,
26 Number 5(a), and this is the program amendment, and Action 1.1
27 begins on page 27. Action 1.1 addresses the components of the
28 recreational sector to include in state management programs,
29 and, of course, Alternative 1 is no action. You have three then
30 action alternatives.

31
32 Your current preferred alternative is Number 2, and this
33 alternative would apply state management to the private angling
34 component only. Alternative 3 would apply state management for
35 every state that has a state management program in place, and
36 both of the components, both the private angling and federal
37 for-hire components, would be managed under the state management
38 programs.

39
40 Then, finally, Alternative 4 would allow each state to decide
41 whether it would manage its private angling component only or to
42 manage both its private angling and federal for-hire components,
43 and, if you were to select this Alternative 4, there is this
44 Action 1.2 that supports that action, but I will pause there for
45 a moment and see if there's any discussion.

46
47 **CHAIRMAN GUYAS:** Are there questions or discussion on Action 1?
48

1 **MR. PHIL DYSKOW:** Just a quick question. What is the preferred
2 alternative currently under this?

3

4 **DR. LASSETER:** It's Preferred Alternative 2, which would apply
5 state management to the private angling component only.

6

7 **CHAIRMAN GUYAS:** Okay. I guess let's roll.'

8

9 **DR. LASSETER:** Okay. Sounds good. Action 1.2 is not
10 applicable. It does begin on page 31, but, because Alternative
11 4 in the previous action is not your preferred, this action is
12 moot, and so you do not have a preferred for here, and you do
13 not need one, and so we can move on to Action 2, which begins on
14 page 33.

15

16 Action 2 addresses apportioning the recreational ACL, the quota,
17 amongst the five states, and we have several alternatives here.
18 Unfortunately, the final alternative does run off into the next
19 page, but Alternative 1 is our no action alternative.
20 Alternative 2 would establish the allocation based on one of
21 four options of time series to use, going from the longest time
22 series, under 2a, to the most recent provided, 2c, and then
23 Option 2d is that 50/50 of the longest and the shortest time
24 series.

25

26 Alternative 3 provides three years that could be excluded from
27 the time series in the previous alternative. Alternative 4 is
28 the one that allows each state to average its best ten years of
29 landings and have the allocation be based on that. Alternative
30 5 moves away from landings and adopts trips, and so you would
31 select, in Alternative 5, a time series of recreational trips
32 first, 5a through 5c, and then a weighting of recreational trips
33 and biomass, which are provided with Options 5d to 5f, and, as
34 you can see, there is varying amounts of either more heavily
35 weighting biomass or trips or weighting them evenly, as in the
36 case of 5e.

37

38 Your current preferred alternative is Alternative 6, and this
39 would establish the allocation that could apply to the private
40 angling ACL only, and it would base that allocation on what is
41 used in those EFPs, the exempted fishing permits, for the years
42 2018 and 2019.

43

44 Then Alternative 7 was added at the last meeting, and that's at
45 the top of page 34, and Alternative 7 is similar to Alternative
46 6, but it takes the additional 3.78 percent of quota that was
47 assigned to Florida and it redistributes it amongst the five
48 states.

1
2 There is a table that compares all of the allocations on page
3 41, Table 2.3.9, and this is applicable to the private angling
4 component only, which is consistent with your preferred in the
5 previous action, but this does provide a comparison of the
6 different alternatives, and I will turn it over to the committee
7 for discussion.

8
9 **CHAIRMAN GUYAS:** Okay. Is there discussion on Action 2? Phil.

10
11 **MR. DYSKOW:** Madam Chair, would this be an appropriate time to
12 add an additional alternative, or would you prefer that we wait?

13
14 **CHAIRMAN GUYAS:** I think, if we're going to add stuff, now is
15 the time to do it.

16
17 **MR. DYSKOW:** This would be an additional alternative as to the
18 allocation of the recreational sector ACL, and I think the
19 easiest thing would be just to give the percentages of those
20 allocations by state, and so this is a hybrid solution between,
21 I guess, 6 and 7. If someone can write this down, these are the
22 percentages that are part of this alternative. Alabama would be
23 26.298, Florida 44.822, Louisiana 19.12, Mississippi 3.55, and
24 Texas 6.21, and the total comes to 100 percent.

25
26 You all know what that means probably better than me. Nobody
27 gets everything they want, but it is allocated in a way that is
28 probably less odious than some of the other choices. Does that
29 make any sense?

30
31 **CHAIRMAN GUYAS:** Let's get this on the board in the form of a
32 motion, and then we'll get a second, and then we can talk about
33 it. Bob Shipp will second it. Let's just give staff a second
34 here.

35
36 We've got the motion on the board. It says, in Action 2, to add
37 an alternative that would allocate as follows, and then Alabama
38 is 26.298, Florida 44.822, Louisiana 19.12, Mississippi 3.55,
39 and Texas 6.21. The only thing that I would suggest adding
40 here, Phil, would be to specify that this is private anglers
41 only.

42
43 **MR. DYSKOW:** Excellent. I'm sorry. I just made that
44 assumption.

45
46 **CHAIRMAN GUYAS:** Well, yes, because that's kind of where we are,
47 but just in case. Let's see if we can get that in there.

48

1 **MR. DYSKOW:** May I add one other comment, Madam Chair?
2
3 **CHAIRMAN GUYAS:** Yes.
4
5 **MR. DYSKOW:** The intent here isn't to be God, but to come up
6 with an alternative that is generally more acceptable than
7 either 6 or 7. In other words, it's something we can agree to,
8 even if we don't totally like it, as opposed to two other
9 amendments that have merit, but I don't believe either one of
10 them would pass.
11
12 **CHAIRMAN GUYAS:** Okay. Kevin.
13
14 **MR. KEVIN ANSON:** Well, I appreciate the motion, Mr. Dyskow.
15 This captures at least something that I discussed at the last
16 meeting relative to trying to get some fish to Alabama, and I
17 will come out and say it, but it does step away, a little bit,
18 from other points that I had brought up during the last meeting,
19 and that was trying to get at wider distribution of those
20 available pounds, if you will, that were remaining under the EFP
21 initial distribution, and so I would like to hear some feedback
22 or comments from the other state directors as to how they feel
23 about this motion.
24
25 **CHAIRMAN GUYAS:** Chris.
26
27 **MR. CHRIS SCHIEBLE:** Well, obviously, there is no deficit for
28 Louisiana in this. Our number stays the same, as well as
29 Mississippi and it appears Texas, and so I think, in the
30 interest of getting this moving and Amendment 50 passing
31 through, if this is a viable solution for Alabama and Florida,
32 we're in concurrence with it in Louisiana, in the interest of
33 moving this through.
34
35 **CHAIRMAN GUYAS:** I will chime in. Certainly Florida is happy
36 with the current preferred alternative, Alternative 6, but,
37 based on past discussions, that was not going to work for
38 multiple states, and so we've been trying to find a compromise,
39 something that we can live with and something that everybody
40 else can live with, and we would be willing to accept this, and
41 so I'll just keep it short there for now, and we can talk about
42 it more if you all want, but does anybody else want to chime in
43 here? Robin.
44
45 **MR. ROBIN RIECHERS:** I certainly appreciate the fact that
46 Florida and Alabama were able to work this out and come to a
47 different alternative than 6 or 7, but, kind of like Kevin,
48 since I spoke to the fairness issue last time about how those

1 percentage points were allocated as we did the EFP process and
2 how the Regional Director and the Regional Office gifted those
3 to Florida, again, I think there's a fairness and equity
4 question here.

5
6 I will be interested to see if the Regional Office is as adamant
7 about not approving or forwarding documents that states might
8 not agree to, and so it may be interesting to see if he shares
9 that same feeling that he shared on the record last time if it's
10 a state from the western Gulf, and so we'll see how this works
11 out as we go through the next couple of meetings.

12
13 **CHAIRMAN GUYAS:** Right on cue, Roy has his hand up.

14
15 **DR. CRABTREE:** Well, I'm not sure where Robin is coming from
16 with that last comment. My concern has been that we have enough
17 support to make this happen, and my hope is that we can
18 unanimously all get behind this, but my concern with Preferred
19 Alternative 6 had to do with looking at the number of days each
20 state has in their season, and my concern was that we have very
21 short seasons in the eastern Gulf and much longer seasons in the
22 western Gulf, and, in my view, if the season lengths are too
23 disparate among all the states, there is going to be this
24 perception of inequity, and that will render this not a
25 politically-viable solution in the long-term.

26
27 I think this compromise, this new alternative, accomplishes and
28 addresses my biggest concern, which is that it takes this
29 admittedly small amount of fish, but it distributes it to the
30 two states with the shortest seasons, and in my view have the
31 biggest need for this, and so I view this, Robin, as bringing
32 more equity to this than the other alternatives, and so I think
33 it's a viable compromise, and I'm going to support it.

34
35 **CHAIRMAN GUYAS:** Traci.

36
37 **MS. TRACI FLOYD:** I would just like to say that Mississippi
38 supports it as well. Thank you.

39
40 **CHAIRMAN GUYAS:** Go ahead, Robin.

41
42 **MR. RIECHERS:** I would just say, Roy, that you might want to go
43 back and review the transcript from the last meeting, just to
44 review some of your comments there. Again, I'm not going to
45 belabor the point, but you were very adamant about your
46 statements at that time, and so I think I might review them
47 before we go further down the road here.

48

1 **DR. CRABTREE:** Thanks for helping me with that, Robin.
2
3 **CHAIRMAN GUYAS:** Other discussion on this? Mr. Dyskow.
4
5 **MR. DYSKOW:** Madam Chairman, I just have a point of order. If
6 there is some level of support for this alternative versus 6 or
7 7, do we have the option at this meeting to take a vote to
8 determine if this would be the preferred alternative, and, if
9 so, how would we couch that?
10
11 **CHAIRMAN GUYAS:** If Mara was here, she would have lots to say
12 about this, but Ava wants to talk about it, and so I will pass
13 the mic to her.
14
15 **DR. LASSETER:** I would suggest that we vote on this motion that
16 adds the alternative, and then you would do a separate vote that
17 you change the preferred alternative, if you wanted to do that.
18
19 **MR. DYSKOW:** So, as I understand what you just said, we first
20 have to vote to allow this to be an additional alternative, and
21 then we have another motion to make it the preferred
22 alternative, and is that correct?
23
24 **DR. LASSETER:** I think that's a cleaner way to go forward with
25 it.
26
27 **MR. DYSKOW:** I would motion to make this an additional
28 alternative, Alternative 8, and I would ask for a second.
29
30 **CHAIRMAN GUYAS:** I think Dr. Shipp already seconded that motion,
31 and so we're good, as far as that goes. All right. Any other
32 discussion on adding this to the document? Kevin.
33
34 **MR. ANSON:** I would just make sure that, for scheduling and
35 everything, and we had talked also at the October meeting about
36 timing of getting this approved and being in place, if you will,
37 for use, and just, I guess, if Dr. Crabtree could address
38 timing, and it might be a little out of order, I guess, at this
39 point, but whether or not, if we pass this that we could take
40 final action on this amendment at the April meeting, if it looks
41 like we would still be able to get this approved, the document,
42 by adding this new alternative in there.
43
44 **DR. CRABTREE:** Well, if you look at this new alternative, it is
45 a very small change from Alternative 7, which is already
46 analyzed, and so there is not going to be much to analyze in
47 this, and I think we're talking about -- I can't do the math in
48 my head, but it looks like 1 percent, maybe, and so it's a very

1 small amount of fish.
2
3 I think the key here is, one, setting aside any more government
4 shutdowns, but if we are pretty settled as to where we're going
5 with this at the end of this meeting, it seems to me that staff
6 can add this alternative fairly easily and have the document
7 ready to roll. We could come in at the April meeting and vote
8 it up, and that would still leave us around eight months to get
9 through a rulemaking and implementation, which historically has
10 been sufficient.
11
12 **CHAIRMAN GUYAS:** Dr. Shipp.
13
14 **DR. BOB SHIPP:** Roy, is that a yes?
15
16 **DR. CRABTREE:** In my convoluted way, yes.
17
18 **CHAIRMAN GUYAS:** Anything else on this one? I see Phil is
19 coming back to the table, and so I guess let's do a show of
20 hands, just in case. I think we're ready to vote here. **All in**
21 **favor of the motion, please raise your hand; all opposed. The**
22 **motion passes fifteen to one.** Okay. Phil.
23
24 **MR. DYSKOW:** Madam Chair, then I would like to entertain a
25 **motion to make this the preferred alternative.**
26
27 **CHAIRMAN GUYAS:** All right, and I see that Dr. Shipp is offering
28 a second over there. Is there discussion on this motion?
29
30 **MR. RIECHERS:** Going back to the discussion we had at the last
31 meeting, as we added Preferred Alternative 7, I think there was
32 a lot of discussion about you couldn't make it a preferred at
33 this meeting, because we hadn't seen the analysis, and it's the
34 same level of percentage difference, no matter where that
35 percentage difference is divvied up amongst these states, and
36 so, while I certainly understand the desire to make it a
37 preferred, those same arguments that were on the record by all
38 the people who put them on the record at the last meeting as to
39 why this shouldn't be chosen as a preferred at the meeting that
40 it was added should be germane here.
41
42 I would just say that as you think about this, and, again, I'm
43 going to vote against the motion for that same reason. If we
44 couldn't do it with Preferred Alternative 7 last time, we
45 shouldn't be doing it with a new Alternative 8 this time.
46
47 **CHAIRMAN GUYAS:** Kevin.
48

1 **MR. ANSON:** That's what I recollect too, Robin, and so I will be
2 voting against this motion on that premise, but I do also
3 recollect, not during that meeting, but in other meetings, that
4 Mara has said that we can't make a preferred at the same meeting
5 as we take final action.

6
7 **MR. RIECHERS:** No, and I agree with that, and, as you recall at
8 that discussion at our last meeting, I was suggesting that it's
9 not a large enough movement, and it's within the realm of those
10 things, and we could have made it preferred, but many people
11 around the table, including some of those who are supposed to
12 help guide us on these kinds of things, suggested we could not.

13
14 **CHAIRMAN GUYAS:** Tom.

15
16 **DR. TOM FRAZER:** I appreciate the comments by both Robin and
17 Kevin here, and Mara is clearly enroute, but I think that, when
18 she does get here, I will consult with her, and we will bring
19 this up at Full Council.

20
21 **CHAIRMAN GUYAS:** Okay. Chris.

22
23 **MR. SCHIEBLE:** I would just like to speak in support of making
24 this the preferred during this meeting. Considering the hot-
25 and-cold nature of our government these days, whether we're on
26 or off, and I don't know what's going to happen within the next
27 three weeks, nor do the rest of us, and, also, if we don't go to
28 final action at the next meeting in April, we may not have a
29 recreational snapper season.

30
31 **CHAIRMAN GUYAS:** Anybody else? All right. Then I'm going to
32 suggest that we vote on this. Of course, we'll get another bite
33 at it at Full Council, and Mara will be here then, hopefully, as
34 long as the storm doesn't hold her up. Okay. Let's do the same
35 thing. **All in favor, please raise your hand; all opposed. The**
36 **motion carries eleven to four.**

37
38 All right. Are there any other questions or discussion or
39 burning concerns about Action 2? If not, we will move on to
40 Action 3.

41
42 **DR. LASSETER:** Okay. Thank you. Action 3 begins on page 43,
43 and so this action is new. It has been added since you added it
44 at the October meeting, and so Action 3 would establish a
45 procedure for allowing a Gulf state to request the closure of
46 areas of federal waters adjacent to state waters to red snapper
47 recreational fishing, and you have two alternatives.

1 Alternative 1 is always your no action alternative, which would
2 not establish this procedure, and Alternative 2, which reads to
3 establish a procedure to allow a state to request NMFS close
4 areas of federal waters adjacent to state waters to red snapper
5 recreational fishing. The state would request the closure by
6 letter, providing dates and geographic coordinates for the
7 closure. If the request is within the scope of the analysis in
8 this amendment, NMFS would publish a notice in the Federal
9 Register implementing the closure. The closure would apply to
10 the recreational sector components that are included in that
11 state's approved management program.

12
13 Then, in the subsequent pages of this action, you can see just
14 those requests, the scope of the requests, that would be
15 included, and so, on page 46, this text for Texas wanting to
16 close all of federal waters, have all the federal waters closed,
17 and then have it only be open during a time period when a
18 particular part that Texas will specify of its quota could then
19 be caught in federal waters. In that case, it would be closed
20 most of the year, except for a time that a particular amount of
21 quota would be allowed to be caught in federal waters.

22
23 Florida and Alabama follow, and Florida's begins on page 47, and
24 Alabama on page 49, but they are very similar, and so Florida
25 and Alabama have proposed to close waters deeper than the twenty
26 or thirty-five-fathom-depth curves, and you can see in those
27 maps that are provided there what that area generally looks
28 like. It would close those deeper waters, in order to protect
29 the stock where fish are generally larger and catching those
30 larger fish would catch your quota up in a shorter amount of
31 time, and so the idea, should Florida and Alabama use these
32 authorities, would be to extend their state-water seasons, and
33 so those are the closures that are considered in this action,
34 and I will turn it over to the committee for discussion.

35
36 **CHAIRMAN GUYAS:** Kevin.

37
38 **MR. ANSON:** I am trying to recall whether or not we had
39 discussion on if a state were -- If this amendment were to be
40 approved with this alternative, and if a state were to request
41 NMFS to close that area, about how long in advance would they
42 need to have? Do you recall, or Dr. Crabtree?

43
44 **DR. LASSETER:** Speaking to how long would it take for NMFS to
45 implement the closure for the rulemaking, and so how much time
46 would say Alabama need to provide in advance that they would
47 want this closure to go into effect?

48

1 **DR. CRABTREE:** I am going to say, just to be conservative now,
2 that we would need a month to two months. Maybe we can get it
3 like an in-season closure and it can go quicker than that, but
4 we're going to have to see.
5
6 **MR. RIECHERS:** I move that the preferred alternative be
7 **Alternative 2.**
8
9 **CHAIRMAN GUYAS:** All right. While we're getting that on the
10 board, is there a second?
11
12 **MR. ANSON:** Second.
13
14 **CHAIRMAN GUYAS:** Thank you, Kevin. Is there discussion? All
15 right. If there's no discussion, we're working on getting it on
16 the board. **In Action 3, to make Alternative 2 the preferred.**
17 Are we good here? Leann.
18
19 **MS. LEANN BOSARGE:** Okay, and so, if we go this route, where we
20 close parts of the waters off of a state, then it's no longer
21 enforcement at the dock. If you are in possession, because this
22 will mean that we draw the lines in the water, right, off of
23 each state, and so the EEZ off of -- Whatever, if you go to the
24 fathom curve or whatever, anything deeper than that fathom
25 curve, if you possess red snapper on the boat, and you're in
26 that area, then you're in violation, and so there is at-sea
27 enforcement at this point, right?
28
29 **CHAIRMAN GUYAS:** Yes, I think so. I think it's kind of like the
30 red grouper line, or the grouper line.
31
32 **MS. BOSARGE:** And it doesn't matter what state you're from? If
33 Florida closes the EEZ off of its state, outside of thirty-five
34 fathoms or whatever, and I left out of Alabama, and I've got an
35 Alabama fishing license, if I'm in the EEZ off of Florida,
36 Florida's part of the EEZ, and I have red snapper on my boat,
37 then I am in violation, as a private angler, right?
38
39 **CHAIRMAN GUYAS:** I think so, but I don't know if Ava or Roy --
40
41 **DR. CRABTREE:** Yes, that's correct. It would be a closure to
42 private rec fishing off of that state, and you're correct too
43 that it would require at-sea enforcement to enforce this, and so
44 it will put an enforcement burden on the states to police the
45 line.
46
47 **CHAIRMAN GUYAS:** Robin.
48

1 **MR. RIECHERS:** Yes, I mean, it will, but, as I am recalling, the
2 JEA is requiring some of that enforcement be, for snapper,
3 outside of state waters as we speak now, and so the
4 encouragement is for our enforcement folks to be doing at-sea
5 enforcement, as I'm recalling, based on the most recent
6 agreement. Certainly we've always done a certain amount of at-
7 sea, combined with dockside as well. I mean, that's just the
8 way that enforcement works, and so they're going to be both
9 doing at-sea as well as dockside.

10
11 **DR. CRABTREE:** If I could, I think Robin is right that you could
12 use funds from the JEA to enforce this.

13
14 **CHAIRMAN GUYAS:** All right. Any more discussion? I see that
15 Mara is back at the table. Welcome back. Are we ready to vote
16 on this one? I think so. Okay. **All in favor of the motion,**
17 **say aye; any opposed. The motion carries.**

18
19 **DR. LASSETER:** Okay. That is the last action in the program
20 amendment, 50A, and so we will go to the individual state
21 amendments, and we'll use Louisiana's. Sorry.

22
23 **CHAIRMAN GUYAS:** Sue.

24
25 **MS. SUSAN GERHART:** Forgive me if Ava already said this, but I
26 just wanted to remind the council that the draft environmental
27 impact statement for 50A is out for public comment right now,
28 and that comment period ends next week, and so we will be able
29 to bring those comments to you at the next meeting, before you
30 take final action.

31
32 **CHAIRMAN GUYAS:** Awesome. All right. Now I think we're ready
33 for the Louisiana amendment.

34
35 **REVIEW OF INDIVIDUAL STATE AMENDMENTS**

36
37 **DR. LASSETER:** Okay. Louisiana's amendment is Amendment 50B,
38 and it's located at Tab B, Number 5(b). In each of the five
39 state amendments are the same two actions, and Action 1 is the
40 authority structure for state management, and Action 2 is the
41 post-season quota adjustment.

42
43 We will go through this, and this is Louisiana's amendment.
44 Currently, all five states have the same preferred alternative
45 for this Action 1, and so we'll see if we need to go through the
46 individual state amendments at this time, what's the will of the
47 committee.

1 Action 1 begins on page 6, and this addresses the authority
2 structure for state management. Alternative 1 is always our no
3 action alternative. Louisiana's and the other four states'
4 preferred alternative is Alternative 2, which would establish
5 state management through delegation, and so it would establish a
6 management program that delegates management authority for
7 recreational red snapper fishing in federal waters in this
8 amendment to Louisiana, and I will go ahead and read the
9 alternative, since we probably haven't read it in a while.

10
11 If Louisiana's red snapper harvest plan is determined to be
12 inconsistent with the requirements of delegation, as laid out in
13 the Magnuson-Stevens Act, the recreational harvest of red
14 snapper in the federal waters adjacent to Louisiana would be
15 subject to the default federal regulations for red snapper, and
16 those default regulations do stay on the books, and that's the
17 June 1 start to the season, the two-fish bag limit, and the
18 sixteen-inch minimum size limit.

19
20 Louisiana must establish the red snapper season structure for
21 the harvest of its assigned portion of the recreational sector
22 ACL, monitor landings, and prohibit further landings of red
23 snapper when the ACL is reached or projected to be reached, and
24 then we have some options.

25
26 In addition, delegated authority for managing the recreational
27 harvest of red snapper may include establishing or modifying the
28 following, and all four are selected as preferred in Louisiana
29 and all the other states, except for Florida has the one that's
30 not applicable currently, because of the for-hire component, and
31 that's not selected.

32
33 These options are -- Option 2a is modifying the bag limit.
34 Option 2b is modifying the prohibition on for-hire vessel
35 captains and crew from retaining a bag limit, which would not
36 currently be applicable, because of your preferred alternative
37 to apply state management to private anglers only. Option 2c
38 would allow to delegate management of modifying the minimum size
39 limit, as long as it's within the range of fourteen to eighteen
40 inches total length, and Option 2d is establishing a maximum
41 size limit.

42
43 With these options selected, the bag limit, Option 2a, and
44 Option 2c, the minimum size limit, must be established at the
45 state level, and Option 2d would just be a tool in the toolbox,
46 and it would not be required to be used, but it would be
47 available, and the authority would be delegated, and that's
48 establishing the maximum size limit.

1
2 Alternative 3 is an approach called conservation equivalency.
3 It would establish a management program in which Louisiana
4 submits a plan describing the conservation equivalency measures
5 that Louisiana will adopt for the management of its portion of
6 the recreational sector ACL in federal waters. The plan could
7 be submitted annually or biannually, and it must specify the red
8 snapper season structure and bag limit for the state's harvest
9 of its portion of the ACL.

10
11 It's similar language as the delegation. To be a conservation
12 equivalency plan, the plan must be reasonably expected to limit
13 the red snapper harvest to Louisiana's assigned portion of the
14 recreational sector ACL. If the plan is determined by NMFS to
15 not satisfy the conservation equivalency requirements, then the
16 recreational harvest of red snapper in federal waters adjacent
17 to Louisiana would be subject to those same default federal
18 regulations.

19
20 Then there's two options for whether the plans would be
21 submitted directly to NMFS for review, Option 3a, or whether
22 they would first be reviewed by a technical review committee
23 made up of the state directors on the council before being
24 forwarded to NMFS, and I will comment that this conservation
25 equivalency approach is more similar to the EFPs, in the sense
26 that those EFPs were done for two years, and there was a plan,
27 proposal, that was submitted to NMFS, whereas, under Alternative
28 2, delegation would be a one-time transference of authority. I
29 will pause there and see if there's any discussion on these
30 alternatives.

31
32 **CHAIRMAN GUYAS:** Robin.

33
34 **MR. RIECHERS:** Just as a point of clarification, Ava, one of the
35 reasons we still do need preferred Option 2b is some states
36 already have captain and crew as a general rule that you can't
37 possess, and so, while you said it wouldn't be needed, for Texas
38 for instance, we have that already, and so, just to be
39 consistent with what we already have in place, we actually still
40 need that.

41
42 **DR. LASSETER:** I just want to make sure that I understand. When
43 I say it doesn't apply here, this is specific to for-hire
44 vessels in federal waters, right?

45
46 **MR. RIECHERS:** If they're going to come in and traverse Texas
47 waters and land in Texas, captain and crew is disallowed. The
48 preferreds can stay as it is, but I'm just saying that your

1 comment afterwards was that, because we're not choosing captain
2 and crew -- There is still a reason to still have it here. It's
3 still germane in the fact that -- So that there are certain
4 consistencies with ongoing state statutes or proclamations.

5
6 **CHAIRMAN GUYAS:** Mara.

7
8 **MS. MARA LEVY:** You can leave it in there. I think what Ava was
9 saying is it's not really going to do anything, because this is
10 about what's applicable in federal waters, and, since the
11 preferred alternative right now is not to manage the federally-
12 permitted for-hire vessels, this wouldn't apply to the state
13 management in federal waters type thing.

14
15 **MR. RIECHERS:** I started out by saying leave it in there. I
16 mean, it's not changing anything, but I'm just saying that there
17 is some reasons to not just remove it because we didn't choose
18 management of the charter sector at this point in time.

19
20 **CHAIRMAN GUYAS:** Let me ask this, Ava. Are you wanting to go
21 through -- Even though we're focusing on the Louisiana amendment
22 right now, just for discussion purposes, if other states want to
23 change things in their amendment, now would be the time to do
24 that, or are we going to go through these state-by-state?

25
26 **DR. LASSETER:** I will leave that to the committee. To make this
27 as efficient as possible, perhaps, rather than going through
28 five separate documents, if there is a state that would like to
29 change or modify its preferred alternatives, we could entertain
30 that, and I will leave that to the will of the committee.

31
32 **CHAIRMAN GUYAS:** Yes, I think that seems like it would be the --
33 In the interest of time, the best way to handle that, and so, if
34 anybody has discussion about any other state amendments relative
35 to this, although we do have plenty of time, but it's just a
36 matter of whether we want to walk through this five times or
37 whether we want to walk through this one time. One is probably
38 good. We've been here several times already, and so I'm just
39 kind of putting that out there. If anybody wants to speak up
40 about another amendment, feel free. Chris.

41
42 **MR. SCHIEBLE:** I don't want to speak about anybody else's, but I
43 just have a technical question. Do these preferred options need
44 to be homologous among all five state plans or not?

45
46 **DR. LASSETER:** No, they do not, and that's why you have five
47 individual state amendments, so that you could select different
48 alternatives in each one. Currently, they're all the same,

1 effectively.

2

3 **CHAIRMAN GUYAS:** Leann.

4

5 **MS. BOSARGE:** This is a general comment and question, and it's
6 not specific to any state. In this section, it talks about
7 whether you choose delegation or conservation equivalency, the
8 state's management measures must be consistent with the
9 Magnuson-Stevens Act and the Reef Fish FMP, and then it goes on
10 to say what is consistency, and it's a very 30,000-foot view.

11

12 You will be consistent if you are preventing overfishing,
13 rebuilding declining reef stocks, monitoring the reef fish
14 fishery, and on and on, and is there somewhere in this document
15 that we get a little more specific about what is consistency and
16 what is inconsistency?

17

18 I mean, if I was a state manager going into this, I would want
19 to know a little better where is the line in the sand, and there
20 is going to be, obviously, probably a learning curve in trying
21 to gauge your anglers and adjust to fit their needs better, but,
22 if you miss the mark, how many times can you miss the mark
23 before you are no longer consistent, right? Is there anywhere
24 where we detail any of this and we have some specifics, or is it
25 just out there and one day NMFS will make a determination?

26

27 **DR. CRABTREE:** Well, I don't think there is a clear red line
28 drawn, but remember that -- I mean, the key here is to stay
29 within each state's allocation, and there are paybacks, and so
30 there are real incentives for states not to allow big overruns,
31 because they will have to pay it back, and I'm sure, Leann, that
32 we will be reporting, on an annual basis -- The council will be
33 reviewing the performance of all the states and what's going on,
34 and certainly I regard the council a part of the process for
35 determining are the states staying in compliance or not.

36

37 I guess the biggest trigger would be if we got ourselves in a
38 situation where the stock assessment showed that overfishing was
39 occurring, because of excessive harvest somewhere and if that
40 could then be attributed to overruns or something, and that
41 would be something, but I don't believe that anywhere in this
42 document there is a bright red line that says, if you go over
43 more than this many times, then you are not in compliance, and I
44 just don't think it's that straightforward.

45

46 **CHAIRMAN GUYAS:** Okay. Susan.

47

48 **MS. SUSAN BOGGS:** I was just curious. Is there anywhere in the

1 document that talked -- I've read it, and I don't recall about a
2 timeliness of how they have to report. With the new data
3 collection systems and common currencies and calibrations, what
4 is the timeline for getting all of this in to determine if they
5 have overfished prior to going into a new fishing year?
6

7 **DR. CRABTREE:** Well, we can determine that right now, because we
8 have overfishing levels and things like that, but, in terms of
9 the different data collection systems and calibrations, that is
10 something that we are actively working on now, and the plan is
11 to produce calibration factors that allow us to convert between
12 MRIP currency and state management plan currencies by the end of
13 this year and then to do a new benchmark assessment that will be
14 based on the state management plan currencies and then have that
15 come before the council sometime in 2020 or 2021, and then we
16 would implement new catch levels at that time, and so that's the
17 kind of track we're on, and I haven't heard any modification of
18 that yet.
19

20 **CHAIRMAN GUYAS:** Okay. Anything else on Action 1? We've had
21 some good questions here. Mara.
22

23 **MS. LEVY:** Just to add one thing about the consistency. I mean,
24 you have the overall obligation that the FMP requires and the
25 council is required to stay within the annual catch limit,
26 right, and so the National Standard 1 Guidelines have that
27 language that says, if you exceed an ACL more than one time in a
28 four-year period, the council is supposed to reevaluate
29 accountability measures and such, the system, and so, in that
30 sense, it puts some of the burden on the council, but, if you
31 come up with a plan and it's getting implemented and everybody
32 is exceeding the ACL multiple times, it's going to come back to
33 the council to also sort of reevaluate what you have set up and
34 what needs to change to make sure that stops happening. It
35 doesn't necessarily go to the consistency, in terms of whether
36 the delegation gets suspended or whatever, but it goes back to
37 the council having that ongoing obligation.
38

39 **DR. CRABTREE:** If I could, I think where that would lead you as
40 a council is, if we were having consistent problems with state
41 overruns, you're going to have to come in and review the buffers
42 again and look at allocating fewer fish to all of the states to
43 provide more of a buffer and ensure that we're staying under,
44 but that's something you would have to address at the council
45 level.
46

47 **CHAIRMAN GUYAS:** Leann.
48

1 **MS. BOSARGE:** I guess that's what I'm trying to figure out, is
2 that timeline, right, and so this is late January, and do we
3 know what our landings were from last year? No, and maybe
4 that's partially because of the government shutdown, and do you
5 have them? We were told that we weren't going to get them.

6
7 **DR. CRABTREE:** We have the state landings for Florida, Alabama,
8 Mississippi, and Louisiana. I don't believe we have landings
9 yet from Texas, and we have the for-hire landings, and so we
10 basically have those. The EFP landings are on the Regional
11 Office website, and you can pull them up there, and I think
12 we're -- I can just tell you that the for-hire landings were
13 right at their target level. I think they were just a little
14 bit over the target, and so we have those.

15
16 **CHAIRMAN GUYAS:** We were going to hit those later in the
17 meeting, but we can talk about this now, at least for red
18 snapper, if you're ready, Sue. Is that okay, Robin? We'll come
19 back to you? Go ahead, Robin.

20
21 **MR. RIECHERS:** Well, and I don't know where it landed in
22 inboxes, but I know that the reporting from Texas came to you
23 all through December 31, and so, like I said, I don't know where
24 it's at.

25
26 **CHAIRMAN GUYAS:** Okay, Sue. Take it away.

27
28 **MS. GERHART:** Okay, and so I think we want the second page to
29 come up for this particular question. Here is the most up-to-
30 date that we had. This is what's on our website, and I
31 apologize to Texas. I know that you all sent us something, but
32 I just -- I just put this together just this morning, while we
33 were sitting here, and so it's as up-to-date as I could get it
34 under those circumstances, and so this is the private angling
35 under the EFPs, the landings that we have there.

36
37 You can see that there was an overage in Florida, and a very
38 tiny overage for Alabama, and remember that we have, in the
39 process, an ACL increase going on that should be in place for
40 this year. That increase will cover the overage of Alabama and
41 mitigate the overage of Florida as well. The rest of the
42 overage in Florida will be in a payback off of that for the next
43 year.

44
45 If we go to the previous page, you can see the last line there,
46 or the second-to-last line, is the for-hire landings, and it was
47 pretty much dead-on the ACT, and so it was exactly where we
48 predicted it to be with those number of days. There is the 20

1 percent buffer, and so it was only 80 percent of the ACL.
2 Remember, for this year however, that buffer is reduced to 9
3 percent, for this year only, and I can wait and go over the rest
4 of them later, if you want.

5
6 **CHAIRMAN GUYAS:** What's your pleasure? We might as well go
7 through these while we've got it up, but it would nice also, at
8 some point, if we could get these emailed around. Leann, go
9 ahead.

10
11 **MS. BOSARGE:** All right, and so two questions. Robin, since you
12 have your landings, what were the final landings, and, if you
13 could give it to me as a percentage, and I work better -- A
14 percentage of what you were shooting for.

15
16 Then I am trying to figure out how this will work if we go down
17 the state management, and I'm thinking about next year. We're
18 going to come to our January meeting, and it looks like we'll
19 have final landings from all the states, and some of the states
20 will already be fishing on the next fishing year, and I guess
21 NMFS will have done some evaluation for us to look at in
22 January, based on what the states have submitted, or the states
23 are going to come here to this table and say this is how we
24 think we're going to run our season, generally speaking, this
25 year, and we had an overage, and we took that out, and we
26 adjusted this, so that hopefully we won't have an overage again
27 this year, and the council is going to have to sit around and
28 say, oh, we think you're consistent or -- I'm confused, because
29 we've been talking about the council and that it's kind of our
30 burden to say if there is consistency or not.

31
32 **DR. CRABTREE:** If I could. I mean, I'm not saying it's your
33 burden. It's ultimately a determination by the Fisheries
34 Service, but we, as always, welcome the council's input and give
35 it a lot of credence, and so we will come in and -- My hope is
36 that next year that it will be a little more organized, because
37 we won't be coming off of a thirty-day shutdown, but we'll come
38 in and we'll have the landings ready for you to review and see
39 how many fish were caught.

40
41 Then I think the states will have to report to you on what they
42 expect to do, and we should be at a point, next year at this
43 time, where the EFPs have ended, and the regional management
44 plan, assuming the council approves it and it gets implemented,
45 will be going into place for the first time.

46
47 Now, one thing that we do need to talk about, and I believe that
48 Ava is going to come to this, is we need to -- You need to talk

1 about adding some language to Amendment 50 to reflect that
2 overruns from the second year of the EFP have to be paid back
3 off of the first year of Amendment 50, and so I think we're
4 going to need to talk about adding that in there, but,
5 essentially, the review will come down to a review of the
6 landings and who went over and who stayed under, and then we'll
7 issue letters to the states, telling them this is how many
8 pounds you have to manage this year.

9
10 **MS. BOSARGE:** Then there would be some feedback from the state,
11 saying, okay, we're going to try and do X, Y, and Z different to
12 be consistent and not overfish this year, or you just wait until
13 the following year and hope that there was no overfishing, and,
14 if there was, then what happens? Do we just do this over and
15 over? That's what I am trying to -- I am trying to lay out how
16 this works.

17
18 **DR. CRABTREE:** As an example, if I could, this year, Florida had
19 an overrun, and Florida has put out a proposed season, I
20 believe, and it's shorter than their season last year, and so
21 they have taken into account that the catch rates were higher
22 and made adjustments.

23
24 I think, given the quota increase that is expected, I don't know
25 that Alabama will need to do that, but I'm not sure exactly what
26 more you're looking for at this point, Leann. I mean, outside
27 of getting an assessment, we're basically going to evaluate how
28 well the states did in terms of staying in their allocation, and
29 then, when we sum up all the recreational catches, how well did
30 we do in terms of staying below the overall ACL, and, as long as
31 we're staying below the ACL, we should be in good shape, in
32 terms of stock rebuilding and preventing overfishing.

33
34 I think the council can ask for whatever types of feedback from
35 the states, in terms of what they're doing, that you would like
36 to have, and I'm sure all of the states would be more than
37 willing to provide you with whatever information you would like
38 to see.

39
40 **CHAIRMAN GUYAS:** Leann, is it to that point?

41
42 **MS. BOSARGE:** It is, and that's fine, but nowhere in this
43 document does it talk about how that feedback loop is going to
44 work. It's very ambiguous, and so somebody like me, that's not
45 in state management, I really don't know how it's going to flesh
46 out, and I don't know who is going to talk to who and how
47 adjustments and where it will be published, so that me, as an
48 outsider, would know what the game plan is, and so I guess

1 that's what I am trying to figure out.

2
3 When does it come to this council so that we can get an update,
4 and how does this communication happen, to make sure that we
5 don't have that issue again, going forward, and how is it going
6 to be remedied?

7
8 What I have seen thus far, even with the EFPs, there wasn't a
9 lot of information in there for me as an outsider as to what the
10 real game plan was about how you wanted to manage it going
11 forward, and, obviously, it was an experiment. You didn't know
12 yet, but I don't want to end up in that same situation, where,
13 if I'm not in state government for each of the five states, I
14 don't really know what the plan is, and I don't know what's
15 going on, and that's kind of how I felt, and I'm on the federal
16 council that manages this, and that's how I felt, and so I just
17 want to make sure that somewhere that's fleshed out and it's
18 clear how this communication will happen and what's expected.

19
20 **CHAIRMAN GUYAS:** I've got a couple of hands that I saw, but I
21 want to speak to that a little bit. At least the way -- Because
22 you're dealing with states who, I think at least in our case --
23 I mean, we have a public commission that meets publicly, and so
24 these discussions -- Even though they're not happening at this
25 meeting, they are happening at the state level, at our
26 commission's meetings.

27
28 I mean, that's kind of how this works, right? It's kind of
29 ratcheted down to the state or the regional level, and so, I
30 mean, there's not really much of a secret going on. I mean, we
31 put out a season at our last commission meeting in December, and
32 it's a draft, and the commission will consider it again in
33 February, and they've looked at the landings from last year and
34 are considering those in setting what's happening for this year.
35 It's just not a council discussion, because it's not a council
36 decision, really, but let me get back to the queue. Susan, I
37 saw your hand up a little bit ago. Are you good? Do you have a
38 question? Okay. Then I will go to Kevin and then Tom.

39
40 **MR. ANSON:** Leann, I thought I kind of knew what the process
41 was, and what I thought that the process was going to be, that
42 the states would know, based on our averaging of the ACL, at
43 least for a year or two or three years out, depending upon when
44 we get that information as to what pounds will be available, and
45 we have an allocation percentage, or will when the document is
46 finalized, and the state would then just apply that percentage
47 to the ACL, and that would be the pounds that they would have.

48

1 Then they would look at the information from the prior year and
2 see whether or not they were under or over, and, if they were
3 over last year, then they would deduct that, and that would be
4 what would be used, and so the comment that Dr. Crabtree just
5 made about coming to the council and then NMFS basically saying
6 what the states would have available to kind of officially
7 document that is a little bit different than what I was
8 envisioning.

9
10 Now, again, I didn't presuppose that the council wouldn't be
11 able to step in at any point in time and, if there was a state
12 that was going rogue, let's say, and not really following what
13 was in the amendment, then the council could step in, but,
14 outside of that, I thought it would kind of run -- Kind of each
15 state would kind of run with what they have and what's been
16 identified.

17
18 Certainly, as Dr. Crabtree said, and I think the states would
19 all be willing to come to the table and have a more formal
20 presentation, but all the states publicize the landings
21 information, and they will be documenting that, and, then,
22 again, it's just you have an ACL, and here's your percentage,
23 and here's the pounds you have available, and then you calculate
24 the methods as to how to spread those days, to calculate the
25 days and to spread it out throughout the year.

26
27 **CHAIRMAN GUYAS:** All right. I'm going to go to Tom and then
28 Susan.

29
30 **DR. FRAZER:** I think this is actually a good discussion, and,
31 again, I understand where Leann is coming from. I think this is
32 a big step forward, to move it to completion here, and the focus
33 should be on accountability, and I think that we're all
34 responsible to make sure that that happens, and then we'll get
35 to some of those accountability things in the next action, in
36 the state document, but I think that we -- I am looking at Sue
37 here, but, I mean, we're going to continue to get landings
38 updates, right, for red snapper, and so that would be part of
39 the process, but I don't see any problem at all putting it on
40 the agenda, for example, to get an update from the states at the
41 council meetings on how they're doing, and I think that's
42 certainly within our purview and something that would be in
43 everybody's best interest, and it keeps it transparent.

44
45 **CHAIRMAN GUYAS:** Roy.

46
47 **DR. CRABTREE:** You could certainly do that, and I don't know if
48 you have seen these, Leann, or not, but, right before -- Friday,

1 December 21, and so right before Christmas, right before we shut
2 down, we sent letters and EFPs to each of the states, and, in
3 those, we went through here's what you landed last year, here's
4 what the quota is expected to be with the increase that's
5 coming, and, in the case of the Florida letter, here's how much
6 you went over, and so here's the amount you pay back, and so
7 here's what you get for next year.

8
9 My expectation is, under Amendment 50, if it's implemented, we
10 will do something similar to that, where we will, on an annual
11 basis, notify the states that here is what we've come up with
12 and so here is your amount of fish for this year. Now, I guess
13 we could talk about doing something more formal than that, like
14 a Federal Register notice, but I am not sure that we need to do
15 that, but all of that could come to the council and then be
16 reviewed at your January meeting, and I'm assuming that these
17 EFPs and the letters were copied to the council, but I am not
18 sure. It looks like they just went to all of the states, but we
19 can provide those to the council staff.

20
21 **CHAIRMAN GUYAS:** Leann.

22
23 **MS. BOSARGE:** I think that sounds wonderful. I think my biggest
24 beef was that, in the document, it doesn't kind of flesh that
25 out, and so, if I'm not sitting in an office in a state
26 somewhere, I may not realize that that's the process that is
27 ongoing and that's what is happening.

28
29 I think if maybe some of that verbiage could go in the document,
30 to flesh it out a little more and say, generally speaking, this
31 is the process. NMFS will notify the states, via letter or
32 whatever, that these are their final landings and that this is
33 the payback or whatever it will look like, and this will be your
34 quota going forward, and that then the states will be
35 responsible for, at some point during the year, giving an update
36 to the council, because, eventually, if something goes wrong,
37 there is other sectors that are going to feel the pain if you
38 overfish, right, and those other sectors are still being managed
39 around this council table, and so I think it's pertinent that
40 this council stays abreast, in a meeting, in a public and open
41 meeting, to give us an update of how this is all going on a
42 state-by-state basis, and so, if that can be fleshed out in the
43 document, I would feel much more comfortable.

44
45 **DR. CRABTREE:** If I could, keep in mind that this council is
46 still managing the private recreational sector. You are just,
47 through a delegation, entrusting a fair amount of authority to
48 the states to exercise your management of this fishery, and that

1 is a delegation that you give them, and you watch it, and you
2 could withdraw it if you decide that they are not exercising
3 council management properly, but this is still managed under the
4 council.

5

6 **CHAIRMAN GUYAS:** Tom.

7

8 **DR. FRAZER:** Again, I just want to get back -- I understand the
9 spirit of the comments, and I agree with Leann that we want to
10 try to make sure that, as we move forward, that the states are
11 in fact accountable for what they're doing and we're kept
12 abreast of that, so that we don't create an overage situation
13 where one of the other sectors might be negatively affected.

14

15 Given where we are in these documents, I think we can have some
16 discussion outside of this, prior to Full Council, whether or
17 not that verbiage is needed in the document or whether or not we
18 can take measures to ensure that we're getting the information
19 that we need to still manage the fishery, as Roy pointed out.

20

21 **CHAIRMAN GUYAS:** Robin.

22

23 **MR. RIECHERS:** Leann, you had asked our percentage, and
24 fortunately, my filing system did not let me down, and I found
25 this email, but it was sent on the 2nd of January, which is
26 obviously why you haven't caught up with yet, but it's 75.5
27 percent.

28

29 **CHAIRMAN GUYAS:** Okay. We have the landings on the board, but
30 we're in state management right now still, and we're having some
31 discussion -- Sort of, we're getting to Action 2 here, and do we
32 want to talk about these right now, or do we want to talk about
33 Action 2?

34

35 **DR. FRAZER:** My preference is to kind of keep the focus here on
36 the state management and come back to the rest of the landings.

37

38 **CHAIRMAN GUYAS:** Okay. Let's get through the rest of this
39 amendment, and then we can do the landings, and how about that?
40 We'll come right back to it. Okay. I think we have had some
41 good discussion on Action 1, but it sounds like we're ready for
42 Action 2, and so let's move on to that one.

43

44 **DR. LASSETER:** Great. Thank you. Action 2 begins on page 13,
45 and, again, we're still in Louisiana's amendment. Again, as
46 with the previous action, all five states do have the same
47 preferred alternative for this action, and so Action 2 addresses
48 post-season quota adjustment, and the Alternative 1, no action,

1 does lay out the existing post-season AMs that will remain in
2 place, and so it does spell out what stays in place, and that
3 is, if red snapper is later determined, again, to be overfished,
4 that overage adjustment does kick in, and so that stays on the
5 books.

6
7 Your current preferred alternative, again for all five states,
8 is Alternative 2, and this would add -- In this case, it's
9 Louisiana-specific, but it adds a state-specific for each of the
10 amendments, overage and underage adjustment, to the existing
11 post-season AM for the recreational sector red snapper ACL.

12
13 If the combined Louisiana, or any other state's, recreational
14 landings exceed or are less than its combined recreational ACLs,
15 and that's in the event that both components are managed, then,
16 in the following year, reduce or increase the total recreational
17 quota and Louisiana's component ACLs, as appropriate, by the
18 amount of the respective component ACL overage or underage in
19 the prior fishing year.

20
21 This is both the payback and the carryover in this alternative,
22 and then one more caveat on that. You heard yesterday a
23 presentation on the carryover amendment, the generic carryover
24 amendment, and that amendment does need to be implemented for
25 this to be applicable, and so those are tied together, and I
26 think there is some discussion about tying the EFPs to this, and
27 so I will pause here for committee discussion.

28
29 **CHAIRMAN GUYAS:** Tom.

30
31 **DR. FRAZER:** Roy alluded to it, and it's relevant to the
32 comments that Leann just made, how we're going to make sure that
33 people are accountable here, and, regardless of the state plan
34 and all five of these documents, 50B through 50E, when we talk
35 about the EFPs -- Well, first, let's go back to the EFPs,
36 because this is the context.

37
38 The EFPs have an overage adjustment following 2018, but there is
39 no overage adjustment for the 2019 landings, and so we need to
40 make sure that that's probably in place before the beginning of
41 state management, should this move forward for 2020, and I don't
42 think we need necessarily an alternative adjustment here, but I
43 think we should add some language to the discussion, and so, if
44 it's okay here, I would like to make a motion to do that, to
45 clarify essentially that there will be an overage adjustment
46 based on the EFPs that are in 2019.

47
48 **CHAIRMAN GUYAS:** Okay, and so do you want to -- I guess let's

1 help staff get that on the board.

2

3 **DR. FRAZER:** Sure, and I can send it.

4

5 **DR. LASSETER:** If I could just request some clarification, Dr.
6 Frazer, that this is going to all five individual amendments,
7 even though we're in the Louisiana one.

8

9 **DR. FRAZER:** Yes, that would be the intent. I am just trying to
10 look at this process, and no particular state might insert this,
11 but I thought it was in the best interest of everybody to do
12 this. I will read it, so that we can make sure that we're on
13 the same page.

14

15 **The motion is to add appropriate language to the individual**
16 **state amendments, Action 2, post-season quota adjustments, to**
17 **specify that overage/underage adjustment would be implemented in**
18 **2020, based on each state's 2019 landings under the EFPs. Thus,**
19 **each state's quota under the first year of the state management**
20 **in 2020 would reflect the quota adjustment and the overage or**
21 **underage based on that state's 2019 landings.**

22

23 **CHAIRMAN GUYAS:** All right. Is there a second for this motion?
24 It's seconded by Susan. Is there discussion? All right. Are
25 you ready to vote on it? I guess let's do it. **Any opposition**
26 **to this motion? Seeing none, the motion carries.**

27

28 This is our last action in this, right?

29

30 **DR. LASSETER:** Yes.

31

32 **CHAIRMAN GUYAS:** Okay, and so any other discussion about all
33 things state management? Now would be the time. Cool. Just
34 kidding. Dale.

35

36 **MR. DIAZ:** Are we leaving state management all together?

37

38 **CHAIRMAN GUYAS:** I think so, unless you have something to say.

39

40 **MR. DIAZ:** I've almost always got something to say. Timing. I
41 have talked to a few people, before the meeting, about the
42 timing of this thing, and I did hear Roy say that, generally,
43 from April to the end of the year would be enough time to get
44 something like this through.

45

46 I do think there were some people coming into the meeting that
47 was worried about the timing. I know a lot of folks was hoping
48 that we could have taken final action at this meeting, and so I

1 guess I just wanted to bring up timing, in case anybody had any
2 concerns about the timing of this amendment at this point.

3

4 **CHAIRMAN GUYAS:** Roy, would you like to speak to that?

5

6 **DR. CRABTREE:** Well, I think it's probably enough time, but, if
7 you guys come in at the April meeting and agreement falls apart
8 and we change the document, then that's a different situation.
9 I don't know of another way to handle this, Dale, other than you
10 could schedule a council meeting in the interim, but, given the
11 noticing requirements and all of that, I am guessing, at best,
12 that you pick up a few weeks on it, and that's really up to you
13 guys what you want to do, but I can just tell you that, normally
14 with a fishery management plan, eight months is enough time for
15 us to get it done.

16

17 If it ran late, and say we were thirty days late, then that
18 would mean that it wouldn't be effective until the end of
19 January, and there's not much red snapper fishing going on in
20 the month of January recreationally anyway. Most of the states
21 are closed and aren't fishing at that time of year, and so it's
22 up to you. I can't promise you anything, because I don't
23 control all the pieces of this, and that's sure as hell been
24 evident over the last thirty-some-odd days.

25

26 If you want to schedule an additional meeting to pick up a
27 cushion of a few weeks, that's really up to you to do.
28 Otherwise though, I don't think we have any choice other than to
29 come in in April and vote this up and then hope it gets done on
30 time.

31

32 **CHAIRMAN GUYAS:** Tom.

33

34 **DR. FRAZER:** I would generally agree that that should be enough
35 time. Things are pretty fluid at the moment, and I think we
36 should have some discussion again prior to Full Council about
37 what we might gain by having a meeting in the interim. It's
38 possible that we could gain up to four to five weeks, depending
39 on people's schedules and availability.

40

41 The important thing, from my perspective, is, not knowing the
42 future might hold, is to make sure that the council is perceived
43 as doing everything in their ability to act in the best interest
44 of the people that are exploiting this resource, and so, if
45 that's an option, and it's a viable one, then I think we should
46 consider it, but we can take a day to think about it.

47

48 **CHAIRMAN GUYAS:** Okay, and so we've got something to think

1 about. Anyone else want to speak on that for right now? Okay.
2 Everybody think on it, and we'll come back to it later.
3 Anything else on state management? All right. I think I'm
4 going to suggest that we take a break.

5
6 **DR. FRAZER:** That's a good idea. We'll come back at 10:30.

7
8 (Whereupon, a brief recess was taken.)

9
10 **CHAIRMAN GUYAS:** We will pick up with the reef fish landings, if
11 we can go back to that chart. Sue, can you walk us through the
12 rest of these, please?

13
14 **REVIEW OF REEF FISH LANDINGS**

15
16 **MS. GERHART:** Thank you. Yes, and let's go up to the top and
17 just start from the top, if we could. Commercial landings we
18 have for gray triggerfish and greater amberjack, you can see, in
19 both cases, we were very close to the ACL, just a little bit
20 over. Both of these do have a payback for an overage, and so
21 that will come off of the quota for this year, but it's not a
22 whole lot.

23
24 Coming down to the recreational landings, we have select
25 landings here. Just a note is I usually present stock ACLs as
26 well, but I didn't have time to get those together, but you can
27 see here that, for gag and red grouper, we were way under the
28 ACL last year. Note that these are only through Wave 4 MRIP
29 landings. We do have more up-to-date LA Creel, and so you see,
30 under the September/October, that number is from LA Creel, and
31 Texas is only through May, the high-season part there.

32
33 So far, we're 39 and 37 percent on the groupers. Gray
34 triggerfish, as you can see, is well over the ACL, 183 percent
35 of the ACL, and so that is quite a bit over. However, gray
36 triggerfish is no longer considered overfished, and so there is
37 not a payback on that. However, we will be looking, obviously,
38 at shortening up that season, to keep within the ACL next year.

39
40 We already talked about the red snapper. Greater amberjack, as
41 you know, is not on the calendar year anymore. It starts in
42 August, and this is for the current year that started last
43 August, in 2018, and will end this July of 2019. The landings
44 so far, we have 45 percent of the ACL, based on that open time
45 from August 1 through the end of October. That is closed now,
46 and it will reopen again in May.

47
48 I realized after I sent this out that you probably were

1 interested in how last year's amberjack ended up, because I
2 don't think we had final numbers through July at the last
3 council meeting, and so I did go look that up, and we were
4 actually right at 100 percent of the ACL, and so it was dead-on
5 with all the new split season that we have going on right now.
6 Then that's it. Any questions?

7

8 **CHAIRMAN GUYAS:** Dale.

9

10 **MR. DIAZ:** I just want to back up and make a comment. I know,
11 for the charter/for-hire, that the ACT is different for this
12 year, for 2019, and it's only a one-year thing, and there is a
13 lot of moving parts here, and I'm trying to really get it
14 straight for me, but so I think the rationale for only doing
15 2019 was we were working through these state amendments and
16 seeing what happens with that, and the other moving part I'm
17 thinking about is charter/for-hire now has their data collection
18 program coming online, and so we're going to be getting better
19 information from them.

20

21 Then we're also working on this carryover amendment that Dr.
22 Crabtree mentioned several times when we talked about this
23 before, which will probably help the situation, but I just bring
24 that up because, in 2020, if we have to go to a 20 percent ACT,
25 it's still a big ACT for a fleet that has been more manageable
26 and hasn't -- I mean, it's the first time that it's actually hit
27 its ACT, and it actually worked perfect this year for hitting
28 the ACT, but I just don't think it requires as big of an ACT as
29 we're going to have in 2020, and so I'm just concerned, and I
30 wanted to voice that on the record, and, like I said, I'm still
31 trying to think through all of this. There is a lot of moving
32 parts, but I would appreciate it if maybe some other council
33 members would put some thought into it as we move into future
34 council meetings. Thank you.

35

36 **CHAIRMAN GUYAS:** All right. I have a number of hands. Leann,
37 did I see your hand?

38

39 **MS. BOSARGE:** Thank you, Madam Chair. I was just wondering what
40 happened with gray triggerfish. I know it's not overfished
41 anymore, because we changed our management metrics, but we're
42 still in a rebuilding plan, and, essentially, when we changed
43 our management measures, we said we're going to fish it down
44 further before we declare it overfished, but 183 percent -- Did
45 we miscalculate catch rates and estimate a season wrong or
46 didn't get something shut down in time, or what happened?

47

48 **MS. GERHART:** I think one of the issues is that we've got a

1 delay in getting the landings, and so I think that we had higher
2 landings maybe in that May/June than we had expected, and so we
3 hadn't projected that and therefore shut them down at that time,
4 and that's where we got into it.

5

6 **CHAIRMAN GUYAS:** Bob.

7

8 **DR. SHIPP:** Susan, I just wanted you to clarify that those
9 landings that -- I guess it was 2017 for -- Was it amberjack
10 that you said was right on, and was that the ACL or the ACT?

11

12 **MS. GERHART:** That was the ACL.

13

14 **CHAIRMAN GUYAS:** Next on my list is Susan.

15

16 **MS. BOGGS:** Thank you, Madam Chairman. Sue, on the gray
17 triggerfish, I know we had a short season in January, because
18 the notice wasn't given, and I think it was eleven days, and
19 then the regular season was March/April/May, and so were there
20 landings in June, and then where did the landings from July and
21 August come from?

22

23 **MS. GERHART:** I am sorry, and I'm not remembering exactly
24 everything now, because I've been away from this, but my
25 understanding is -- I believe there were states that had their
26 waters open for gray triggerfish, and that would be state
27 landings.

28

29 **MS. BOGGS:** Is there any way to discern how many fish came out
30 of state waters versus federal for those states were non-
31 compliant, and do we know which states were non-compliant?

32

33 **MS. GERHART:** I couldn't do that offhand now, but I can request
34 someone back at the office to try to get that together for you
35 for later in the week.

36

37 **CHAIRMAN GUYAS:** We can come back to that. Any other questions?
38 Leann.

39

40 **MS. BOSARGE:** I am just such a ball of negativity today, but I
41 guess this kind of goes back to my hesitation with the document
42 not being real fleshed out for what our process is on state
43 management.

44

45 This is a little different situation, and I don't want to pick
46 on any state. Whatever. It's fine, and I don't care which
47 state it is, but we have a situation where this species is
48 managed federally, and we're overshooting the quota, and the

1 buck stops here, and we're going to have to go and take it off
2 somewhere next year, but we're glazing over the fact that
3 essentially, I guess, there's some inconsistency somewhere with
4 a state or a couple of states, and we're not going to do
5 anything about it, and that's the tough conversation to have.

6
7 I'm a little worried that when we get into state management of
8 red snapper, and I realize that's not out topic of discussion
9 right now, but it's going to go the same way. We're going to
10 get in here, and we don't want to have these tough discussions.
11 I mean, what are we doing about this 183 percent? We're just
12 going to take it off all the other states, because there is a
13 federal season that affects them, and so that's going to get
14 shortened and, whatever states are open for state-water seasons,
15 their anglers' benefit, I guess, and, I mean, I'm just a little
16 worried.

17
18 **CHAIRMAN GUYAS:** Roy, go ahead, and then I want to chime in on
19 that, too.

20
21 **DR. CRABTREE:** Well, I think, Leann, the state management was in
22 part an effort to end this problem, because what happened with
23 red snapper is the federal season got down to just a handful of
24 days, and the states kept extending their season, and so that
25 wasn't working, and so what we did is try to give each state a
26 certain amount of fish and see if they could stay within the
27 quotas, and it worked relatively well last year, and so, to me,
28 state management is, in part, in order to keep this kind of
29 thing from happening, but we're going to get into gray snapper a
30 little bit later, and I think gray snapper is 70 or 80 percent
31 state-water landings.

32
33 There are some of these species that, without the states being
34 involved, we have a difficult time controlling the catches, and
35 the trouble in the Gulf of Mexico is, if we were on the east
36 coast, we would go to ASMFC and get an interstate management
37 plan, and we would have a mechanism for achieving state
38 compliance, but, in the Gulf, we don't have anything like that,
39 and so it's just a problem we have that's inherent in all of
40 this, but I regard the state management as kind of a way to
41 adapt and try to minimize the extent of this problem and not the
42 other way around.

43
44 **CHAIRMAN GUYAS:** Yes, I think this is a slightly different
45 problem, Leann, and so I can tell you, for Florida, this fishery
46 closed in August, and our commission did close the fishery, but,
47 because we didn't know what was going on until -- You know, we
48 got notice that the ACT had been reached in August, and then the

1 fishery was closed.

2
3 We closed in September, and so I suspect some of those landings
4 during that period came from Florida, but, I mean, at least with
5 our state, we have tried to, in general, kind of keep up with
6 these closures, but, if we don't know what's happening, and
7 we're getting landings late, which was definitely the case in
8 this situation, and I don't think we got Wave 1 until June,
9 maybe, or July, and it was pretty late, and so, to me, I think
10 that was the big issue, just as Sue mentioned. If we don't have
11 the landings, we can't address the fishery. Kevin.

12
13 **MR. ANSON:** I want to follow-up on a comment Sue had made
14 earlier in regard to the season. NMFS sets kind of the season,
15 or the council sets the season, based on an understanding of
16 states being closed, and so, as I recall, the season for this
17 year was supposed to start on March 1 and close on May 31 and
18 open back up again if the quota was available in early fall.

19
20 Based on your information you have right here, what is the sense
21 of the season this year? Will there be any change to that March
22 1 to May 31 season, other than just monitoring, and, if it goes
23 over, you can close it in-season, or you're not looking at
24 changing the length as they are set right now?

25
26 **MS. GERHART:** No, because I think those are the set seasons, but
27 we can close early if we project that the quota has been met
28 before that season will end, and so I think that's something
29 we're going to look at more closely now, is trying to project
30 farther ahead of time than waiting for the landings to tell us
31 suddenly that we're there.

32
33 **CHAIRMAN GUYAS:** Okay. Any other discussion on this item? If
34 not, let's get back to our agenda, which takes us to mangrove
35 snapper. I will turn it over to Dr. Froeschke to walk us
36 through what we need to accomplish here and get us started.

37
38 **PUBLIC HEARING DRAFT AMENDMENT 51: ESTABLISH GRAY SNAPPER STATUS**
39 **DETERMINATION CRITERIA, REFERENCE POINTS, AND MODIFY ANNUAL**
40 **CATCH LIMITS**

41
42 **DR. JOHN FROESCHKE:** Thanks. I'm going to go Item VI on the
43 Action Guide first. The things that we'll be looking for today
44 is we have a document that's been revised from the October
45 council meeting, and we also have a couple of supplementary
46 materials regarding the status determination criteria, and there
47 is a presentation and infographic that we developed for the last
48 meeting and went through, and so we'll have those for reference

1 if we need them.

2
3 The things that we'll be looking for today is to review the
4 document, including all five actions, and hopefully we can
5 select some preferreds for the actions related to the status
6 determination criteria, which is not defined for this species,
7 and then the fifth action will be modifying the annual catch
8 limits based on a stock assessment that was completed and
9 reviewed last year.

10
11 Council staff has recommended, if we approve this for public
12 hearing, doing a webinar public hearing and developing a YouTube
13 video, and so we're happy to go through the document and answer
14 any questions and get comments. If there are no questions on
15 that, I will go to Tab B-6.

16
17 As I mentioned, this a full plan amendment, because of the
18 status determination criteria, and the document currently has
19 five actions. You saw a draft of this last time, and what we've
20 done since then is we've worked on the document, and we have
21 added Chapters 3 and 4, the description of the environment and
22 the effect sections, and we have revised some of the
23 alternatives in Action 5 on the ACLs, based on some IPT
24 discussions, and so we can go through those.

25
26 Just a little bit of background about gray snapper. It's
27 primarily a recreationally-caught species, and it's primarily in
28 Florida, in state waters, and so they are targeted as juveniles,
29 or sub-adults, in state waters and then offshore in the wrecks,
30 rigs, and reefs as larger adults.

31
32 If you go to Table 1.1.1, this is just a quick summary of the
33 landings from 2001 through 2017, and, as part of the Generic ACL
34 and AM Amendments, we established the catch limits for this
35 species for the first time, which are currently the ACL is 2.42
36 million pounds, and so, based on this current series from 2012
37 through 2017, we have never hit that, although we've been on the
38 bubble a few times in various iterations of the data, or perhaps
39 slightly over, and so it does seem to be that we're fully
40 harvesting that species.

41
42 If you go down to Table 1.1.2, this is sort of the summary table
43 of the stock assessment that I mentioned was completed last
44 year, and so the stock assessment was interesting, in the sense
45 that the stock was characterized as overfishing, meaning the F
46 current was over the MFMT of 1.2, and so it is overfishing, and
47 it has been for a long time.

48

1 However, the stock biomass, whether it's overfished or not,
2 depends on the definition of MSST, which we have not defined,
3 and so those bottom two rows of the table -- You will see the
4 second-to-bottom row, and MSST equals M minus M times SSB SPR
5 30, and so, essentially, that's one way, where you take the
6 stock biomass, and the M is the natural mortality rate for the
7 species, which is 0.15, and so all that equation simplifies to
8 85 percent of the SSB at SPR 30, and so that means that there's
9 really not that much of a buffer between the SSB at MSY and the
10 overfished status, and that is what the SSC recommended.

11
12 The second alternative, sort of the other bookend of the range
13 of alternatives, is this 50 percent, and it gives you a little
14 larger buffer in there, and then we have, in the document, a 75
15 percent, but, at the one minus M , it would be considered
16 overfished. At the 0.50, it would not be, although it would
17 still be below the MSY level.

18
19 Just some background information, and, if there's no questions,
20 we can go through the actions one-by-one and discuss them and
21 answer any questions, hopefully, and then perhaps select some
22 preferred alternatives, if you feel comfortable.

23
24 **CHAIRMAN GUYAS:** All right. Let's pause there for questions
25 before we get into the actions. This one is kind of technical,
26 and so I want to make sure everybody kind of knows where we are
27 and what we're talking about here. Okay. I guess let's go into
28 Action 1.

29
30 **DR. FROESCHKE:** Okay. Action 1, we have four alternatives here,
31 including the no action, and this action would establish a
32 maximum sustainable yield proxy for the Gulf gray snapper. Just
33 a little bit of background on this is the reason it's a proxy,
34 and we use these in most of our species, as an SPR proxy, and
35 the reason is that, when the stock assessment is not able to
36 identify a stock recruitment relationship, meaning that the data
37 we have is not useful for relating the size of the spawning
38 stock to the number of eggs that are produced, and we don't
39 really have a way to define that equation, and so we typically
40 use a proxy, in this case an SPR proxy, and that's what we do
41 for many other species, including red snapper.

42
43 Some ranges, based on the literature other places worldwide and
44 just sort of the life history of the species, the lower the SPR
45 proxy in general, the higher landings you can expect from a
46 fishery at a given stock size. However, you are more
47 susceptible to depletion and things like that, if things go
48 away. In general, fish that spawn early and grow fast, you can

1 support something that is more aggressive.
2
3 Things that live a long time and reproduce late in life, for
4 something like that, something much more conservative, and so
5 you can think on sort of the fifty-year or higher range, maybe
6 something like goliath grouper. Red snapper, for example, is a
7 very prolific species, and we currently have that at 26 percent.
8
9 SPR 30 is very typical. Between 30 and 40 is a very typical
10 recommendation for reef fish, both in the literature and in our
11 applications in the Gulf and other regions. Let's kind of go
12 through Alternatives 1 through 3, and then we'll come back to 4,
13 which is sort of a bookkeeping thing.
14
15 Alternative 1, which is, again, just not doing this, is really
16 not consistent with the MSA requirements to define status
17 determination criteria for species that we manage. Alternative
18 2 is the MSY proxy for the yield when fishing at 30 percent SPR,
19 and that was -- The SSC recommended, based on their report, not
20 lower than this, and we can go into this a little bit, and then
21 40 percent, again, is sort of a more conservative bookend, and
22 there is some scientific literature, from the Science Center and
23 things, supporting this as perhaps reasonable, but, again, more
24 conservative.
25
26 Just to kind of circle you back on the SSC discussions on this,
27 originally, the SSC recommended a 30 percent SPR. We brought
28 that to the council, and you all asked -- We had seen a
29 presentation from the Science Center on red snapper, and they
30 had done like a global SPR analysis for red snapper, and they
31 examined a range of SPRs to find what they felt like was the
32 optimal SPR ratio in order to get the most productivity from the
33 stock.
34
35 They applied a similar analysis for gray snapper, ranging from
36 SPRs of 23 percent to about 40 percent, and the SSC did look at
37 that, and the recommendation that they made was that they didn't
38 feel there was compelling evidence to going below 30 percent
39 SPR, and so that was the recommendation that -- They didn't
40 specify that thou shall be 30, but they just recommended that
41 you not go below 30. I will stop there.
42
43 **CHAIRMAN GUYAS:** Okay. Questions or discussion on this?
44 Remember that we potentially are working with a public hearing
45 document here, and so it would be nice to put some preferred
46 alternatives in here. Kevin.
47
48 **MR. ANSON:** Thank you, Madam Chair. Before we get to that

1 point, Dr. Froeschke, can you kind of summarize or do you recall
2 the specific comments, because, as you described how SPR is
3 determined generally, based on life history information and
4 such, from what I recall, gray snapper seems to not live as long
5 as red snapper, and it seems to reproduce maybe slightly smaller
6 than red snapper, and so habitat -- They certainly have some
7 constraints, but they are fairly ubiquitous and non-specific,
8 and so what would prompt them to come with an SPR that would be
9 above red snapper that we currently have?

10
11 **DR. FROESCHKE:** Well, I will do my best to speak on their behalf
12 without, hopefully, speaking on their behalf. They did have
13 discussions, and I don't think, in general, they were -- They
14 would largely agree with your characterization of this. I think
15 their feelings were that the potential gain in landings about
16 going to something fairly -- Something more aggressive were
17 fairly modest, if I recall, and I believe that their rationale
18 was they just didn't feel there was compelling evidence to
19 warrant that, and so, based on what was presented to them, they
20 just didn't feel like they could make that recommendation.

21
22 **CHAIRMAN GUYAS:** Kevin, is it to that point?
23

24 **MR. ANSON:** I guess that goes back to comments that I made in
25 the past about the SSC and their purview and recommendation.
26 That, to me, sounds more like a management decision, does it
27 not, if they're not really hard and entrenched and just said
28 there is no value in additional landings, and that's more of the
29 council purview, and so I'm just making that comment, that there
30 seems to be some more of that kind of discussion going on, and
31 it filters back to the council, and I think they're just kind of
32 overstepping a little bit.

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

36 **DR. CRABTREE:** Well, without getting into that, I think there is
37 certainly a part of that decision that is a council decision,
38 and I believe that the Science Center did an analysis that
39 indicated the lower bound on the proxy might be 24 percent or
40 so, and so I think, if you wanted to go to a more aggressive SPR
41 than 30 percent, there is probably an argument for it.

42
43 **CHAIRMAN GUYAS:** Kevin.
44

45 **MR. ANSON:** Madam Chair, if you or council staff can provide
46 kind of what is our timeline or deadline for getting some action
47 on this, and is there a set horizon that we have to shoot for?
48

1 **CHAIRMAN GUYAS:** John, can you speak to that, or Carrie?
2

3 **DR. FROESCHKE:** I don't know that there is a drop-dead deadline
4 on this. Obviously, we would like to get it done. Sort of the
5 plan, I guess, was that we would select preferreds here and do
6 public hearings and bring it back for your consideration for
7 final in April. If it goes a little bit beyond that, I don't
8 think -- I don't know that there is any dire consequences,
9 although Mara might have a different thought.

10

11 **CHAIRMAN GUYAS:** Go ahead, Kevin.
12

13 **MR. ANSON:** Before Mara, and, if she wants to comment, she can,
14 certainly, but I'm wondering -- Martha, this is more of a
15 Florida species. I mean, do you all have any concerns or needs
16 or desires for adding an additional alternative that would maybe
17 suggest something lower than 30?
18

19 **CHAIRMAN GUYAS:** I suppose we could, but we probably could maybe
20 live with some of the alternatives that are in here, or at least
21 one of the alternatives in here, and so, if that's something
22 you're interested in, I think we could do that, but I don't
23 know. Mara, did you want to speak to the deadline issue with
24 this one, if we have anything hard and fast that we need to
25 adhere to?
26

27 **MS. LEVY:** I believe, if I recall correctly, we don't have a
28 determination of overfished or not overfished, because we don't
29 have an MSST, and so we don't have sort of a rebuilding
30 requirement, two years, but we do have overfishing occurring,
31 and you're supposed to end that immediately. What "immediately"
32 means is subject to the circumstance, and so, I mean, as soon as
33 you can, we need to put catch levels in place that are going to
34 make sure that overfishing is not occurring, and so I would not
35 delay, I guess is what I would say.
36

37 **CHAIRMAN GUYAS:** I'm going to go to Kevin and then Roy.
38

39 **MR. ANSON:** I wonder, Dr. Froeschke, do you have the percentages
40 that were provided to the SSC?
41

42 **DR. FROESCHKE:** Yes, and Carrie pulled them up, and it's the
43 August SSC report, and was it 24 that was the lower bound?
44

45 **EXECUTIVE DIRECTOR SIMMONS:** 23.
46

47 **DR. FROESCHKE:** 23 was the lower bound, and, below 26 percent, I
48 believe it's thought to be overfishing.

1
2 **EXECUTIVE DIRECTOR SIMMONS:** Madam Chair, if we want to stop
3 here and have -- Maybe Bernie could bring up the SSC report from
4 August. It kind of explains the SSC's decision a little bit
5 more, I think, here. My understanding is, if the council wanted
6 to look at modifying this proxy, we would have to take it back
7 to the Science Center, and they would have to rerun the
8 projections and all those types of things, and so it could take
9 quite a bit of time, if we decide to do that, but, in the
10 report, on page 7, it talks about the -- They talk about
11 steepness and what was used in the assessment in there, and I
12 think Dr. Powers is also here, and he might even remember some
13 of this discussion, and I don't recall, maybe better than what's
14 written up here.

15
16 One member suggested the 40 percent SPR be used, based on the
17 Harford report, and then other SSC members noted that the F at
18 30 percent SPR was used as a proxy in the assessment, as I just
19 stated, and they thought that none of the analysis that had been
20 presented provided support for changing it, and so we can send
21 this report around, if everyone would like to look at it again,
22 or provide any other information for Full Council.

23
24 **CHAIRMAN GUYAS:** Go ahead, Roy.

25
26 **DR. CRABTREE:** It seems to me, if you have an interest in at
27 least analyzing and considering something like 26 percent SPR,
28 that you ought to add it in there. I mean, I have some chat
29 from Clay here, which he pointed it out that the analysis did
30 show that 23 or 24 percent was probably a lower bound, and so I
31 don't think 26 percent, for example, is -- I think you can
32 develop a rationale for going to that, and I have no idea what
33 that changes, in terms of the catches or anything like that,
34 but, if you want to look at it, it would make sense to me to go
35 ahead and add that in, and then we can work with the Science
36 Center and see if there is a valid rationale. I think it is
37 your decision to make, ultimately, but your decision is going to
38 have to have a solid foundation, in terms of the science.

39
40 **CHAIRMAN GUYAS:** Phil.

41
42 **MR. DYSKOW:** Martha, has your commission looked at gray snapper,
43 and do they have any opinion as to whether this is a species
44 that is in danger of being overfished?

45
46 **CHAIRMAN GUYAS:** They have not gotten into the weeds on this
47 one. I mean, we have briefed them on the discussions we've had
48 here, but that's about it.

1
2 **DR. FROESCHKE:** It was an FWC assessment.

3
4 **CHAIRMAN GUYAS:** Yes, FWC did sort of lead this assessment,
5 although it was using Gulf-wide data, but most of that data did
6 come from Florida, which causes its own issues, but --

7
8 **MR. DYSKOW:** Thank you, Madam Chair. My concern is most of the
9 fishing effort is in Florida, and I think -- I'm not trying to
10 dispute the data. The data is the data, but it flies in the
11 face of logic, in that we see an abundance of these fish
12 everywhere you go, and particularly in southwest Florida, and my
13 question is how can a fish that is in abundance to the point of
14 almost being a detriment to a normal fishing day, how can it be
15 overfished, when the stock is as healthy as it is?

16
17 I understand that -- I am not a scientist, and I'm just giving
18 you a logical perspective, based on seeing these things like a
19 cloud of whatever in the water everywhere you go, and how
20 confident are we that we're going in the right direction with
21 this?

22
23 **CHAIRMAN GUYAS:** Roy.

24
25 **DR. CRABTREE:** Well, I think this is a fairly uncertain
26 assessment at this point, especially because of the
27 uncertainties that we have now in the magnitude of the
28 recreational catch, which is the main part of the catch with
29 this, and I think most of the catch is inshore and in state
30 waters, and that's where we've seen the biggest disparity or
31 discrepancy between the FES estimates and the inshore estimates,
32 and I'm not aware that there is a great deal of fishery-
33 independent data to anchor the assessment, and so I would say
34 that there is probably quite a bit of uncertainty, but bear in
35 mind that overfishing and overfished and rebuilding has a lot to
36 do with the age structure of the population and less to do with
37 how many fish there are, and so it's not unreasonable that you
38 would see a lot of fish, but they're all young and small, and so
39 you're not reaching MSY with it, but it may not be that apparent
40 to you, in terms of what you're seeing.

41
42 **CHAIRMAN GUYAS:** Kevin.

43
44 **MR. ANSON:** I will go ahead and float a motion then to add a new
45 alternative to Action 1, and the alternative would be for gray
46 snapper, a new alternative for gray snapper, that the MSY proxy
47 is the yield when fishing at 26 percent spawning potential ratio
48 (F 26 percent SPR).

1
2 **CHAIRMAN GUYAS:** Okay. While that's on the board, John seconded
3 it, and, Phil, did you want to speak?
4
5 **MR. DYSKOW:** Thank you, Madam Chair. I just had a comment on
6 what Dr. Crabtree said. I don't have direct experience in our
7 offshore charter and for-hire fishery, but the people I talk to
8 that do say they're catching more large gray snapper than they
9 normally catch, and so, if there's an overabundance in the
10 inshore area of juveniles, and there seems to be a substantial
11 number of mature fish offshore, it flies in the face of what
12 we're being told here, and so I have grave concerns about this,
13 and probably the only comfort level I could get is exactly the
14 additional alternative that Kevin and John are proposing, where
15 we can at least sort this through and have some safety net
16 before we make a big mistake here and try to restrict a fishery
17 that isn't being overfished.
18
19 **CHAIRMAN GUYAS:** Okay. Let's see if we can get that motion on
20 the board. Kevin, I think staff might need some help here.
21
22 **DR. FRAZER:** We're going to have to repeat the motion, because
23 we had a little computer problem.
24
25 **MR. ANSON:** All right. Are you ready, Bernie? **A new**
26 **alternative in Action 1 for gray snapper that the MSY proxy is**
27 **the yield when fishing at 26 percent spawning potential ratio (F**
28 **26 percent SPR).**
29
30 **CHAIRMAN GUYAS:** Okay, and John seconded that motion, and so
31 we've got that on the board now. Any other discussion on this?
32 I mean, recall, when we got this assessment in June, I think Dr.
33 Crabtree was right that there were a lot of uncertainties with
34 this assessment, and so one of the issues was, one, most of the
35 data came out of Florida, and Dr. Crabtree is right that one of
36 the issues, again, was a lot of that -- I think a lot of that
37 recreational data, which was driving this assessment, came out
38 of south Florida, and there was a large shore component, and
39 that is one of the most uncertain components of this fishery,
40 and so we talked about hogfish at the same time, which is
41 another uncertain assessment, and we had two very similar
42 problems, but different problems, and so I don't know what to
43 make of that, but this is where we are.
44
45 Are there other thoughts on adding this motion? Are we ready to
46 vote? Okay. **Any opposition to this motion? Seeing none, the**
47 **motion carries.** Leann.
48

1 **MS. BOSARGE:** If we're still on this action item, I was just
2 going to add a little feedback. I was at that SSC meeting, and,
3 that Alternative 4, there was a lot of talk about that, and I
4 hope that, moving forward, we will, along with whichever one of
5 the Alternative 2, 3, or the new one that Kevin just added,
6 along with picking one of those as a preferred, that we would
7 also pick that Alternative 4 as a preferred as well.

8
9 Essentially, we will kind of set the benchmark, set our target,
10 but, as new assessments come out and new information comes out,
11 and hopefully uncertainties are worked out a little bit, it
12 gives some flexibility to -- And kind of an automated system for
13 the SSC to give us some feedback and recommend a new-and-
14 improved FMSY, if the assessment shows something different,
15 whether it be up or down, and so I hope we'll pick Alternative 4
16 as a preferred as well, so that we'll have a moving target that
17 improves as we improve our assessments.

18
19 **CHAIRMAN GUYAS:** Okay. We are at a point where, if we want to
20 pick preferreds, we can. Given that we just added that new
21 alternative for SPR, I don't know that we want to do that yet,
22 but I guess the possibility is that we could add Alternative 4
23 as a preferred, if that's what people are interested in doing,
24 and then we could come back to the other part. John.

25
26 **DR. FROESCHKE:** One this is, for the new alternative, in Action
27 2, there is sort of a parallel alternative, and so we might want
28 to think about that, but the other part of this is, with the new
29 alternative, I think it would make sense to re-run the
30 projections to get the yield levels for the ACLs and things in
31 Action 5, and so maybe that might be informative, in order to
32 get that done before making a preferred.

33
34 **CHAIRMAN GUYAS:** Okay. Robin.

35
36 **MR. RIECHERS:** John, we haven't walked through Alternative 4
37 yet, and so I'm reading the description there, and I would
38 prefer for you to walk through it, to make sure I'm
39 understanding what it's exactly trying to do, because I think we
40 might have done what it's suggesting that we not do when we see
41 these documents, and so I'm trying to figure that out myself.

42
43 **DR. FROESCHKE:** Okay. It's kind of a two-pronged problem. In
44 terms of the MSY, right now, we don't have any MSY proxy, and so
45 selecting either Alternative 2 or 3, or perhaps the new one,
46 which I would call 4 and make that one 5, would it satisfy that,
47 but, henceforth, for this species, as we get new assessments and
48 new data, whatever we select in 2, 3, or 4 might not be the

1 right proxy, based on new information and new assessments and
2 things.

3
4 If we were to select this one, the council could -- The SSC
5 could make a recommendation, and the council could give it a yea
6 or nay without going through a full plan amendment process like
7 we have to do now, and so it would make it easier to be more
8 responsive to changes in the information and the data.

9
10 **MR. RIECHERS:** I would just ask you, at some point, to look back
11 at the wording there and just see if we can't clarify that a
12 little bit more. I understand now what you're saying. What
13 you're saying, basically, is the SSC is just recommending an
14 approach that we wouldn't have to go back and define that new
15 proxy by a plan amendment. It basically can come through them
16 and through the Center, and then we can act on that.

17
18 **DR. FROESCHKE:** Okay. We'll work on the language for the next
19 iteration.

20
21 **CHAIRMAN GUYAS:** Kevin.

22
23 **MR. ANSON:** I am trying to think of what happens when we go
24 through this process now, not specific to gray snapper, but I
25 thought the council gave some recommendations for MSY, or it
26 provides some alternatives when it's looking at an assessment
27 for a species to the SSC to review, and so the way I read this
28 is that we just let them do it, and they would confer, and they
29 might run just one that they make as a recommendation, and they
30 will provide that to the council with no alternatives, and we
31 just -- It would go kind of against what we just had a vote on
32 the previous alternative for, the new alternative. Again, it
33 wouldn't provide any management options for the council, but it
34 would just produce that, as I understand it, and I could be
35 wrong, but that's how I'm interpreting the Alternative 4 and how
36 that could work.

37
38 **CHAIRMAN GUYAS:** Mara.

39
40 **MS. LEVY:** I think it's an attempt to eliminate the need to have
41 an action with alternatives to change the MSY proxy if that
42 change is recommended by the SSC as a result of a new
43 assessment, and so, if you have a new assessment come out, and
44 the SSC is like, well, we now think, based on this assessment,
45 this is the appropriate MSY proxy, it gives the council a
46 mechanism to just adopt that by noting it in the plan amendment
47 and not having to do an action with alternatives.

48

1 That doesn't mean that you couldn't reject it, right, and, if
2 you wanted to consider other things, and, I mean, it doesn't say
3 to me that you're not allowed to do that, because you still have
4 to approve it, one way or the other.

5
6 **MR. ANSON:** I am just -- Considering the conversation we've had
7 just with this action item and the range of alternatives that
8 are provided, there was some votes there for 40 in this
9 particular instance, and so they settled on 30, but, next time,
10 they may look at it, and there may be those that are on the high
11 end that will win out the vote, and so, again, it's just taking
12 away a little bit of the council's prerogative or purview, if
13 this were adopted, as I see it.

14
15 **DR. FROESCHKE:** I guess, in my view, if the SSC made a
16 recommendation, and the council agreed with it, this would
17 streamline the process. In the case they didn't agree with it,
18 they would certainly have the flexibility to do whatever process
19 you currently have, including rejecting it and continuing with
20 what you have.

21
22 **MR. ANSON:** My concern is that they would settle on that, based
23 on the runs, and then there may not be any additional
24 alternatives looked at. They might just go in with some high
25 numbers initially, and that low number that they would fall on
26 would still potentially be high, relative to the range of
27 management options that would be available for managing the
28 species, and that's kind of what I'm getting at, is that they're
29 just going to go in with the fixed set of -- Then we would come
30 back here, and, if we reject it, then the process starts all
31 over again, and so there is no savings, I guess, in that regard.

32
33 **CHAIRMAN GUYAS:** Dr. Simmons.

34
35 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. I think
36 this is a plan amendment, and remember we have the status
37 determination criteria document that is kind of hanging out
38 there that we also need to work on still, and so I guess we were
39 thinking this still could go back to the SSC if the council did
40 not approve or wanted to revisit any of these proxies.

41
42 What has historically happened, and Ryan can help me with this,
43 is I think, when we have a new assessment, in our terms of
44 reference, I think we often ask for a range of proxies if a true
45 MSY cannot be used, and, oftentimes in the Gulf of Mexico, that
46 is the case. We have to use proxies.

47
48 I think, at one point, we did use a true MSY for vermilion

1 snapper, and then, when we did an update assessment, I think
2 that was revisited and modified again, and so, by the time we
3 went through a plan amendment to change that proxy for vermilion
4 snapper, we had already done an update assessment, and so the
5 process was really belabored, and so I think we were trying to
6 automate that with this alternative, and we spent quite a bit of
7 time, and it probably could use some wordsmithing, but I think
8 we spent a lot of time with the Science Center staff on this,
9 and the SSC, to try to get this on the books, and you will
10 probably see it again, potentially, with the SDC document, and
11 so that's what we were trying to achieve.

12
13 **MR. ANSON:** My last comment on this, because we're not going to
14 final, but Dr. Froeschke mentioned that he would try to attempt
15 to do some wordsmithing, and so, if there is an opportunity, or
16 if that's something that you want to choose to do for the next
17 iteration, I'm all for it, but those are my concerns, I guess,
18 is that this, in my mind, could take away some of the
19 flexibility that is afforded the council or slow down the
20 process if the MSY proxy is rejected at the council level and
21 has to go back through it again.

22
23 **DR. CRABTREE:** I think that, normally, they would automatically
24 do the analysis with the reference point that's on the books in
25 the FMP, and so you would have that. Now, if the SSC thought
26 we should use something else, they would have that, but I think
27 the assessments always look at what is in the FMP and what is on
28 the books, which would be whatever you choose in this, and so
29 I'm not sure you would have to -- I don't think they would not
30 use what's there.

31
32 **CHAIRMAN GUYAS:** All right. Are we ready for Action 2? I think
33 we are. Are you ready, John?

34
35 **DR. FROESCHKE:** Okay. Action 2 is the maximum fishing mortality
36 threshold, and so this, essentially, is a parallel action to
37 what we just did, and it would specify the fishing mortality
38 that gets you to the SPR proxy that you would establish in
39 Action 1.

40
41 A couple of things to think about. One, of the SDC for gray
42 snapper, this is the only one that we actually do have something
43 on the books. It was established quite a long time ago, but
44 it's the F at 30 percent SPR for the maximum -- So, if your
45 fishing mortality goes above this, you would be considered
46 overfishing. That is Alternative 1.

47
48 Then Alternative 2 would be the F 40 percent SPR, and that's

1 what we have right now, and what might be a reasonable thing to
2 do is if you were to select, for example, the 26 percent in
3 Action 1, it would make sense to have a 26 percent as an
4 alternative in Action 2 to consider as well. I will stop there.

5
6 **CHAIRMAN GUYAS:** On that note, who wants it? Kevin.

7
8 **MR. ANSON:** I will make that motion that, in Action 2, to add a
9 new alternative that the definition for gray snapper MFMT --
10 There you go. That's my motion.

11
12 **CHAIRMAN GUYAS:** The motion is to add an alternative to set the
13 MFMT equal to F 26 percent SPR. I think I heard Robin second
14 that. Is there discussion on this? I think, based on what we
15 did in Action 1, this seems like what we need to do. Okay. **Any**
16 **opposition to this motion? Seeing none, the motion carries.**
17 Anything else on Action 2? All right.

18
19 **DR. FROESCHKE:** Thank you. Action 3 establishes a minimum stock
20 size threshold for gray snapper. What this would do is, if you
21 think about it, there is the biomass that would be associated
22 with the SPR. When you select an SPR proxy, there would be a
23 biomass that is associated with a given stock size, and that's
24 the MSY biomass.

25
26 The problem, from a management perspective, is that, if that
27 were your threshold or something, anytime you have any
28 fluctuation in the biomass around that, you would be in
29 overfished or something and constantly doing rebuilding plans,
30 and so the minimum stock size threshold allows some buffer, if
31 you will, to allow the stock size to go below the MSY biomass
32 some prescribed level without triggering an overfished
33 declaration and requiring a rebuilding plan and all that.

34
35 The question is how far to set that below, and, traditionally, I
36 guess, the council and others have done it a couple of different
37 ways. One is this one minus M, where you take the natural
38 mortality, and, in this case, it's 0.15, and so one minus M is
39 0.85, and so you would set the MSST at 85 percent of the biomass
40 at MSY, and so that gives you some buffer.

41
42 More recently, we did an amendment, Reef Fish Amendment 44,
43 which we looked at MSST for I think seven stocks, and we set it
44 at 0.50 percent of the biomass at MSY, which gives you a larger
45 buffer, and so you're less likely to enter an overfished state
46 based on some random fluctuations, I guess. The challenge is
47 that, if you do enter an overfished state, you've got more work
48 to go to get back to the biomass, your target biomass, at MSY.

1
2 In the document, we have three alternatives, again, the one
3 minus M, and this was the SSC recommendation, the 0.75 percent
4 biomass at MSY, and then the 0.50, which was sort of the lower
5 end. This is what has been done more recently with some other
6 stocks in Reef Fish Amendment 44. Under both the one minus M
7 and the 0.75 BMSY, which I believe the stock would currently be
8 identified as overfished, whereas the 0.50 would not be, meaning
9 that the biomass is above the MSST at the 0.50 level that is
10 below the 0.75, or, obviously, the 0.85 level. I will stop
11 there.

12
13 **CHAIRMAN GUYAS:** Okay. Roy.

14
15 **DR. CRABTREE:** I would just point out that I don't think the
16 MSST, the one minus M, is a particularly good way to go, for a
17 variety of reasons. I think the Center did an analysis that
18 indicated the 75 percent was probably the optimal spot for it,
19 but I think you probably can make an argument for 50 percent,
20 and so I think that's your choice, but I think the one minus M
21 is too close to the target level and has too much chance of just
22 fluctuations in recruitment causing you to enter an overfished
23 area, and so I would recommend you not choose that one, and I
24 will leave it to you.

25
26 I think it is true, if you go with Alternative 4, if you do
27 reach an overfished state, you've got further to go. On the
28 other hand, the prohibitions on overfishing and things now are
29 such that we shouldn't get there. The problem is, because we've
30 never had an assessment for it, you're potentially already there
31 before you know it, and so that's just something to think about.

32
33 **CHAIRMAN GUYAS:** John.

34
35 **MR. SANCHEZ:** Given the prior discussions with uncertainty
36 surrounding gray snapper and where we're at as a stock, I would
37 be inclined to see the rationale to support the 50 percent.
38 Given some of the uncertainty in the prior discussions regarding
39 gray snapper, I think 50 percent, Alternative 4, would be the
40 appropriate direction to go, so we have some latitude, some
41 leniency, some forgiveness, in this as we go forward.

42
43 **CHAIRMAN GUYAS:** Is that a motion or just a --

44
45 **MR. SANCHEZ:** I would be inclined to take that as a preferred,
46 but, since we haven't done preferreds for the other two action
47 items, I really don't know what the pleasure of the council is.

48

1 **CHAIRMAN GUYAS:** We're at the point where we can add preferreds.
2
3 **MR. SANCHEZ:** Okay. I would make a motion that we select
4 **Alternative 4 as the preferred in Action 3.**
5
6 **MR. DYSKOW:** Madam Chair, I second the motion.
7
8 **CHAIRMAN GUYAS:** All right. Let's get that on the board. Okay.
9 Is there any discussion on this motion? Okay. It's at least
10 consistent with what we've done recently with some of the reef
11 fish. Are we ready to vote? I guess so. Okay. **Any opposition**
12 **to this motion? Seeing none, the motion carries.** Mara.
13
14 **MS. LEVY:** Just a minor point that I want to make before I
15 forget. In the list of actions, where the one minus M
16 alternative is, can we note that that equals 0.85, so, when you
17 just look at it, you know where it falls in the range? Thanks.
18
19 **MS. BOSARGE:** I am thinking through this, based on that
20 preferred, and so, essentially, what we did is we picked the
21 most liberal one. I think, according to the law, that's about
22 as far as we can go. That's the extreme, and so we're going to
23 fish it down to the extreme, based on the law, before it's --
24 That's fine. We'll have a steeper hill to climb to get out of
25 it if we fish it down to that point. We've done it before with
26 other stocks, but I guess what I'm getting back to is how do we
27 make sure that we keep this buffer in between there, so you
28 don't have these little fluctuations and you go over?
29
30 We reduced the bar, by making it down to 50 percent of BMSY
31 before we're considered overfished, but then, if we turn around
32 in the action before that and go choose a fishing mortality rate
33 that is also just barely above the overfishing mark, and so we
34 go extreme on that, then we just sort of nullified the buffer,
35 right?
36
37 Every year, we're going to fish it as hard as we can, until
38 we're just on the verge of overfishing, year-by-year, and we set
39 the bar low for the minimum stock size threshold, then we don't
40 have that little buffer in there anymore, and, if we overshoot
41 our quota any at all, then we're in a pickle again, right?
42
43 **CHAIRMAN GUYAS:** Roy.
44
45 **DR. CRABTREE:** I don't think it's that simple. I mean, to me,
46 what you're deciding here is this is a stock that you want to
47 manage aggressively and that you don't want to have a lot of
48 surplus biomass around, and so you want to fish aggressively,

1 and that's kind of what you're deciding.

2
3 You've got to bear in mind, and this is predominantly a
4 recreational fishery, just because you overshoot the ACLs and
5 the quotas, it does not mean that anything bad is happening or
6 that you're overfishing. It very likely may mean that you had
7 big recruitment and there are more fish out there than you
8 thought, and so it could be that it happens because good things
9 are happening.

10
11 I don't know that -- Setting the threshold here, I don't know if
12 whether you chose 50 percent or 75 percent, I don't know that it
13 would have any bearing on what the catch levels would be set at.
14 I think, at 75, we would still need a rebuilding plan, but at 50
15 we wouldn't, but I don't know that what the difference between
16 the F rebuild and the target F level is or what the catch levels
17 have been.

18
19 I don't have the answers to that, but I wouldn't just jump to
20 the conclusion that catches going up is bad. In my personal
21 opinion, usually when the recreational catches go up, it's good,
22 because it means there is lots of fish. When things are bad, or
23 when the recreational catch levels plummet, like we're seeing in
24 red grouper and gag, there you've got problems, and so I just
25 wouldn't make that connection, but I think, essentially, what
26 you're doing as a council is making some decisions about how
27 conservative you want to be in terms of management risk.

28
29 I think, if you look at gray snapper relative to red snapper,
30 they don't get as big, and they don't live as long, and I
31 suspect they are more resilient to overfishing, and so these are
32 decisions we've made in the past on red snapper, and it's hard
33 for me to decide why we would want to be more conservative
34 managing gray snapper.

35
36 The biggest problem and concern that I have with gray snapper is
37 going to be the state level catches and how are we going to work
38 cooperatively with the state, particularly Florida, to decide on
39 how to manage the fishery, because I suspect that 70 percent of
40 the landings are probably coming out of Florida state waters,
41 and I don't know if that's the case or not, but I know it's a
42 really high fraction of it, and so I think the key to managing
43 red snapper and preventing overfishing here is going to be
44 cooperative management between us and the states, and that is
45 really going to be the trick to doing this.

46
47 **CHAIRMAN GUYAS:** All right. Are we ready to move on? We've got
48 just a few minutes before lunch, and so we may be able to get

1 there and finish this one before then.

2
3 **DR. FROESCHKE:** Action 4 in the document would be establish an
4 optimum yield for gray snapper. This particular action, we have
5 struggled a bit with it, both with this species as well as in
6 the SDC document.

7
8 In the development of that document, we had an OY working group,
9 and we really struggled with that as well, and the NS 1
10 Guidelines state that the OY should be essentially the maximum
11 sustainable yield as reduced by relevant economic, social, or
12 ecological factors.

13
14 In general, it states that, the more certainty you have in the
15 understanding of the fishery and things, the closer the OY could
16 and should be to the MSY. To the degree that you don't have
17 good management control of the fishery, perhaps you should have
18 a larger buffer. That being said, what we have typically done
19 in the past for most stocks is simply -- If you scroll down,
20 there is a table, Table 2.4.1, and it's establish some sort of
21 fixed scalar for other stocks that we have set, and so gag, red
22 grouper, red snapper, vermilion, the yield at F 75 percent of
23 the FMSY proxy, and so essentially take the FMSY proxy and use a
24 scalar for that.

25
26 Those are the kinds of things that we've done in the past. The
27 thing to think about is, with OY, is a long-term value, and so
28 whereas things like the annual catch limit that actually
29 prescribed the harvest in a given year, this is more of a long-
30 range objective, and so it doesn't necessarily determine the
31 harvest level in a particular year, and that's the ACLs, and so
32 we have two alternatives in here.

33
34 Alternative 1, again, is the no action, which we don't have an
35 OY, and we should, and Alternative 2 would set an OY for gray
36 snapper as the long-term yield that implicitly accounts for
37 relevant economic, social, and ecological factors. There are
38 three options of fishing at either 50 percent of FMSY, 75
39 percent, or 90 percent. Again, as a general rule, the more
40 understanding and control you have of the fishery, the closer
41 you could be to the FMSY.

42
43 **CHAIRMAN GUYAS:** Okay. Are there questions or discussion on
44 Action 4? Dr. Shipp.

45
46 **DR. SHIPP:** Just to get things rolling, I will move that the
47 preferred alternative be Alternative 2c. In line with what Mr.
48 Dyskow said, I think, even though we don't have a tremendous

1 amount of knowledge about the age structure of this species, I
2 think we certainly have a lot of knowledge about the abundance
3 in state waters, and so I would go with Option 2c, 90 percent.

4
5 **CHAIRMAN GUYAS:** Okay, and we've got a second by John Sanchez.
6 Is there discussion on the motion? We've got it on the board.
7 Going once, going twice. Okay. **Any opposition to this motion?**
8 **Seeing none, the motion carries.** Doug.

9
10 **MR. BOYD:** A question for you, Martha. What is the reporting,
11 catch reporting, in Florida on these fish?

12
13 **CHAIRMAN GUYAS:** It's MRIP. I mean, we don't have the Gulf --
14 This is not included in the Gulf Reef Fish Survey, at least at
15 this time, and so --

16
17 **MR. BOYD:** Okay. Thank you.

18
19 **CHAIRMAN GUYAS:** All right. Action 5.

20
21 **DR. FROESCHKE:** Action 5, this is the action where the rubber
22 hits the road here, which would be actually modifying the catch
23 limits for this stock, and we currently have five alternatives,
24 although it may make sense to, again, develop some alternatives
25 that complement the 26 percent SPR that you added in Actions 1
26 and 2.

27
28 The current ACL for gray snapper was enacted in the Generic ACL
29 Amendment, and that was based off of using Tier 3a of the
30 control rule, which essentially took a mean plus one-and-a-half
31 standard deviations, I believe, for the ACL, and then it was
32 mean plus two for the OFL for this, based on those landings, and
33 so that's 2.42 million pounds, currently, for that, for the ACL,
34 and then we do have an ACT that is at 2.08 million pounds,
35 which, if you read through the discussion on this, currently,
36 the way the ACT -- It's on the books, but it doesn't necessarily
37 serve any particular purpose.

38
39 There is nothing associated with it, and it has no
40 accountability measures or anything that are associated with
41 this, and so what we've proposed, up to this point, is simply
42 not establishing an ACT for this and just using the ACL. The
43 way that the alternatives are structured, there are two sets.
44 One set, meaning Alternatives 2 and 4, are based off the MSY
45 proxy of F 30 percent. Alternatives 3 and 5 are based on the 40
46 percent, and so the gist of those is that you get a higher yield
47 at F 30 percent, because you are fishing based on a lower SPR.

48

1 All of the alternatives include three years of recommendations
2 from the SSC. If, after 2021, if we didn't make a new
3 recommendation, or the SSC didn't, then it would just stay at
4 those levels. The other thing to think about is, in
5 Alternatives 2 and 3, what you will see is we have the OFLs from
6 the stock assessment, and the ABC is based on the F 30 percent,
7 and I'm looking at Alternative 2, and this recommendation -- You
8 will see that the ACL is set equal to the ABC, and so, for
9 example, in Alternative 2, in 2019, there is a 0.04-million-
10 pound difference between the ACL and the OFL.

11
12 We had some discussions about that at the IPT level, that that
13 was pretty tight, and the Alternative 3 is the same strategy,
14 but just based, again, on the F 40 percent, but you will see
15 that, for example, in 2019, the ACL and the ABC are 1.8 million
16 pounds, and the OFL is 1.83 million pounds, and so not much of a
17 difference.

18
19 Alternatives 4 and 5, what we did, again using these two
20 different yield streams, but I will look at Alternative 4 as an
21 example, what we did is the ABC is exactly the same as in
22 Alternative 2, but we use -- For the ACL, we apply the ACL/ACT
23 control rule, which it's a formulaic spreadsheet approach, and
24 we've done this numerous times, and what that results in is an
25 11 percent buffer between the ACL and the ABC, and it does give
26 you some additional room to -- If you overshoot the ACL a little
27 bit, you wouldn't necessarily be right up on the OFL.

28
29 That was what we had talked about at our level, and sort of the
30 question is, if we -- These would be about -- On Alternative 4,
31 for 2019, it would be about a 400,000-pound reduction relative
32 to what we have on the books right now, and so, at this point in
33 the document, we don't have any additional accountability
34 measures or management measures. The landings are around this
35 level, some years over and some years under, and I will stop
36 there, but that's kind of the discussions we've had to this
37 point.

38
39 **CHAIRMAN GUYAS:** Robin.

40
41 **MR. RIECHERS:** Well, I've got two questions. One is, since
42 we're now in 2019, and our projections are for 2019, 2020, and
43 2021, refresh the council, or me, and let's not assume the
44 council doesn't know, but refresh me on how we're going to deal
45 with the 2019 issue.

46
47 **DR. FROESCHKE:** I am going to look down there.

48

1 **DR. CRABTREE:** You will need to repeat the question again, but
2 what I'm seeing here is you're going to need to add a new
3 alternative in here that reflects 26 percent, and that's going
4 to give you, I think, higher OFLs and higher ABCs. When I look
5 at this, I see that the ABC is really close to the OFL, and I
6 assume they used a P* for this, but, boy, the P* must not really
7 be capturing all the uncertainty in the assessment, it seems to
8 me.

9
10 I think that's a good rationale for why you might want to add a
11 little more -- An ACT that would be a little more conservative
12 with it, but, at any rate, I think that you will need to add
13 another alternative here that uses the 26 percent SPR, and then
14 I think the Center has chatted with me that they could do that
15 by the next council meeting, and then we'll need to get the SSC,
16 I guess, to re-look at it.

17
18 **CHAIRMAN GUYAS:** Robin, go ahead.

19
20 **MR. RIECHERS:** I will make motion for you in a second, and that
21 was my second question, but the first question, Roy, was
22 specifically dealing with the 2019 landings, of which,
23 obviously, we're going to start that season, and, as we have
24 them laid out here, we've got targets, and so that was what the
25 question was getting at, in that are we -- Are we held to this
26 as we try to develop this amendment? That's what I'm getting
27 at, is just the timing of the amendment now and the 2019 season.

28
29 **CHAIRMAN GUYAS:** Mara.

30
31 **MS. LEVY:** I think what you're asking is are we going to
32 implement this for 2019 and use the catch limits that are there.
33 I think, ultimately, or ideally, that's what we wanted to do,
34 right, because these are meant to end overfishing, and we have
35 an overfishing determination, and so the idea that we end
36 overfishing immediately, as quickly as possible, means we should
37 try to implement this for 2019, whether that ends up happening,
38 but I think it should be there. I mean, these are the
39 recommendations we have.

40
41 The only thing I will say is that you can add an alternative to
42 make the ACLs, ABCs, and OFLs consistent with an F 26 percent,
43 but the SSC is going to have to come onboard with that, because,
44 right now, they recommended the ABCs that are in Alternative 2,
45 and we can do Alternative 3, because it's lower, but we can't do
46 an alternative that makes them higher, that makes the ACLs
47 higher than the ABCs, unless the SSC is willing to give you
48 those new higher ABCs.

1
2 **DR. CRABTREE:** Just, from a practical standpoint, assuming if we
3 take final action and vote this up at the April meeting, we'll
4 get it in place -- No? We're talking after that, and so, by the
5 time this is implemented, it's going to be the end of 2019, and
6 so I don't see this amendment having any impact on the 2019
7 catches, because I don't think we can get it done.
8
9 **CHAIRMAN GUYAS:** Go ahead, Robin.
10
11 **MR. RIECHERS:** Thank you for that. I appreciate you all
12 answering that question. **I will make a motion, and I will try**
13 **to do it in one fell swoop, but can we add to Alternative 5 an**
14 **alternative -- Well, two alternatives. One that mirrors**
15 **Alternative 2 and the other that mirrors Alternative 4 using the**
16 **MSY proxy F 26 percent SPR.**
17
18 **CHAIRMAN GUYAS:** It's seconded by John Sanchez. We'll give
19 staff a minute to get that on the board. We probably don't need
20 the table with Alternative 2 and all that, but I think the
21 motion is more or less there. Robin, are you okay with what's
22 up there?
23
24 **MR. RIECHERS:** Yes, I think it gets at the point that we're
25 trying to do there, yes.
26
27 **CHAIRMAN GUYAS:** Okay. Is there discussion on this one? Based
28 on what we did in previous actions, it seems like this is where
29 we need to go. **Any opposition to this motion? Seeing none, the**
30 **motion carries.** That is our last action, correct? Tom.
31
32 **DR. FRAZER:** I just want to make sure everybody understands the
33 timeline, following up on Robin's stuff here. If the Science
34 Center runs the projections, depending on when they get those to
35 the SSC -- If they can get them to the SSC prior to the March
36 meeting, it's possible that we could discuss this in April, but
37 it's unlikely, and so, if that doesn't happen, then the council
38 is not likely to see this document in April. They will see it
39 at the June meeting, because the Science Center would have got
40 the information for the SSC to review probably in May sometime,
41 and so I just want to make sure that everybody is okay with that
42 timeframe.
43
44 **CHAIRMAN GUYAS:** When we come back in June, then we would
45 consider this for public hearings. Okay. Cool. If we're done
46 with this, then we are at lunch, I believe.
47
48 **DR. FRAZER:** Excellent, and so we'll see everybody at 1:30.

1
2 (Whereupon, the meeting recessed for lunch on January 29, 2019.)
3

4 - - -

5
6 January 29, 2019

7
8 TUESDAY AFTERNOON SESSION
9

10 - - -
11

12 The Reef Fish Management Committee of the Gulf of Mexico Fishery
13 Management Council reconvened at Perdido Beach Resort, Orange
14 Beach, Alabama, Tuesday afternoon, January 29, 2019, and was
15 called to order by Chairman Martha Guyas.
16

17 **CHAIRMAN GUYAS:** Next on our agenda is the Draft Options Paper
18 for Red Grouper Framework. Ryan, can you start us with the
19 action guide and tell us what we need to do and then take it
20 away?
21

22 **DRAFT OPTIONS: RED GROUPER FRAMEWORK ACTION**
23

24 **MR. RINDONE:** All right. This framework action is following up
25 on the emergency rule that is being submitted by NMFS to lower
26 the ACL for Gulf red grouper, and so you guys are going to take
27 a look at some of the options that we have in this framework
28 action and see if you think that they are appropriate.
29

30 We have a stock assessment underway right now, SEDAR 61, which
31 government shutdown effects notwithstanding, was scheduled to be
32 completed this summer, and so that will be pushed back a little
33 bit, but hopefully not too much, and so this is an interim step
34 between getting the results from that assessment and the SSC
35 seeing it and coming up with new ABC recommendations. Does
36 everybody get what we're doing? All right.
37

38 General background being that landings of red grouper have been
39 well below the ACL, and neither the commercial or the
40 recreational guys have been hitting their ACLs in the last
41 couple of years. We increased the ACLs quite a bit after the
42 SEDAR 42 stock assessment, and you guys can see those yields
43 right there in Table 1.1.1. Landings for 2017 were 4.17 million
44 pounds, approximately, and that's for everybody combined, and so
45 we're well below the ABC on that.
46

47 Here is your current landings. You can see, after the 2012
48 assessment, landings went up a little bit. Compared to the

1 previous five years, they went up considerably, almost double,
2 and so we had 6.8 million, 7.1, 7.2, 6.7, and then they have
3 precipitously dropped off, down to 2017, which was 4.15.

4
5 For last year, for 2018, the red grouper landings for the
6 recreational sector were just under a million pounds out of
7 about a two-and-a-half-million-pound ACL, and so that basically
8 means that the commercial guys caught about three-million pounds
9 of their seven-million-pound pie slice, and so everybody is
10 still pretty well under.

11
12 **CHAIRMAN GUYAS:** Sue, did you want to chime in?

13
14 **MS. GERHART:** I just wanted to point out that those aren't --
15 We're missing two waves still on those landings, and so they're
16 incomplete. It only goes through August.

17
18 **MR. RINDONE:** It's still going to be pretty well under, unless
19 those last two waves make up one-and-a-half-million pounds, and
20 it's still going to be way under. We can go ahead and move to
21 the purpose and need.

22
23 The purpose is to modify the ACLs and ACTs for Gulf red grouper
24 in response to the commercial and recreational landings being
25 well below their respective ACLs and in consideration of the
26 interim analysis that was performed by the Science Center and
27 presented to the SSC on red grouper. The need is to revise
28 those catch limits consistent with the best available science
29 and to continue to achieve optimum yield consistent with
30 Magnuson, and so we'll go to 2.1, please, unless you guys have
31 any purpose and need edits.

32
33 Seeing no hands shooting up, we only have one action for this
34 framework, and that's to do exactly what was stated in the
35 purpose and need. You can see the catch limits that we're
36 operating under right now in Alternative 1.

37
38 Alternative 2 would modify the red grouper catch limits based on
39 the SSC's recommendations from the interim analysis, and the SSC
40 recommended a total ACL of 4.6 million pounds gutted weight, and
41 so we've broken that out based on the sector allocations and the
42 ACT quota buffer for the commercial sector, which is 95 percent,
43 and then the recreational ACT buffer, which is at 92 percent of
44 the ACL.

45
46 Alternative 3 would modify the catch limits based on the
47 combined landings from the 2017 fishing season, which was the
48 direction that we got from you guys, and you can see those catch

1 limits there based on that 4.154 million pounds gutted weight
2 2017 landings. Do you guys have any questions on what we've put
3 forward right now?

4

5 **CHAIRMAN GUYAS:** It doesn't look like it.

6

7 **MR. RINDONE:** At this point, barring any consternation from the
8 committee, we'll assume that these are good alternatives, and
9 we'll press forward with the rest of the document, and we can
10 bring it back to you with bells on in April.

11

12 **CHAIRMAN GUYAS:** Okay, and so this is definitely within the
13 range of what we requested in the emergency rule. I guess my
14 question for Roy is, given the shutdown, do we think, if there
15 is going to be an emergency rule, that it would be issued before
16 April for red grouper?

17

18 **MS. GERHART:** We are going to do both a proposed and final for
19 the emergency rule, because a real timeline driver is June 1,
20 because of the IFQ holdback, and so we're going to get that out
21 fairly soon, the proposed rule, but then, of course, we'll have
22 probably a fifteen-day comment period and then the final rule
23 after that, and so the timing might be around then, but, again,
24 even if you took final action on this in April, we still have
25 all the rulemaking to go through, and so it still will take
26 time.

27

28 **CHAIRMAN GUYAS:** I guess that the proposed rule -- I think, when
29 the council made their motion for the emergency rule, it was
30 basically 4.6 million pounds or the landings from 2017,
31 whichever was less, and so I assume you guys are going to do it
32 based on landings, given the table here? Okay. That is
33 helpful. Then at least we'll know the direction maybe that we
34 would want to go. Okay, because we want to be consistent.
35 Anything else on this one? It's pretty straightforward.

36

37 **MR. RINDONE:** This one only has one action, and so --

38

39 **CHAIRMAN GUYAS:** Cool. All right then. Thanks, Ryan. That
40 takes us to -- Leann.

41

42 **MS. BOSARGE:** Just a question for Ryan, and I think I asked this
43 yesterday, but I don't remember the answer. When are we going
44 to get that assessment back?

45

46 **MR. RINDONE:** Well, pre-shutdown, it was supposed to be June-
47 ish. Now, with everything being pushed back at least a month,
48 it might be later in the summer. I dare not speak exactly for

1 what the Science Center is going to have to try to do to get as
2 many things back on track as possible, but there will
3 undoubtedly be some delays in all stock assessments.

4
5 **MR. DIAZ:** While we're on this document, it seems like it might
6 be good for us to consider picking a preferred, and so I am
7 going to make a motion that we pick Alternative 3 as the
8 preferred.

9
10 **CHAIRMAN GUYAS:** Okay. While staff is getting that on the
11 board, is there a second for this motion? Seconded by Leann.
12 All right. Let's give it a minute.

13
14 **MR. DIAZ:** I will just give a little bit of rationale. I mean,
15 it's obvious this fishery is in trouble. We've been hearing a
16 lot of public testimony from people coming and talking to us
17 over the last several meetings, and if picking a preferred now -
18 - It seems to me like this is the best one to pick that we have,
19 and picking it now might help us a little bit in the future, and
20 we can get some public comments on it, for public comments that
21 we get tomorrow. Thank you.

22
23 **CHAIRMAN GUYAS:** Okay, and so that motion is now on the board.
24 **In Action 1, to make Alternative 3 the preferred.** Any other
25 comments on this? The only other thing I would note is,
26 assuming the emergency rule goes forward the way that the
27 council asked for it, then this would be consistent with the
28 quotas for the emergency rule. Anything else? Mr. Swindell.

29
30 **MR. SWINDELL:** Dale, is there any particular reason why you're
31 going against the recommendation of the SSC? I truly don't
32 understand the reasons.

33
34 **MR. DIAZ:** Just, when we made this Alternative 3, we set it at
35 what had been caught recently, in the 2017 season, and just to
36 not put any more fishing pressure on it now, but, if it's the
37 will of the council and somebody wants to make an alternate
38 motion, that's certainly up to other council members if they
39 want to do that.

40
41 **CHAIRMAN GUYAS:** All right. Other thoughts? It doesn't look
42 like it. Okay. Let's go ahead and vote then. **All opposed, I**
43 **guess would you raise your hand. Seeing none, the motion**
44 **carries.**

45
46 This will come back in April for final. Okay. Next, that takes
47 us to the commercial IFQ program amendment, and I think Dr.
48 Lasseter is coming over to take us through that.

1
2 **DRAFT AMENDMENT 36B: MODIFICATIONS TO COMMERCIAL IFQ PROGRAMS**
3

4 **DR. LASSETER:** Thank you. Perfect. I will say a couple of
5 words about the action guide. We have three documents for you
6 for this agenda item. First, we will go over the
7 recommendations from the Ad Hoc Red Snapper/Grouper Tilefish IFQ
8 AP Meeting, and then we have a consensus statement from the Law
9 Enforcement Technical Committee.

10
11 You previously saw this as part of the LETC summary report at
12 the October meeting, and this is just the part of that meeting
13 that pertains to this amendment, since this amendment was going
14 to be on the agenda at this time. We will actually hold off on
15 reviewing the LETC statement until we get into the document and
16 that action, if that's acceptable to the committee. It might be
17 a little more relevant. Then, finally, we will go through the
18 Amendment 36B draft.

19
20 Beginning with the AP summary that is located at Tab B, Number
21 8(b), the AP met in November, and they had a full day of
22 discussion about all things IFQ program, and I am going to
23 highlight their specific recommendations, the actual motions
24 that they made. The first one was that, in Action 1, they
25 preferred that no action be taken, and so Action 1, 1.1, is an
26 action that considers program eligibility in the IFQ program.
27 That is the action where you are considering requirements to
28 possess a reef fish commercial permit by shareholders, and there
29 is various alternatives for that, and so the AP recommends not
30 taking action and selecting Alternative 1 on that action.

31
32 If we skim through the report, later on, they provided a
33 consensus statement, and it's the bottom half of page 3, that
34 goes along with that motion. The report is chronological, but
35 they did come back to this, and so the AP made a statement to
36 the council to consider their following discussion regarding
37 what they termed unintended consequences from that Action 1.1,
38 the program eligibility.

39
40 Those primarily address availability of the permits, how such a
41 requirement would affect availability of the permits, cost of
42 the permits, and other implications, in terms of availability
43 and cost of allocation for leasing fish, and so they did provide
44 -- They kind of composed that together as a consensus statement.

45
46 We go back to page 2, and the second motion they made pertains
47 to Action 1.2, and so the first action is Action 1.1, and it
48 pertains to requirements for a commercial permit, and the Action

1 1.2 addresses share divestment, and so, in the event that
2 shareholders were unable to obtain the permit, as required from
3 the previous action, this action addresses the timeline for
4 those shares to be divested from those shareholders. In this
5 action also, the AP recommended taking no action and selecting
6 Alternative 1 as preferred as well.

7
8 Moving on to the top of page 3, they made a recommendation
9 regarding the distribution of those shares that were reclaimed
10 through Amendment 36A and that are currently being held by NMFS,
11 and the AP recommended adding a new alternative to the action
12 that addresses redistribution of those shares, suggesting that
13 all accounts with landings in the most current year for each
14 respective share category, that those receive shares within one
15 month of the effective date of the final rule implementing this
16 amendment, and so, currently, and I will go through the
17 alternatives briefly, but the other alternatives propose in that
18 action to distribute to existing shareholders rather than people
19 who could just document landings.

20
21 Also in that action is an alternative to put those shares into
22 the beginning of a quota bank, basically the seed for a quota
23 bank, and so that's all the same action there. The AP is
24 recommending distributing them to vessel accounts that can
25 demonstrate landings in the most recent year.

26
27 The AP did not make any recommendations regarding quota banks
28 specifically, because they, for this previous Action 2,
29 addressing what to do with the reclaimed shares, they did not
30 select the alternative, recommend the alternative, that would
31 have seeded that quota bank.

32
33 Their next motion actually addresses Action 4, and Action 4
34 pertains to the advanced landing notification and the accuracy
35 of the estimated weights that vessels must report before
36 landing, and so, in regard to that Action 4, the AP also
37 recommended Alternative 1, taking no action, as its preferred.

38
39 The bulk of the report -- There is one more table on page 4 that
40 kind of went along with that list of unintended consequences
41 that pertain to Action 1.1, and they also created this table
42 that they started populating, again with like a consensus
43 statement, with what they saw as pros and cons for development
44 of a NMFS-run quota bank, and you can take a look at those.

45
46 Then, finally, the AP did comment on the red grouper action that
47 was just discussed, and the AP did support the council's
48 proposed reduction of the red grouper ACL, and so that is a

1 brief summary of the AP meeting, and I will pause there and see
2 if there's any comments or discussion.

3

4 **CHAIRMAN GUYAS:** Greg.

5

6 **DR. STUNZ:** Ava, thanks, and I do have a question. Sometimes,
7 when we get these meeting summaries from these panels, we have
8 the motions that were made that weren't successful, that failed,
9 listed, but, this time, it wasn't, and so I was wondering what
10 is the defined -- The reason I'm asking is there is a gentleman
11 that has been contacting me a lot that -- I guess he was
12 probably making some motions that failed, but I don't know what
13 those were, without having been at the meeting, and is it
14 possible to get those, or can we include those, like we do in
15 the other summaries?

16

17 **DR. LASSETER:** Personally, I have never included them, and so
18 that was me not doing it, and I would be happy to provide them
19 to you, and I'm happy to append them to the report, whatever
20 people would like me to do, and I do have them. I just, when I
21 write reports, don't ever do that.

22

23 **DR. STUNZ:** I think that would be great, because it's
24 informative, even though it's a failed motion, and we don't know
25 by how much, and there is obviously people there that may feel
26 one way, but I think it would inform our process, as we're
27 having the deliberations, what the viewpoint might be, even if
28 they're on the non-prevailing side of that argument.

29

30 **DR. LASSETER:** I will be happy to do that, yes.

31

32 **CHAIRMAN GUYAS:** Okay. Any other questions for Ava about the AP
33 report? If not, let's go ahead and move on into the document.

34

35 **DR. LASSETER:** Okay. Perfect. Thank you. The Draft Amendment
36 36B is located at Tab B, Number 8. Okay. We previously brought
37 you a draft amendment in August, and you made some small tweaks
38 to some of the options. You removed some of the options from
39 some of the alternatives, but we do still have a large section
40 of the beginning of the document that talks about the goals and
41 objectives of the program, the section on program goals
42 evaluation, and references the --

43

44 **CHAIRMAN GUYAS:** Hang on.

45

46 **DR. LASSETER:** I'm sorry. Excuse me.

47

48 **MR. ANSON:** Ava, were you supposed to go over the Law

1 Enforcement now or later?

2
3 **DR. LASSETER:** I'm sorry. When I went over the action guide, I
4 suggested that I'm going to present that in the Action 4. That
5 is specific to just one particular action, and I just thought,
6 if that's okay with the committee, that I would just --

7
8 **MR. ANSON:** Thank you.

9
10 **DR. LASSETER:** I would encourage the committee to spend some
11 time in this Chapter 1 here looking at the discussion on the
12 existing goals, the progress that's been made towards those
13 goals, as determined through the annual reports and the five-
14 year reviews that have been completed on each of the programs
15 now, and we're actually beginning the next review for red
16 snapper, because we do still need to work on the purpose and
17 need. Staff needs some further direction on the purpose and
18 need. That is located on page 20.

19
20 This has been pretty -- The beginning part of it has been pretty
21 much the same, and you have added one new goal, and let me read
22 through this. The purpose of this action is to review and
23 consider updates of the IFQ program goals and objectives, as
24 evaluated in the five-year reviews, and to address changes in
25 the fishery since implementation of the programs, which would
26 support the revised goals.

27
28 One new goal is to identify quota set-asides to address and
29 assist small participants and new entrants and to reduce
30 discards, and the purpose and need statement will be revised as
31 the council establishes its objectives for modifying the IFQ
32 programs.

33
34 We have the current goals underneath both programs, which were
35 to reduce overcapacity and to address the problems in the derby
36 fishery. Progress has been made towards those goals, as
37 determined by the five-year reviews and annual reports, and you
38 have added this new goal, in terms of set-asides, which we're
39 interpreting as a quota bank to assist small participants and
40 new entrants.

41
42 Other actions in here, say the Action 1.1, we're still looking
43 for a goal or an intent of what it is that you're trying to do,
44 and that will help shape and frame the alternatives as the
45 document continues to develop, and so I will pause there for a
46 moment and see if there is any comments or discussion on goals
47 and objectives, before I move on.

48

1 **CHAIRMAN GUYAS:** Kevin.

2
3 **MR. ANSON:** Thank you, Madam Chair. We have been battling this
4 amendment around for a while, and it seems to just be
5 floundering a little bit, and so it's a good opportunity to try
6 to, I guess, crystalize the purpose and the need and hopefully
7 provide some direction to council members, so we can have some
8 better discussion about the actions that have so far been
9 identified in the amendment, but I guess, to me, the main
10 purpose of modifying the IFQ program kind of revolves around an
11 allocation issue, and that's an issue that the agency has
12 directed councils to look into and to review various fisheries
13 and such from time to time.

14
15 I say it's an allocation issue because, if you look at the
16 National Standards under Magnuson, National Standard 4 states
17 that conservation and management measures shall not discriminate
18 between residents of different states. If it becomes necessary
19 to allocate or assign fishing privileges among various United
20 States' fishermen, such allocation shall be, a, fair and
21 equitable to all such fishermen. It also adds a b, which would
22 be reasonably calculated to promote conservation, and, c,
23 carried out in such a manner that no particular individual,
24 corporation, or other entity acquires an excessive share of such
25 privileges.

26
27 That was, I guess, my goal of what I was looking at in 36B, was
28 to try to encompass some changes in the IFQ program that, as
29 this program has matured, and will continue to mature, looking
30 at those privileges, and looking at the impacts those privileges
31 have among the participants, the fishermen, and so we need to
32 project out into the future who fishermen are, and fishermen are
33 static in nature, as far as the definition of people that are
34 participating in the fishery, and so we need to try to -- If we
35 want to proceed with an IFQ program, in order to capture those
36 things that are applicable to National Standard 4, we need to
37 try to identify some mechanisms that would identify the
38 fishermen, and future fishermen, and have some shares or
39 privileges that would be available to those in the future.

40
41 That's kind of what I was looking at this document to try to
42 address, is to try to capture the elements in National Standard
43 4 relative to assigning privileges to fishermen, and, again,
44 fishermen -- You can be a fisherman today, and you can retire
45 ten years from now, and you will not be a fisherman, as I think
46 it's outlined in Magnuson, and so those are some of the things.

47
48 It's how do we look at trying to take some of those privileges

1 that are currently assigned and then equitably and fairly
2 assigning to those that would be eligible and be able to
3 actively participate in the fishery.

4
5 **CHAIRMAN GUYAS:** That's a good question, and so, Kevin, are you
6 wanting to add some of that as a goal?

7
8 **MR. ANSON:** Yes, I think we can reference National Standard 4,
9 and particularly Sub-Section (a), as meeting, or an attempt to
10 meet, the goal in the purpose and need.

11
12 **CHAIRMAN GUYAS:** Okay. Any other thoughts on that concept?
13 Mara.

14
15 **MS. LEVY:** I guess just a question. I mean, I'm not exactly
16 sure what you're getting at, but I hear it's an allocation
17 issue, and so you're talking about putting it in the purpose and
18 need but are you also talking about then modifying or adding the
19 goals of the program, meaning the current goals of the program
20 might not reflect exactly what you've been saying, and so are we
21 talking about also looking at adding a goal or --

22
23 **MR. ANSON:** Potentially, yes. Again, just looking at the
24 purpose, it would be to try to change the program such that it
25 looks at these longer-term issues relative to providing access
26 and fairness and equity to fishermen, to participants, and so
27 that's what I was trying to capture or trying to center some of
28 the discussion upon.

29
30 **DR. CRABTREE:** I guess what I am struggling with, Kevin, is,
31 one, I don't see anything that discriminates between residents
32 of different states. There is no state issue here, that I can
33 see. When we put the program in place, part of the goal of the
34 program was to reduce capacity, and it sounds like what you're
35 saying you want to do is increase capacity, and so I don't
36 really understand that, I guess.

37
38 **MR. ANSON:** Depending upon how we set up the program, there
39 might be short-term -- On a short-term basis, we may actually
40 increase participation. Can the fishery withstand it? It
41 depends upon what decide upon, but certainly the fishery has
42 increased as far as the amount of fish that's available to
43 folks, and so that has created some problems for folks that were
44 historically not able to fish them during the time period for
45 which the participation was established, the historical fishing
46 activity, but, as we go further in time, those folks were given
47 those shares, they will go out of the fishery, and they won't be
48 considered fishermen, in my mind. They won't be actively

1 engaged in catching those fish.

2
3 Someone else will be catching them. Someone else that may
4 already be currently fishing for those may acquire those
5 currently and may acquire them under other vehicles that are
6 currently not defined in the IFQ program, but we've got to look
7 ahead and see down the road, five or ten or fifteen years from
8 now, the folks that have been fishing them now will not be
9 fishing them in the future, and so how do we get those fish back
10 to fishermen and make sure that they're being used in a fair and
11 equitable manner.

12
13 **DR. CRABTREE:** If you look at any fishery far enough down the
14 road, the people that are fishing today aren't going to be
15 fishing, because, sooner or later, we're all going to be gone,
16 and so I don't quite get that, and it seems clear to me the
17 capacity of the fleet right now is sufficient to catch all the
18 fish that are there, and so it's just not clear to me why adding
19 more capacity to the fleet makes sense. It seems like what
20 you're arguing about is you want to take the current
21 shareholders and take away what they have and give it to other
22 shareholders somehow, and I'm just not following the logic.

23
24 **MR. ANSON:** Well, what we do today and what we do tomorrow,
25 again, we haven't really discussed, but, essentially, that would
26 happen over time, yes, and so we've talked about divestment as a
27 potential means of transferring those shares from active
28 fishermen to not.

29
30 I mean, if fairness and equity -- You know, the fishermen who
31 are trying to make a living and are trying to fish and capture
32 these fish, particularly in the eastern Gulf, and they've having
33 to throw those fish back, or they're having to lease them, and
34 they're having to take on the responsibility of that extra cost
35 to manage their business, and I think that puts those particular
36 businesses at a disadvantage.

37
38 As you look at those costs over time, when you are talking about
39 folks that may be fishing today, but are not fishing in the
40 future, they are reaping the benefit, and they are putting that
41 on the backs of the fishermen that will be catching those fish
42 in the future, and so it puts those individuals at a
43 disadvantage.

44
45 **CHAIRMAN GUYAS:** All right. Anything else on purpose and need
46 at this point? Kevin, I think, if you wanted to add to this
47 purpose and need, maybe it would be cleanest to do it in the
48 form of a motion, based on what I'm hearing over here from

1 staff. Do you want to make an attempt?
2
3 **MR. ANSON:** I will make a motion that we add to the purpose and
4 need statement in 36B a statement to the effect that the purpose
5 will be to try to increase access to eligible fishermen, as
6 outlined in National Standard 4.
7
8 **CHAIRMAN GUYAS:** Tom.
9
10 **DR. FRAZER:** Kevin, just for clarification, increase access to
11 what, specifically?
12
13 **MR. ANSON:** Access to shares, I guess, without -- We can further
14 flesh that out in the document, but access to shares, or
15 privileges.
16
17 **CHAIRMAN GUYAS:** Roy.
18
19 **DR. CRABTREE:** Who is an eligible fisherman?
20
21 **MR. ANSON:** That we can flesh out in the document. We have an
22 action in there to describe that.
23
24 **DR. CRABTREE:** Again, I come back to this seems, to me, to
25 translate into increased capacity in the red snapper fishery.
26
27 **CHAIRMAN GUYAS:** Leann.
28
29 **MS. BOSARGE:** I am going to give my interpretation of what Kevin
30 is saying. I think what Kevin -- What I see you hoping to do is
31 to transition some ownership, which is in the form of shares, to
32 the men and women that are actively landing and fishing the
33 quota, and that's what you're hoping for, I think, and I don't
34 know how you word that, but I think that's what you're trying to
35 get at, to have a more active transfer of that ownership. Right
36 now, that happens like in the private marketplace, because you
37 can look at this as a market, right, the IFQ market, and that
38 happens privately, as people decide to divest or whatever, or
39 somebody decides they want more quota.
40
41 I think what you are wanting it to be is maybe a little more
42 regulated, a little more oversight, and more active, maybe for
43 it to happen -- I don't want to say faster, but is that kind of
44 what you're thinking? I am trying to make sure I'm on the same
45 page.
46
47 **MR. ANSON:** That's very much what I'm thinking, yes. The speed
48 of this, we can determine in the document and what vehicle is

1 used for that to happen, but it's just that, again, ten or
2 twenty or thirty years down the road, these shares will remain
3 with that individual, or, as I understand it, with heirs of the
4 individual, as they designate them, and so they become property,
5 and the heirs of these, the second and third generation of these
6 folks, may not wet a line in the water, let alone go for red
7 snapper, and so then it's always on the backs of the fishermen,
8 and the fishermen have to pay the lease price for that, and they
9 have to incorporate that in their business model, and I think
10 that's just not a very efficient way for that individual to have
11 to bear that burden, in order to maintain that business and to
12 maintain the fishery. It's hard enough to recruit folks to go
13 fishing, folks, commercial fishing, and so this is just one more
14 impediment for them to try to get into the business.

15

16 **CHAIRMAN GUYAS:** Roy, I saw your hand up.

17

18 **DR. CRABTREE:** Well, yes, and so it seems like, to me, we're
19 back to the leasing issue and the requiring a reef fish permit,
20 and I guess what I don't understand is why we're adding all this
21 cryptic language that seems to dodge around the issue, and I
22 can't really tell what it's talking about.

23

24 We have had this discussion countless times about leasing and
25 the desire to do that, but I guess I don't understand this
26 language. If you want to reduce leasing, or if you want to make
27 sure that shareholders have to be on the boat, or they have to
28 have a vessel or have a permit, if that's where you're getting
29 at, then come out with it, but I just don't get the language,
30 and I don't see that it has much to do with National Standard 4
31 one way or another.

32

33 **CHAIRMAN GUYAS:** Kevin, do you want to respond to that?

34

35 **MR. ANSON:** Yes, I will respond to that. It does have to do
36 with leasing, but that is in the short term, is that, again,
37 once that -- I am looking at that, once the -- Compared to
38 National Standard 4, we have fishermen currently that have
39 shares, but they are going to retire at some point, and they're
40 not going to be fishermen. They're going to be retired
41 fishermen.

42

43 Their status in the fishery will change, and so, relative to how
44 it's described in Magnuson for National Standard 4, I think the
45 intent of that was that it has to be engaged among the active
46 participants within the fishery, and those are the fishermen,
47 and so, when you're no longer fishing for those fish, you're not
48 a fisherman, and so is that fair and equitable at that point

1 then?

2
3 At one point in time, that individual happened to go fishing for
4 red snapper, and happened to go fish enough of them to get a
5 share, but now all of the other future fishermen that come along
6 are going to be at a disadvantage, because they just happen to
7 have not participated in that fishery at that point in time, and
8 so that's what I am trying to do, is trying to kind of take a
9 step back, and I'm not talking about getting away from an IFQ
10 program, but I'm just talking about looking at some of the long-
11 term aspects of the program relative to the private individual
12 privileges that are assigned to them.

13
14 **CHAIRMAN GUYAS:** Kevin, does this also encompass fishermen that
15 maybe aren't even going as far as leasing shares, but are
16 already interacting and discarding red snapper, kind of from a
17 conservation standpoint?

18
19 **MR. ANSON:** Initially in the program, yes. We've got a pool of
20 fishermen that have been leasing them, and so they are engaged
21 in the fishery, but, to the extent that we can forecast even
22 beyond that, and maybe that's how the new folks will continue to
23 have access, is that maybe we have a portion of these that will
24 stay with some sort of long-term ownership and those rights stay
25 with them, but then we have a certain threshold above that of
26 which those shares, or those pounds, are then given to this
27 other set of fishermen. Again, I am not defining in the purpose
28 and need the whole action, but that's kind of where I'm going,
29 yes, is to try to address it in that form.

30
31 **CHAIRMAN GUYAS:** I am just thinking about grouper fishermen who
32 aren't even going as far to lease the red snapper that they're
33 catching. They are just throwing them back and it's a loss at
34 this point. Mara.

35
36 **MS. LEVY:** Just a couple of comments. The first is the purpose
37 will be to try to increase, or it should probably say to
38 increase, right? I mean, try to increase, how you're going to
39 have a purpose to do that, I don't know.

40
41 I kind of hear what you're saying with respect to National
42 Standard 4. I am not sure what it means as outlined in National
43 Standard 4, although I feel like maybe what you're saying is
44 consistent with National Standard 4, but that gives me a little
45 bit of hesitation, because that's implying that somehow it's
46 currently maybe not consistent, and I don't know that that's
47 true, because I hear what you're saying about fairness and
48 equity, and what the guidelines sort of say is it's fair and

1 equitable to the extent that it's reasonably connected to the
2 achievement of OY or legitimate FMP objectives, right, and so
3 it's not necessarily, I don't think, as specific as what you're
4 getting at, where it's active fishermen versus not active versus
5 dealers, and so it's a little bit broader than that.

6
7 I think there is a lot more flexibility when it comes to what is
8 fair and equitable, and I think you have the ability to say what
9 you think is fair and equitable, but I think there's a lot of
10 different things that you could do that would all be fair and
11 equitable, I guess is what I'm saying.

12
13 **MR. ANSON:** Can I modify it then to the purpose will be "to
14 increase" and eliminate "to try"? Thank you.

15
16 **DR. LASSETER:** Kevin, I have a question. Looking at this, to
17 increase access to shares to eligible fishermen, as outlined in
18 NS 4, and then the previous goal that's in the purpose and need
19 statement to identify quota set-asides to address and assist
20 small participants and new entrants and to reduce discards -- I
21 see the word "shares" in the new one, and so maybe you're
22 speaking shares specifically there.

23
24 Otherwise, I understand more this new goal in here, but I'm
25 wondering -- Is what you're proposing that different, or could
26 you maybe highlight or maybe accentuate what is different about
27 it, because, like here, small participants and new entrants, I
28 can understand at least the goal or the intent of the who, what
29 is the -- I can see the problem there, and you're articulating a
30 problem, and I think I'm not seeing a word that's keying in on
31 the problem there, and I think I heard some language from Leann
32 that may have gone towards that, and I apologize that I didn't
33 write it down, but I wondered if you could work on it a little
34 bit more in that regard.

35
36 **MR. ANSON:** I think Leann is much more skilled than I in saying
37 what's on her mind, and I think she captured, I think, my intent
38 was to get at some of those things, and, Leann, I wonder if you
39 might be able to repeat what you said.

40
41 **MS. BOSARGE:** So you're saying that I don't have much of a
42 filter, huh? The way I interpreted what you said, and I guess
43 what you're hoping to achieve, is what you want to achieve is a
44 more active transfer of ownership into the hands of the men and
45 women that are actively fishing and landing. You want it in the
46 hands of the men and women that are on the boat and out there
47 fishing it and landing it and landing that quota.

1 It really isn't a leasing thing. They may be leasing in order
2 to do that, and they may not, but you want to make sure that
3 that ownership is in the hands of those fishermen that are out
4 on the water catching the fish, so that, as maybe some of the
5 older fishermen pass or whatever, that there is an easier
6 transition there, and so is that what you were trying to say?

7

8 **MR. ANSON:** Yes, that is.

9

10 **CHAIRMAN GUYAS:** I am going to recognize Robin next. I don't
11 mean to cut you off, but I think Robin wanted to jump in and
12 maybe offer some insight. Then I will go to you, Roy.

13

14 **MR. RIECHERS:** Well, and I was going to try to help here just a
15 little bit. I mean, I see that the motion currently as
16 outlined, both by Kevin and then spoken to by Leann, can be
17 broader than the current goal or the statement that's in there
18 right now. The statement in there is specifically dealing with
19 quota set-asides, which is one way to address some of those
20 issues, but there are certainly some other ways that we could
21 look long-term to address some of those issues as well.

22

23 It might have to do with active participation in the fishery,
24 and it might have to do with, as new quota is created, there is
25 another option there, and that could be called a quota set-
26 aside, and so, I mean, there is different ways here, and so, I
27 think at this point, we don't need to define those ways. That
28 is not what the purpose and need is about. It's to get the
29 notion, and we may not have it perfect right now, but to give us
30 an umbrella of what alternatives then could fall underneath
31 that.

32

33 **MR. ANSON:** Just a point of order. Was this ever seconded?

34

35 **CHAIRMAN GUYAS:** No. We've been trying to define what is even
36 the motion at this point, and so does somebody want to second
37 this?

38

39 **MR. RIECHERS:** I will second it.

40

41 **CHAIRMAN GUYAS:** All right. So, now that maybe we know what
42 this motion is about, is there any more discussion on it? Roy.

43

44 **DR. CRABTREE:** Just that I get where you're trying to go, but I
45 just don't think the motion has anything to do with what you're
46 trying to do, and so that's my confusion with it. I mean, if
47 you want to require shareholders to be active fishermen, that's
48 fine, but that's not a National Standard 4 issue. There are IFQ

1 programs, I think, in the country where the shareholder is
2 required to be on the vessel when they are fishing. If that's
3 where you're going, then I think you need to be more clear about
4 it.

5
6 Part of the trouble with this amendment from day-one is we've
7 never been clear about what is the problem that we're trying to
8 fix, and I just find this language in the motion to be pretty
9 difficult to figure out what it's really getting at, and so I
10 don't think that I can support the motion.

11
12 **MR. ANSON:** Roy, how about if I change that to say, to borrow
13 upon Leann's description, "access to shares to active, eligible
14 fishermen"?

15
16 **DR. CRABTREE:** "Active" meaning what exactly? "Eligible"
17 meaning what exactly?

18
19 **MR. ANSON:** Well, active fishermen, and so "fishermen" has its
20 own definition, and they are active and eligible, and so we
21 define who is eligible, as far as having access to shares.

22
23 **CHAIRMAN GUYAS:** I am going to recognize Leann.

24
25 **MS. BOSARGE:** Kevin, can we put the word "commercial" in that
26 sentence somewhere, maybe in a couple of places? I don't know
27 if I'm going to support the motion, but I am trying to read this
28 as if I wasn't in this meeting right now, and, just reading it,
29 to add language to the purpose and need section that states the
30 purpose will be to increase access to shares to actively fishing
31 commercial fishermen, eligible commercial fishermen, and, in
32 other words, these are for men and women that are commercial
33 fishing, and we want -- You are wanting to try and transfer that
34 ownership down to the commercial fishermen that are on the
35 water, and I don't want somebody to misinterpret this as us
36 trying to take this quota and send it to some other sector or
37 something.

38
39 **CHAIRMAN GUYAS:** Susan.

40
41 **MS. BOGGS:** I am with Leann on this. I don't know that I will
42 support it, but I think there is yet a better way to say it. **To**
43 **increase access to commercial fishermen who are actively fishing**
44 **and eligible, as defined by Amendment 36B, because one of the**
45 **first things, or first action items, should we not choose**
46 **Alternative 1, is the program eligibility requirements.**

47
48 **MR. ANSON:** I don't have a problem -- I mean, we can add

1 "commercial". My intent is to keep the program and not take
2 away any shares or fish from the commercial sector. I am just
3 trying to get to a point where we have a program that, long-term
4 functions for the fishery and functions for the benefit of the
5 nation and the fishermen.

6
7 That is all I am trying to get to, and I think that's been a
8 sticking point for a lot of IFQ programs. I think there's been
9 some discussion that we've had at prior meetings that the notion
10 of assigning these privileges creates hardship, and,
11 particularly for our part of the world, we have a lot people
12 that just own a boat, and they're out there trying to run their
13 own business, and it's just off of their boat, and IFQ programs
14 may work great for those large -- Those fisheries that have
15 those large processing boats, and there is a lot of money that's
16 tied up in that and such, but we're talking about a fishery that
17 essentially is made up of individuals who own their own boat, or
18 maybe a couple of boats, and so it really hasn't changed much,
19 in that regard, from where it was prior to the IFQ to now, but
20 it does create some problems and some hardship for those that
21 are outside looking in, so to speak. **I'm fine with the changes
22 that are made to the motion, if the seconder agrees.**

23
24 **CHAIRMAN GUYAS:** Okay, and so Robin was the seconder. I don't
25 know exactly what -- I guess we'll have to try to get those
26 exact changes on the board, but I did see Mara's hand go up.

27
28 **MR. RIECHERS:** She added, between "eligible" and "fishermen",
29 "commercial".

30
31 **CHAIRMAN GUYAS:** Yes, but I think Susan suggested even more
32 changes, but that was more or less a -- Mara, I saw your hand.

33
34 **MS. LEVY:** I understand that we have an action that's going to
35 decide who is eligible, but I'm just sort of struggling with the
36 purpose of the amendment is to do something for eligible people,
37 as defined in the amendment. Do you know what I'm saying? Like
38 you're deciding who is eligible through the document, and so the
39 purpose -- I don't know. We can leave it, but I just -- It's
40 just sort of circular to me, a little bit.

41
42 **CHAIRMAN GUYAS:** Okay. I think we've got the idea on the
43 screen, more or less, and we can chew on it between now and full
44 council, should this motion pass, or maybe if it doesn't pass.
45 I think, unless people have other ideas to contribute, it might
46 be time to vote on this one. All right. Mr. Swindell.

47
48 **MR. SWINDELL:** It seems to be like what we're trying to do here

1 is just to have something to work on that will give us the right
2 language and everything that fits what is being proposed, and I
3 don't see anything wrong with the language the way it is, and I
4 support it. Thank you.

5
6 **CHAIRMAN GUYAS:** All right. Is there any opposition to this
7 motion? Go ahead and put your hand up if you're opposed. Three
8 opposed. All those in favor, just to be sure. The motion
9 passes ten to three. Mr. Swindell.

10
11 **MR. SWINDELL:** Following this, we need to have some sort of time
12 as to when we're going to get something from staff, or somebody,
13 that outlines what we've asked to be outlined here in this past
14 motion. We need somebody to come in with something that states,
15 in a more definitive way, just what we're talking about here for
16 the plan.

17
18 **DR. LASSETER:** If I understand -- If this carries with Full
19 Council, this will be part of the motions report, and we'll take
20 it back to the IPT, and the IPT will meet and make an attempt to
21 interpret and carry on, and so now we would have two changes in
22 this purpose and need to new things to address, and the team
23 will have a discussion about it.

24
25 **CHAIRMAN GUYAS:** Mara.

26
27 **MS. LEVY:** I will just say, ultimately, if you pass a motion
28 that says to add this to the purpose and need, I mean, staff may
29 look at it in like grammar or something, but staff isn't going
30 to change what you said should be in the purpose and need,
31 because you all are deciding what's in the purpose and need, and
32 so I guess just tempering expectations about how much change
33 there would be.

34
35 **DR. CRABTREE:** Part of the problem from day-one on this is -- I
36 mean, I read that motion, and I really -- In this whole
37 discussion, I'm not sure what it is you're trying to do. If you
38 want to make quota accessible to more people, then set aside a
39 big chunk of the commercial quota and put it in the quota bank.

40
41 I mean, it's just not clear to me what you're doing, and so you
42 take a pretty vague, hard-to-interpret motion and give it to
43 staff and tell them to tell us how to do this, and they're not
44 going to be able to do that, because I sit in here and listen to
45 you guys, and you can't tell us what it is you want to do, and
46 so how in the world is staff going to figure it out, and that's
47 part of the trouble. That is why we have worked on this
48 amendment for, I don't know, several years now maybe, and we

1 really haven't made much progress on it. I get that there is
2 discomfort with leasing and some of these other things, but
3 we're just not -- We don't seem to be getting anywhere.

4
5 **CHAIRMAN GUYAS:** Kevin, before I go to you, I'm going to let Ava
6 jump in really quick.

7
8 **DR. LASSETER:** I'm afraid, Mr. Swindell, that I didn't answer
9 your question properly. I don't think that staff would go back
10 and come up with new ideas and alternatives of what to do with
11 this, because I'm not even sure what we would -- We would
12 definitely want more direction from you as to what you want to
13 do, and, when I'm looking at the different actions in here right
14 now -- Again, I kind of need more time to think about this, but,
15 just off the top of my head, I am not seeing, something that is
16 already in here, that this would then be the purpose to support
17 it, and so perhaps that's something else to be thinking about,
18 is what would you like to see done to execute this purpose, but,
19 again, I kind of need a little more time to think this through
20 as well.

21
22 **CHAIRMAN GUYAS:** Go ahead, Kevin.

23
24 **MR. ANSON:** I mean, the motion passed, and so I'm pleased, and
25 slightly surprised, and so, maybe before Full Council, I can
26 come back and think of wordsmithing and try to get it to terms
27 and to words that would be more palatable and more suitable for
28 staff then to take to the IPT and such, and, again, the
29 particulars of how we're going to go about doing it, I think, as
30 Robin said earlier, is that's all going to be outlined in the
31 document, in each of the action items.

32
33 You know, a lot of our other documents that we do, and, granted,
34 they're not as complex and controversial as this particular
35 amendment, but they're three or four sentences long sometimes,
36 our purpose and need, and so I don't see that we need to put a
37 lot of meat on the bone in the purpose and need, but certainly I
38 will make an attempt to try to clean it up so that it is more
39 understandable and more fits into what the rest of the document
40 entails. Thank you.

41
42 **CHAIRMAN GUYAS:** Okay. On that note, I say we move on to the
43 actions. Let's do it.

44
45 **DR. LASSETER:** I like it. It sounds like a plan. Okay. Action
46 1, 1.1, begins on page 21 of the document, and, actually, let's
47 go back just to the table of contents, because we haven't looked
48 at this since August, and it might help if you just look at all

1 the actions laid out, and so it's on page iv, the table of
2 contents, just the Chapter 2, Actions and Alternatives, just so
3 you can see how these build on each other before we go into the
4 alternatives.

5
6 For Action 1, you have two sub-actions, 1.1 and 1.2, and so 1.1
7 proposes new requirements for some shareholders to have a reef
8 fish permit, and the second sub-action there, share divestment,
9 addresses what happens for any shareholders that are unable to
10 meet the new requirements under Action 1.1, and so those two
11 work together.

12
13 Then Action 2 addresses distribution of reclaimed shares.
14 Again, those are the ones that were reclaimed from those non-
15 activated accounts back in Amendment 36A, but one of these
16 alternatives in this action proposes not to distribute those
17 shares, but to put them into a quota bank and have that seed the
18 quota bank, which you see is Action 3. Essentially, in that
19 Action 2, if you were to pick that alternative to not distribute
20 the shares, but to seed your quota bank, that brings you to
21 Action 3.

22
23 If you were to not -- If you were to pick a different
24 alternative in Action 2, then Action 3 would likely be moot, but
25 that's basically -- That's how staff came up with constructing
26 this process to the quota bank, and so then, in the quota bank
27 section, Action 3, you have multiple sub-actions, and it's
28 likely, if we pursue this, carry on with this, that additional
29 ones will be needed, and some of those may need to be broken
30 out, but the first one would address the thresholds of
31 allocation to add to the quota and at what threshold of the red
32 snapper, or whichever share category you're going to talk about,
33 at what quota level would you cap for distribution to
34 shareholders, and then above that would go into a quota bank.

35
36 Then you need to define 3.2, eligible recipients, and who would
37 that be, and there is a whole section on that, how much
38 allocation to provide to those eligible recipients, and that's
39 another sub-action, and then, finally, distribution of
40 allocation from the quota bank temporally, how frequently, and
41 so there's a lot of decision points to make in terms of that
42 quota bank.

43
44 Looking at that, and then your previous motion, just to kind of
45 touch on that, would that be the direction -- Would a quota bank
46 be the direction you would want to go? Right now, staff has a
47 document set up around that one modification to the purpose and
48 need you have, but be thinking about that as well. If you make

1 changes to these, we may need to re-work the flow of the
2 document.

3

4 Then, finally, Action 4, we'll pick up with the LETC comments as
5 well, and that's that accuracy of the estimated weights and the
6 advance landing notifications, and so that's just kind of an
7 overview, since we haven't looked at this in a little while.
8 Now let's go to the Action 1.1 on page 21.

9

10 Always our Alternative 1 is no action, do not establish
11 requirements to obtain or maintain shares, and then the
12 remaining alternatives are going to establish a requirement for
13 that purpose, to obtain, to acquire more shares for a
14 shareholder to put more shares into their account, or, when we
15 say "maintain shares", that means to keep the shares that exist
16 in your account.

17

18 Alternative 2 proposes to obtain or to maintain shares. All
19 shareholders must possess a valid or renewable commercial reef
20 fish permit. Alternative 3 would require only shareholders who
21 enter the IFQ programs after January 1, 2015 for them to possess
22 a valid or renewable commercial reef fish permit to obtain or to
23 maintain shares, and so, essentially under that, you are
24 grandfathering in people from the first few years of both
25 programs, and that date is five years after implementation of
26 the grouper/tilefish, the second program, allowing them to keep
27 their shares, but, people that entered after 2015, and so
28 beginning in 2016, would need to have their accounts associated
29 with a commercial reef fish permit to get more shares or to
30 maintain their shares.

31

32 Alternative 4 is the same idea, but an even later date, and so,
33 in order to obtain or maintain shares, shareholders who enter
34 the IFQ program following implementation of this amendment must
35 thereafter have a commercial reef fish permit, and so, those,
36 you can see how they're all being -- The most stringent,
37 Alternative 2, and then allowing more and more people to be
38 grandfathered in, through Alternative 4, but these do all
39 require all shareholders -- That idea that everybody who holds
40 shares would need to have a reef fish permit.

41

42 There may be times that you would want to allow people to not
43 have a permit, but to have shares, and maybe just small amounts,
44 and so new entrants, for example, or crew that start to buy
45 small amounts of shares, and perhaps you don't want to require
46 them to have a permit yet, and they're still buying their way
47 and building up their history into the fishery, and so
48 Alternative 5 proposes to restrict the amount of shares that may

1 be held at any one time by a shareholder account without a
2 commercial reef fish permit up to -- Then there is four options
3 for the amount of shares.

4
5 5 percent of the share category share cap is Option 5a, and then
6 it's increasing to 10 percent under 5b, 20 percent under 5c, or
7 30 percent under 5d, and so I will pause there for a moment and
8 see if there's any questions or discussion on this action.

9
10 **CHAIRMAN GUYAS:** It doesn't look like we have any.

11
12 **DR. LASSETER:** Okay. Seeing none, we will move on to Action
13 1.2. Depending on the alternatives selected in the previous
14 action, there will be shareholders that would need to go out and
15 get a permit, and this action addresses the taking away of
16 shares, losing the shares, for fishermen if they are not able to
17 obtain a permit. They will be determined out of compliance with
18 the program, and then this addresses the divestment of their
19 shares.

20
21 It is only valid if an alternative is selected in Action 1.1
22 other than Alternative 1, other than no action, and so, here
23 again, Alternative 1 is no action, and Alternative 2 proposes
24 that a shareholder with shares that does not have an account
25 associated with a commercial reef fish permit must divest of
26 shares as needed to meet the requirements set in the previous
27 action or the shares will be reclaimed by NMFS, and then the
28 options provide a time period for obtaining that permit.

29
30 Option 2a is within one year following the effective date of the
31 final rule implementing this amendment, or Option 2b is within
32 three years following the effective date of the final rule
33 implementing this amendment.

34
35 Alternative 3 proposes that, after implementation of this
36 amendment, if a shareholder sells their permit or does not renew
37 the permit within one year of the expiration date, and that's
38 the termination date, they must divest of shares as needed to
39 meet the requirements set in Action 1.1 or the shares will be
40 reclaimed by NMFS, and we have the same time periods, within one
41 year following sale or termination of the permit, and, again,
42 this is going forward into the future, or within three years
43 following the sale or termination of that permit. I will pause
44 there and see if there is any questions.

45
46 **MR. ANSON:** Going back to my statements earlier, again because
47 of the purpose that we have kind of outlined at this point,
48 again looking at the long-term ownership and then the

1 participation, again, of fishermen, and I know we've had some
2 discussion about fishermen, and there is other programs
3 throughout the country where they have tried to identify who is
4 active, and they have to be onboard the vessel and that type of
5 thing, and so we might need to bring Jessica back here to brush
6 off some of her previous presentations, but, programmatically, I
7 guess I'm looking at, currently in the IFQ tracking and
8 monitoring system, is that something that is currently tracked?

9
10 Those fish, once they go to a shareholder, are they being landed
11 back and attributed to that account within the shareholder that
12 was originally assigned those shares? Again, it's trying to
13 define that "active fisherman", and do we have the ability to
14 identify and track those pounds to indicate that, yes, with
15 these shares, and this shareholder has a permit, to this vessel,
16 and they're both linked together, and are those shares then
17 being documented as being landed through that permitted vessel.
18 I guess that's the question I have, and maybe, Sue, if you've
19 got some information on that.

20
21 **MS. GERHART:** I'm sorry, and I was out for the first part of
22 your question there.

23
24 **MR. ANSON:** I am trying to confirm whether or not the agency has
25 the ability, within the current IFQ system, to monitor landings
26 that are associated with shareholder accounts that are linked to
27 a permit and identify that those pounds are actually being
28 landed under that account that received the original shares, the
29 allocation?

30
31 **MS. GERHART:** When the fish are landed, they are landed under an
32 account, and so, yes, we can do that, but, if there was -- We
33 can't say this particular share went for these particular fish,
34 and so, for example, if someone sold some and then bought some,
35 we couldn't know if he was using his original or the new ones to
36 land a particular fish.

37
38 **MR. ANSON:** A follow-up to that. If their initial allocation
39 was 1,000 pounds, and they landed 500 of those, I mean, you can
40 identify that as being an active account that landed 50 percent
41 of the fish that were allocated to them.

42
43 **MS. GERHART:** Yes.

44
45 **MR. ANSON:** Okay.

46
47 **CHAIRMAN GUYAS:** Anything else on this action? Kevin.

48

1 **MR. ANSON:** Then, thinking in the broader sense of addressing
2 these longer-term actions, or issues, this share divestment
3 action, I think, is where we might need to flesh out some
4 additional alternatives that look at new ways, or new processes,
5 by which shares are divested, and so that would be something
6 akin to whether or not the shareholder account actually had a
7 certain threshold of landings that were associated with that
8 account that were actually landed and, again, associated with a
9 permit that was tied into that shareholder account and that
10 account, and that's kind of where I'm going.

11
12 **DR. LASSETER:** Okay. I probably will want to think about this
13 some more, but, just briefly, I see those still as two separate
14 things. I would think that, first, you would have that action -
15 - Because you would have a range of alternatives that would
16 define what you meant there with the "active" bit, like you have
17 to -- A shareholder account must be associated with a vessel
18 account that landed at least X percent, and then an alternative
19 would be Y percent, and so there would be some kind of a
20 decision that I'm seeing that this might -- Then, if you did not
21 meet the requirements of that action, such an action would
22 apply, but I'm also just kind of using the structure that's here
23 to try to make sense.

24
25 **MR. ANSON:** The way I read these two alternatives now, these
26 address just those instances where there is a shareholder,
27 again, that does not have an account associated with a
28 commercial reef fish permit, and so it's account, and no reef
29 fish permit, and they must divest those shares, and then the
30 second instance is just whether or not a shareholder account
31 renews a reef fish permit, and there is no status, I guess, of
32 whether or not they fish with them, and that's kind of what I'm
33 getting at, because, more than likely, the folks that are
34 actively engaged in the fishery, in fishing, they're going to
35 fall more under Alternative 3, as I see it.

36
37 They're going to have shares, and they're going to have
38 allocation tied into those shares, and then they're also going
39 to be probably maintaining a permit, so they can land those
40 fish, and so, for the most part, those folks will continue to
41 operate, and so what I'm looking at is those as they get out of
42 the fishery, and we might have to go back and address the issue
43 of whether or not they need a permit or not, which goes back to
44 Roy's comment about increasing capacity, potentially, but
45 that's, again, tying in as far as addressing the motion that I
46 made earlier about whether or not they're active or not, and
47 that's what I am trying to get at, is there has to be some sort
48 of activity that then is a threshold or it triggers whether or

1 not divestment occurs.
2
3 **CHAIRMAN GUYAS:** Mara.
4
5 **MS. LEVY:** I understand what you're saying as you want the piece
6 that you have to have the permit, but then there's a second
7 piece that you have to have the landings associated with an
8 account with that permit, and so, instead of just the one
9 requirement that we have in here now that you have a permit, you
10 want another requirement that there also be landings associated
11 with that.
12
13 **MR. ANSON:** Yes, because that then ties into my active -- When I
14 describe the fishermen that we would be addressing with this.
15 They are active, and they are eligible, based on having a permit
16 or having access to shares.
17
18 **CHAIRMAN GUYAS:** Okay. Now is there anything else on this one?
19
20 **DR. LASSETER:** Kevin, are you wanting to add that as like a sub-
21 action that might be between 1.1 and 1.2?
22
23 **MR. ANSON:** Yes, and I guess whatever -- Where you think it
24 fits. It might fit better in Action 1.1, and I was just
25 thinking of the divestment in that you are -- Depending upon
26 whether or not they're active or not, it triggers divestment
27 options.
28
29 **CHAIRMAN GUYAS:** Roy.
30
31 **DR. CRABTREE:** Kevin, if the shareholder then buys a permit,
32 leases a vessel, and puts the permit on that vessel, and then he
33 has some captain that fishes on that vessel, and the landings
34 show on his permit, even though he may never set foot on that
35 vessel, that's then okay?
36
37 **MR. ANSON:** At this point, I think that would be fine. If we
38 can make some inroads down that way, yes, I think that would be
39 fine. I am not interested in trying to monitor whether or not
40 they're sitting on a vessel, and they have to sit on it 30
41 percent of the time. That's too complicated.
42
43 **DR. CRABTREE:** But it still doesn't accomplish getting this to
44 the people who are actually on the water fishing, the
45 shareholders. It seems to me the only way you get to that is
46 you require the shareholder to be onboard the vessel.
47
48 **MR. ANSON:** I guess let me ask this question then. If Fisherman

1 A has currently got a 0.5 percent share, thirty years from now,
2 Fisherman A is going to have 0.5 percent of the share, correct?

3

4 **DR. CRABTREE:** Can you say that again?

5

6 **MR. ANSON:** Looking into the future, Fisherman A has legal
7 rights to 0.5 percent of the share. That was his historical
8 fishing rate, and that was the division into the available pie,
9 based on all the other participants, and they got 0.5 percent of
10 the share. Thirty years from now, is that Fisherman A also
11 going to have 0.5 percent of the share?

12

13 **DR. CRABTREE:** Well, if he's still alive and if the council
14 doesn't change the program and he doesn't sell them, I suppose
15 he would.

16

17 **MR. ANSON:** Okay.

18

19 **DR. CRABTREE:** But, I mean, I'm trying to get at -- Is that the
20 problem?

21

22 **MR. ANSON:** Well, that is the problem, that eventually they're
23 not going to be fishing, and so they will have those until they
24 divest them, and they may sell them, currently, which they can
25 have an option to do or not.

26

27 **DR. CRABTREE:** Well, I know of lots of fishermen who, in the
28 shrimp fishery and in other fisheries, own vessels and own
29 permits and hire crews to fish the vessels for crew shares and
30 things, and they don't actually fish. There is a long history
31 in the Gulf of Mexico of folks owning vessels and hiring crews
32 to fish them, just like in the charter boat fleet. There are
33 people who own charter boats, and they pay a captain to run the
34 charter trips. What I am trying to get at is why is that bad or
35 not bad?

36

37 If you require a shareholder to somehow acquire a permit and
38 lease a vessel and then someone else fishes it anyway, how is
39 that really much different than the current situation, and how
40 is a shareholder who leases shares out that much different than
41 a vessel owner who owns a boat and pays people to fish for him
42 and he gets the money and pays the crew? I am just trying to
43 understand where the distinction is and what really the problem
44 is, and that's all.

45

46 **MR. ANSON:** You described a couple of the scenarios, is that,
47 one, that they're still fishing, and whether or not they hire
48 out a crew or not, they are still paying the upkeep of the

1 vessel, still paying a crew, still paying all of those costs
2 that are associated with the activities related to catching
3 those fish, and so, if we have an individual who does not own a
4 boat, does not go fishing, does not hire a crew, they're just
5 going to be sitting back and leasing those shares and getting
6 those, and, again, I keep going back to the benefits to the
7 active fishermen, or those fishermen that are engaged in the
8 fishery, and the fair and equity in that situation, and that's
9 what I am trying to get at.

10

11 **CHAIRMAN GUYAS:** Okay, Kevin, and so -- Go ahead.

12

13 **DR. LASSETER:** Okay. I think I have some ideas kind of jotted
14 down here, but I would feel more comfortable if we had a motion
15 so that we could determine the will of the committee for
16 supporting adding this idea, and I guess what I heard was it
17 would be, after the requirement to have a permit, identifying
18 whoever would be required to have a permit, requiring some
19 volume of landings to be made with an associated account with a
20 permit, right?

21

22 **MR. ANSON:** That's correct.

23

24 **DR. LASSETER:** Okay.

25

26 **CHAIRMAN GUYAS:** Let me make a suggestion here. We have a break
27 scheduled at 3:00. I think, judging from the looks around the
28 table, if we're going to do a motion here, we may need to think
29 on it a minute, and so maybe let's take a break and see what
30 happens after that.

31

32 **DR. FRAZER:** Okay. We'll take a break, and we'll see everybody
33 at 3:15.

34

35 (Whereupon, a brief recess was taken.)

36

37 **CHAIRMAN GUYAS:** We left off with Action 1.2. We had a lot of
38 discussion on that. Is there anything else that we want to do
39 with that action at this time, motions, discussions, so on and
40 so forth? If not, then we will move on to our next action. All
41 right. Let's go ahead and move on.

42

43 **DR. LASSETER:** Okay. Thank you. Next up is Action 2, which
44 begins on page 26, and this action addresses the distribution of
45 reclaimed shares, and so, as you remember from Amendment 36A,
46 the council voted to close the accounts that had never been
47 activated in the current system that had been in place since
48 2010, and then NMFS would reclaim those shares and hold them.

1 You divided the amendments, and you decided in 36B that you
2 would decide how to distribute those shares.

3
4 If you take a look down at the very bottom of page 2.1.1, you
5 can see how much we're talking about. This provides for each
6 share category, the table, and you can see the amount of shares
7 as a percentage of the quota. Shares are always a percentage of
8 the quota, and allocation is always in pounds, and then, for the
9 2018 quota, you can see -- The column that is the 2018 quota,
10 that is the total quota for each of those share categories, and
11 then, for those amounts of reclaimed shares, that final column
12 on the right, where it says 2018 allocation, that is how much
13 allocation is currently being held, those represented by those
14 shares, and so we're talking just under 5,000 pounds of red
15 snapper, to kind of put it all into perspective.

16
17 If we scroll back up and we look at the alternatives here, this
18 action would address how to distribute those shares, and so
19 Alternative 1 is no action, do not distribute them, and NMFS
20 would continue to hold them. Alternative 2 proposes to equally
21 distribute the reclaimed shares among all accounts with shares
22 of each share category to shareholders within one month of the
23 effective date for the final rule implementing this amendment,
24 and this just gives you the timeline.

25
26 Alternative 3 is very similar, but, instead of equally amongst
27 all the shareholders for each category, to do it based on the
28 shareholdings, the amount of holdings, for each of the
29 shareholders, and so Alternative 3 would proportionally
30 distribute reclaimed shares among the accounts with
31 shareholdings of each share category.

32
33 Then, finally, Alternative 4 would not distribute those shares.
34 Instead, it would use those shares to seed a NMFS-administered
35 quota bank, and it would be assumed that, if you were to select
36 Alternative 4, you are indicating your intent to establish a
37 NMFS-administered quota bank, and that will be the next action.
38 I will pause there and see if there's any discussion on these
39 alternatives.

40
41 **CHAIRMAN GUYAS:** Kevin. Doug, do you want to go first?

42
43 **MR. BOYD:** Thank you. Just a couple of questions. The 5,000
44 pounds, and I'm assuming that's 5,000 pounds for red snapper,
45 that's down quite a bit from what it was a year ago, when we
46 first started talking about this, I think. Did most of those
47 other accounts sell their shares or transfer them or --
48

1 **DR. LASSETER:** That would be correct, and so, by the time that
2 Amendment 36A -- We were probably talking about 36A for I think
3 a couple of years, and people started contacting -- Shareholders
4 started contacting other shareholders, and all the addresses
5 were available, and still are available, online with existing
6 shareholdings, and so people could see which accounts had not
7 been activated, and people were tracking those people down and
8 arranging to acquire their shares, and so this is what was left
9 at the time that the amendment went final, that is correct.

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

12
13 **MR. ANSON:** In thinking about addressing some of the items in
14 the purpose and need and identified above that, as far as these
15 fishermen, particularly in the eastern Gulf, that may not have
16 enough allocation to incorporate in their business and try to
17 reduce discards and such, and maybe looking at a quota bank is a
18 good vehicle to try to get some of that allocation to those
19 fishermen in the future, but 5,000 pounds is really not going to
20 do much, as far as addressing some of those issues.

21
22 I'm not prepared to really get into any specifics or motions
23 relative to this, but I guess, as I look to maybe the next
24 meeting that this amendment comes back to the council, Ava, I am
25 thinking that, if we were going to look at another mechanism for
26 identifying a threshold, and I think at one time we did talk
27 about some levels whereby we would -- If the ABC was at ten
28 million pounds, anything above that, and I think that was in a
29 prior document and such, and so that might be something that I
30 go look back and try to track down, is to look at some
31 thresholds as to what the ABC is and anything above that, the
32 commercial sector's portion of that remaining current ABC, or
33 ACL, is then distributed through a quota bank type of thing, but
34 I will further flesh that out, but I'm thinking that would
35 probably fall under a different action item.

36
37 **DR. LASSETER:** In fact, that's the next action. Organizing this
38 amendment, it was actually kind of fun. You had to be kind of
39 creative in how to work all these different parts and pieces
40 together. You had a list of things, and then we had some
41 motions, and so this is just how staff approached this, was to
42 put the distribution of reclaimed shares first with that
43 alternative being not to distribute them, but to use it to seed
44 the quota bank, and then, as I said, we go into the next action.
45 If you were to select that Alternative 4, that's the council
46 indicating its intent to establish that quota bank, and we can
47 move on into that action, if it's okay.

1 **CHAIRMAN GUYAS:** Sure.
2
3 **DR. LASSETER:** If we just turn the page and go to page 29, this
4 Action 3, the quota bank, has several sub-actions, the first of
5 which is just what you were referring to, the thresholds of
6 allocation. As the first line states, this Action 3 and sub-
7 actions are only applicable if Alternative 4 of Action 2 is
8 selected as preferred, and the Alternative 4 is to establish the
9 NMFS-administered quota bank with the reclaimed shares.
10
11 This quota bank, if you did put those reclaimed shares towards
12 the quota bank, that signifies your intent to create the quota
13 bank, and then there is several sub-actions that would shape
14 what goes into the quota bank and how quota comes out of it and
15 who it's distributed to and how much is distributed to each
16 person that is eligible.
17
18 We'll start with 2.3.1, which is Action 3.1, the first sub-
19 action, which is thresholds of allocation to add to the quota
20 bank. Alternative 1, no action, would not add any allocation to
21 the quota bank. The quota bank would only hold those reclaimed
22 shares from Amendment 36A.
23
24 Alternative 2 states each year, on January 1, add to the quota
25 bank the amount of allocation greater than the commercial quota
26 at the time of the respective red snapper or grouper-tilefish
27 IFQ program final approval by the council and for the selected
28 share categories, and so you have two decisions to make here.
29 You could then apply that threshold for red snapper or to all
30 the grouper-tilefish share categories, or, if you were to select
31 both Option 2a and 2b, it would be all IFQ share categories.
32
33 The next alternative for a threshold, Alternative 3, states to,
34 each year, add to the quota bank the amount of allocation
35 greater than the largest commercial quota between 2007 and 2018
36 of the respective share category for the selected share
37 categories, and 2018, at the time, is the most current year of
38 the document, and we could update this as you need, and you see
39 the same options there as to which share categories this would
40 apply to.
41
42 What those thresholds look like, if you look at the top of page
43 31, Table 2.3.1.2 provides the quotas that would represent the
44 threshold for each of those Alternatives 2 and 3 and so it would
45 be, whenever the quota is above any one of those quotas, the
46 amount of quota above those thresholds is what would be put into
47 this quota bank, the allocation. Shares would continue to be
48 distributed based on existing shareholdings, meaning, up to that

1 threshold -- 100 percent below that goes out to the
2 shareholders, and shares are in percentages, and so that gets
3 distributed out. Anything above, shares don't change hands, but
4 just the allocation goes into this quota bank, and then you will
5 need to determine the distribution. I will pause there and see
6 if there's questions.

7
8 **MR. DIAZ:** I think you might have talked about this before, but
9 are there some other quota banks that is managed by National
10 Marine Fisheries in other parts of the country? Are there none?
11 What I am trying to think of is, if we had a quota bank, would
12 there be any costs associated with it or how that would likely
13 work, if we had one.

14
15 **DR. LASSETER:** I would request NMFS staff to --

16
17 **DR. CRABTREE:** Well, yes, if the Fisheries Service ran a quota
18 bank, there would certainly be a cost. We would have to pay
19 people to do it, et cetera.

20
21 **MR. DIAZ:** So would it just be a cost recovery thing, basically
22 like we do now with administering the rest of the IFQ program,
23 as far as a cost to the fishermen?

24
25 **DR. CRABTREE:** I don't really know, Dale. I mean, I'm not sure
26 how we would fund it.

27
28 **CHAIRMAN GUYAS:** Are there other questions?

29
30 **DR. LASSETER:** Okay. Then we can move on to the next sub-
31 action, which is 3.2, and it starts on the middle of page 31.
32 I'm sorry.

33
34 **MR. ANSON:** So we can be thinking about it, I guess for future -
35 - Is that something, Mara, that can be incorporated into the
36 document, that we have an administrative fee, or is that
37 something that has to be outlined in Magnuson? Would that be
38 something that would be included in an administrative fee, or
39 would the agency be able to charge a fee for folks that would be
40 eligible to access shares within a quota bank, or allocation
41 within a quota bank?

42
43 **MS. LEVY:** I can look into it. I mean, I don't think the agency
44 can establish a fee that's not authorized by the statute, and
45 the statute has limited mechanisms to collect a fee. I mean, I
46 guess if it was -- If you were establishing an auction through
47 the quota bank, or you were linking it to some type of royalty,
48 or you could potentially do it that way, but I don't know that

1 there is authority to just collect a fee to run a quota bank.

2
3 **MR. ANSON:** Just to confirm, because this has been brought up
4 before, any monies that NOAA Fisheries collects goes back in the
5 General Treasury anyways, and it's nothing that goes back into
6 the agency to help defer any costs directly related to the
7 agency, correct?

8
9 **CHAIRMAN GUYAS:** Roy.

10
11 **DR. CRABTREE:** That depends. I mean, if it's a permit fee, yes,
12 it goes into the General Treasury. If it's cost recovery, it
13 goes into a different trust fund, and we use it to run the
14 program, and I think there's a trust fund set up where royalties
15 and auction fees go, but then I think there may be language that
16 says that's subject to appropriations, and so it's not clear to
17 me how that would work.

18
19 **DR. LASSETER:** Moving on, the previous action determines how
20 much quota to go into the quota bank, and the next sub-action,
21 3.2, considers who would be the recipients of the quota bank,
22 the allocation in the quota bank, and so Action 3.2 is eligible
23 recipients of allocation from the quota bank.

24
25 From this point on, for the rest of this action, you can see
26 that we don't have anything close to alternatives yet. There
27 are so many different ways and directions that this could go,
28 and so this is where we really need some guidance from you on
29 what are some of these primary characteristics that you would
30 want to look at, and we can start to craft some alternatives,
31 and you can weed some out or make modifications to them, but, if
32 you look through this section, you can see that there is just a
33 lot of different questions to answer and ways that you could
34 define "small participant", how you could define "new entrant".

35
36 Part of your goal was reducing discards, how you wanted to
37 define people that would be eligible. If you're speaking to
38 people in the eastern Gulf, what would be the requirements for
39 them qualifying and becoming eligible for being someone that is
40 reducing discards in the eastern Gulf.

41
42 You can see, on page 33, here are a lot of different approaches
43 to these characteristics of either small participant and/or new
44 entrant. You could think of it in terms of how much shares they
45 hold, or don't hold shares, or you could look at their landings.
46 The council did pass several motions pertaining to the
47 establishment of a finance program during that time, back in
48 2011. You created some parameters for what an entry-level

1 fisherman was and what a fisherman who fished from small vessels
2 was. You could go to some of those characteristics.

3
4 There is many, many ways that you could define this. You may
5 want to also consider those characteristics in terms of how much
6 quota would be available in the quota bank as well. You may
7 want more narrow characteristics, if there's not going to be so
8 much quota available, or you may want to be more generous with
9 the definitions, if there was more quota available in the quota
10 bank.

11
12 Those are some of the things to consider in determining who is
13 eligible, and so I'm going to go on through the other two sub-
14 actions, and then we'll break for discussion on all of these.
15 On page 34, we have the remaining two.

16
17 Action 3.3 would address the amount. Once you have defined your
18 eligible recipients, this action would specify the amount of
19 allocation that each of those eligible recipients could obtain.
20 Would it be just a lump sum, like with the same amount to
21 everybody that's eligible, would it be based on some criteria,
22 more or less, over time, would it change over time, if they're
23 eligible for some amount of time, and then, ultimately, they are
24 no longer considered a new entrant and they are expected to
25 obtain allocation in other ways. Those are some additional
26 questions.

27
28 Then, finally, distribution of allocation from the quota bank,
29 Action 3.4, this would be the method for distributing to the
30 eligible recipients, and some of the approaches could include
31 just distributing equally amongst all of them, again, weighting
32 it based on say fishing activity. If you demonstrate more
33 fishing activity, maybe you could obtain more quota.

34
35 Applying this adaptive management redistribution method based on
36 cyclical redistribution, and so, again, that would be tied to
37 fishing participation as well, and so maybe some of these ideas
38 are kind of getting to what Kevin has talked previously about,
39 active participation, and then, finally, distributing the
40 allocation by lottery, and so these are just some of the ideas
41 out there that, if you continue to develop this quota bank idea,
42 multiple questions, decision points, have been identified, and
43 so I will pause there and see if there is any discussion or
44 questions.

45
46 **DR. FRAZER:** To go back to the purpose and need and the one new
47 goal that has to deal with minimizing or reducing the issues
48 associated with discards, and so I would think that there should

1 be a bullet point here that addresses that goal somehow, and I
2 don't know what it is yet, but I think it should be.

3
4 **DR. LASSETER:** I apologize for not highlighting that. Yes, on
5 page 33, we have a bulleted heading of potential characteristics
6 of a small participant or new entrant, and I missed it. On page
7 34, we have also a bold heading for potential characteristics of
8 those who would receive quota to account for commercial
9 discards. I didn't have a nice way to label it the way we have
10 small participants and new entrants, but does this speak to what
11 you're looking for, Dr. Frazer?

12
13 **DR. FRAZER:** I'm reviewing it right now.

14
15 **DR. LASSETER:** Okay.

16
17 **DR. FRAZER:** Yes, I think so.

18
19 **CHAIRMAN GUYAS:** Okay. Then I guess we're ready to move on.

20
21 **DR. LASSETER:** Okay, and so those are all the potential proposed
22 sub-actions for developing a quota bank. The final action in
23 the amendment is Action 4, which begins on page 35, and so this
24 action addresses the accuracy of estimated weights and advance
25 landing notifications, and this is the action that we have the
26 comments, the consensus statement, from the LETC, and so why
27 don't we take a look at that, and then we'll come back to the
28 alternatives.

29
30 That summary from the Gulf States Commission meeting back in
31 October is located at Tab B, Number 8(a), and, again, this is
32 only the section from the LETC meeting that was specific to the
33 commercial IFQ program modifications, and so the LETC has looked
34 at this a couple of times and has commented and has provided
35 recommendations to you, and I've brought them to you at other
36 meetings, and, at this time, we took the opportunity to just
37 allow them to craft a statement and to provide rationale, rather
38 than just making a one-motion recommendation, and so staff
39 helped the law enforcement officers wordsmith this, and we do
40 have Major Jason Downey here. He's one of the LETC members who
41 could also speak to this, if you have additional questions.

42
43 I am not sure if you've had time to read it. I'm not sure how
44 much you want me to go into reading it on the record. It is a
45 little long. It's a full page here, but the LETC does recommend
46 to the council that notifications be accurate to within 20
47 percent of actual landed weight for those vessels that are
48 landing over 500 pounds in any share category.

1
2 Then they go into providing their rationale and some of their
3 reasons, but they did provide that specific recommendation that
4 does reflect one of the alternatives, and so I will pause there
5 and see what kind of feedback you would like.

6
7 **CHAIRMAN GUYAS:** Dale.

8
9 **MR. DIAZ:** I just want to chime in for a minute. I was the
10 council representative at that law enforcement meeting, and it
11 seemed like there was a pretty strong consensus amongst the law
12 enforcement officers that this is at least an issue. I do
13 remember two states citing specific cases, and I do know they
14 felt strongly about it. I also know that the AP felt strongly
15 in the opposite direction that it wasn't needed, and so I'm kind
16 of torn on what to do with this.

17
18 Based on some of the stories that the law enforcement officers
19 made, I mean, I don't doubt that, at least at times, people are
20 circumventing the system. I just don't know how great of a
21 problem it is in the grand scheme of things. Anyway, that's all
22 I've got.

23
24 **CHAIRMAN GUYAS:** Roy.

25
26 **DR. CRABTREE:** Well, it's been a while now, but, when I talked
27 to NOAA Law Enforcement, they did not feel that this was
28 necessary. Now, they are not here at the meeting, and I don't
29 know if any of that has changed, but that was the last I heard
30 about it, and so I'm like you, Dale. I am unsure, at the
31 moment, if there is a need for this or not.

32
33 **CHAIRMAN GUYAS:** John.

34
35 **MR. SANCHEZ:** Thank you. Again, a lot of the talk centers on
36 new entrants into the fishery and getting the young up-and-
37 coming fishermen into this. I don't know that they will be as
38 good as a tenured, older fisherman at estimating landings within
39 percentages and all this stuff, and so I think we're just
40 complicating things and trying to make something out of nothing.

41
42 **CHAIRMAN GUYAS:** Robin.

43
44 **MR. RIECHERS:** Well, I remember this has come up now on several
45 occasions, and I think, as you suggested, Ava, the first time it
46 was just a one or two-sentence notion in their report, and
47 obviously they took some time at their last meeting to flesh
48 this out further.

1
2 While I would say that I certainly understand the NOAA testimony
3 that we received, NOAA Law Enforcement testimony, but I would
4 also say that I suspect our state officers also have a lot of
5 dealings with these folks at the docks. Again, we may not have
6 all the right percentages here in current form, though I think
7 we capture at least the high end and low end of what the
8 enforcement officers were discussing.

9
10 This document is not going anywhere anytime quickly. At this
11 point, I would say we keep this as an option, and we continue to
12 get that feedback. While I understand it may not be a large
13 problem, any problem where fish are not being reported is a
14 problem, and so, if this can help with that, we should be
15 looking at a way to fix that.

16
17 **CHAIRMAN GUYAS:** I have a couple of hands here, Leann and then
18 Kevin and Doug, and I see Major Downey is now in the room too,
19 and so we'll address the hands, and then, if anyone wants to ask
20 a question of Major Downey, or if he could kind of give us a
21 rundown, that would be great. Okay. Let's start with Leann and
22 then Kevin and Doug and then Dale.

23
24 **MS. BOSARGE:** On the water, logistically, for most of our
25 fishermen in Mississippi, it's a day trip, and so you're in and
26 out in the same day, right, and you leave in the morning and you
27 come home in the evening.

28
29 First off, they call before they leave the dock and tell the
30 government they are going fishing. When they leave the dock,
31 there is a VMS tracking device that the enforcement officers can
32 see the whole time that they're out. They have to call at
33 least, a minimum, at the very latest, three hours before they
34 plan to get back to that dock, to make sure that law enforcement
35 has ample opportunity to meet them if they so choose, and that's
36 if you wait until the very last minute to call. It's an hour to
37 run out, and an hour to run back in, and, essentially, what
38 we're asking that fisherman to do is call in with an estimated
39 weight about halfway through his fishing day.

40
41 He hasn't pulled a hook out of the water yet, and he has no idea
42 what he's going to catch, but we want him to ballpark it, as if
43 he's God, I guess, and he can foresee the future and be within
44 that percentage of accuracy. If he's not, he may be subject to
45 a fine, and it's not a penny-ante fine. We're talking about
46 fines of five figures, depending on how many pounds you have on
47 the boat. They are real fines, and this is going to have a real
48 impact to men.

1
2 Every commercial fisherman that I have talked to says, what is
3 this accuracy thing, and this is crazy, and, I mean, we're
4 having to make sure -- They don't wait until that three-hour
5 mark to call in. You're busy, right, and you don't do that.
6 You better be thinking about it five hours before you get to the
7 dock, and you better call in ahead. Sometimes fishermen will
8 call before they leave the dock, so that they don't forget and
9 get themselves in a situation where they are in violation.

10
11 They know they're going out to try and make about a thousand-
12 pound day, and that's what they're hoping for. That's what
13 they're aiming for, and they're hoping to catch that. They will
14 call that in, right about the time they leave the dock, so they
15 don't screw up and forget, and I completely understand that.

16
17 I work in an office, and I forget to go get my kids and take
18 them to ballet, and I'm in an office. I'm not out on the water,
19 where I'm out in the middle of the ocean, and I forget my own
20 kids, and I can't imagine trying to call the government while
21 I'm offshore working and fishing.

22
23 Anyway, I'm real passionate about this one, and I don't think it
24 fits the purpose and need. I think we're punishing good
25 fishermen for the sake of a couple bad apples, and I think, in
26 Mississippi, our enforcement has done a pretty good job of
27 finding those bad apples and curing this problem, and I would
28 rather see the enforcement focused on those bad apples.

29
30 There is not that many commercial fishermen left in the reef
31 fish fishery, and we're not that hard to track down. We've got
32 a tracking device, and you know where we're going and when we're
33 coming in, and you're pretty familiar with us. Go get them. If
34 they're a bad apple, get them, but let's not punish everybody
35 for it, please. I would like to see this come out of the
36 document.

37
38 **CHAIRMAN GUYAS:** Kevin.

39
40 **MR. ANSON:** Well, I am kind of with Robin. I think this needs
41 to stay in the document, and remember that we had a 36, and then
42 there was just a lot of things in there, and we tried to go for
43 the low-hanging fruit and separate it from the high-hanging
44 fruit, and this got sorted out as a high-hanging fruit batch,
45 and so I think it's still relevant.

46
47 I think it's still an issue, or can be an issue. It's an
48 enforcement tool. You know, John had a comment about they need

1 to be accurate in their weights. Well, we have trip limits for
2 certain species, and so they need to be accurate for other fish,
3 and so it's a skill that they should be able to pick up pretty
4 quickly, and will need to.

5
6 Plus, you add on top of that that they have allocation, and so
7 that might limit them as to how much they can take that
8 particular day too, and so, as Ava talked and Dale touched upon
9 a little bit, there was some dissention between the federal
10 enforcement and state enforcement, and our state guys are down
11 at the docks -- I would argue they probably do more dockside
12 visits than the federal, and so they are interacting more with
13 those commercial fishermen on a day-to-day basis than the
14 federal agents are.

15
16 I think it ought to be in here. Now, you certainly maybe can
17 look at maybe adding 25 percent or something to help with some
18 of those concerns, but it's an enforcement tool, and I think
19 it's something that ought to remain in there. Granted, it's
20 much easier, because you're counting fish and such, but we have
21 our recreational fishermen that have to report how many fish
22 they're landing, and that's also used for an enforcement thing,
23 to make sure that the report is accurate to what the enforcement
24 officer observes as they are monitoring those vessels as they
25 come back to port, and so I understand that, but I'm just saying
26 that there ought to be a reporting function. Now, the time
27 issue for Mississippi fishermen relative to other fishermen,
28 that may be a little different.

29
30 **CHAIRMAN GUYAS:** Doug.

31
32 **MR. BOYD:** Thank you, Madam Chairman. A question for Roy. Roy
33 is not here. Then a question for somebody. Advance
34 notifications are required now, but, like Leann said, that
35 advance notification could be done as they leave the dock,
36 before they have even started fishing. My question is can an
37 advance notification be modified at any point in time?

38
39 **DR. LASSETER:** It can be modified, but that also resets the
40 three-hour window, and is that correct? Or it's a one-hour, but
41 it resets the time, and we've got lots of experts in the
42 audience here.

43
44 **MAJOR JASON DOWNEY:** (Major Downey's comments are not audible on
45 the recording.)

46
47 **DR. LASSETER:** I am going to repeat what Major Downey told us.
48 As long as they don't change -- That's right. They are allowed

1 one free change, aren't they? I forgot. There's one free
2 change, as long as they are staying with the same landing
3 location.
4
5 **MR. BOYD:** Okay. Just an additional question. If there was a
6 percentage, and someone realized that they said they had 1,000
7 pounds, and they really only estimate they had 500 that day,
8 because it was a bad day, they could make that modification, if
9 they wanted to.
10
11 **DR. LASSETER:** They currently can, yes.
12
13 **MR. BOYD:** Okay. Thank you.
14
15 **CHAIRMAN GUYAS:** Dale and then Tom.
16
17 **MR. DIAZ:** I agree with Robin. I think, for the time being, it
18 needs to stay in the document, and maybe we can figure out a
19 better way to do this, and I don't know, but, the way I'm
20 thinking about this, I don't want to punish anybody that is
21 fishing correctly. The people that are abusing it, and there
22 are some that are doing it, are basically stealing from the
23 people that's doing it correctly, and so, I mean, I just want to
24 make sure that we put something in here that stops any people
25 from circumventing the system and basically stealing from the
26 legitimate fishermen.
27
28 **CHAIRMAN GUYAS:** Tom.
29
30 **DR. FRAZER:** Just for clarification, Officer Downey, if they are
31 landing at the same location that they have indicated
32 previously, and they're allowed one modification, is there a
33 time constraint on that modification?
34
35 **MAJOR DOWNEY:** I am not 100 percent familiar with all the system
36 ins and outs, but I know that they can make that modification.
37 As long as they're going to that same landing location, they can
38 go into the system and edit their estimated poundage without
39 having to wait any longer.
40
41 **DR. FRAZER:** So, again, just to make sure that I understand,
42 they can make that modification twenty minutes before they land?
43
44 **MAJOR DOWNEY:** Yes, sir.
45
46 **DR. FRAZER:** Thank you.
47
48 **CHAIRMAN GUYAS:** Are there other questions for Major Downey

1 while he's at the podium? Thank you very much. All right. We
2 haven't actually even gone through the alternatives in this
3 action, and so let's do that.

4
5 **DR. LASSETER:** I think that sounds like a great idea. Okay.
6 Again, if we're not already there, page 35 in the document,
7 Action 4, accuracy of estimated weights and advance landing
8 notifications, our Alternative 1, no action, is do not change
9 the current reporting requirements regarding estimated weight.
10 They must be provided. Estimates must be provided, but there is
11 no requirement that those estimates be accurate.

12
13 Alternative 2 would require that the estimated weight reported
14 on those advance landing notifications be within 10 percent of
15 the actual landed weight per share category when the total
16 weight onboard of that share category is more than -- Two
17 options are provided of 100 pounds or 500 pounds.

18
19 Alternative 3 is almost the same, except, instead of 10 percent,
20 it's 20 percent, and so it allows a larger leeway, buffer, of
21 accuracy, and so Alternative 3 would require that that estimated
22 weight reported on the advance landing notifications be within
23 20 percent of the actual landed weight per share category, and,
24 again, the same options are provided of when the total landed
25 weight of that share category is more than, a, 100 pounds, or,
26 b, 500 pounds, and so those are the alternatives that are
27 currently in the document.

28
29 **CHAIRMAN GUYAS:** Okay. Are there comments or questions? Tom.

30
31 **DR. FRAZER:** Again, I'm just trying to get a sense of how big of
32 an issue this might be. Is it possible to get data that relates
33 -- That shows the relationship between the estimated weights at-
34 sea and the actual weights that are delivered to the dealer? I
35 think, if we can look at the magnitude of the discrepancy, then
36 we might be able to get a better handle on this.

37
38 **MR. SANCHEZ:** I would agree. I mean, clearly, if you're
39 hailing-in and you're giving a weight estimate, there has to be
40 some record of that, and then you're landing your fish at the
41 fish house, and there is clearly a record of that, and, if there
42 is some huge discrepancies repeatedly by some entity -- I mean,
43 that's the person you focus on. We don't kind of paint
44 everybody with this brush that is already being asked to jump
45 through all manner of hoops in prosecuting this fishery. I
46 don't see the need for this at all. There is other ways to
47 address any concerns, imaginary or real, that may exist.

48

1 **CHAIRMAN GUYAS:** Kevin.
2
3 **MR. ANSON:** As part of that data request, maybe since it's
4 recorded in the system, is to look at the number of instances
5 where the pounds have been changed after they have originally
6 been reported and to look at that.
7
8 **CHAIRMAN GUYAS:** Yes, I like that. Robin.
9
10 **MR. RIECHERS:** I think you need to recognize, Tom, that, as
11 described by the example used in the report by our law
12 enforcement officials, you won't pick that up. Going the other
13 way, there may be changes, but, going from a smaller poundage
14 reported, unless a law enforcement officer happens to be there,
15 you may or may not pick that up, and so I think you just -- When
16 you get the data on those discrepancies, you've got to be aware
17 that there could be instances where you're just not going to see
18 that.
19
20 **DR. FRAZER:** Yes, and I appreciate that. Thank you.
21
22 **CHAIRMAN GUYAS:** Okay. We've asked for some additional
23 information, hopefully at a future council meeting. Anything
24 else on this action? Okay. We've made it through 36B. We've
25 got a couple of outstanding, I guess, edits and data requests
26 and those sorts of things, and so we'll see this at a future
27 meeting with some of these changes and requests. All right.
28 We're a little bit ahead. Sue, would you be able to give us --
29 Sorry, Leann.
30
31 **MS. BOSARGE:** When is our next review, IFQ review, scheduled,
32 what year?
33
34 **CHAIRMAN GUYAS:** Assane.
35
36 **DR. ASSANE DIAGNE:** Actually, we are gearing up to start the
37 second review of the red snapper program. The only reason that
38 we didn't get started yet is I guess we were delayed after the
39 first of the year.
40
41 **MS. BOSARGE:** So we're still going to have this document ongoing
42 at that point, and these are just going to be overarching
43 comments. If I was the woman, and I was going to craft this
44 document, and I was looking and trying to think about the things
45 that Kevin stated, and, if those were my issues that I was going
46 to try and tackle, I don't think that's something that we could
47 tackle in one fell swoop.
48

1 I think that's huge, sweeping changes to a system. Now, I'm not
2 saying they shouldn't be tackled, but I think you have to take
3 baby steps. I think the first step to maybe eventually get to
4 where you want to go, Kevin, where there is some ownership
5 somehow actively transferring to the man that's actively fishing
6 on the water, is to require a permit to own shares.

7
8 That way, you at least have the capacity, for the portion of the
9 fishery that you have the privilege of handling, you actually
10 have the capacity of going out and putting a hook in the water
11 and landing that fish, right?

12
13 Now, if it was me, and I was going to do it, and I was going to
14 implement that kind of change, I would probably pick that option
15 with the 2015 on it and grandfather people before that, and
16 that's because we flipped and flopped on those people so many
17 times already, and that's essentially those initial people that
18 were given those shares, and we told them, when we gave them to
19 them, that you've got to have a permit. Then, five years later,
20 we flopped, and we said, hey, you don't have to have a permit.
21 Now we're going to flop again and say, hey, you do have to have
22 a permit.

23
24 You know, they had a permit at one time, and they were obviously
25 active fishermen, and I would start it from 2015 forward,
26 entrants after that, and you've got to have a permit if you want
27 to own a piece of this fishery, and that's your first step to
28 making sure, in my mind, that the people that have some
29 ownership of the fishery are somehow actively involved or
30 associated or something, right?

31
32 Now, you could probably make the argument that some people are
33 dealers or this or that, and I don't want to get too far into
34 those weeds. That would be a small, baby step that you could
35 take to go down the road you want to go. The other small baby
36 step that I would probably take, if it was me, is we have
37 something in there that -- We have reclaimed these shares,
38 right, and it's not much. When it's red snapper, it's right
39 about 5,000 pounds. That's not enough to try and bring in any
40 kind of new entrant or transition a fisherman that's on the
41 water into a fisherman that is no longer leasing but is an
42 owner, and it's not even enough for one really, one man or
43 woman, but it's there.

44
45 These are shares that we're not having to take from anybody, and
46 these were shares that were inactive accounts from the very
47 beginning of the IFQ system, and so nobody has ever had that
48 little percentage, right, and we're not damaging anybody by

1 doing something with those few shares.
2
3 Yes, the easiest thing to do, from an administrative standpoint,
4 would probably be to just go ahead and distribute those out to
5 the shareholders that are on record right now. I see those
6 shares maybe being able to take one more baby step to dip our
7 feet in the shallow end and see how it would go, and I would
8 like to use those to address some discards in the eastern Gulf,
9 and, if it was me, I would set it up and say, all right, here is
10 5,000 pounds.
11
12 NMFS is going to hold these 5,000 pounds. If you want a shot at
13 those 5,000 pounds, you can do a three-for-one trade. If you
14 own grouper shares, and you can show us that you fish in the
15 eastern Gulf, and that's where you're killing your fish at, and
16 I don't care where you land them, but, if you're killing them in
17 the eastern Gulf, then you can trade three shares of grouper,
18 and you would have to have ownership in grouper, for one share
19 of snapper, three pounds of grouper for one pound of snapper.
20
21 That would address some discards, and I would put a further
22 qualification on it that you can't own any snapper shares. If
23 you really want to help the small man, that's probably what you
24 want to do, is try and help those guys that are having a tough
25 time. Grouper is in the tank, and they're not making any money.
26 If they could put a few snapper on the boat, or if you want to
27 qualify it and say you have a hundred pounds of snapper, and I
28 don't care, but keep it to the small players.
29
30 That is what I would do with this document, and I would get rid
31 of the rest and move on. Let's get another review, another
32 five-year review, and get some more time under our belt and look
33 at that review, and, if we see there is another baby step we can
34 take to get to where you want to go, if that's still a path we
35 want to go to, that's where I would go, but I guess that's my
36 30,000-foot view on this document, to come to some sort of
37 closure with it and accomplish something. That's where I would
38 go, and I would certainly get rid of that fourth action item.
39
40 **CHAIRMAN GUYAS:** Okay. Leann, do you want to put any of those
41 things into a motion, or are you just kind of putting that out
42 there?
43
44 **MS. BOSARGE:** Well, I would like to see some shaking of heads.
45 To do that, you're essentially going to have to start ripping
46 things out of this document and streamlining this document so
47 that, essentially, you take some action on the first action
48 item, where you require a permit if you're an entrant after

1 2015, and then you're going to get rid of all the pieces that go
2 in and take a piece of the quota and put it in the quota bank,
3 and you're only going to just use the 4,900 pounds of red
4 snapper and whatever pounds of grouper there are, and then
5 you're going to say this is how that's going to be distributed.
6 Any shaking of heads? Do you all feel like doing that today?
7 There is silence, and so I guess we will kick the can down the
8 road and look at this document one more time.

9
10 **CHAIRMAN GUYAS:** All right. Any other parting thoughts on 36B,
11 parting for today, but we'll come back to it, clearly. Sue, can
12 you tell us about the proposed changes in state boundaries for
13 reef fish management?

14
15 **PROPOSED CHANGES IN STATE BOUNDARIES FOR REEF FISH MANAGEMENT**

16
17 **MS. GERHART:** Yes, ma'am. Bernie, if you could bring up the
18 maps, and I think it's Tab B-14, maybe, and that was sent around
19 earlier with the landings update. What I have is just a series
20 of maps to show you, and so, as you know, for reef fish
21 management, the state boundaries are extended to nine miles off
22 of each state. It was already the case for Florida and Texas,
23 but we have been requested to create some maps and update
24 regulations to reflect this new boundary.

25
26 This map here shows the difference between the previous, I
27 guess, boundary and then the nine-mile boundary, and so, if you
28 look up at the northern Gulf for the three northern states, the
29 blue line that is up there was the previous boundary, or the
30 actual federal/state boundary, and then the red one is the reef
31 fish nine-mile boundary.

32
33 Now, for Florida and Texas, those should be the same line, but
34 there are a couple of places where there is discrepancies. The
35 line that we use for the federal/state boundary right now is
36 based on the Submerged Lands Act data and not just directly nine
37 miles offshore, and so there is one area off the Florida Keys
38 and off of Texas where there is a little bit of a discrepancy.
39 We're working with GC to determine how to reconcile that, and
40 we'll let you know when we come to a conclusion on that.

41
42 There are three different closed areas in the Gulf that are
43 actually affected by this. We have boundaries that follow the
44 state boundaries, and so the coordinates are going to have to
45 change for those, because of this new nine-mile, and those, of
46 course, are going to be up in the area around off of Louisiana
47 and Mississippi, where the change takes place, and so this one
48 here is showing you the reef fish longline and buoy gear

1 restricted area, and so, within that shallower area, those gears
2 are not allowed.

3
4 This is a close-up of this area, and so you can see the light
5 part was the -- The combined light and dark were the previous,
6 and now the light is area that is now part of state waters and
7 not federal any longer, and so, therefore, it can't be part of
8 the closed area, because we don't have jurisdiction in state
9 waters for those federal closed areas.

10
11 What you can see with this one is that, originally, the whole
12 area extended -- This closed area extended all the way across
13 the delta area there, but now, with the moving out of the line,
14 it no longer moves out and connects between there, and so there
15 is actually a gap in this closed area between Point 18 and Point
16 17 that you can see on there, and so what we're proposing is to
17 move Point 17 to that new green line that you see just to the
18 southwest of that, and then Point 18 would also move slightly to
19 the other green point that you can see, and so we would have a
20 break in the actual closed area there with these new
21 coordinates, and so we would put these new coordinates into the
22 federal regulations.

23
24 The next slide looks at the same area, but this is the seasonal
25 shallow-water grouper closure, and we have a similar sort of
26 thing. In this case, there already was a gap in the closed area
27 there, and so we're just going to need, very simply, to move
28 Point 20 and Point 19 out a little bit to those new green
29 points, to match up with the coordinates and the new line, nine-
30 mile line, and so that's a fairly straightforward one there.

31
32 The next one is the last one, and this is the Reef Fish Stressed
33 Area, and, again, here is an overview of the whole Reef Fish
34 Stressed Area, and the next slide shows, again, the close-up of
35 that same area, and this one is a little bit more complicated.

36
37 What happens here is, if we move those lines out, we get some
38 real patchiness going on with this closed area, and so, if you
39 look up at Point 18 to Point 19, we have a gap there. If you go
40 between 20 and 21, there already was a gap, and there would
41 still be, and then, if you look over just to the north of the
42 Number 21 on the map, you see a little blip that's left, with
43 another gap past that, before you get back into federal waters
44 for that closed area.

45
46 What we have here is, again, the green points are proposed new
47 points between Number 18 and 19, and we would put in a new
48 point. We would move 18 over a little bit and add another point

1 between those two, and then, of course, we would move 20 out
2 from the previous area out to the nine-mile boundary. Then we
3 would have that break over there, and we could put in Point 21,
4 and it could be moved over to the west on that one, and then we
5 could also move Point 22 down to that other green one that is
6 just south of that, leaving that one little dark area, which
7 would be a closed area as well. That leaves several different
8 breaks in the points.

9
10 If we go to the next slide, another option -- I'm sorry. I have
11 this backwards, and so this is what I was just talking about
12 here, and so we would have those points, those green points, and
13 we would still have that little -- What is labeled as "E" and
14 "F", and that little area would still exist, and so we would
15 have -- All that dark-colored area would all be closed area.

16
17 If we go back to the previous slide, and I'm sorry that I had
18 myself backwards, in this case, we would not include that little
19 part by Number 21, and so that little dark area, even though
20 it's dark in there, we could put in the green points to the
21 left, and that would go straight over from the new 21 or -- I'm
22 sorry. It would be the beginning point, and that whole area
23 there from that green point below 22 to the right would not
24 exist as closed area anymore, and so, essentially, it would give
25 up that little blip that would be in federal waters and no
26 longer would be part of the stressed area, and so that's kind of
27 what we want to have the council weigh-in on.

28
29 Would you rather keep that little area and put those coordinates
30 there or simplify things by removing that area and just having
31 the closed area start right at that new green point to the south
32 of 22? Hopefully I didn't completely confuse you with all of
33 that.

34
35 **CHAIRMAN GUYAS:** Ed and then Bob.

36
37 **MR. SWINDELL:** Why the word "stressed"? What is causing it to
38 be a stressed area?

39
40 **MS. GERHART:** The origin of that -- I know there was like a
41 prohibition on traps in that area and various things, some of
42 the things that don't even exist anymore.

43
44 **DR. CRABTREE:** That was done early in the days of the council,
45 and they created these Reef Fish Stressed Areas, and so they
46 were there well before my time with the council.

47
48 **CHAIRMAN GUYAS:** Bob.

1
2 **DR. SHIPP:** Sue, it may sound trivial, but it's really not to
3 Alabama, but, the lighthouse off of Mobile Bay, is that
4 considered the state boundary, or is that excluded, because it's
5 three miles further offshore, and that added three miles would
6 cover a tremendous part of the reef area. Do you know what I'm
7 talking about?
8
9 **MS. GERHART:** No, I'm sorry, but I don't.
10
11 **DR. SHIPP:** Scott Bannon, do you know the answer to that?
12
13 **MR. SCOTT BANNON:** Yes, no, maybe. The lighthouse, if you look
14 at it on a nautical chart, the state three-mile territorial sea
15 line does protrude south from the lighthouse area, but it was, I
16 believe -- We looked it up, and I don't remember if it was the
17 Submerged Lands data or the WGS84 data, and I have no idea where
18 I got that, and so we have interpreted that three-mile line --
19 The nine-mile line, as being six miles from that, and so there
20 is no definitive line, and, again, we would like it to be
21 definitive for folks as well.
22
23 **CHAIRMAN GUYAS:** Sue.
24
25 **MS. GERHART:** We'll check into that and see about that. Getting
26 back to the stressed area, just to respond a little bit more, I
27 have the regulations that are currently in place. Right now,
28 powerheads may not be used in that area to take reef fish, and
29 roller trawls may not be used in the stressed area either.
30
31 Originally, we had the fish traps that were really the biggest
32 concern, and why that area was put into place, but now they're
33 banned Gulf-wide, and so it isn't really relevant, and roller
34 trawls aren't an allowable gear right now anyway on our list of
35 allowable gears, and so, really, the only thing it does right
36 now is the powerhead prohibition.
37
38 **CHAIRMAN GUYAS:** Okay, and so I think Sue was looking for some
39 feedback about some of these points. I am looking at my central
40 Gulf people, since that's where these maps seem to be focusing.
41 I think, specifically, you wanted feedback on this map, and is
42 that right, Sue, that little point around 21? Dave.
43
44 **MR. DAVE DONALDSON:** Sue, do you have any data on how much
45 fishing activity occurs in that area? Is there any way that you
46 could determine what kind of effort is occurring in there?
47
48 **MS. GERHART:** We could look at the VMS data.

1
2 **MR. DONALDSON:** If there doesn't seem to be a lot of activity,
3 then that would play into the decision, I would think.

4
5 **MS. GERHART:** Again, the only thing that's prohibited there is
6 powerheads, and so I'm not sure if we could really pull much
7 from that. Yes, we could get VMS, but I'm not sure we could
8 figure out who is actually using powerheads there.

9
10 One of the things that came up with this is, if you will recall,
11 several meetings ago, Carrie and I had presented to you a list
12 of regulations to potentially remove, in response to a NMFS
13 directive, or a federal directive, really, to go through some
14 deregulatory exercises, and we had originally had this on our
15 list, to maybe get rid of this whole stressed area, and somehow
16 it fell off of our list, and neither of us can figure out how
17 that happened, but that's something that the council might want
18 to think about. Is this stressed area really doing anything at
19 this point and is it necessary?

20
21 **CHAIRMAN GUYAS:** Kevin.

22
23 **MR. ANSON:** I guess I'm curious if there is any data anywhere
24 that would kind of give some numbers to the use of powerheads.
25 I mean, I know they're being used, and I think they're being
26 used in the stressed area, and so I'm just wondering if there is
27 any -- I am looking over to Jason to see if there's any cases or
28 anything that would kind of indicate the prevalence of
29 powerheads when spear fishermen are encountered, and I don't
30 know if that's something we could try to find offline, but I
31 don't know.

32
33 **CHAIRMAN GUYAS:** Well, I'm sure that's something we could find
34 out, between NOAA look-ups and maybe individual state ones, if
35 some of the state agencies looked that up. Ed, did I see your
36 hand? Go ahead.

37
38 **MR. SWINDELL:** Well, it just appears to me that we're not paying
39 any attention to the stressed area. I mean, there seems to be
40 no regulations in it, and there is no enforcement in it for reef
41 fish, that I am aware of. Unless there is something of real
42 importance that we should be paying attention to in this
43 stressed area, I don't see why we need to call it a, quote,
44 stressed area.

45
46 This is amazing to me. I know there is numerous oil rigs out
47 there around that 23 marker, numerous oil rigs that are out
48 there, and, likely, they are not being stressed from catching

1 fish around the bottom of those rigs, and so I don't know. I am
2 just a little concerned about why in the world we have a
3 stressed area, and I don't know what we can do to look at it,
4 but I think we need to evaluate more in the documents and see
5 what you can find out about the stressed area and see just what
6 it means to us or not. Thank you.

7

8 **CHAIRMAN GUYAS:** Sue.

9

10 **MS. GERHART:** To get rid of the stressed area entirely would
11 involve a plan amendment and modifying the FMP, which is where
12 it was put into place. For our purposes here, if you don't have
13 large concerns, I think our inclination would be to just get rid
14 of that little area and make the points simpler for both the
15 fishermen and for enforcement, but, if you're interested in
16 reconsidering the stressed area, that would be something that
17 you would do through an amendment.

18

19 **CHAIRMAN GUYAS:** Okay. Well, let's start with your suggestion
20 about this map. Are there any objections to the approach that
21 Sue just outlined, just to kind of simplify this, as far as the
22 boundary goes? It doesn't look like anybody has really strong
23 feelings about this, as far as I can tell.

24

25 Now, I think, if we wanted to do something about the stressed
26 area, that would probably require a motion, if we're going to
27 take up an amendment to deal with that or even, I guess, think
28 about that. We don't have to do that right now, but, if it's on
29 your mind, think about it before Thursday. Okay.

30

31 I am going to look at our Chair right now, to see what he wants
32 to do. We're at the point in the agenda where we are on
33 Wednesday now, and we've got a little over an hour left on our
34 agenda, and so what do you want to do?

35

36 **DR. FRAZER:** Similar to yesterday, I think that there is
37 discussion of Reef Fish Amendment 42 and Reef Fish Amendment 41,
38 and that kind of co-occurs with public testimony, and I expect a
39 large number of people representing both of those sub-sectors to
40 be here, and so I would like to keep them on the schedule for
41 tomorrow.

42

43 The first agenda item tomorrow in the morning is the Review
44 Draft Options of the Red Snapper Reallocation Document, and I
45 don't think it will take that much time, but in that document is
46 the objectives, and so I would like us to spend some time in the
47 morning, rather than putting people on the spot now, thinking
48 about how we might modify or adjust those or tweak those a

1 little bit, because, last time that we dealt with them, we dealt
2 with them fairly quickly, and I think that we could tidy them up
3 even a little bit more and put a little more thought into them,
4 and so I would rather take the hour now and think about it and
5 come back in the morning and address those, but keep in mind
6 that I am going to ask people to deal with the objectives and
7 potential modifications, and so I think we will recess until
8 tomorrow at 8:30.

9
10 (Whereupon, the meeting recessed on January 29, 2019.)

11
12 - - -

13
14 January 30, 2019

15
16 WEDNESDAY MORNING SESSION

17
18 - - -

19
20 The Reef Fish Management Committee of the Gulf of Mexico Fishery
21 Management Council reconvened at Perdido Beach Resort, Orange
22 Beach, Alabama, Wednesday morning, January 30, 2019, and was
23 called to order by Chairman Martha Guyas.

24
25 **CHAIRMAN GUYAS:** I think we're back on schedule, and our first
26 item this morning is the Draft Options Paper for Red Snapper
27 Reallocation. Dr. Freeman is up here, and I'm going to let him
28 take us through the action guide and get us going.

29
30 **REVIEW DRAFT OPTIONS OF RED SNAPPER REALLOCATION DOCUMENT**

31
32 **DR. MATT FREEMAN:** Following the action guide, staff will
33 present draft options for reallocation between the commercial
34 and recreational sectors and between the for-hire and private
35 angling components. The committee is expected to review the
36 draft options and provide guidance to staff on further
37 development of these options as well as development of the
38 document's purpose and need.

39
40 If we go to page 10 of the reallocation document, I thought we
41 would start this morning with Table 1.2.1, which is on page 10
42 of the document. There were some council members, earlier this
43 week, that expressed interest in seeing the latest version of
44 the objectives of the FMP, and so I will pause there for a
45 moment, if anyone has any discussion or any edits to that.

46
47 **CHAIRMAN GUYAS:** Tom.

1 **DR. FRAZER:** I would like to think about revising Number 2 on
2 that list, if it's okay with folks, or at least people might
3 consider a change. The way that the FMP Objective Number 2
4 reads right now, it's to maintain a robust fishery reporting and
5 data collection system for monitoring the reef fish fishery. **In**
6 **light of some of the discussions that we've had over the last**
7 **couple of days, I think that I would make a motion to change**
8 **that language to read as follows, and I will send this over to**
9 **Bernie, I guess.** Give me a second to send this.

10
11 I will just read it, so everybody knows what I am talking about.
12 **The new language is to simply say to achieve robust fishery**
13 **reporting and data collection systems across all sectors for**
14 **monitoring the reef fish fishery and to minimize management**
15 **uncertainty.** Again, the rationale is that I think the FMP
16 objectives apply to all of the sectors, and I think that the
17 goal here is to try to improve our data collection systems
18 across-the-board.

19
20 **CHAIRMAN GUYAS:** Okay. Do we have a second to this motion?
21 It's seconded by Leann. Is there discussion? Ed.

22
23 **MR. SWINDELL:** The word "robust", just what do you mean by to
24 achieve robust fishery reporting? From a reporting stance, I'm
25 just trying to understand how you're going to be robust in
26 fishery reporting.

27
28 **DR. FRAZER:** Go ahead, Paul, to that point.

29
30 **DR. MICKLE:** Well, I will take a shot at answering that
31 question. In kind of the scientific realm, the term, in my
32 opinion, of "robust" is the level at which you can actually
33 answer the question, and so you have enough data to answer the
34 question that you're looking at in science.

35
36 Now, you don't know for sure if your answer is right or not, but
37 you still -- Robust is that tipping point of enough data to
38 actually truly give a clean, clear inference or summary to that
39 question of answer. Thank you.

40
41 **CHAIRMAN GUYAS:** Phil.

42
43 **MR. DYSKOW:** Thank you, Madam Chair. I would support this
44 motion, and I think a great example of why is our discussion
45 yesterday on gray snapper. We all have some hesitancy about the
46 information presented, but, yet, we were going forward with a
47 discussion of what to do to fix the problem, when the issue
48 hadn't even been clearly defined, and so I think that's an

1 excellent example where, if we truly are going to address gray
2 snapper, I would like to have data that I was comfortable with,
3 confident with.

4

5 **CHAIRMAN GUYAS:** Kevin.

6

7 **MR. ANSON:** Just kind of a little wordsmithing. The "and to
8 minimize management uncertainty", I am certain that ties in with
9 the robust data collection program, and so maybe perhaps
10 dropping the "and" and replacing it with "which minimizes
11 management uncertainty". That might be something that could be
12 a little more appropriate.

13

14 **DR. FRAZER:** Sure, and I will accept that as a friendly
15 amendment.

16

17 **CHAIRMAN GUYAS:** All right. Any other thoughts on these changes
18 to Objective 2? Mara.

19

20 **MS. LEVY:** I'm still sort of mulling it over in my head. I
21 guess to achieve robust fishery reporting and data collection --
22 I mean, I understand the desire to always sort of improve what
23 you have, but it sort of reads to me as we, you, don't believe
24 that we have a reporting system that somehow is sufficient for
25 monitoring the reef fish fishery, which I don't agree with.

26

27 I mean, I think we have reporting systems in all sectors that
28 allow us to monitor the fishery. We may not have the reporting
29 system that allows you to minimize management uncertainty in all
30 of those sectors, but we clearly monitor it with the best
31 information that we have, which is what the requirement of the
32 Act is, and so I guess I'm just kind of struggling with that
33 first piece, the achieve and linking it to the monitoring, but
34 I'm not sure exactly -- I don't really have a suggestion.

35

36 **CHAIRMAN GUYAS:** Go ahead, Leann.

37

38 **MS. BOSARGE:** I think I'm okay with "achieve". I mean, this is
39 an objective, and then the separate piece of this is, as we go
40 through different management actions, to look at our objectives
41 and try and decide have we met the objective or not, and, to me,
42 that's kind of a separate question, but the objective is you
43 definitely want to achieve a robust fishery reporting system.

44

45 Now, have we achieved it or have we not, I mean, that's, to me,
46 a separate question, but the goal would be to achieve it, and
47 maybe we have, and that's fine, and so I guess I'm okay with the
48 word "achieve".

1
2 **CHAIRMAN GUYAS:** Okay. Do we think we're ready to vote on this?
3 Let's give it a shot. **Is there any opposition to this motion?**
4 **Seeing none, the motion carries.**
5
6 Are there any other objectives here that we would like to take a
7 closer look at or edit? Leann.
8
9 **MS. BOSARGE:** We have kind of been through these twice. The
10 first time, we really just kind of read through them together,
11 and I made a comment then, but we weren't revising them, that I
12 thought that any FMP ought to have an objective of creating and
13 maintaining accountable and sustainable fisheries.
14
15 I mean, that's just a general, overall goal of what we do every
16 day at this table, and so I thought that should be in here, and
17 I haven't really wordsmithed anything for this, but it would be
18 very general, 30,000-foot, but I can throw out about a five-word
19 objective here, and then I'm open to suggestions. **It would be**
20 **simply to promote and maintain accountability and sustainability**
21 **in the Reef Fish FMP. That's more than five words, because I**
22 **added to what I had on paper, and so that's a motion.** Maybe I
23 should have prefaced it with that.
24
25 **CHAIRMAN GUYAS:** Okay. Can you say that again?
26
27 **MS. BOSARGE:** Yes. **It's to promote and maintain accountability**
28 **and sustainability in our reef fish fisheries.** I am open to
29 suggestions and wordsmithing.
30
31 **CHAIRMAN GUYAS:** All right. It looks like we've got that on the
32 board now. Is there a second for this motion? Second by
33 Patrick. Thank you. All right. Is there discussion? Mara.
34
35 **MS. LEVY:** Just a minor point. **I would say "reef fish fishery",**
36 **meaning the fishery is the reef fish fishery.**
37
38 **CHAIRMAN GUYAS:** Leann is good with that, and so if we could
39 just change "fisheries" to "fishery". Kevin.
40
41 **MR. ANSON:** I guess I'm a little conflicted with this, relative
42 to what these particular items are. These are objectives, or
43 goals, that we are striving for, and yet sustainability is what
44 we have to abide by in Magnuson, and that's how we have to make
45 our decisions, and so I just don't know, having the motion as
46 it's written right now, if sustainability needs to be included
47 in there, because that's what we're here for.
48

1 I mean, that's how we manage the fisheries. Now, maintaining
2 accountability in order to achieve the sustainable threshold,
3 that's -- I am just trying to reconcile, again, a goal, an
4 objective, versus what we're required to do, and we're required
5 to maintain sustainable fisheries, and all these other
6 objectives are kind of the tools, if you will, or kind of the
7 roadmap of how we're going to get there or what we should be
8 looking at, and so that's all. It's just a comment.

9

10 **CHAIRMAN GUYAS:** Leann.

11

12 **MS. BOSARGE:** Yes, I think that's a good comment, and so I guess
13 you would just shorten it, essentially, to promote and maintain
14 accountability in the reef fish fishery? Okay. Rather than to
15 say to ensure sustainability. Yes, that's fine. **You would just**
16 **take out "and sustainability". I'm okay with that.**

17

18 **CHAIRMAN GUYAS:** Okay. Are you still okay with that, Patrick,
19 since you were the seconder? Okay. Doug.

20

21 **MR. BOYD:** Just a comment. We're in the red snapper allocation
22 draft options paper, and here we're talking about the reef fish
23 fishery, and is that appropriate?

24

25 **CHAIRMAN GUYAS:** Tom.

26

27 **DR. FRAZER:** Yes, that's a good point, Doug, and I appreciate
28 that. Even though we're making motions to modify the objectives
29 here, the objectives would actually be manifested in the other
30 document and not this one.

31

32 **CHAIRMAN GUYAS:** Remember that going through the FMP objectives
33 was one of our first steps for moving through this allocation
34 process, based on the guidance that we've gotten, and so they do
35 pertain to the whole fishery, but the document itself is just
36 for red snapper. Roy.

37

38 **DR. CRABTREE:** Just thinking about it, the word "accountability"
39 now, we hear it a lot, but it's not entirely clear to me exactly
40 what that means, but it does seem to me that accountability is a
41 means of reaching an objective, and the objective that it seems
42 closest related to is prevent overfishing and rebuild stocks,
43 which is already an objective. It seems to me, if you were
44 successfully preventing overfishing and rebuilding, you must be
45 sufficiently accountable, because you're getting to where you
46 want to be. That's just something to think about.

47

48 **CHAIRMAN GUYAS:** Mara.

1
2 **MS. LEVY:** I tend to agree with that. I mean, I guess, if
3 you're going to put an objective in there, I guess the thing to
4 think about is how are you going to know whether it's met, and
5 so how are you going to decide whether you are promoting and
6 maintaining accountability in the reef fish fishery? If it's
7 because you are preventing overfishing and rebuilding overfished
8 stocks, you already have that as an objective, and so what is
9 the benchmark that we're going to say, yes, we've met this or
10 we're achieving this?

11
12 **CHAIRMAN GUYAS:** Tom.

13
14 **DR. FRAZER:** Just to I guess follow-up with Leann, and I
15 understand Roy's comment, and, Leann, do you feel like, if you
16 were to achieve the FMP Objective 1, which is to prevent
17 overfishing and rebuild overfished stocks, that, by doing that,
18 you will have achieved the motion as written on the board?

19
20 **MS. BOSARGE:** No, not necessarily.

21
22 **DR. FRAZER:** Okay.

23
24 **CHAIRMAN GUYAS:** Anything else on this one? Paul.

25
26 **DR. MICKLE:** I guess I'm going to think out loud, and I'm
27 probably maybe mistaken, but what I take that Leann is trying to
28 do here is to promote the accountability, and so, if there is
29 overfishing going on, you can actually see that it's going on,
30 and, again, it takes a quantitative analysis to legally justify
31 that overfishing is occurring, and so, if you have a data-poor
32 species, or, even more than, I mean, we just don't have the
33 ability to do a stock assessment, then we can never identify it
34 as overfished, from a quantitative standpoint, and so I think
35 this makes sense, is to move forward and to promote and maintain
36 accountability for the reef fish fishery, so you can actually
37 determine all the species that may be overfished under federal
38 management, and I may be wrong, but that's just how I saw that
39 when that motion was brought forward.

40
41 **CHAIRMAN GUYAS:** Okay. Do you all want to chew on this some
42 more? Are we ready to attempt to vote on it? Any more hands?
43 Then I think we're winding down. **Is there any opposition to**
44 **this motion? Seeing none, the motion carries.**

45
46 Okay. Is there any other interest in revising the objectives in
47 Table 1.2.1 or adding new objectives at this time? All right.
48 So I think let's look at the meat of the document then for

1 allocation.

2
3 **DR. FREEMAN:** Okay. If we go to the next page, starting on page
4 11, we have draft options for the allocation of red snapper
5 between the commercial and recreational sectors. These options
6 are divided into sort of two categories. Options 1 and 2 deal
7 with reallocation of all quota, and Options 3 and 4 would be
8 allocation when there is a quota increase, and so both of those
9 options include a threshold that would, in essence, need to be
10 met.

11
12 Option 1 would establish commercial and recreational sector
13 allocations based on historical landings between 1986 and 2006.
14 We did tentatively include percentages, recognizing, in the
15 document, that with the data recalibration that those
16 percentages may change later.

17
18 **CHAIRMAN GUYAS:** Just a second. Doug, I saw your hand go up.

19
20 **MR. BOYD:** Yes, thank you. Before we get into the document in
21 detail, I would like to go back to Section 1.3, the purpose and
22 need. I just want to be sure that the original motion that got
23 us back into this document, or got us into this document, is
24 reviewed and we're meeting that in the purpose and need, and so
25 can we pull up that original motion, if we've got it?

26
27 **DR. FREEMAN:** Bernie, if you could go to page 1 of the document.
28 The original motion is enveloped in that very first somewhat
29 lengthy sentence, which says that the council passed a motion to
30 develop a scoping document to evaluate the allocations of red
31 snapper, taking into account previous deliberations in Amendment
32 28 and any new information and that considers a broad range of
33 social, economic, data correction, and management factors.

34
35 **CHAIRMAN GUYAS:** I think we're just double-checking that right
36 now, but this is more or less the motion. Then do you want to
37 flip back to the purpose and need, Doug? Okay. Let's give it
38 just a sec.

39
40 **MR. BOYD:** Martha, I can go ahead and make a comment, while
41 we're waiting to do that.

42
43 **CHAIRMAN GUYAS:** Sure.

44
45 **MR. BOYD:** It's pretty specific in the motion that we were
46 trying to look at the allocations of snapper, taking into
47 account Amendment 28, and that is what I don't see in the
48 purpose and need at this point, and it's very broad. It says a

1 broad range of social, economic, data correction, and management
2 factors, and I think that part of the impetus of this was to
3 revisit both Amendment 28 requests and the lawsuit and the
4 things that Roy talked about when the lawsuit struck down our
5 original Amendment 28 approval, and so that's what I would like
6 to look at and see if the council wants to make any
7 modifications to the purpose and need.

8
9 **CHAIRMAN GUYAS:** Okay. Thoughts on that? I think -- Roy.

10
11 **DR. CRABTREE:** Well, it does talk about previous allocations,
12 and the key part of this, for me, is the need to base
13 allocations on the best scientific information available, and so
14 the current allocation, when it was put in place, was based on
15 the best scientific information available, but it was put in
16 place in 1990, and so there's a lot of new science, and there
17 are a lot of changes in the catch histories now, and so there is
18 certainly a need to somehow update the allocation to reflect at
19 least the changes in the science and the changes in our
20 understanding of the landings.

21
22 Now, taking into account social and economic and all those kinds
23 of things, that's fine, and that's all contemplated in the
24 Magnuson Act, but the immediate need is we have an allocation
25 that's based on, I think, 1979 to 1986, or 1987, and we have a
26 need to update all of that to make sure it's based on the best
27 available science, and that's in there, and so that's the key,
28 to me.

29
30 **CHAIRMAN GUYAS:** Go ahead, Doug.

31
32 **MR. DOUG:** No, that's fine.

33
34 **CHAIRMAN GUYAS:** All right.

35
36 **DR. FREEMAN:** In the original motion, it does say "data
37 correction".

38
39 **CHAIRMAN GUYAS:** Okay. While we have the purpose and need up
40 here, are there any other discussion or thoughts on this? It
41 seems to more or less follow the motion that we made and lay out
42 some points that Roy made that are important, I think. Okay.
43 In that case, let's move back into Action 1.

44
45 **DR. FREEMAN:** Okay. Picking up, again, Option 1 would establish
46 commercial and recreational sector allocations based on
47 historical landings between 1986 and 2006, as I mentioned a few
48 moments ago. Again, for Options 1 and 2, the focus here at this

1 point should be on the timeframes. The percentages are included
2 based on the current data. The document, again, recognizes
3 that, with data recalibration, those percentages are subject to
4 change.

5
6 2006 was selected both for Option 1 and Option 2, which I will
7 read in just a moment, as an end-date, given that that was when
8 the commercial red snapper IFQ program was approved. Option 2
9 would establish commercial and recreational sector allocation
10 based on historical landings between 2002 and 2006. For that
11 option, that's the five years prior to the commercial red
12 snapper IFQ program being implemented. I can pause there. As I
13 said, they are somewhat segmented, and so in case anyone wants
14 to comment on Options 1 and 2 first.

15
16 **CHAIRMAN GUYAS:** Patrick.

17
18 **MR. BANKS:** Just a question. I was surprised when I looked in
19 here and the first option was not maintain the status quo, and
20 can you explain to me why that is, please?

21
22 **DR. FREEMAN:** Certainly. At this point, since they're options
23 and not alternatives, we are simply presenting options that
24 would later be developed into alternatives, and, at that point,
25 Alternative 1 would be a no action.

26
27 **CHAIRMAN GUYAS:** Roy.

28
29 **DR. CRABTREE:** One thing I would suggest you give some thought
30 to is the timing of when the allocation change would be
31 effective. We've got a benchmark assessment coming up, and I
32 think they start on it in 2020, and we'll get the results in
33 2021, or somewhere in that general neighborhood, and my
34 suggestion to you is you say in this document that the
35 allocation changes will not be effective until the new total
36 allowable catch from the new benchmark assessment is
37 implemented.

38
39 What will happen -- Right now, we have a whole host of different
40 catch estimates, and so you've got time series, but, depending
41 on which set of data you plug into it, you're going to get
42 different numbers, and we're managing based on the state surveys
43 now, but we don't have state survey data for any of these time
44 series, and so you're going to have this discrepancy between the
45 data you're using to manage the fishery and the data you're
46 using to establish the allocation.

47
48 One of the goals, over the next year, is to come up with

1 calibrations, so that we can calibrate and convert between the
2 two, and that should be all resolved and incorporated into the
3 benchmark assessment, and so, once that assessment is done, it
4 would be basically just a matter of taking the time series
5 you've chosen and plugging in what would then be the best
6 available landings that are used in the benchmark, and that
7 would then be the allocation, and then you would put that in
8 place along with the new total allowable catches.

9
10 That would mean though that, when you select the time series,
11 you aren't going to know exactly what the resulting allocation
12 will be, because you don't know what the calibrations are going
13 to be, and you don't know what the final landings are, but it
14 seems to me that's where we need to get to, is to where we're
15 using the landings that are most relevant to how we're setting
16 the quotas and how we're managing the fisheries.

17
18 It's also, I think, similar to the allocation of quota
19 increases, because I think the TAC right now is set and will
20 stay fixed, and there aren't going to be any quota increases
21 until after we get the new benchmark assessment, and so,
22 regardless of which ones of these you change, it seems to me
23 that it's not going to go into place until after we get that
24 benchmark assessment.

25
26 **CHAIRMAN GUYAS:** Susan.

27
28 **MS. BOGGS:** Thank you, Madam Chair. To follow up with Dr.
29 Crabtree, this, even though it's in a draft form, and I know how
30 slowly the wheels of the council move, I feel like this is a
31 little bit premature, because we have so many moving parts.
32 You've got five states that are getting ready to go into a new
33 management plan.

34
35 Again, I don't know how many data collection systems we have
36 now, seven, and calibrations and common currency, and I just
37 feel like this is premature. I'm not saying that, once we get
38 a couple of years of state management and data collection and we
39 see the calibrations, and, as he stated, the benchmark
40 assessment, and I think then it would be a time that we would
41 want to look at this. I am not against it, but I think we're
42 very premature. Thank you.

43
44 **CHAIRMAN GUYAS:** Roy.

45
46 **DR. CRABTREE:** The one thing I would point out though is, if you
47 get the results of the new benchmark assessment and the new
48 quota that comes out of that, and if that benchmark is using a

1 time series of landings that is dramatically different from what
2 we've seen in the past, you are going to have a status quo
3 allocation that is badly out of sync with the historical
4 landings and mix of the fisheries, and that is going to cause
5 you a very big problem when you get there.

6
7 There are some estimates of landings that are twice as high.
8 The FES survey landings are roughly double the MRIP landings,
9 and, if you find yourself in a situation where that's what they
10 decide they're going to use, you're going to have a real
11 disparity between the allocation and the new quotas that come
12 out of it, and so you do really need to resolve what you're
13 going to do and how you're going to do it before you implement
14 what comes out of that benchmark assessment. That's still
15 several years out, but there is some sense that you need to get
16 this resolved by then.

17
18 **CHAIRMAN GUYAS:** Leann.

19
20 **MS. BOSARGE:** I had a question about Option 1. We talked about
21 updating the landings series, and so updating typically means
22 that you're adding on the new years of data, but Option 1
23 actually cuts out almost all the years from the original data.
24 The allocation we have now is based on data that starts in 1979,
25 like Dr. Crabtree said, and this cuts out all of that. It
26 doesn't tack on more years to it. It cuts out that, and so I
27 guess, looking at Option 1, it should say between 1979 and 2006,
28 if you actually want to update something and not throw the old
29 one out and disregard those years.

30
31 **CHAIRMAN GUYAS:** Roy.

32
33 **DR. CRABTREE:** The allocation that was put in place in Amendment
34 1 does start with 1979. Now, I think you could put in an option
35 that used 1981 through 2006. The trouble with 1979 and 1980 is
36 MRIP does not support those years anymore, because the data for
37 those two years wasn't maintained in a fashion that allows them
38 to update it and handle it in the same way, and so you can't
39 apply the same types of calibration, and, to the best of my
40 knowledge, the 1979 and 1980, that's the way you would handle
41 the rest of the time series, and so it might be possible that
42 you could pull in 1979 and 1980, but just understand that there
43 is issues with how you treat and how you calibrate those initial
44 two years.

45
46 **CHAIRMAN GUYAS:** Patrick.

47
48 **MR. BANKS:** Roy's comments are important about the different

1 data streams and making sure that we use -- That we set
2 allocations based on the same pieces of data or the same types
3 of landings data that we're going to use in the stock
4 assessment, but I actually think that, before we even know that,
5 I think there's a lot of value to determining what years of data
6 we use. That way, we're not biased by what the percentage is.

7
8 If we believe that 1981 through the present are the years we
9 need to use, then we shouldn't care what the numbers come out to
10 be, because that's the most appropriate data to use, whatever
11 the data is, and so I would feel more comfortable moving forward
12 with this document and going in and getting the data years that
13 we think are more appropriate, regardless of the calibration and
14 the benchmarking and things.

15
16 I do think that we would not want to push this to final until we
17 got to all of that calibration and benchmarking, but I think
18 that choosing options and putting in alternatives -- I think we
19 need to continue to move it forward, rather than stalling it at
20 this point.

21
22 **CHAIRMAN GUYAS:** Yes, we certainly can do that here. If there
23 are other options that are not captured here, Dr. Freeman, you
24 would like us to add those here, or make some suggestions?

25
26 **DR. FREEMAN:** Yes, ma'am. That would be helpful.

27
28 **CHAIRMAN GUYAS:** Okay. Then I want to ask a question too,
29 because I know, for a lot of allocations, where we base them on
30 landings, we usually start with 1986, and can somebody remind me
31 why 1986 and not 1981? Does anybody know? I suppose, if we end
32 up adding the options for the other years, then we'll have to
33 dig up that information and explain it, but -- Well, I guess
34 we'll figure that out. Leann.

35
36 **MS. BOSARGE:** Just a suggestion to staff for the next iteration.
37 Since we're trying to look at an allocation decision that was
38 based on landings that do go back to 1979, could you update our
39 tables, that Table 1.1.1 and Table 1.1.3, and make sure that
40 those go all the way back to 1979 as well? Thank you.

41
42 **DR. FREEMAN:** Yes, ma'am. I'll work on that.

43
44 **CHAIRMAN GUYAS:** Roy.

45
46 **DR. CRABTREE:** Just coming to Patrick's point about when you
47 take final action, my thought had been that you would take final
48 action and implement this prior to the end of the benchmark.

1 You would just be specific that it's not going to be effective
2 until you do this.

3

4 Now, that will have an impact on the effects analysis that is
5 done, because you won't really know exactly what the allocation
6 is going to be, and so the effects analysis, it seems to me,
7 would have to focus on the appropriateness of the time series
8 and why is this the right time series to use and why does this
9 reflect the proper mix and historical balances in the fisheries
10 and why is it fair and equitable, as opposed to other time
11 series, and then you might even need to come in and say there
12 are bounds on this, if the benchmark indicates that the
13 allocation is going to change beyond some amount and that you're
14 going to deal with that, and I don't know, but that was kind of
15 my thought about it.

16

17 When you get the benchmark and you get the new TAC, then you
18 don't get into a big argument over who gets how many fish and
19 start changing it and letting it all fall apart again. It would
20 already be settled.

21

22 **CHAIRMAN GUYAS:** Okay. We've gone through just the two options
23 dealing with straight-up reallocation. Do we want to walk
24 through the other options that we have listed here and then
25 consider those and then maybe if we want to add other options?
26 Does that sound good? Okay.

27

28 **DR. FREEMAN:** Options 3 and 4 would deal with allocating when a
29 threshold is met, and so, in Option 3, if the red snapper quota
30 is less than or equal to 9.12 million pounds whole weight,
31 maintain the commercial and red snapper allocations at 51
32 percent and 49 percent of the red snapper quota, respectively.

33

34 If the red snapper quota is greater than 9.12 million pounds
35 whole weight, allocate the amount in excess of 9.12 million
36 pounds whole weight between the two sectors, and so I will pause
37 here just for a second. The 9.12 million pounds was included in
38 Option 3 because that was the quota in 2006, again when the
39 commercial red snapper IFQ program was approved. Option 4 uses
40 13.74 million pounds whole weight as that threshold, as that was
41 the quota both in 2017 as well as 2018.

42

43 Both of those options currently present a sort of draft Sub-
44 Option a and Sub-Option b. Sub-Option a under both of those
45 options would allocate the amount in excess of that threshold,
46 with 75 percent of that excess going to the commercial sector
47 and 25 percent to the recreational sector.

48

1 Sub-Option b does the reverse and allocates the amount in
2 excess, with 25 percent to the commercial sector and 75 percent
3 to the recreational sector. Again, those are just starting
4 points. If the committee has any suggestions on modifying
5 those, simply let me know.

6
7 **CHAIRMAN GUYAS:** All right. Thoughts on these two options or
8 other suggestions for new options? Kevin.

9
10 **MR. ANSON:** Maybe adding another sub-option within the Option 3
11 and Option 4 as a hybrid between the option above relative to
12 the historical time series, and so you would have a 9.12-
13 million-pound threshold at kind of the historical, or the recent
14 history, split, and then anything above that would be split
15 based on the historical landings, as an option.

16
17 **CHAIRMAN GUYAS:** Robin.

18
19 **MR. RIECHERS:** I am trying to understand, Kevin. If you don't
20 select a sub-option, is that what you're really saying?

21
22 **MR. ANSON:** No, I'm just saying to add a sub-option. For
23 instance, under Option 3, you would split the 9.12 million
24 pounds 51 percent and 49 percent, and then, if the quota was
25 above that, then you would split the difference between the
26 quota and 9.12 million pounds, based on the historical that is
27 determined through the time series, the historical landings.

28
29 You would come up with a different percent than the 75/25 split.
30 It would just be a 55/45 or something that would kind of
31 harmonize between totally distributing the landings based on a
32 historical time series and having a hybrid between the two, and
33 so including that as a sub-option using historical landings.

34
35 **MR. RIECHERS:** So is that the recalibrated historical landings?

36
37 **MR. ANSON:** Yes, as was described up above in the previous two
38 options, yes.

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

41
42 **DR. FREEMAN:** Just for clarification, if I can, after that, if I
43 could also get that in the form of a motion, but, first, would
44 you like, at this point, the timeframes under Option 1 and
45 Option 2, in essence, added as Sub-Options c and d under Options
46 3 and 4, those timeframes?

47
48 **MR. ANSON:** That is, essentially, what I am trying to say, yes.

1 If you need a motion, then I will make a motion that we add
2 additional sub-options to Options 3 and 4 that would include
3 percentages based on historical distributions, as determined in
4 Options 1 and 2.

5
6 **DR. FREEMAN:** Bernie, this would be to add additional sub-
7 options, instead of sub-actions. They would be sub-options.

8
9 **MR. ANSON:** I may have misspoken. Yes.

10
11 **CHAIRMAN GUYAS:** While Bernie is getting that up on the board,
12 is there a second to this motion? Seconded by Patrick. All
13 right. We'll give it a minute, just so we can get it on the
14 board. There we go. **In Action 1, to add additional sub-options**
15 **to Options 3 and 4 that would include percentages based on**
16 **historical distributions, as determined in Options 1 and 2.** Is
17 there discussion on this motion? **Seeing none, is there any**
18 **opposition to this motion? Seeing none, the motion carries.**
19 **Ed. One opposed.** Okay. Leann.

20
21 **MS. BOSARGE:** Did you need a motion to change that, in that
22 Option 1, to change 1986 to 1979, the beginning of the current
23 allocation, so that you're adding years and not omitting years
24 of data in the time series, rather than throwing out the
25 original time series and starting something after it?

26
27 **DR. FREEMAN:** Yes, ma'am. That would be helpful, and I was
28 actually going to circle back to that. Would you all like 1979
29 as the start year? I know there was a little bit of discussion
30 about Dr. Crabtree about perhaps starting it in 1981, and so I
31 did want to circle back and get clarification on that, but a
32 motion directing staff on that would be helpful.

33
34 **CHAIRMAN GUYAS:** Leann.

35
36 **MS. BOSARGE:** The rationale for going back to 1979 was to
37 actually look at something that updates the time series and not
38 cuts out the time series that it's originally based on, and so I
39 would like to have a motion that says that, that it will go back
40 to 1979.

41
42 Once we see that information and we actually have it presented
43 in front of us, if we need to change it to 1981, because of some
44 calibration issue, then we can look at doing that, but I would
45 like to first look at it from where it started, which is 1979.
46 **The motion would be, in Action 1, Option 1, to change the**
47 **historical landings to read between 1979 and 2006.**

48

1 **CHAIRMAN GUYAS:** Carrie.
2
3 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. We will do
4 our best to get this data, but it just may not be available and
5 supported. We don't have it in any of our recent FMPs. Most of
6 them start in 1981 and 1986, and a lot of the allocation
7 documents -- My understanding is that you've started that time
8 series in 1986 for the recreational component, because that's
9 when the groupers were reported by species, and so that would
10 not apply to red snapper, and so we could go further back to
11 1981, but, if you wanted to be consistent, that's what we've
12 done historically, and that's why we had started it in 1986, and
13 we can put more of that information in the document for the next
14 iteration, but we will do our best to try to figure out those
15 1979 and 1980 landings.
16
17 **CHAIRMAN GUYAS:** All right. Thank you for that bit of history.
18 That's helpful. Kevin.
19
20 **MR. ANSON:** Did you get a second for this motion?
21
22 **CHAIRMAN GUYAS:** No, and I was about to ask if anybody would
23 like to second this motion. It's seconded by John Sanchez.
24 Kevin.
25
26 **MR. ANSON:** I mean, we could find out, I guess, if we have the
27 data. I have my doubts, too. As Dr. Crabtree had said, I think
28 most of the assessments here have started in 1981, but I don't
29 mind including the additional dates, but I just mind, I guess,
30 that we're going to be eliminating the original Option 1 with
31 this motion, and I think that we ought to have that as an
32 another option, if you will, and so I will be opposed to this
33 motion.
34
35 **CHAIRMAN GUYAS:** Roy.
36
37 **DR. CRABTREE:** Leann, would you be willing to change this just
38 to add another option, rather than change the one that's there?
39
40 **CHAIRMAN GUYAS:** Leann.
41
42 **MS. BOSARGE:** Yes. If you all want to add another option,
43 that's fine. I was just trying to get away from a document that
44 sort of looked like our 50 document, where you had ten pages of
45 tables, because you've got a million options to analyze. I just
46 thought it would be simpler to change that, but, yes, if you
47 want to add another option, we can do it.
48

1 **CHAIRMAN GUYAS:** I am seeing nods around the table. People seem
2 to be amenable to that, but it's your call, Leann.
3
4 **MS. BOSARGE:** No, that's fine. We can add it.
5
6 **CHAIRMAN GUYAS:** Okay. **Instead, the motion would be to, in**
7 **Action 1, add an option to change the historical landings to**
8 **between 1979 and 2006.** Any other discussion on this? Let me
9 get Dr. Freeman and then Ed.
10
11 **DR. FREEMAN:** I think just a little wordsmithing, perhaps. **It's**
12 **to add an option that includes or that uses the historical**
13 **landings between 1979 and 2006, because it would be a new**
14 **option.** Is that okay, Ms. Bosarge?
15
16 **MS. BOSARGE:** **That's fine.**
17
18 **CHAIRMAN GUYAS:** All right. Ed.
19
20 **MR. SWINDELL:** You will have to forgive me, but you will have to
21 go back and tell me where did we get the 51/49 percent
22 commercial and recreational percentage divisions? What years
23 were this? I assume that this was some historical landings that
24 we came up with this, and what years were this?
25
26 **DR. FREEMAN:** Yes, sir. If I have it correct in my notes, and,
27 if anyone needs to correct me, feel free, but I believe, in Reef
28 Fish Amendment 1, they used the timeframe of 1979 through 1987.
29
30 **MR. SWINDELL:** So what you're saying is we're just going to just
31 forget what we had in the history of coming up with the 51/49
32 percent landings separations, and it's already been through
33 court, and the court says you didn't have an option to make such
34 changes, and so why are we trying to do this again?
35
36 **CHAIRMAN GUYAS:** Roy.
37
38 **DR. CRABTREE:** Well, the court didn't say that. The court in
39 fact said the council could change the allocation, and that's
40 the prerogative, and the court, I think, said the council could
41 use some alternative timeframe to do it.
42
43 Essentially, the court said that we hadn't done a good enough
44 job explaining why what we had done was fair and equitable, and
45 the judge decided that it was not fair and equitable, and so it
46 set it aside, but the court did not say that we can't change the
47 allocation, and revising and addressing allocations is clearly
48 one of the things that councils are mandated to do under the

1 Magnuson Act.

2
3 **CHAIRMAN GUYAS:** Any other discussion on this motion? **Is there**
4 **any opposition to this motion? Seeing none, the motion carries.**

5
6 **DR. FREEMAN:** Mr. Anson, just for clarification, since we have
7 now included an additional timeframe, would you like that
8 included as well as a sub-option? Okay. I made that in my
9 notes, and so we'll address that.

10
11 **CHAIRMAN GUYAS:** Okay, folks. Are there other options that we
12 would like to add here for consideration? We'll get lots of
13 bites at this document, and so you can sleep on it if you want.
14 Okay. It looks like we're good for now. Let's move into Action
15 2, in that case.

16
17 **DR. FREEMAN:** Okay. Action 2 looks at allocation of red snapper
18 between the private angler and federal for-hire components, and
19 these options look solely at timeframes, and so some of the same
20 conversation we had under Action 1 may be pertinent and may come
21 up again.

22
23 Option 1 would establish private angling and federal for-hire
24 component allocations based on average landings between 1986 and
25 2017, with 2010 excluded, and Option 2 would establish private
26 angling and federal for-hire component allocations based on 50
27 percent of the average percentages landed by each component
28 between 1986 and 2017, again with 2010 excluded, and 50 percent
29 of the average percentages landed by each component between 2006
30 and 2017, again with 2010 excluded. Lastly, Option 3 would
31 establish private angling and federal for-hire component
32 allocations based on average landings between 2007 and 2017,
33 with 2010 excluded.

34
35 Option 1 would, at this point, be including the longest
36 timeframe of those three options. As I mentioned before, based
37 on the conversation under Action 1, the starting year, the
38 committee may want to explore. Option 2 uses a similar method
39 as under Amendment 40, using more recent years as the terminal
40 year, whereas Amendment 40 was using 2013 as its terminal year.
41 Then, under Option 3, the allocation would be based on the ten
42 most recent years, and so I will pause there for any
43 conversation.

44
45 **CHAIRMAN GUYAS:** Ms. Boggs.

46
47 **MS. BOGGS:** I have a lot of issues with this action. Number
48 one, the timeframes don't really suit what we're trying to do,

1 because you had sector separation begin in 2015. In 2016/2017,
2 you had the recreational sector overfish, and we had a slight
3 overfish in 2018, and we're getting ready to go into state
4 management, and we don't know what that is going to bring.
5 Again, this is premature. We've got new data collection coming
6 onboard for the charter/for-hire and headboats, and, to me, none
7 of these options are even viable. Thank you.

8
9 **CHAIRMAN GUYAS:** Mara.

10
11 **MS. LEVY:** I guess I would just caution about using 2017,
12 because that was an extremely unusual situation where the
13 Department of Commerce reopened, and we had that big overrun,
14 and so to use that to decide an allocation seems a little bit
15 questionable.

16
17 **CHAIRMAN GUYAS:** John.

18
19 **MR. SANCHEZ:** I share Susan's concerns regarding the overruns,
20 and 2017, for reasons just mentioned, is very, obviously,
21 egregious, but then, if you fall back and say, well, if you
22 remove overrun years, I don't know that we have any years to
23 work with, and so I don't know what to say.

24
25 **CHAIRMAN GUYAS:** Roy and then Susan.

26
27 **DR. CRABTREE:** Well, but, I mean, we still have a timeframe that
28 we put in place in Amendment 40, and so that will be the status
29 quo. Even if you elect not to change the timeframe, the issue
30 remains that you're going to have re-estimation of a new time
31 series of landings, and so the allocation between the for-hire
32 and the private component will change whether you change the
33 time series or not, and then it becomes -- To me, that new
34 allocation would then become effective when you implement all
35 the data from the benchmark assessment and do it then, but it's
36 up to you whether you want to change the time series or not, and
37 I share Mara's concern about 2017. That seems a little shaky,
38 but my point is that the percentage that each share gets is
39 going to change, because the landings are going to change. I
40 don't know how much it's going to change, but it's not likely to
41 come out exactly the same.

42
43 **CHAIRMAN GUYAS:** Susan.

44
45 **MS. BOGGS:** I do agree with what Mara said, and I was going to
46 address Amendment 40. With the state management plan and the
47 direction its going, Amendment 40 will remain in place, and so
48 how is that going to affect what we're trying to do here,

1 because, if you still have your sector separation, I don't think
2 any of these options account for that.

3
4 **CHAIRMAN GUYAS:** Patrick.

5
6 **MR. BANKS:** Similar to my comment earlier, the timeframe of
7 appropriate years should be determined, regardless of what the
8 numbers are, and I can't think of a reason why we wouldn't try
9 to have the appropriate years at least as options, somewhat
10 similar to what we had in Option 1, starting in 1979 or 1981 or
11 whatever, but, if certain years are not appropriate, such as
12 2010, and I can understand why that's not appropriate to
13 consider, and Mara made a very good point why 2017 is not
14 appropriate to consider, and so I think it's appropriate not to
15 consider those years. **I would like to make a motion to add an**
16 **option to start a time series of 1979 through 2015, excluding**
17 **2010.** The time series is either appropriate or it's not, and we
18 can't make that decision based on what we think the allocation
19 is going to be. Thank you.

20
21 **CHAIRMAN GUYAS:** All right, and so we're working on getting that
22 motion on the board. It was 1979 to 2015? Is that right,
23 Patrick?

24
25 **MR. BANKS:** That's right, but now I'm wondering whether that
26 should be 2016 instead of 2015. Can somebody remind me if there
27 was a reason why we wouldn't want to use 2016? I can't think of
28 one, and so maybe 2016 is the date that we should use. I am
29 trying to get out of those years where there is clearly an
30 issue, like 2010, or 2017, but, if there's not a clear issue why
31 we wouldn't use a certain year, then I want to look at those
32 data and have them analyzed. Excluding the years of sector
33 separation, and so the terminal year should be 2014, I guess.
34 Thank you, guys, for keeping the rookie straight.

35
36 **CHAIRMAN GUYAS:** Okay. I think we've got it on the board now.
37 **Our motion is, in Action 2, to add an option to establish a**
38 **private angling and federal for-hire component allocations based**
39 **on average landings between 1979 and 2014, with 2010 excluded.**
40 Is there a second to this motion? It's seconded by Ed. Is
41 there discussion? Mara.

42
43 **MS. LEVY:** Well, I guess I would just be interested. If you put
44 this in there and it moves along, the reason for re-examining
45 the allocations in Amendment 40 that didn't use -- In Amendment
46 40, we did 1986 through 2013, and so we didn't consider 1979
47 through -- We may need to go back and figure out why we didn't
48 do that, because what's the reason for doing it now, and what

1 has changed such that we would do this, and then including 2014,
2 but not the current years in which it has been in place, I guess
3 I don't quite understand that either, because we're re-looking
4 at allocations between the commercial and recreational sector,
5 and they've been separated all these years, and we're looking at
6 all the years they've been separated. I guess I'm not sure why
7 you wouldn't look at years in which sector separation has been
8 in place when we look at years in which the commercial and
9 recreational sector have been separate.

10
11 **CHAIRMAN GUYAS:** Patrick.

12
13 **MR. BANKS:** It's certainly a good question, Mara, and my goal is
14 to, again, choose the time series that's most appropriate, and
15 so, if there is a reason why 1979 through 1985 is not
16 appropriate to use, I would like to hear it. For instance, if
17 there is no way to parse out charter from private rec during
18 those years, then, obviously, that wouldn't be appropriate years
19 to use.

20
21 I think your question is certainly mine, and, from everything I
22 have heard from the discussion and read, it seems like it's
23 valid to look at all of this time series, but, again, if some of
24 you guys bring up some reasons why we shouldn't use 1979 through
25 1985, I am all ears. I just want to use the most appropriate
26 time series. That's my goal here.

27
28 **CHAIRMAN GUYAS:** Robin.

29
30 **MR. RIECHERS:** I think what I'm hearing Mara and other say is
31 that they believe there may be reasons why we did, and I think
32 the question now is to go back and find that historical record
33 of the why and then come back. It certainly doesn't hurt to add
34 the option at this point, but it sounds like, Patrick, there is
35 at least some reasons why, and they're just not coming to the
36 top of mind to anybody.

37
38 **CHAIRMAN GUYAS:** Is there any other discussion on this motion?
39 I suspect more will come after it. Kevin.

40
41 **MR. ANSON:** I was kind of one of the ones that was nodding my
42 head yes that we need to lower it back to prior to the sector
43 separation, but, based on Mara's comment, and just thinking
44 about it a little bit further, I mean, I don't see maybe why we
45 shouldn't go back and move it up.

46
47 I mean, all it was is that each of them had a quota, and they
48 had an opportunity to go catch it, and they had an opportunity

1 to go stay under that quota or fish over the quota, and so I
2 think maybe we ought to include those more recent years,
3 because, again, everyone had an opportunity, and there wasn't
4 caps, hard caps, like there was in the IFQ program, and so they
5 ought to be included, and I am saying that now to try to get it
6 addressed -- Well, it wouldn't affect the other motion, because
7 I thought we had to come back and address those, but we do not
8 if we change it back to 2016. We ought to still address the
9 other motions relative to 2017, because it was an odd year.

10
11 **CHAIRMAN GUYAS:** All right, and so I've got Susan, and then I've
12 got Patrick.

13
14 **MS. BOGGS:** To Kevin's comment about having the opportunity to
15 catch the quota, either they did or they didn't, again, I point
16 out, in 2016 and 2017, that the recreational sector went over.
17 Yes, the charter/for-hire was under, but I hear the charter/for-
18 hire's argument to give us the days and we'll catch the fish.

19
20 I mean, they are limited to the number of days that they have to
21 fish, and, if they can't catch their quota, then they're under,
22 but, if we give them extra days to catch the fish, then they
23 will have caught their quota, and so I think it's unfair to try
24 to take something away from a sector that didn't have the
25 opportunity to catch their quota.

26
27 **CHAIRMAN GUYAS:** Patrick.

28
29 **MR. BANKS:** If Ed will agree to it, maybe what the motion should
30 include are -- It's 1979 to 2017 with some sub-options to
31 exclude 2010, 2015, 2016, and 2017, and we may choose all of
32 those sub-options to exclude all of those years, and I don't
33 know.

34
35 **CHAIRMAN GUYAS:** Kevin.

36
37 **MR. ANSON:** While Patrick and Ed are deliberating, just to go
38 back to Susan's point, I mean, again, the private recs were
39 given a quota, and the number of days were determined on how
40 they could fish that quota, and the charter guys were given the
41 quota, and the number of days were determined to fish that, and
42 so, again, within the context of each of those sectors, sub-
43 sectors, they had an opportunity to either stay within the quota
44 or fish it, based on the number of days that were given to them,
45 and so that's all I'm saying, is that there was equal
46 opportunity in that regard. They have equal buffers and those
47 types of things, and so that's all.

48

1 **CHAIRMAN GUYAS:** All right. I've got a list going, and so let
2 me just read it, so everybody knows who is on the list. I see
3 Roy, Dale, Susan, and Leann, and so, Roy, you're up.

4
5 **DR. CRABTREE:** I think the problem of overruns and what you do
6 with those is inherent in all of this, the use of the time
7 series, and I do think there is a good reason not to use any
8 years, and I guess it would be 2015 forward, when sector
9 separation is in effect, because of that very problem, because
10 we were more successful at constraining the for-hire sector than
11 the private sector, and so any extra years you put in will
12 effectively shift more fish to the private sector, because they
13 went over.

14
15 Clearly you can look at that and say that doesn't seem fair, and
16 so I think there is a rationale for not using the years 2015
17 forward. The same problem exists on the commercial/rec
18 allocation.

19
20 The problem you've got is that allocation has been in effect
21 since 1990, and so, if you exclude the years when all that
22 happened, you are excluding almost all of the time series, and
23 you are essentially locking in what some people would argue is
24 an irrelevant and out-of-date part of history to set an
25 allocation on, and so that one is a more difficult one to
26 address, but I think, in the case of the private and for-hire
27 sector allocations, there is good rationale for not including
28 2015, 2016, and 2017, because of that very problem.

29
30 **CHAIRMAN GUYAS:** Next, I have Dale.

31
32 **MR. DIAZ:** Thank you, Madam Chair. I tend to agree with Susan
33 and Roy, and I disagree with Kevin. I think we were too
34 conservative in making projections for the charter/for-hire
35 fleet during the period of sector separation, and I think it's
36 through no fault of their own that they didn't have higher
37 landings, and, by the same token, it's no fault of the private
38 recreational sector that they caught more than they were
39 projected, and it's all based on projections that have a lot of
40 variables in them, and it's just the way it worked out, but, to
41 me, it just doesn't seem like it's a good rationale to use those
42 years at this point.

43
44 **CHAIRMAN GUYAS:** Susan.

45
46 **MS. BOGGS:** Well, kind of back to what Kevin was saying, yes,
47 they were given days, and that is all the more reason we need to
48 look at other management tools for this fishery, for the private

1 recreational anglers, for the charter boats, for the headboats.
2 Yes, maybe the charter boats were given forty-nine days or
3 whatever, and they didn't catch their fish, and you had ten
4 rough days. Now are you looking at safety at sea?

5
6 We're right back to where we've been, almost, with the derby
7 fishery, and that's why we need to look at flexible management
8 options for these fisheries, and I think we're on the right
9 track, as I've stated, and I support state management, and I
10 think that's -- I am very glad that we're going in this
11 direction, and I'm glad they're going to get some flexibility
12 that they need, and I think we need to look at those same
13 options for the charter boats and the headboats. Thank you.

14
15 **CHAIRMAN GUYAS:** Leann.

16
17 **MS. BOSARGE:** I just wanted to echo what Roy said, that overruns
18 shouldn't be rewarded. If you have overruns like that, that
19 should not be -- You can look at it even in 2017. It doesn't
20 matter who caused the overrun. It doesn't matter if it was the
21 Secretary of Commerce that extended the season, and it doesn't
22 matter if it was the states that extended their season, and it
23 doesn't really matter. The point is that there was overfishing,
24 for whatever reason. From a management perspective, we didn't
25 hold them to within their quota, and you should not reward
26 overfishing. If you didn't hold both to the same standard, then
27 you can't compare apples-to-apples.

28
29 I guess one way to maybe look at what Susan is talking about is
30 maybe you could look at landings in only the federal season,
31 like for the for-hire recreational split, for those years where
32 there was some state non-compliance and there was additional
33 days in state waters that contributed landings. Maybe you could
34 look at only the eleven days, or nine days, whatever the federal
35 season was for that year, and compare that, possibly, but I
36 can't see where you would want to include state-water landings
37 that are outside the scope of this council and include that in
38 those overruns in deciding an allocation.

39
40 **CHAIRMAN GUYAS:** Go ahead, Roy.

41
42 **DR. CRABTREE:** I just want to -- You quoted it as I said, and I
43 think it's more nuanced than all that. At least one thing that
44 I want to point out is we have exceeded quotas, but there has
45 been no overfishing of red snapper occur since 2009.
46 Overfishing is not happening. Going over the quota is not
47 overfishing.

48

1 Again, the issue with -- If you start parsing in state landings
2 and all these things, you're going to end up with an
3 extraordinarily complicated approach to try and get at this, and
4 I get the logic behind not rewarding people for overruns, but
5 the fact of the matter is that, if we're going to use catch
6 history, it's very difficult to get around that in the
7 commercial/recreational balance. It's easy to get around it in
8 the for-hire balance, but it's much more difficult and much more
9 nuanced, I think, in the overall allocation of the fishery.

10
11 **CHAIRMAN GUYAS:** Kevin.

12
13 **MR. ANSON:** I mean, if you all feel strongly about including, or
14 excluding, 2015, 2016, and 2017, that's fine. I mean, I haven't
15 heard Patrick's motion, because I think it's still in flux here,
16 but all I'm trying to say, going back to the sector separation,
17 is look at the whole purpose of why we did sector separation.
18 It was to give the charter boats an opportunity for the
19 customers, charter boat fishermen and their anglers, more access
20 and more opportunity.

21
22 If you cut off those days, go back to 2014 and 2013, there were
23 ten-day seasons. Do you think that was a lot of access there
24 for the charter/for-hire? I don't think so, and so I'm just
25 saying that 2015 and 2016, looking at, again, the opportunity --
26 There was opportunity for charter boat fishermen and private rec
27 fishermen prior to sector separation.

28
29 They were all given equal opportunity, number of days, but it's
30 just that there was different capacities between the two within
31 the number of days that were given in which they could go out
32 and catch that quota, but doesn't change that they were given a
33 number of days that was commiserate to the amount of quota that
34 they had.

35
36 Now, did we undershoot the number or overshoot the number? I
37 mean, that's, obviously, up for debate, but that's in the books,
38 and so all I'm saying is that I think that there would be a
39 better opportunity for including those sector separation years,
40 but, again, we can exclude them and look at them. We're just in
41 the preliminary stages of the document anyways.

42
43 **CHAIRMAN GUYAS:** Patrick, you're next on my list. While you're
44 talking, can you clarify where we are on this motion, too?

45
46 **MR. BANKS:** I would like to change 2014 to 2017, but then have
47 sub-options that would allow us to exclude these other years,
48 because I think that debate is still happening about whether we

1 should include 2015, 2016, or 2017 or not.
2

3 I want us to have the option to have that discussion about
4 whether we should exclude those years or not. I am still
5 debating in my own mind about whether it's appropriate to
6 include sector separation years or not.
7

8 **DR. FREEMAN:** Mr. Banks, a quick question. Did you want 2010
9 included as one of the sub-options, or did you want that
10 automatically excluded?
11

12 **MR. BANKS:** I think we're going to exclude it no matter what,
13 and so whatever you think is cleaner.
14

15 **DR. FREEMAN:** I think the way it's written right now would be
16 helpful.
17

18 **MR. BANKS:** Okay.
19

20 **CHAIRMAN GUYAS:** Greg, did you want to speak?
21

22 **DR. STUNZ:** Yes. Thanks, Martha. I don't have a problem with
23 the motion at all, but I just want to make a point for Leann and
24 Roy and that discussion we were having a minute ago. When you
25 have a fishery that's overrunning, but it's not capped by some
26 hard cap or something like that, to me, that just seems to be a
27 clear indication that we don't have the allocation right in the
28 first place, because, otherwise, that wouldn't occur, and that
29 applies for both Action 1 and Action 2 that we're talking about.
30

31 I mean, that may be kind of obvious, but I want to make sure
32 that we're getting that on the record, to say that this is a
33 clear indication that we need to be moving down this path to get
34 it right, because, if we did, we wouldn't be in this situation
35 in the first place.
36

37 **CHAIRMAN GUYAS:** I've got Kevin, and then I would love to bring
38 this in for a landing.
39

40 **MR. ANSON:** I just wanted to go back to the comment that Dr.
41 Crabtree made and I made as a follow-up, is the 2017, and it was
42 an odd year, as far as management and how the red snapper
43 fishery was accessed, and so I'm just wondering if maybe,
44 Patrick, you would be willing to amend that to 2016, because I'm
45 going to make a motion to try to do that for the other options.
46

47 **MR. BANKS:** If my second will agree, I'm fine to go ahead and,
48 like we did 2010, go ahead and take out 2017, if Ed would agree.

1
2 **CHAIRMAN GUYAS:** Ed is nodding yes, and so we'll drop 2017 from
3 -- I think that also would mean we would change the between 1979
4 and 2017 to 2016. Okay. We are going to try to take a vote on
5 this, so that we can move on and don't get too stuck. All
6 right. All those in favor of the motion, please raise your
7 hands; all those opposed, please raise your hand. The motion
8 fails seven to eight. All right. Kevin.
9
10 **MR. ANSON:** I would like to make a motion that, in Action 2,
11 that Options 1, 2, and 3 have a terminal year of 2016 in all
12 date ranges.
13
14 **CHAIRMAN GUYAS:** All right. Is there a second for this motion?
15 It's seconded by Dr. Crabtree. We have kind of been discussing
16 this concept already, but is there anything else that has not
17 been heard on this issue? Ed.
18
19 **MR. SWINDELL:** Does this change the ending year of 2006 to 2016?
20 Is that what you are trying to do?
21
22 **CHAIRMAN GUYAS:** It changes the end year from 2017 to 2016. Is
23 that right, Kevin?
24
25 **MR. ANSON:** Yes. Currently, I don't see any other date ranges
26 that end in years other than 2017, and so it would be 2016 for
27 all of the current date ranges that are in the options as they
28 are written right now.
29
30 **CHAIRMAN GUYAS:** Leann.
31
32 **MS. BOSARGE:** So, if we're not going to do anything with this
33 until 2021, are we going to go back and change this in a couple
34 of -- We're going to have an allocation in 2021 that stops at
35 2016, five years before that? I am just -- I guess what I'm
36 getting at is it would be a lot easier to do something -- If you
37 want to exclude 2017, if that's the issue, then we probably
38 ought to have sub-options to exclude 2017, to streamline things
39 later, when we start looking at it and going, well, gosh, we
40 need to update this for 2018, 2019, and 2020.
41
42 **CHAIRMAN GUYAS:** Kevin.
43
44 **MR. ANSON:** Well, I mean, I would hope that -- For any document
45 that we have to review, we have to have information, and the
46 information has to be present and available to us at the time,
47 and so, although this might take a couple of years, two or three
48 years, to get through the system, I don't see us having a moving

1 date range that we come back every year when the landings are in
2 that we have to review.

3
4 I mean, we have to make a decision, and then that decision is
5 final until the council decides to act upon it in the future,
6 and so, at that time when we act upon it in the future, we'll
7 have a discussion as to whether or not we'll include 2017 or
8 not, in that time, but all I'm trying to say is that, based on
9 Dr. Crabtree's comment, I think that, based on last season and
10 how the recreational season was set, it was a little bit outside
11 the bounds of the normal council process, and so I think it
12 would behoove us to maybe exclude that for any of the
13 discussions that we have and the options that we look at.

14
15 **CHAIRMAN GUYAS:** All right. Like I said, we've had a lot of
16 discussion on this concept, and so, unless anybody has any new
17 items to add, let's vote on it, and let's vote by hands, again.
18 **All those in favor, please raise your hand; all those opposed.**
19 **The motion carries twelve to two.**

20
21 Are there any other motions that anyone would like to add to the
22 mix for Action 2? It looks like we're good for now on this one.
23 Okay. I think we can wrap up on this document. Tom, do you
24 want to take a break, or do you want to keep going?

25
26 **DR. FRAZER:** We'll take a ten-minute break.

27
28 (Whereupon, a brief recess was taken.)

29
30 **CHAIRMAN GUYAS:** We have two agenda items left. Can we complete
31 them by 10:45? Let's find out. I am going to turn it over to
32 Dr. Diagne, and he's going to walk us through the Ad Hoc Reef
33 Fish Headboat Advisory Panel Meeting stuff.

34
35 **AD HOC REEF FISH HEADBOAT ADVISORY PANEL MEETING**

36
37 **DR. DIAGNE:** Thank you, Madam Chair. First, just a quick look
38 at the action guide. We are going to provide a summary of the
39 December meeting of the Headboat AP, Ad Hoc AP, and what we are
40 looking for, if possible, after reviewing the recommendation,
41 would be for the committee to give us guidance relative to the
42 future development of Amendment 42, if possible.

43
44 On to the report, the main thing for this report was, at your
45 request to have the AP look at the decision tool that was
46 created by NMFS staff to essentially estimate the initial
47 allocations for each one of the five species that are included
48 in Amendment 42, and so the decision tool was provided to AP

1 members, and Dr. Jessica Stephen from SERO essentially walked us
2 through the decision tool and looked at a lot of scenarios,
3 including the alternatives in the amendment, as well as
4 hypothetical scenarios that were, I guess, constructed by the AP
5 members that were present.

6
7 After discussing the decision tool and becoming familiar with
8 it, the AP made first a motion, which is to make Alternative 4
9 in Action 7.1 in Amendment 42 the preferred, and, as you recall,
10 Alternative 4 would apportion initial shares based on the year
11 with the highest landings for each one of the vessels during the
12 five most recent years in the document, meaning between 2011 and
13 2015.

14
15 Staying with the initial apportionment, the AP also made
16 Alternative 2 in Action 7.2 its preferred, and that essentially
17 would distribute the percentage of initial shares
18 proportionally, meaning exclusively based on the landing
19 histories. As you recall in the document, we also considered
20 equal distribution for a portion and a proportionally
21 distribution for the rest, but what the AP recommended is to use
22 the proportional distribution based on landing histories.

23
24 The AP also discussed the potential impacts of a reduced buffer,
25 buffer between the ACL and the ACT that is, and, during the
26 discussions, staff noted that, for this year, for 2019, the
27 buffer would be reduced to 9 percent, but it is only for a year.
28 The AP, essentially, recommended and passed a motion that they
29 would like to see a decreasing buffer over time, a decreasing
30 buffer between the ACL and the ACT, again.

31
32 After that, AP members discussed remaining actions and
33 alternatives and indicated that, in the past, they have already
34 selected preferreds, and so they essentially thought that those
35 preferreds still stood, and they didn't need to discuss further
36 Amendment 42, at least when it comes to selecting preferred
37 alternatives.

38
39 The portion of the report dealing with state management was
40 discussed when we talked about Amendment 50, when Dr. Lassetter
41 discussed Amendment 50, and so we will not look at that again,
42 and we could also make the same observation for the portion of
43 the report dealing with historical captain permits.

44
45 After that, the AP discussed the future progress, if you would,
46 of Amendment 42, the headboat amendment, in relation to the
47 progress of Amendment 41, which Dr. Freeman will summarize the
48 meeting after this one, and, after discussions, the AP

1 essentially passed a motion to table Amendment 41 and 42.

2
3 Upon subsequent discussions, the AP decided to recommend to the
4 council to convene a joint meeting between the For-Hire AP and
5 the Headboat AP to discuss and potentially resolve outstanding
6 issues, if you would, between the two groups, and that is the
7 motion here, to recommend the council convene a joint meeting of
8 the Headboat and Charter/For-Hire APs to explore solutions
9 between Amendment 41 and 42, including time-specific harvest
10 windows and referendum timing, and evaluate the definition of
11 "headboats" and how that affects allocation, and the concept to
12 work on sector allocation for five major species, and so a
13 fairly long motion.

14
15 AP members also discussed sector separation and passed a motion
16 to remove the sunset clause for sector separation. They also
17 expressed an interest in expanding, if you would, the range of
18 species that would be covered under sector separation, and their
19 final motion was to initiate an effort to begin for-hire sector
20 separation allocations for greater amberjack, gray triggerfish,
21 gag, and red grouper.

22
23 That was the last motion approved by the AP, and, subsequently,
24 the meeting was adjourned, and this is a quick summary of the
25 report, and I will try to answer questions if there are any, and
26 I believe the Chair of the AP is somewhere here, and, if there
27 are questions, he may also be able to answer those. Thank you.

28
29 **CHAIRMAN GUYAS:** All right. Let's start with questions for
30 Assane about this report. Okay. I am looking to see if the
31 Chair is here. Are there questions for the Chair of the
32 committee? Nobody has any questions, and so we're good. Okay.
33 If we don't have any questions on this, then I say let's talk
34 about the Ad Hoc Charter/For-Hire AP meeting, and we've just got
35 to switch bodies up here, and so Dr. Freeman is going to come
36 back up for that one. Thank you, Dr. Diagne.

37
38 **AD HOC RED SNAPPER CHARTER/FOR-HIRE ADVISORY PANEL MEETING**

39
40 **DR. FREEMAN:** The first few items that were presented and
41 discussed by the advisory panel have previously been mentioned
42 this week, and those related to the historical captain permit
43 amendment with Dr. Diagne and state management, Amendment 50,
44 with Dr. Lasseter.

45
46 With that, I will begin on page 2 of the report. Similar to the
47 Headboat AP meeting, Dr. Stephen came and presented the decision
48 tools to those members. Following that, staff presented an

1 overview of Reef Fish Amendment 41, and, during that
2 presentation, a motion was made, and you will find that on page
3 3, which was, in Action 1, to make Alternative 1, no action, the
4 preferred.

5
6 As a reminder, Alternative 1 was no action, do not adopt an
7 allocation-based management approach and continue to manage reef
8 fish landed by federally-permitted charter vessels using current
9 recreational seasons, size limits, and bag limits. AP members
10 did ask that it be noted to the council that that decision was
11 reached after considering the decision tools that were presented
12 by staff.

13
14 While the report goes in chronological order, I think, since
15 it's relevant, I will mention that, at the bottom of page 4,
16 which was the final motion approved by the AP, that, during the
17 discussion, an AP member noted that the proposed redistribution
18 plan in Amendment 41 did not work for the for-hire component
19 currently, but it should be revisited in the future when the
20 for-hire electronic logbook data is available. Accordingly,
21 there was a motion that allocation-based management be
22 considered in the future when adequate ELB data is available.

23
24 Before I go any further, if the committee has any questions, and
25 I will note that our AP Chair is present, if anyone has any
26 questions regarding that conversation, and so I will pause for a
27 moment, if anyone does have a question about that.

28
29 **CHAIRMAN GUYAS:** All right. Are there questions? Patrick.

30
31 **MR. BANKS:** I just want to make sure this on the record and that
32 I am completely clear. From the previous report and this
33 report, it appears that the two APs are not in favor of moving
34 forward with these amendments, and is that what the general
35 consensus -- Is that what other folks around the table are
36 seeing?

37
38 **DR. FREEMAN:** Speaking at least to 41, that's correct. I would
39 defer to Dr. Diagne regarding Amendment 42.

40
41 **CHAIRMAN GUYAS:** Yes, in that report we just got, they tabled 41
42 and 42, but, Susan, I think you were at the meeting, and I see
43 your hand, and so go ahead.

44
45 **MS. BOGGS:** The advisory panel for 42 met first, and, as Dr.
46 Diagne reported, there was a motion to table, and then they
47 reconsidered that motion and would like to explore options with
48 41 of how they could work out their differences, and that was

1 the final motion that was made at 42, was to reconvene the two
2 APs to try to work out the differences and to try to move these
3 two amendments forward, but the very first -- Well, not the very
4 first, because they changed the order of the agenda, but 41,
5 when they got into the amendment discussion, they basically --
6 Well, not basically, but, as you can see in the motions, they
7 selected Action 1, Alternative 1, which was do not take any
8 action.

9
10 I think it's unfair to say that 42 wants to table, because they
11 were willing to come back to the table with 41 and have a
12 discussion about how they could work out their differences and
13 move these two plans forward, and so I am going to offer that as
14 my opinion of how this should be viewed.

15
16 **CHAIRMAN GUYAS:** All right. I see Captain Green standing over
17 there. Any interest in asking him questions about this report?
18 He was the Chair at that meeting. John.

19
20 **MR. SANCHEZ:** I would like him to, if he could, approach the
21 podium, and he might be able to contribute something.

22
23 **MR. JIM GREEN:** Thank you. I did want to speak to this. There
24 is always so many moving parts when you're in an AP or in a Gulf
25 Council meeting, and, going back and reflecting on this and
26 speaking to some of the guys that were for this motion and were
27 against this motion, we kind of brainstormed it to where this
28 isn't really reflective of where we wanted it to end up.

29
30 We were looking at more of -- Our feelings were that 41 is out
31 of sync with 42 at this time and that, to overcome the
32 challenges that 41 has, ELBs will help that, with latency, and
33 finding out and identifying who they are in this fishery, who is
34 in this fishery.

35
36 Also, we know that that's going to take some time, and possibly
37 looking at going towards the sector allocations of the other
38 four major reef fish species was something we were talking
39 about, and, to us, it was better, and what should have been put
40 on this motion, and probably would have had a more favorable
41 vote, like the other ones, would be to postpone 41 and 42 until
42 41 can address the issues that are at hand.

43
44 As we talked about that more, postponing -- We don't want it to
45 just fall off the table. We don't want to quit working on it.
46 We don't want to quit -- We don't want to take our eyes off
47 that, and maybe postponing with time certain of a couple of
48 years, two or three years, to where we can go back and revisit

1 this once we have the tools that could make 41 successful.

2
3 I am on both APs, and I will say that Ms. Boggs' account of 42
4 was correct. In that group of people, we discussed it back and
5 forth, and I think that the motion to table both of them shows
6 that there are kind of some concerns that we need to deal with,
7 and I just really wanted the opportunity to speak towards this,
8 because, when I got the report, and I have read it pretty much
9 every day since I've received it, that's the only thing on here
10 that really didn't come out the way we wanted it to come out,
11 and we hope that you can consider postponing it, both of them,
12 until we have the tools for the entire industry to move forward
13 together.

14
15 **CHAIRMAN GUYAS:** I see John and then Phil.

16
17 **MR. SANCHEZ:** I wasn't there, and so, Susan and Jim, I guess
18 this is directed at you all and anybody else that was there. Do
19 you see any utility in having one more, maybe, but a joint AP
20 meeting, where we focus on just this issue of do we move forward
21 or do we not and get to the bottom of that jointly, so that you
22 could give folks like me, that maybe has to vote on this issue,
23 some clear-cut direction, because we started this journey
24 together as for-hire headboats and charter/for-hire together,
25 and that would be, at least for me, of use.

26
27 **MR. GREEN:** I know that our guys will probably be more than
28 welcome to meet with the 41 and 42 together. I think that it's
29 important. In 41, you will see some of these other motions, and
30 one of them is to include everybody as we go, the entire for-
31 hire sector, and I think that's to try and -- We make a
32 recommendation to start an amendment for sector allocations for
33 amberjack, triggerfish, gag, and red grouper, and I think it's
34 important that we kind of stay together and we work together,
35 and so I wholeheartedly support the idea of coming together. I
36 honor the motion that I voted for in 42 to have the joint
37 meeting.

38
39 **MR. SANCHEZ:** Again, that's just my sentiment, and I don't know
40 the will, the feeling, of the rest of the council, but I would
41 welcome that, and so I think we can get some directive, but,
42 also, one thing that I think would be useful, at least, again,
43 for me would be if we could have some kind of decision tool or
44 something that would answer, with recent history, what a 42
45 going forward, if that were the case, the outcome, what would
46 that do to the overall sub-allocation for the for-hire industry
47 out of the remaining charter boat fleet going forward. That
48 way, all the facts are there, and you all can slug it out.

1
2 **MR. GREEN:** I will just say that I think that's a great idea. I
3 think 41, for certain, has been starved for information, and
4 that's been our biggest problem, and I think that a more recent
5 decision tool -- Any information that we can acquire to help
6 make a better decision will definitely benefit us.

7
8 **CHAIRMAN GUYAS:** All right. I've got Phil.

9
10 **MR. DYSKOW:** Thank you. Chairman Green, I certainly thank you
11 and all the panel members on both panels for the work that they
12 put into this. I seem to have heard you say that you need more
13 time to work on this and a postponement for a period of time
14 would be beneficial to allow you guys to work out the issues and
15 also to carefully analyze, or at least to the best of your
16 ability analyze, the potential unintended consequences that may
17 result, and so what did you say was the amount of time that you
18 would like to table this?

19
20 **MR. GREEN:** I want to stay away from table. As I've educated
21 myself, that's a term that requires us to not ever --

22
23 **MR. DYSKOW:** That's right. You said postpone. I'm sorry.

24
25 **MR. GREEN:** Yes, sir, and I think a couple of years is fine. I
26 think, after a year or two of us getting the ELB in there, I
27 think we'll be able to -- We don't want to sell ourselves short
28 and say wait until the data is quantified and everything is
29 good. We want to make sure that, if we do this for a couple of
30 years and latency is addressed, because we have a couple of
31 years of data that shows that X amount of boats are actually
32 fishing the fishery, and we're not having to account for all the
33 permits, that might be something that is more palatable for the
34 41 crowd.

35
36 We don't want to take away that tool, and I think that, also, by
37 putting a time certain on it, it keeps from disenfranchising
38 those that feel it should go ahead anyway. I think it's
39 important that we put a time certain on it, because we need to
40 make sure that it stays at the forefront of the discussion. I
41 hope that answers your question.

42
43 **CHAIRMAN GUYAS:** All right. Next, I have Patrick.

44
45 **MR. BANKS:** My concern is when. You know, it's clear, from the
46 charter boat association in my state, that that association, or
47 at least the head of it, does not want 41, and so I have been
48 concerned about what does the rest of the industry want, and so

1 then I turned my attention to, okay, what does the AP say, and I
2 have seen what you guys have reported in meetings past, that you
3 want to keep moving it forward. This is the first time I've
4 seen some indication of putting the brakes on.

5
6 Now, I have been told previously by our association that I can't
7 trust what the AP says, because it's biased, and so, as a
8 council member then, where do I go to know what the industry as
9 a whole wants, and that was to a referendum, and so I have
10 always maintained, and you can see my testimony before in
11 previous meetings, that I would like to see this thing go to a
12 referendum, so I know truly what the industry wants in the Gulf.

13
14 I know what our charter boat association wants, and I have been
15 told that I can't trust the AP, because they're biased, and
16 that's what our association tells me, and so I say let's go to a
17 referendum, but, at this point now, I'm wondering whether I even
18 need to keep pushing that point. Do you see any value, at this
19 point, to going to a referendum before we make a decision on
20 whether to postpone or not, or do you think that that's not a
21 useable step, or not a meaningful step, at this point? Thanks.

22
23 **MR. GREEN:** Well, I can appreciate different people's opinions,
24 and, as far as time goes, I mean, we're -- I think we're all
25 kind of up in the air on that, and I think, after reading these
26 reports and me being at these meetings, I think that going to a
27 referendum at this point in time, in my opinion, because I am on
28 the AP, and I might be biased, but the -- I don't think that
29 that's really where we're at.

30
31 I think it's reflective here of us wanting to kind of evaluate
32 where we're at, and we're kind of at a point where we've done
33 what we feel is everything we can with what we have, and we
34 don't think that the idea is bad, and we definitely don't want
35 to get rid of it, because we don't know what that brings. We
36 don't know if reallocation brings us, in the future, with other
37 panel members up here, back down to a single-digit fishing
38 season. We don't want to remove any tools that are in the
39 toolbox, but, at the same time, I think that going to a
40 referendum is counterproductive, or a waste of resource. All
41 that money you would spend on a referendum, I would rather us
42 all get together and try and work this out again, is my opinion.

43
44 **CHAIRMAN GUYAS:** Okay. I had Susan.

45
46 **MS. BOGGS:** I may be out of order, and so, if I am, please let
47 me know, but we've given Captain Green the opportunity to
48 respond to the joint AP meeting, and I think, out of fairness,

1 it would be fair to ask Captain Boggs if that's where they still
2 stand, because that's the motion they passed, and so my
3 assumption is they would still be willing to meet and have this
4 meeting, and that's my first question, if you want to address
5 that first.

6
7 **CHAIRMAN GUYAS:** Well, is your second question for Captain Green
8 or about the headboats?

9
10 **MS. BOGGS:** No, I'm sorry, and it relates to what Patrick just
11 said.

12
13 **CHAIRMAN GUYAS:** Okay. Well, while Captain Green is here, does
14 anybody else have questions for Captain Green? Then I think it
15 would be okay if we can give Captain Boggs another chance to
16 come up. Before, nobody had questions for him, and so he didn't
17 need to come up, but, if you all want to bring him up, so that
18 he can respond, that's -- Okay. I am seeing some head nods.
19 Any other questions for Captain Green? Okay.

20
21 **MR. GREEN:** Thank you, all, for the opportunity to clarify
22 things. Thank you.

23
24 **CHAIRMAN GUYAS:** Thank you. All right. Do you want to ask your
25 question of Patrick, and then we'll get Captain Boggs up here in
26 the meantime?

27
28 **MS. BOGGS:** It's not a question to Patrick, but I'm of the same
29 feeling that Patrick is, and you've heard it in my testimony
30 before I became a council member. As far as the referendum, I
31 agree. The only way we're ever going to truly know what this
32 industry wants, the headboats and the charter boats, is to take
33 it to a referendum.

34
35 Now, my understanding is, if a referendum passes, the council
36 doesn't have to take action, and I may be wrong, but, if a
37 referendum doesn't pass, where you have one sector that passes
38 it and another that doesn't, then you've got to figure out what
39 to do with that user group that says, no, this isn't what we
40 want, and so I just kind of question that maybe a referendum is
41 an answer, or possibly for 42, which has had preferreds for over
42 two years now. Not to go against the joint AP, but Patrick just
43 got me to thinking that that is going to be the only way we
44 truly find out what these fishermen want. Thank you.

45
46 **MR. RANDY BOGGS:** I am going to try to take the same questions
47 that you asked Jim and deal with some of those. You asked about
48 the referendum, and timing right, wrong, or indifferent on the

1 referendum, if you postpone this for two years, and it sits for
2 two years, and the ELBs come into place and we start getting
3 better charter boat data, and everything works for the charter
4 boats, then -- Right now, when you look at 42, the numbers in
5 42, the amount of fish, the allocation that would go to each
6 boat, it's a very small allocation.

7
8 I looked at it based off of the numbers that I had when I was in
9 the Headboat Collaborative, and I would likely get thirty-six
10 days of fishing, where it's a fifty-day season now, and so
11 that's going to be a hard sell to the industry right there, but
12 pride comes with being able to have those fish and being able to
13 fish outside of the derby fishery, but, if you postpone this for
14 two years, and it sits for two years, and then you send it to a
15 referendum, and it fails miserably, then we're two years behind
16 the 41 group, and so where do we pick up and go from there?

17
18 I am not saying that we need to go to a referendum. Jim did a
19 very good job of representing what went on, and it's a very
20 contentious issue. Any time that you have one user group who
21 has something that the other one doesn't, it's going to be
22 contentious. You know, we didn't pick to be in the Beaufort
23 study, and there are certainly probably some boats that are
24 headboats that weren't in the Beaufort study, and that's not
25 something we did.

26
27 We never intended this to take advantage of somebody, and we
28 don't mind working with the 41 guys. There was a lot of good
29 things that came out of the meeting and a lot of bad things that
30 came out of the meeting, and it's a very contentious topic, but,
31 if we sit for two years and do nothing with the headboat sector
32 -- If we're going to play the game, and I'm going to take a
33 little latitude with what I'm saying here.

34
35 If you didn't learn history, you're doomed to repeat it. I was
36 here a long time before most of the council members were here,
37 back in the 1990s when the IFQ fishery was coming in. I watched
38 a lot of the commercial fishermen work themselves to death to
39 try to get 100,000 or 125,000 or 130,000 pounds of fish, which
40 is what their allocation is based off of, but the total
41 allowable catch wouldn't let them have that many fish, and so
42 we're trying to build a history knowing the future.

43
44 Everybody is going to ramp up effort and do a lot of things, and
45 I don't know what the right answer is. I don't know if going to
46 a referendum is the right answer and seeing if there is industry
47 buy-in. I don't know if we sit for two years, but, if we sit
48 for two years and do nothing with the headboat group, then where

1 are we at? We're two years down the road, and we've got some
2 data with 41, and then it fails, and then do we start over
3 building data with the headboats again? I mean, where do we go
4 from there?

5
6 I don't know what the answer is. We're certainly willing to
7 work and move it forward, but, if it goes to a referendum and
8 fails, then we need to pick up the headboats and do something
9 different or just include them with the charter boats, and,
10 instead of separating them, just do it at the same time. That's
11 kind of my take on the deal. I don't know if -- The referendum
12 will certainly give you the answer as to whether there is
13 industry buy-in or not, but you know, when you're looking at a
14 group that -- It's going to take far less than what's in the
15 derby fishery, and so it's going to be a hard sell. Thanks,
16 guys.

17
18 **CHAIRMAN GUYAS:** Thank you, Captain Boggs. All right. Ed.

19
20 **MR. SWINDELL:** Well, I read here in their report that they did
21 pass a motion that allocation-based management should be
22 considered in the future when adequate ELB, which is electronic
23 logbook reporting, data is available. Where are we on pushing
24 for electronic logbooks to be done for this group? I am looking
25 at a time series of data, and when are we possibly going to get
26 electronic logbooks and the data from them that is good enough
27 for us to make a decision?

28
29 **CHAIRMAN GUYAS:** Sue or Roy, do you want to take a shot at that
30 one?

31
32 **DR. CRABTREE:** Well, I expect that the electronic logbook
33 requirement will go in place this year, and so, next year, 2020,
34 would be the first full year of catch reporting. When it would
35 be useable is difficult to say, because it depends on how well
36 it works and how many problems we run into and what the
37 compliance rate is and whether we ever get funding to do
38 validation and things, but I would think you are several years
39 away from being able to make a management change based on the
40 results of it.

41
42 **CHAIRMAN GUYAS:** All right. We have gone through our reports,
43 and we are -- Go ahead.

44
45 **DR. FREEMAN:** That was the motions made by the AP pertinent to
46 Amendment 41. The AP did make some other motions for the
47 committee's consideration. These are found starting on page 3,
48 under Other Business.

1
2 The first was that there was some discussion about crew size
3 limit on dual-permitted vessels. The AP made a motion to
4 recommend the elimination of the crew size limit on dual-
5 permitted vessels.

6
7 There was discussion regarding the sunset clause, knowing that
8 the purpose of that was to see how well the program worked, and
9 the AP felt that it had worked well for the charter/for-hire
10 component and was no longer needed for red snapper. They then
11 made the motion to remove the sunset clause from sector
12 separation.

13
14 Another AP member noted the consideration of five species under
15 Amendments 41 and 42 and sector separation may be potentially
16 explored for the additional species, and a motion was made to
17 recommend to the council to initiate a new amendment to
18 establish federal for-hire component allocations for greater
19 amberjack, red grouper, gag grouper, and gray triggerfish.

20
21 They also recommended that the preferred alternative timeline
22 used in Amendment 40 be considered for those four additional
23 species of greater amberjack, red grouper, gag grouper, and gray
24 triggerfish.

25
26 One AP member commented that, if the council expanded the AP's
27 original charge, this would allow the AP to be better equipped
28 to discuss species other than red snapper under the charter/for-
29 hire purview, and they then made the motion to have the council
30 update the Ad Hoc Red Snapper Charter/For-Hire AP's charge to
31 include development and discussion of a reef fish charter/for-
32 hire amendment.

33
34 Another AP member noted that allocation decisions and
35 discussions for the other four species would likely be similar
36 to those that occurred for red snapper in Amendment 40. They
37 then made a motion to recommend the establishment of allocations
38 for reef fish and that the entire federally-permitted for-hire
39 sector be included.

40
41 Then there was discussion regarding that the for-hire buffer
42 would be reduced to 9 percent for 2019, and a motion was made
43 for the council to reduce the for-hire buffer as low as possible
44 for the years 2020 and beyond for red snapper, and then, the
45 last motion, I discussed that previously in conjunction with
46 Amendment 41. I will pause there, if there is any other
47 questions or discussion.

48

1 **CHAIRMAN GUYAS:** Okay. Are there questions about the remaining
2 motions in the report? Any other discussion on the reports?
3 All right. Seeing none, I think that takes us to Other
4 Business, and we did not have any, and so we're a little bit
5 behind, but not really. I will turn it back over to Tom.

6

7 **DR. FRAZER:** Okay. Hold on.

8

9 **MR. DYSKOW:** Thank you, Mr. Chair. Before we do that, can I
10 just ask a dumb question? If we're through with this, is there
11 a decision to take no action?

12

13 **CHAIRMAN GUYAS:** I think it's within the council's purview here
14 to -- If they want to make a decision about what to do from here
15 on out, now would be an appropriate time to have that
16 discussion. We don't have a ton of time right now, but maybe I
17 would look to you, Tom, to see what you want to do here.

18

19 **DR. FRAZER:** I think we have some latitude with the schedule
20 here, but not much, and so, if you would like to take an action
21 to --

22

23 **MR. DYSKOW:** Mr. Chair, I will withdraw my question, because we
24 have another opportunity in tomorrow's session to address that.

25

26 **DR. FRAZER:** That is correct. Okay. I do think that what we
27 will try to do is just move right into our Full Council session.

28

29 (Whereupon, the meeting adjourned on January 30, 2019.)

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31

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