

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

2
3 REEF FISH MANAGEMENT COMMITTEE

4
5 Naples Grand Beach Resort Naples, Florida

6
7 JUNE 5-6, 2017

8
9 **VOTING MEMBERS**

- 10 John Greene.....Alabama
- 11 Kevin Anson.....Alabama
- 12 Patrick Banks.....Louisiana
- 13 Leann Bosarge.....Mississippi
- 14 Doug Boyd.....Texas
- 15 Roy Crabtree.....NMFS, SERO, St. Petersburg, Florida
- 16 Dale Diaz.....Mississippi
- 17 Tom Frazer.....Florida
- 18 Martha Guyas (designee for Nick Wiley).....Florida
- 19 Campo Matens.....Louisiana
- 20 Paul Mickle (designee for Jamie Miller).....Mississippi
- 21 Lance Robinson (designee for Robin Riechers).....Texas
- 22 John Sanchez.....Florida
- 23 Greg Stunz.....Texas
- 24 Ed Swindell.....Louisiana
- 25 David Walker.....Alabama

26
27 **NON-VOTING MEMBERS**

- 28 Glenn Constant.....USFWS
- 29 LCDR Leo Danaher.....USCG
- 30 Dave Donaldson.....GSMFC

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32 **STAFF**

- 33 Steven Atran.....Senior Fishery Biologist
- 34 Assane Diagne.....Economist
- 35 Matt Freeman.....Economist
- 36 John Froeschke.....Fishery Biologist-Statistician
- 37 Douglas Gregory.....Executive Director
- 38 Morgan Kilgour.....Fishery Biologist
- 39 Ava Lasseter.....Anthropologist
- 40 Mara Levy.....NOAA General Counsel
- 41 Jessica Matos.....Administrative Assistant
- 42 Emily Muehlstein.....Public Information Officer
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- 45 Carrie Simmons.....Deputy Director

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25 Jessica Stephen.....NMFS
26 Andy Strelcheck.....NMFS
27 Kristen Talbot.....NOAA

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TABLE OF CONTENTS

1
2
3 Table of Contents.....3
4
5 Table of Motions.....5
6
7 Adoption of Agenda and Approval of Minutes.....7
8
9 Action Guide and Next Steps.....7
10
11 Final Action - Amendment 44 - Minimum Stock Size Threshold for
12 Reef Fish Stocks.....8
13 Review of Amendment.....8
14 Summary of Public Hearings and Written Comments.....16
15
16 Final Action - Amendment 47 - Vermilion Snapper MSY Proxy and
17 ACL.....17
18 Review of Amendment.....17
19 Summary of Public Hearings and Written Comments.....21
20 Codified Text.....23
21
22 Final Action - Abbreviated Framework Action to Modify the Number
23 of Unrigged Hooks Carried Onboard Bottom Longline Vessels.....24
24 Review of Amendment.....24
25 Summary of Public Comments.....28
26 Codified Text.....28
27
28 Other Business.....29
29 Status of Status Determination Criteria Amendment.....29
30 Turtle Release Gear.....32
31 Louisiana Reef Fish Management Plan.....35
32 MSST Amendment Biomass Level Update.....38
33
34 Draft - Framework Action to Modify the ACT for Red Snapper
35 Federal For-Hire and Private Angler Components.....40
36
37 Draft - Framework Action - Greater Amberjack ACL and Management
38 Measures.....50
39 Presentation of Decision Tool.....59
40
41 Report of the Ad Hoc Red Snapper Private Angler AO.....67
42
43 Discussion - Red Snapper Allocation Issues.....78
44
45 Options Paper - Amendment 36B - Commercial Reef Fish IFQ
46 Modifications.....81
47 Fishery Finance Program Presentation.....81
48 Review of Amendment.....86

1
2 Revised Draft Amendment 41 - Allocation-Based Management for
3 Federally-Permitted Charter Vessels.....152
4
5 Draft Amendment 42 - Federal Reef Fish Headboat Management.....184
6
7 Adjournment.....188
8

TABLE OF MOTIONS

1
2
3 [PAGE 12](#): Motion in Action 1 to make Alternative 6 the preferred
4 alternative. [The motion carried on page 15](#).

5
6 [PAGE 17](#): Motion to approve Reef Fish Amendment 44 and that it
7 be forwarded to the Secretary of Commerce for review and
8 implementation, giving staff editorial license to make the
9 necessary changes in the document. [The motion carried on page](#)
10 [17](#).

11
12 [PAGE 23](#): Motion to approve Reef Fish Amendment 47, and that it
13 be forwarded to the Secretary of Commerce for review and
14 implementation, and deem the codified text as necessary and
15 appropriate, giving staff editorial license to make the
16 necessary changes in the document. The Council Chair is given
17 the authority to deem any changes to the codified text as
18 necessary and appropriate. [The motion carried on page 24](#).

19
20 [PAGE 27](#): Motion to make Option 3 the preferred option. [The](#)
21 [motion carried on page 28](#).

22
23 [PAGE 28](#): Motion to approve the Abbreviated Framework Action to
24 Modify the Number of Unrigged Hooks Carried Onboard Bottom
25 Longline Vessels, and that it be forwarded to the Secretary of
26 Commerce for review and implementation, and deem the codified
27 text as necessary and appropriate, giving staff editorial
28 license to make the necessary changes in the document. The
29 Council Chair is given the authority to deem any changes to the
30 codified text as necessary and appropriate. [The motion carried](#)
31 [on page 29](#).

32
33 [PAGE 32](#): Motion to make the Status Determination Criteria
34 Amendment a priority on the proposed action schedule. [The](#)
35 [motion carried on page 32](#).

36
37 [PAGE 34](#): Motion to direct staff to begin work on a document to
38 address turtle release gear. [The motion carried on page 35](#).

39
40 [PAGE 63](#): Motion to move Action 3 to Considered but Rejected.
41 [The motion carried on page 64](#).

42
43 [PAGE 65](#): Motion to add a new alternative under Action 2 that
44 would modify the recreational closed season from January 1 to
45 July 31. [The motion carried on page 66](#).

46
47 [PAGE 125](#): Motion that National Marine Fisheries will provide to
48 initial shareholders who currently possess shares, but no

1 commercial reef fish IFQ permit, a non-transferable Gulf reef
2 fish permit that provides them privileges that are associated
3 with a Gulf reef fish permit. [The motion failed on page 130.](#)

4
5 [PAGE 133](#): Motion to add to Amendment 36B, Draft Options
6 Document, an option to distribute allocation based on 4.65
7 million pounds, which was 51 percent of the 9.12 of the original
8 allocation. Any commercial ACL available above 4.65 million
9 pounds would be available to other shareholders and non-
10 shareholders each year through an auction program. [The motion](#)
11 [failed on page 141.](#)

12
13 [PAGE 147](#): Motion to add an alternative for an adaptive
14 management redistribution method based on cyclical
15 redistribution, which depends on fishing participation. [The](#)
16 [motion carried on page 149.](#)

17
18 [PAGE 149](#): Motion to direct staff to write a letter to NMFS to
19 request a determination if an auction of commercial red snapper
20 quota above 4.65 million pounds would require a referendum. [The](#)
21 [motion carried on page 151.](#)

22
23 [PAGE 158](#): Motion in Action 1 to make Alternative 2 Option 2b
24 the preferred. [The motion carried on page 159.](#)

25
26 [PAGE 159](#): Motion in Action 1 to move Alternative 3 to
27 Considered but Rejected. [The motion failed on page 160.](#)

28
29 [PAGE 160](#): Motion in Action 2 to make Alternative 1 the
30 preferred alternative. [The motion carried on page 161.](#)

31
32 [PAGE 161](#): Motion to move Action 2 to Considered but Rejected.
33 [The motion carried on page 163.](#)

34
35 [PAGE 162](#): Motion in Action 3, Alternative 2 to make options 2a,
36 2b, and 2c the preferred. [The motion carried on page 165.](#)

37
38 [PAGE 165](#): Motion that Alternative 5 be the preferred
39 alternative for Action 4. [The motion failed on page 165.](#)

40
41 [PAGE 170](#): Motion in Action 6.1 to make Alternative 3 option 3a
42 the preferred alternative. [The motion carried on page 175.](#)

43
44 - - -
45

1 The Reef Fish Management Committee of the Gulf of Mexico Fishery
2 Management Council convened at the Naples Grand Beach Resort,
3 Naples, Florida, Monday afternoon, June 5, 2017, and was called
4 to order by Chairman Johnny Greene.

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

10 **CHAIRMAN JOHNNY GREENE:** I would like to call the Reef Fish
11 Committee to order. Are there changes to the agenda? Mr.
12 Banks.

13
14 **MR. PATRICK BANKS:** I would like to add to the agenda, under
15 Other Business at the end, a discussion of a very, very brief
16 overview of our thoughts on the Louisiana-only amendment.

17
18 **CHAIRMAN GREENE:** Thank you. So noted. Ms. Levy.

19
20 **MS. MARA LEVY:** If you would indulge me, I would just like to
21 have a brief conversation, at some point, about the status of
22 the Status Determination Criteria Amendment. It's not on this
23 agenda, but I would like to talk a little bit about it and the
24 timing and how the council sees that moving forward.

25
26 **CHAIRMAN GREENE:** Okay. At what point do you think that would
27 be relevant on our schedule, under Other Business? Okay. With
28 that, we will note that. Any further changes? Ms. Gerhart.

29
30 **MS. SUSAN GERHART:** Also under Other Business, we would like to
31 discuss additional allowable gear for the turtle release
32 requirements for the reef fish fishery.

33
34 **CHAIRMAN GREENE:** Ms. Bosarge.

35
36 **MS. LEANN BOSARGE:** I was just going to make a joke that we're
37 going to have to set a quota for Other Business.

38
39 **CHAIRMAN GREENE:** Dr. Simmons.

40
41 **DR. CARRIE SIMMONS:** Thank you, Mr. Chairman. Nothing for under
42 Other Business, but, regarding Item Number VIII, the Draft
43 Framework Action for the Greater Amberjack ACL, we have a
44 presentation, a short presentation, by Dr. Mike Larkin at the
45 Regional Office and an interactive decision tool that's an Excel
46 spreadsheet that we received today.

47
48 If appropriate, we would like to go ahead and post those

1 materials, and he plans to be here in person to give the
2 presentation tomorrow. It's short. The SSC has not had a
3 chance to review this yet, but we could put it before them later
4 in the year, and so I just wanted to make sure that's okay with
5 the committee.

6
7 **CHAIRMAN GREENE:** Okay, committee. We have a request by staff
8 to publish some stuff online. Is there any opposition? Seeing
9 no opposition, Dr. Simmons, that sounds fine. Go ahead and
10 post it accordingly. Any other business? Okay. Then we will
11 adopt the agenda as modified. Any opposition to the agenda as
12 modified? Seeing no opposition, we will move on to the next
13 action item, which will be Approval of the Minutes. Is there
14 any changes? Ms. Levy.

15
16 **MS. LEVY:** Just one thing that I think needs a correction. On
17 page 41, line 31, it says "Mara", but I think it was "Martha"
18 that was being referred to there, and so if someone just wants
19 to check and make that correction.

20
21 **CHAIRMAN GREENE:** I understand. It's probably the Chairman and
22 his way of mumbling. Anyway. Any other minute changes?

23
24 **MR. KEVIN ANSON:** I have a couple.

25
26 **CHAIRMAN GREENE:** Mr. Anson.

27
28 **MR. ANSON:** On page 10, line 12, change "that" to "than". Page
29 97, line 39, change "steam" to "stream". Page 126, line 4,
30 change "data" to "date". Page 137, line 37, change "it" to "I".

31
32 **CHAIRMAN GREENE:** Thank you. Any other changes to the minutes
33 as written? Any opposition to modifying them? Seeing none, we
34 will adopt them as modified. The next action item is Review of
35 Tab B, Number 3, which is your Action Guide and Next Steps,
36 which I find very handy during the meeting. It kind of keeps us
37 on task of what I am supposed to be doing, if nobody else, and I
38 appreciate that. With that, we will move into Item Number IV,
39 which will be Final Action, Amendment 44, Minimum Stock Size
40 Threshold for Reef Fish Stocks. This will be Tab B, Number
41 4(a), and Mr. Atran.

42
43 **FINAL ACTION - AMENDMENT 44 - MINIMUM STOCK SIZE THRESHOLD FOR**
44 **REEF FISH STOCKS**
45 **REVIEW OF AMENDMENT**
46

47 **MR. STEVEN ATRAN:** Thank you, Mr. Chairman. This is final
48 action. This is a single-action amendment, and so hopefully it

1 won't take too long to go through it. There were a couple of
2 changes from the previous versions of this amendment.

3
4 Previously, this amendment was going to address minimum stock
5 size thresholds for all reef fish species, and, based upon
6 recommendations from General Counsel, the council decided to
7 only address modifying MSST for those species that have existing
8 status determination criteria, and, for species that don't have
9 status determination criteria, all of that will be addressed in
10 the status determination criteria amendment that Mara referred
11 to a few minutes ago.

12
13 This is only addressing seven species that currently have an
14 MSST defined within the Reef Fish FMP. Another change from when
15 you had looked at it before was that an alternative was added,
16 and not as a preferred alternative, but just as another
17 alternative to set 85 percent of BMSY as one of your
18 alternatives, and so you have six alternatives in here, and you
19 previously had five.

20
21 The six alternatives, if you want to go over to page 16, are
22 Alternative 1, no action, the stocks that have MSST defined will
23 continue to have them defined, and that table that you see under
24 the alternative indicates how they're defined, and, for me, it's
25 a little easier to look at that right-hand column to say how
26 wide is the buffer, and you can see, for these species, the
27 buffer ranges from a minimum buffer of 9 percent for red snapper
28 to a maximum of 28 percent for greater amberjack.

29
30 Alternative 2 would apply the formula one minus M times BMSY to
31 all of these stocks. This would only affect hogfish. Hogfish
32 just recently -- In Amendment 43, you adopted 75 percent of
33 BMSY. That would switch it to a somewhat narrower buffer, and I
34 have a table that I will show you in a few minutes of how that
35 affects that.

36
37 Alternative 3 is the preferred alternative. It's an either or.
38 All stocks would have at least a 25 percent buffer. It would be
39 75 percent of BMSY, or, if the formula allows for a wider
40 buffer, then that wider buffer would apply, and I will show you
41 -- This would apply 25 percent to all the stocks, except gray
42 triggerfish and greater amberjack would end up with a wider
43 buffer, because the formula gives them a wider buffer.

44
45 Alternatives 4, 5, and 6 would apply a fixed percent buffer to
46 all of the reef fish stocks. Alternative 4 would be 85 percent
47 of BMSY. That is the narrower buffer that we're looking at as a
48 percentage number. Alternative 5 would be 75 percent of BMSY,

1 and Alternative 6 would be 50 percent of BMSY, which is the
2 widest buffer you're allowed to adopt under the National
3 Standard Guidelines.

4
5 Now, if you scroll over to Table 2.1.2, which is on the next
6 page, I think this would be helpful in showing you how each of
7 these alternatives affect the buffer. Alternative 1, which is
8 no action, you can see, and we went over that just a second ago,
9 that we have buffers ranging from 9 percent to 28 percent.

10
11 Alternative 2, which would apply the one minus M times BMSY
12 formula to everything, the only thing that would address is
13 hogfish, and you see hogfish would move from a 25 percent buffer
14 to a 17.9 percent buffer, or 18 percent, if it gets rounded to
15 the whole percentage points.

16
17 Preferred Alternative 3 has everything at 25 percent except for
18 gray trigger and greater amberjack. Those species have a
19 somewhat larger natural mortality rate, and so they would end up
20 with buffers of 27 percent and 28 percent, respectively.

21
22 Then Alternative 4 would apply a fixed 15 percent buffer across
23 the board. Most of these stocks, that would narrow the buffer,
24 but, in the case of red snapper and gag, that would widen them,
25 because, currently, they have less than a 15 percent buffer.

26
27 Alternative 5 would apply the 25 percent buffer across the
28 board. That is almost identical to the preferred alternative,
29 except that it would narrow the buffer slightly for greater
30 amberjack and gray triggerfish.

31
32 Then Alternative 6 would apply the 50 percent buffer across the
33 board. We don't have 50 percent right now for any of our
34 stocks, and so it would widen the buffer for all of them, and
35 one other thing is, if you scroll up to the table that's above
36 there, we have three stocks that are classified as overfished.
37 Under all of these alternatives, except for Alternative 6,
38 stocks that are overfished would continue to be classified as
39 overfished.

40
41 Under Alternative 6, which is the 50 percent buffer, gray
42 triggerfish is above that threshold, and so the designation that
43 it's overfished would be removed, but it would still be under a
44 rebuilding plan. We would still be required to rebuild the
45 stock up to its BMSY level within the timeframe that's in the
46 rebuilding plan, but there would be that one change in
47 designation under Alternative 6. Basically, that is what we've
48 got. As I said, Alternative 3 is the preferred alternative

1 right now.

2

3 **CHAIRMAN GREENE:** Dr. Crabtree.

4

5 **DR. ROY CRABTREE:** Steve, the table you have there, for example
6 with red snapper and the 37 percent, that was as of 2013, the
7 terminal year in that assessment, which is probably 2012 or so,
8 and not the projected stock status at this point, right?

9

10 **MR. ATRAN:** Correct.

11

12 **CHAIRMAN GREENE:** Are there further comments? Ms. Guyas.

13

14 **MS. MARTHA GUYAS:** I guess it would be interesting to know what
15 this table looks like with the most recent assessments plugged
16 in here. It looks like the other ones are -- Well, we have a
17 new amberjack one, too, a new 2017 one. Is that something that
18 we can get fairly quickly?

19

20 **MR. ATRAN:** These numbers all reflect whatever the most recent
21 assessment indicated. The most recent full assessment that we
22 have for red snapper was, I believe, the 2013 assessment, and we
23 were at around 16 percent SPR, and so that will be adjusted with
24 the next assessment, but we don't have the updated numbers yet.

25

26 **CHAIRMAN GREENE:** Ms. Guyas.

27

28 **MS. GUYAS:** I guess I'm confused, because -- So we have an
29 update for greater amberjack that was just completed, that we
30 just got at our last meeting, and we've had an update for red
31 snapper since then, but we go back to the benchmark assessment
32 when we're determining the overfished status here?

33

34 **MR. ATRAN:** I am not sure if this includes that most recent
35 amberjack assessment or not. I would have to check.

36

37 **CHAIRMAN GREENE:** Okay. Dr. Crabtree.

38

39 **DR. CRABTREE:** I am looking at we had an update of red snapper
40 in 2014, according to what I am looking at, and so I'm confused
41 on the dates, I guess.

42

43 **CHAIRMAN GREENE:** Okay. Well, this document is listed for final
44 action, which doesn't mean that it has to go at this particular
45 moment. However, if there is some question about the data,
46 maybe you guys can circle back and we can pick it back up at
47 Full Council if you feel like there might be some areas that we
48 could improve here.

1
2 **MR. ATRAN:** I will try to check those stock assessments, to see
3 if they have updated SPR numbers on them and report back, either
4 at -- Well, we're going to have Reef Fish Committee again
5 tomorrow, and so we can do that, or we can do it at Full
6 Council. As I said, even if the overfished designation changes,
7 the requirement to rebuild the stock doesn't, and so it would be
8 mainly a change in designation.

9
10 **CHAIRMAN GREENE:** Okay. Thank you. Anything else on this
11 particular item? Mr. Anson.

12
13 **MR. ANSON:** I am wondering, relative to the preferred in this
14 particular action, if there is some discussion on changing the
15 preferred to Alternative 6. In fact, I will go ahead and just
16 make that motion, for discussion, or if someone wants to discuss
17 it. **I will make a motion to make Alternative 6 the preferred**
18 **motion in Action 1.**

19
20 **CHAIRMAN GREENE:** Okay. We have a motion going up on the board.
21 Is there a second for this motion? It's seconded by Ms. Guyas.
22 Is there discussion? Mr. Anson.

23
24 **MR. ANSON:** In the document, on page 17 of the document, it
25 talks a little bit about the pros and cons of selecting each
26 alternative, and so it talks a little bit about the pros of
27 selecting a lower BMSY or a lower rate, when you apply it
28 towards BMSY, to take into account, potentially, fluctuations in
29 stock biomass.

30
31 You can allow an opportunity for management to end a decline in
32 the stock, and the con to that is that you have to have a more
33 aggressive, potentially, or robust rebuilding plan, but, since
34 we deal with data issues with a couple of these species, which
35 have impacts in the analysis, particularly on the recreational
36 side, that going to a lower level might allow greater
37 flexibility, in the short term, for management, going to that 50
38 percent level of BMSY. I just put that out there for those
39 reasons.

40
41 **CHAIRMAN GREENE:** Okay. Thank you. Dr. Ponwith.

42
43 **DR. BONNIE PONWITH:** Thank you, Mr. Chair. The revised National
44 Standard 1 Guidelines allow MSST to be between one-half of BMSY
45 and BMSY. Technically, I don't know if 0.5 BMSY actually is
46 between or whether it technically has to be 0.51, and so I would
47 defer to the council on that one, but the other thing to
48 consider is that is the absolute lowest allowable level that

1 that number could be, which doesn't mean that it's not on the
2 table, but, when I consulted our colleagues, their ideal
3 alternative, among this suite, was Alternative 5, which is the
4 MSST of 0.75 BMSY, or its proxy.

5
6 They felt as though the other alternatives that were technically
7 acceptable were Alternative 2 and Alternative 3. I think they
8 liked Alternative 5 for its simplicity. Their major concern
9 with the Alternative 6 is that setting it to that level is --
10 When we ran some analyses, it showed that a stock will almost
11 never be this depleted unless it's also accompanied by
12 overfishing, which is a scenario you don't really want to
13 approach, and so it almost puts you in sort of a double jam,
14 where you have the stock both overfished and undergoing
15 overfishing to get to that point.

16
17 **CHAIRMAN GREENE:** Thank you. Dr. Crabtree.

18
19 **DR. CRABTREE:** I think this is allowed by the Guidelines, and I
20 think it is a fairly commonly used MSST. I know I think the
21 Mid-Atlantic does it, and New England has used it, and I think
22 the North Pacific has used it some.

23
24 Before the revisions to the Magnuson Act, I think you could make
25 some case for why you might want to set it closer to BMSY, but,
26 given that we have to deal with overfishing issues immediately
27 now and end overfishing, I am not sure there's much lost if you
28 went with this way out, because we're going to have to deal with
29 the overfishing issues.

30
31 We have seen, with red snapper, that, even at very low stock
32 sizes, it's capable of producing very large year classes. We
33 have relatively high steepness for most of the stocks we manage,
34 and so we're going to get good year classes and good
35 recruitments, it appears, even at stock sizes of 50 percent
36 BMSY. I think this is allowed by the Guidelines, if you want to
37 go down this path, and it doesn't really cause me much
38 heartburn.

39
40 **CHAIRMAN GREENE:** Thank you. Ms. Bosarge.

41
42 **MS. BOSARGE:** I was just wondering, for the other species in
43 other areas that this level is set at, are they -- What is the
44 lifespan on those species? I am just wondering, compared to
45 some of the things that we're looking at here.

46
47 In other words, is it a fish that is closer to like a ten-year
48 lifespan, that will bounce back under a rebuilding plan a little

1 bit more quickly and fill out those year classes, or are they
2 long-lived species like some of the ones we're looking at here?

3
4 **CHAIRMAN GREENE:** Thank you. Mr. Gregory.

5
6 **EXECUTIVE DIRECTOR DOUGLAS GREGORY:** I think, in general, the
7 northern species are probably more longer-lived, but the reason
8 for the 50 percent that the other councils are using,
9 particularly the North Pacific, that has a lot more experience
10 with dealing with MSY-type analyses, is that, at the 50 percent
11 level, a stock is on the verge of collapse.

12
13 When you get to that point, you have to rebuild, and you would
14 almost want to consider shutting the fishery down to rebuild it,
15 and that was the purpose of that. This is a danger zone, and
16 you've got to do something, and you've got to do something to
17 rebuild the stock if it gets that low.

18
19 Like Dr. Crabtree said, overfishing, the rate of fishing
20 mortality, is what we're managing our stocks by, and so we will
21 never drive a stock down to that level by fishing alone. Now,
22 an environmental catastrophe could cause that.

23
24 The confusion and the controversy over this is the scientific
25 literature, historically, has considered fishing beyond MSY as
26 overfishing or being overfished, but Congress came along, with
27 input from these northern councils, and defined overfished,
28 which they are now redefining as depleted, to be the MSST, and
29 so they kind of changed what we thought of being overfished is,
30 and it has a different meaning.

31
32 We started out, here in the South, by using one minus M, because
33 we were more nervous about having that wide buffer, and there
34 was some, I guess, mistrust among the scientists about the
35 managers not having the fortitude to not drive the stocks down
36 to whatever level we set, and, as the evolution of our
37 management and our scientific advice started, we started with
38 red snapper. That was at 2 percent SPR.

39
40 We were trying to rebuild back to a target, I mean to a limit,
41 and get above that limit, because that was our primary goal, but
42 then the real target was MSY and not 20 percent SPR, or probably
43 30 or 35 percent SPR, and so we've got that confusion.

44
45 Whatever target we use now as MSST, it's not really going to be
46 driving our stocks or what we do until we have an environmental
47 disaster that would deplete the stock to that level, because
48 overfishing is going to control what we do for management, and

1 so I just kind of wanted to point it out, and I may have made it
2 worse, that there is two concepts to being overfished.

3
4 There is the historical concept of being beyond MSY and then
5 there is the Magnuson concept, where you don't want a stock to
6 get below this level where it's on the verge of collapse or
7 capable of collapsing. In the South, we just went with the more
8 conservative measure, because of the historical identity of what
9 overfished was, being related to MSY, rather than a depleted
10 stock, and sorry I took so long.

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

13
14 **DR. CRABTREE:** If you look at red snapper, which was depleted
15 far below 50 percent of BMSY, for most of the recovery and the
16 rebuilding plan, the F rebuild has not been that much less than
17 FMSY. I think they've been fairly close, and so, for a lot of
18 these stocks, our experience has been, if you stop overfishing,
19 they come back.

20
21 Now, that hasn't been the case for everything, because we had
22 gray triggerfish, for example, where we had a long period of
23 poor recruitment, but I don't think that was because of the
24 depletion of the stock. I am not sure what drove that, but,
25 with red snapper, I don't think there was a whole lot of spread
26 between the FMSY and the F rebuild, and so that's something to
27 bear in mind.

28
29 **CHAIRMAN GREENE:** Thank you. Are there further comments? All
30 right. Seeing no further comments, Mr. Atran. I'm sorry. We
31 have a motion on the board. I was getting ahead of myself. We
32 have a motion on the board, and it's been seconded. It's been
33 read into the record. Is there any further discussion? **Seeing**
34 **none, any opposition to the motion on the board? Seeing no**
35 **opposition, the motion carries.** Mr. Atran.

36
37 **MR. ATRAN:** We are still working on trying to get those updated
38 SPRs from the most recent stock assessments, but that's the only
39 action you need to take on this document, other than
40 recommending that it be forwarded -- That the Full Council
41 forward it to the Secretary of Commerce for approval and
42 implementation.

43
44 Do we have codified regulations on this? We should. I take
45 that back. MSST is not included in the codified regulations,
46 and so we have no codified regulations. It's just we would
47 submit the document to the Secretary of Commerce, and, if it's
48 approved, then it would become the policy, the MSST, without

1 going into the CFR, and so the question is, do you want to
2 recommend to the Full Council that they approve this and forward
3 it to the Secretary for implementation?

4
5 **CHAIRMAN GREENE:** Okay. Committee -- Hold on.

6
7 **MR. ATRAN:** I am sorry. I think we have some public comments
8 that Emily was going to go over.

9
10 **SUMMARY OF PUBLIC HEARINGS AND WRITTEN COMMENTS**

11
12 **MS. EMILY MUEHLSTEIN:** Thank you. I think, maybe before we make
13 that recommendation to Full Council, we just really quickly go
14 over Tab B, Number 4(b), and that's the public comments that we
15 received on this document during our public hearings.

16
17 We did host a webinar public hearing on May 23 for this
18 document. Five members of the public attended that hearing, but
19 they submitted no comment at that time. However, we did receive
20 some written comment, and the following is a brief summary of
21 the comments that we go that were amendment-specific.

22
23 The first thing we heard was that the council should take a
24 scientifically-appropriate approach to setting MSST by either
25 selecting Alternative 2, which would set MSST equal to one minus
26 M times BMSY or a proxy, or create a new preferred alternative
27 that would set MSST equal to 0.85 percent of BMSY. This would
28 accommodate the diverse biology of the stocks, by accounting for
29 natural mortality, and this would accommodate the diverse
30 biology of the stocks, by accounting for natural mortality, and
31 take a cautionary approach to ensure that rebuilding stays on
32 track.

33
34 Next, we heard that the council should consider a new
35 alternative that would set MSST equal to 0.9 of the BMSY or a
36 proxy for all of the stocks, and, finally, we heard that the
37 Southeast Fisheries Science Center and the council's Scientific
38 and Statistical Committee should do additional analysis on the
39 pros and cons of the various MSST levels.

40
41 We also received some non-amendment-specific comments on this
42 comment form. Concern was expressed for the cobia population in
43 the Gulf of Mexico, because the stock is in decline and the
44 council needs to create new regulations to help with that
45 problem.

46
47 The last stock assessment acknowledges that there needs to be
48 more current cobia data to ensure an accurate assessment, and,

1 finally, we heard that, in general, anglers would prefer longer
2 seasons, even at the risk of raising size limits or lowering bag
3 limits, and that is all we heard, public comment-wise, for this
4 amendment. Thanks.

5
6 **CHAIRMAN GREENE:** Thank you, Emily. Now, committee, do you want
7 to send it to the Full Council to take final action at this
8 point? Mr. Anson.

9
10 **MR. ANSON:** I will make a motion that we deem our normal --
11 There it is. To approve it and forward it to the Secretary of
12 Commerce.

13
14 **CHAIRMAN GREENE:** Ms. Gerhart.

15
16 **MS. GERHART:** You will need to remove the part about deeming the
17 codified text, since there is no codified text.

18
19 **CHAIRMAN GREENE:** I think that's right. It's a little bit
20 different, but Ms. Levy is going to lead us out of it.

21
22 **MS. LEVY:** I would remove the "as necessary and appropriate",
23 and so it would be "for implementation, giving staff editorial
24 license".

25
26 **CHAIRMAN GREENE:** Okay. This is a little bit different, and so
27 is that correct, Kevin?

28
29 **MR. ANSON:** Yes, my motion is to approve Reef Fish Amendment 44
30 and that it be forwarded to the Secretary of Commerce for review
31 and implementation, giving staff editorial license to make the
32 necessary changes in the document.

33
34 **CHAIRMAN GREENE:** Thank you. We have a motion, and it was
35 seconded by Mr. Banks. Is there any opposition to the motion on
36 the floor before you? Seeing no opposition, the motion carries.

37
38 With that, we will move into our next action item, which will be
39 Final Action, Amendment 47, Vermilion Snapper MSY. This will be
40 Tab B, Number 5(a) through (c), and Mr. Atran will lead us
41 through that.

42
43 **FINAL ACTION - AMENDMENT 47 - VERMILION SNAPPER MSY**
44 **REVIEW OF AMENDMENT**

45
46 **MR. ATRAN:** Thank you. This is an amendment to revise the proxy
47 that we use for MSY for vermilion snapper and to adjust the
48 annual catch limit. If all we were doing was adjusting the

1 annual catch limit, we could have done this in a framework
2 procedure, but, because we are looking at revising the MSY
3 proxy, that needs to be done in a full plan amendment.

4
5 The reason why we're looking at adjusting the MSY proxy is
6 because, in the most recent stock assessment, our SSC
7 recommended that the proxy be set at 30 percent SPR.
8 Previously, they had actually used Fmax, and, even before that,
9 our vermilion snapper rebuilding plan had specified that the
10 actual MSY estimate from the model be used, which the SSC feels
11 is not a valid number at all.

12
13 We have got two actions in here, and, if we go to page 20, the
14 first action is to set the MSY proxy, and we have three
15 alternatives. Alternative 1 is no action, do not set a proxy,
16 and use the vermilion snapper MSY estimated by the assessment
17 model.

18
19 The preferred alternative is Alternative 2. The proxy for
20 vermilion snapper MSY is the yield when fishing at F 30 percent
21 SPR. That's the recommendation of the SSC. Then Alternative 3,
22 the proxy for vermilion snapper is the MSY at the yield when
23 fishing at F 26 percent SPR.

24
25 That third alternative was added at the last council meeting.
26 If you were to go with that alternative, that would change the
27 OFL and ABC, and so it would also change the ACL, and so,
28 depending upon which alternative you select here, it's going to
29 make a difference as to what the ACLs are in Action 2. Mr.
30 Chairman, would you like me to review Action 2 before we come
31 back to this or make a decision now on Action 1?

32
33 **CHAIRMAN GREENE:** No, let's go ahead and review Action 2, and
34 then we'll come back to it. That way, people can see what
35 they're voting on.

36
37 **MR. ATRAN:** Okay. Action 2 is to set the annual catch limits,
38 and we are setting the ACLs in here equal to the ABC. Of
39 course, you do have the option of setting the ACL at any level
40 you prefer, as long as it doesn't exceed ABC, and so Alternative
41 1, and we've got some tables that are a little easier to read
42 than this, but Alternative 1 is no action.

43
44 The ACL will remain at 3.42 million pounds whole weight, and
45 that was not set based on a stock assessment. That was set
46 based upon Tier 3a of our ACL control rule. That is a data-poor
47 method that simply looks at the average landings over a ten-year
48 period, the variability in those landings, and it sets ABC one

1 standard deviation above those landings, to allow for
2 fluctuation in OFL two standard deviations above it.

3
4 Alternative 2 would set the ACL, for the years 2017 through
5 2021, based upon the annual ABC derived from 75 percent of the
6 MSY proxy yield selected from Action 1, and we'll go down to the
7 table that shows what that is in a moment, and that would be an
8 ACL that changes each year over that five-year period.

9
10 Preferred Alternative 3 would use a constant catch average to
11 set the ACL, and that would set it at the average of the annual
12 ABCs over that five-year period. Alternative 4 would set ACL
13 for vermilion snapper for those years at what is currently
14 estimated to be the equilibrium ABC under the conditions in the
15 stock assessment for the particular SPR.

16
17 If we could scroll down to the Table 2.1.1(a), I've got two
18 tables in here, and this one is for the ACLs at a 30 percent
19 SPR. Then, in a moment, I will show you what they are for 26
20 percent, and so this shows you what we would end up with for
21 ACLs, if you were to adopt the preferred alternative 30 percent
22 SPR in Action 1 and the preferred alternative in this action.

23
24 No action would leave us at 3.42 million pounds. That's where
25 we are right now. Alternative 2, which would use the constant
26 F, which causes the ACL and the ABC to change each year, would
27 begin with an ABC and an ACL of 3.21 million pounds. Then, over
28 the next several years, it would decline slightly, until it
29 reaches 3.03 million pounds in 2021.

30
31 The reason why it's going down is because our target is 30
32 percent SPR, but, at the moment, the stock is actually at about
33 32 percent SPR, and so, if we were to fish the full ABC, we
34 would actually be fishing it down slightly.

35
36 Preferred Alternative 3 of 3.11 million pounds is just the
37 average of those five numbers in the Alternative 2 column, and
38 it would just hold it at that level indefinitely, and then
39 Alternative 4 is at 2.98 million pounds.

40
41 Remember, as I said, we are fishing the stock down if we were to
42 fish it under Alternative 2, and the projections, carried out
43 many years into the future, state that, if all other conditions
44 remain constant, we would reach an equilibrium at 2.98 million
45 pounds.

46
47 Presumably, we would never have to change the ACL again, but, of
48 course, the next time we get a stock assessment, we will have

1 slightly different numbers. We will have the effects of future
2 recruitment that we can't predict, and so that's some future
3 number that the SSC did not endorse, but it seemed to be the
4 most conservative of numbers that are within the range of what
5 we might consider. As I said, right now, the combination of
6 preferred alternatives in Actions 1 and 2 would give you the
7 3.11 million pounds for the ACL.

8
9 If we go to the next table, this is the same table, but only
10 those ABCs were calculated at 26 percent SPR. Alternative 1 is
11 the same, no action, but you can see all the other alternatives
12 have slightly higher numbers.

13
14 Alternative 2, which is the constant F, begins at 4.33 million
15 pounds. It drops down to 3.56. Alternative 3, the average of
16 those numbers, would set the ACL at 3.87 million pounds, and
17 Alternative 4, which is based on that long-term equilibrium,
18 would be 3.40 million pounds.

19
20 In order to be able to present these numbers, we had to go back
21 to the SSC and ask them if they would approve an alternative set
22 of ABCs if the council were to select 26 percent SPR as your MSY
23 proxy rather than 30 percent. It's the council's decision where
24 to set that proxy, and then it's the SSC's job to determine what
25 the ABC would be at that proxy, and so the SSC reviewed the
26 projections that were run by the Science Center.

27
28 They were run exactly the same way as the 30 percent proxy
29 numbers were run, only with the different SPR, and this is what
30 they came up with, and the SSC passed a motion saying that, if
31 the council selects 26 percent SPR as its proxy, that these
32 numbers do represent the ABCs at that proxy.

33
34 However, they emphasized that they are not recommending 26
35 percent SPR. Their recommendation is for 30 percent SPR. As I
36 said, what you end up with for an ACL depends upon a combination
37 of what you select in Action 1 and in Action 2. Mr. Chairman.

38
39 **CHAIRMAN GREENE:** Thank you. We went over Action 1 and Action
40 2, and so we can go back to Action 1 now and decide. This is
41 slated for final action, and we do have preferreds that are
42 selected. While we roll back up here to Action 1, does anybody
43 want to take a stab at a different preferred? Is everybody
44 comfortable with where we're at? Anything as far as a change in
45 Action 1? All right. I don't see any changes for Action 1, and
46 so we will move on down to Action 2. Mr. Anson.

47
48 **MR. ANSON:** I had a question, I guess relative to the SSC's

1 recommendation relative to F 26 percent versus F 30, and they
2 recommended 30. Mara, how would the agency proceed if the
3 council were to -- I know we just talked about Action 1, and I
4 could have addressed it there, but, if we had selected F 26 and
5 the SSC recommended F 30, does that create any problems for you
6 to take it to the Secretary or submit it to the Secretary?

7
8 **MS. LEVY:** Well, I think you would need to articulate a reason
9 for choosing 26 percent and not going with the science
10 recommendations, and so there needs to be some compelling reason
11 why you went that way.

12
13 **CHAIRMAN GREENE:** Dr. Crabtree.

14
15 **DR. CRABTREE:** It seems to me that where that 26 percent for
16 vermilion came from is because that's what we use for red
17 snapper, and so maybe you can draw some parallels and some
18 connection there, but I don't think we've done that yet, but
19 that's not saying you couldn't.

20
21 **CHAIRMAN GREENE:** Steven Atran.

22
23 **MR. ATRAN:** There is one other piece of possible rationale, if
24 you wanted to go to 26 percent SPR. The stock assessment
25 calculated SPR values going back to I think it was 1960, and the
26 lowest SPR that vermilion snapper has ever had was 26 percent
27 SPR. That was in the years 1999 and 2000, and it recovered back
28 up to being slightly over 30 percent SPR without any regulatory
29 action, and so it appears that the stock can support a 26
30 percent SPR level.

31
32 **CHAIRMAN GREENE:** Okay. Thank you. Is there further
33 discussion? Seeing no further discussion, it doesn't appear
34 that anybody wishes to change the preferred, and we will move on
35 to Action 2. Action 2 is on the board in front of you, and I'm
36 sure probably your computers as well. We have Preferred
37 Alternative 3 selected. Any changes there? Okay. Seeing none,
38 we will continue on. Mr. Atran, there is just two actions? Is
39 that correct?

40
41 **MR. ATRAN:** Just those two actions. We did have a public
42 hearing webinar on this item as well, and I think Emily has some
43 information to provide on public comments.

44
45 **SUMMARY OF PUBLIC HEARINGS AND WRITTEN COMMENTS**

46
47 **MS. MUEHLSTEIN:** I sure do. Thank you, Steven. We hosted a
48 public hearing on May 24 on this amendment. There were sixteen

1 members of the public in attendance during that public hearing,
2 which was a webinar, and two members of the public commented.

3
4 Both gentlemen that commented noted that they think that the
5 vermilion snapper population is quite healthy. They did say
6 that it's harder to catch them, especially on artificial
7 structure, because of the amount of red snapper that are sort of
8 competing with them for hooks, but one of the gentlemen runs a
9 headboat out of Texas, and he said that he catches an average of
10 30,000 a year.

11
12 They also both mentioned that, despite the health of the stock,
13 that they would like the council to consider increasing the
14 minimum size limit of vermilion snapper.

15
16 One gentleman was looking at either eleven or twelve inches, and
17 then the other was supporting fully to go to twelve inches, and
18 that's because they both reasoned that there is not a lot of
19 meat on a ten-inch vermilion to bring home, and, especially from
20 the perspective of a headboat owner, if it's legal, you're going
21 to keep it, and so the idea was that maybe the council could
22 consider increasing that size limit, so that they would be
23 keeping fish that were more useful for the plate.

24
25 It was also suggested that, if something had to happen with
26 vermilion management changes in the future, and they don't want
27 that to happen now, but, if it had to happen, they would
28 consider dropping the bag limit as well, because there is quite
29 a large bag limit on vermilion right now.

30
31 We also received quite a bit of written comment on this
32 amendment, and I will go through those really quickly. Of the
33 comments that we received, these ones were amendment-specific,
34 and so, first, we heard that vermilion are being fished hard,
35 because there is no other species to target.

36
37 If vermilion is closed or restricted, then headboats in the
38 Florida Panhandle won't have anything to target, and private
39 boats would also be adversely impacted. Vermilion snapper are
40 the go-to fish when red snapper is closed. The ten-inch size
41 limit is too short. There isn't enough meat for a sandwich, and
42 the roe is often found in little fish. The council should
43 increase the minimum size limit to twelve inches.

44
45 The council should use a more cautious approach of F 30 percent
46 SPR to set the MSY, and vermilion limits should be left as they
47 are. They seem to be doing quite well under the current
48 management.

1
2 We also received a number of comments on this comment form that
3 were not specifically related to vermilion snapper, and I'm just
4 going to go over those very quickly. First, we heard that
5 Destin is overrun with triggerfish and that anglers should be
6 allowed to harvest them.

7
8 We heard that all fishermen should be limited to a maximum of
9 five hooks per line. People should not be fishing with ten to
10 twenty-hook rigs. I think this was put in the vermilion comment
11 form because a lot of people that are targeting vermilion do use
12 more than one hook.

13
14 It was also noted that red snapper management is working. In
15 the early 1990s, it was difficult to catch a good limit, and now
16 they're hard to avoid. There needs to be more older red snapper
17 for the stock to be restored, and hopefully more harvest in
18 state waters, with less harvest in the federal waters, will help
19 with that.

20
21 It was noted that more education on SPR and how it applies to
22 the catch limit would help the public become supportive of red
23 snapper regulations. Snapper management has been a disaster,
24 and bag regulations have caused overharvest of amberjack,
25 trigger, and grouper.

26
27 Longliners take all the fish from reefs and out of the hands of
28 the small number of recreational fishermen. The council should
29 pay attention to the CCS report on the economics of recreational
30 versus commercial fishing, and commercially-harvested fish
31 shouldn't be exported, which forces restaurants to serve
32 imported fish, and that concludes my report on the public
33 comments we received for this document.

34
35 **REVIEW OF CODIFIED TEXT**

36
37 **CHAIRMAN GREENE:** Thank you, Emily. Next up is the Review of
38 the Codified Text, which will be Tab B, Number 5(c), which is
39 presented for you and is ready. With that, being we didn't have
40 any changes or anything, I assume that we are ready to recommend
41 to the council for implementation and submission to the
42 Secretary, if somebody is willing to make a motion.

43
44 **MR. MATENS:** So moved.

45
46 **CHAIRMAN GREENE:** Mr. Matens is going to make the motion to
47 recommend it to the Full Council to send to the Secretary. It's
48 seconded by Mr. Diaz. Thank you. **Mr. Matens' motion is to**

1 approve the Reef Fish Amendment 47 and that it be forwarded to
2 the Secretary of Commerce for review and implementation and deem
3 the codified text as necessary and appropriate, giving staff
4 editorial license to make necessary changes in the document.
5 The Council Chair is given the authority to deem any changes to
6 the codified text as necessary and appropriate. The motion was
7 seconded by Mr. Diaz. Is there any opposition to the motion on
8 the floor before you? Seeing none, the motion carries. Mr.
9 Swindell.

10
11 **MR. ED SWINDELL:** We're sending to the Secretary Preferred
12 Alternative 3 in both of these cases here, where you have a
13 choice between 30 percent SPR or 26 percent SPR, and which one -
14 - Are we asking the Secretary to make a decision on which one
15 we're going to use?

16
17 **MR. BANKS:** It was F 30 percent.

18
19 **MR. SWINDELL:** 30 percent? Okay. Alternative 3 says see the
20 tables.

21
22 **CHAIRMAN GREENE:** Okay. Thank you. In discussion with Madam
23 Chair Bosarge, we are going to continue on our agenda as we
24 have, and we will pick up on our staff that was scheduled for
25 tomorrow morning. That will be Final Action on Abbreviated
26 Framework Action to Modify the Number of Unrigged Hooks Carried
27 Onboard Bottom Longline Vessels, Tab B, Number 6(a), (b), and
28 (c). There will also be comments by Emily and the codified text
29 to follow, and so, with that, Dr. Simmons, Tab B, Number 6(a).

30
31 **FINAL ACTION - FRAMEWORK ACTION TO MODIFY THE NUMBER OF UNRIGGED**
32 **HOOKS CARRIED ONBOARD BOTTOM LONGLINE VESSELS**
33 **REVIEW OF AMENDMENT**
34

35 **DR. SIMMONS:** Thank you, Mr. Chairman. I will be reviewing Tab
36 B, Number 6(a). You may recall, at the April council meeting,
37 you passed a motion for staff to bring back a document that will
38 look at modifying the number of unrigged hooks carried onboard
39 the bottom longline vessels in the Gulf of Mexico, because the
40 250 hooks was not adequate for the fishery.

41
42 This will be short. It's a very short document that we have
43 prepared for you, and there's the potential that you can take
44 final action, if you feel comfortable with the amendment as
45 written, if you select a preferred option.

46
47 Let's start on page 1, which is the purpose and need. The
48 purpose of this action is to modify the number of hooks that the

1 commercial reef fish vessels with a bottom longline endorsement
2 in the Gulf of Mexico are allowed to carry onboard when using
3 bottom longline gear to fish for reef fish in the Gulf EEZ, and
4 that is east of the 85 degrees, 30 minutes West longitude, and
5 that's around the area of Cape San Blas, Florida.

6
7 The need is to reduce the regulatory and potential economic
8 burden on fishermen, and so I will stop there and see if you
9 have any changes or suggestions to the purpose and need, but I
10 will note that, on page 2, Figure 1.2.1 shows the restrictions,
11 the current regulations, for bottom longline gear, and so I will
12 stop there.

13
14 **CHAIRMAN GREENE:** Thank you. Is there discussion? Any
15 discussion on the purpose and need? I don't see any, Dr.
16 Simmons.

17
18 **DR. SIMMONS:** You will see the document setup is structured a
19 little bit differently than we currently structure most of our
20 amendments. It's a categorical exclusion, and so what we did is
21 we provided some background information on what Amendment 31
22 did, and that was implemented in 2010.

23
24 Those regulations included -- You had the twenty-fathom
25 boundary, and you couldn't fish seaward of that. That was
26 currently on the books, but Amendment 31 implemented that June,
27 July, and August closure in fishing shoreward of thirty-five
28 fathoms, due to the sea turtle interactions. It also created an
29 endorsement, and the endorsement was based on the historical
30 logbook landings during 1997 to 2007 for fish traps and longline
31 gear, and so, using those landings histories, if you had 40,000
32 pounds gutted weight, then you qualified for an endorsement.

33
34 Since 2010, it has fluctuated between sixty-one and sixty-two
35 valid or renewable endorsements to the commercial reef fish
36 permit that are allowed to use this gear since the
37 implementation of Amendment 31, and then it also put in place
38 these gear restrictions, which are the point of this document,
39 which it limited the number of hooks that they were allowed to
40 carry onboard to 1,000 hooks, of which no more than 750 could be
41 fished or rigged for fishing, and so they had the extra 250
42 onboard only, and this was what was implemented in Amendment 31.

43
44 These regulations, we received an updated biological opinion
45 after Amendment 31 was implemented, and we were told that these
46 regulations achieved the council's goal of meeting the
47 recommended reductions in effort and reduced the interactions
48 with sea turtles, and you can see we have summarized that

1 information in the document.

2
3 Since that time, fishermen have asked for an additional number
4 of hooks besides the 250 to be onboard, due to the economic
5 burden, where they're fishing with too few hooks or they have to
6 come back, or another vessel has to bring more hooks out to them
7 on long trips.

8
9 If you go to page 4, we have laid out three options. Option 1
10 would modify the total number of hooks per vessel to 1,500, of
11 which no more than 750 hooks are fished or rigged for fishing,
12 and so that would allow 750 extra. Option 2 would modify the
13 total number to 1,750, of which no more than 750, again, are
14 allowed to be fished or rigged for fishing, and so that would
15 allow them to carry 1,000 additional hooks onboard.

16
17 Then Option 3 is an unlimited number of unrigged hooks onboard,
18 and that would modify -- You could only fish the 750 hooks, and
19 so they're not changing that requirement. It would only be
20 allowing them to carry these additional hooks onboard.

21
22 I think some of the rationale that we heard from industry for
23 this is they've had additional shark bite-offs, and so,
24 basically, this 250 hooks was not enough on a trip, and I think
25 Ms. Gerhart has some additional information from observers about
26 an average number of hooks that are used per trip, and law
27 enforcement hasn't specifically weighed-in on this, but we did
28 get in touch with some folks over at NOAA.

29
30 They did tell us that they would enforce these regulations
31 regardless, and so they would count all those number of unrigged
32 hooks, but obviously the least burden would be if you allowed
33 the unlimited number of hooks, and so I will stop.

34
35 **CHAIRMAN GREENE:** Ms. Guyas.

36
37 **MS. GUYAS:** On that note, I asked some of our law enforcement
38 about this one, and they were comfortable with Option 3. They
39 already have to count a lot of hooks, and stopping at 750 would
40 be awesome, was the feedback that I got, because it really takes
41 a long time, and searching around the boat for more hooks in
42 places is not fun.

43
44 **CHAIRMAN GREENE:** Ms. Gerhart.

45
46 **MS. GERHART:** In speaking with the NOAA Law Enforcement, we got
47 something similar as well. If it's unlimited, then they don't
48 have to count anything, and so that actually eases their burden,

1 whereas, if we increased the number of hooks, that's more hooks
2 to count.

3
4 **CHAIRMAN GREENE:** Thank you. Is there further discussion?
5 David Walker.

6
7 **MR. DAVID WALKER:** I would speak in favor of Option 3, too. I
8 would sort of echo what Martha said. It would simplify it for
9 enforcement, and, I mean, there is really -- Sharks have
10 increased, or the forage fish have decreased, and I'm not sure,
11 but the interaction with sharks -- They have lost a lot of hooks
12 with sharks.

13
14 **CHAIRMAN GREENE:** Ms. Gerhart.

15
16 **MS. GERHART:** As Dr. Simmons mentioned, I do have a little bit
17 of information that we just got from the observer data, and we
18 have average hook loss per trip. Now, this is, obviously, only
19 on observer trips, but it has increased. In 2010, there was
20 about 226 per trip that were lost, which falls within the 250
21 that we originally put into place, but, lately, it's been closer
22 to -- There has been higher numbers, up to 350, or even 440 in
23 2011. It's variable, according to this database, but it is
24 right at that 250, or even higher, on average, for the observer
25 trips.

26
27 **CHAIRMAN GREENE:** Thank you. Lieutenant Commander Danaher.

28
29 **LCDR LEO DANAHER:** Just from an enforcement perspective, reading
30 over the options, they're all enforceable, but we're trying to
31 keep things efficient, and so do you want the boarding to be
32 short and efficient or long and painful?

33
34 **CHAIRMAN GREENE:** Well, that puts it in a different perspective.
35 Okay. Anybody else want to weigh in? Okay. Dr. Simmons, do we
36 need to pick a preferred at this point?

37
38 **DR. SIMMONS:** Yes, I think that would be helpful for the public,
39 especially if you're thinking about taking final action in the
40 near future.

41
42 **CHAIRMAN GREENE:** I am thinking that we are going to take final
43 action in the near future. Mr. Sanchez.

44
45 **MR. JOHN SANCHEZ:** I will move that we pick Option 3 as the
46 preferred.

47
48 **CHAIRMAN GREENE:** We have a motion to make Option 3 the

1 preferred by Mr. Sanchez, and it was seconded by Mr. Matens. I
2 think we've had some pretty good discussion, and we've had
3 enforcement weigh in. Is there any further discussion?
4

5 **Seeing no further discussion, the motion is to make Option 3 the**
6 **preferred option. Option 3 is to modify the total number of**
7 **hooks to be unlimited, of which no more than 750 are rigged for**
8 **fishing. While the option of greater than 1,500 hooks per**
9 **vessel was not analyzed in Amendment 31, the regulation to only**
10 **allow 750 hooks to be fished or rigged will remain in place.**
11 **Therefore, there should not be any additional concerns for**
12 **protected species interactions. Law enforcement would only need**
13 **to check the number of rigged hooks (750), because there would**
14 **be an unlimited number of unrigged hooks allowed in this option,**
15 **reducing any burden on law enforcement. It was seconded by Mr.**
16 **Matens. Is there any further discussion? Is there any**
17 **opposition to the motion on the floor before you? Seeing none,**
18 **the motion carries. Dr. Simmons.**
19

20 **SUMMARY OF PUBLIC COMMENTS**

21
22 **DR. SIMMONS:** Thank you, Mr. Chairman. I just want to confirm
23 with Emily that we did not have any public comments on this?
24

25 **MS. MUEHLSTEIN:** We did not.
26

27 **CODIFIED TEXT**

28
29 **DR. SIMMONS:** Okay. The proposed text is Tab B, Number 6(c).
30 That just shows where the number would change, if you have any
31 questions there.
32

33 **CHAIRMAN GREENE:** Okay. We have the codified text before us, if
34 you want to go ahead, being that it is slated for final action,
35 go ahead and send it to the council to send to the Secretary,
36 and I would need someone to make that motion, if you're
37 comfortable with it at this time. Ms. Levy.
38

39 **MS. LEVY:** Just to note that the codified text in the briefing
40 book put 1,000 hooks in total as a placeholder, but that would
41 change to just remove the total and leave in that 750 could only
42 be used for fishing or rigged.
43

44 **CHAIRMAN GREENE:** Okay. **That would change under the editorial**
45 **license and approved by the Chair, and so, with that, Mr. Banks**
46 **has offered up the motion to send this to the Full Council and**
47 **on to the Secretary.**
48

1 **MR. ANSON:** Second.

2
3 **CHAIRMAN GREENE:** It was seconded by Mr. Anson. **Mr. Banks'**
4 **motion is to approve the abbreviated framework action to modify**
5 **the number of unrigged hooks carried onboard bottom longline**
6 **vessels and that it be forwarded to the Secretary of Commerce**
7 **for review and implementation and deem the codified text as**
8 **necessary and appropriate, giving staff editorial license to**
9 **make necessary changes in the document. The Council Chair is**
10 **given the authority to deem any changes to the codified text as**
11 **necessary and appropriate, and it was seconded by Mr. Anson. Is**
12 **there any opposition to the motion on the floor before you?**
13 **Seeing none, the motion carries.**

14
15 With that, in talking to Ms. Bosarge here and other staff
16 members, we're going to go ahead and try to take care of some of
17 the Other Business items now. There may be people coming in for
18 tomorrow on some of these other agenda items, and so, with that,
19 I will go to Ms. Levy and then Ms. Gerhart, so we can talk about
20 the Status Determination Criteria and then the turtle stuff, and
21 so, if you guys are ready to jump into that, we can do it, and
22 it doesn't have to be in any particular order. Whoever is ready
23 first is fine with me. Ms. Levy.

24
25 **OTHER BUSINESS**

26 **STATUS OF STATUS DETERMINATION CRITERIA AMENDMENT**

27
28 **MS. LEVY:** I will go first then. Thank you. I just wanted to
29 have a little bit of discussion about the status of the Status
30 Determination Criteria Amendment. I think you recently received
31 a letter from Roy about the hogfish amendment, and it's related
32 to the discussion we had at the last meeting about sort of
33 putting the status determination criteria on the front burner
34 and dealing with things like MSY and MSST and OY for species in
35 the Reef Fish FMP that haven't been looked at since I think it
36 was Amendment 3, with regard to those status determination
37 criteria and reference points.

38
39 The council decided that that was a priority, and I think it's a
40 priority, and I would just like some discussion about a
41 potential maybe timeline or expectation for how the workflow and
42 when a completion date for that would be happening, because I
43 think should be a priority, and it would be helpful if we sort
44 of lined out how long we think it's going to take and when we
45 would expect to complete it.

46
47 **CHAIRMAN GREENE:** Thank you. Ms. Bosarge.

1 **MS. BOSARGE:** I am going to kind of look over to the staff table
2 and look at Mr. Atran, but we did -- Mr. Atran, and I shouldn't
3 say we, but Mr. Atran has started on this, and he actually give
4 a cursory presentation of it on the SSC webinar that we had,
5 last month I think it was, to get them geared up and prep them
6 for what was coming, but I will turn it over to you and let you
7 talk a little more to it.

8
9 **MR. ATRAN:** If we're going to make this a high priority, I think
10 it might move faster -- This is an amendment that we have
11 started and stopped and started. We have pulled stuff out of
12 it, and we've put stuff back into it, and so it's been going at
13 a snail's pace, and we're trying to get it jumpstarted again
14 right now.

15
16 The SSC was introduced to a preliminary options paper that I
17 have, and it still needs work. I am not sure if we have an IPT
18 together at the moment. We had one, but we have been working on
19 this for so long that some of the people who were on the IPT are
20 retired now, and so we may need to reformulate that.

21
22 The best I can tell you is that, if we make this a priority, and
23 we kind of resist some of the efforts that some people like to
24 have to just continually form working groups and review the
25 latest information, but we could probably have a document that's
26 in good enough shape to talk about taking final action sometime
27 around the middle of next year, but, as I said, we would need to
28 make this a high priority if we're going to do that.

29
30 **MS. LEVY:** I guess I would just encourage the council to think
31 about that and, maybe at Full Council -- I am not sure that it
32 needs a motion, but I feel like there needs to be some sort of
33 direction that this is a high priority and we're going to push
34 it through and we're going to establish some sort of defensible
35 status determination criteria and reference points for all of
36 the species that have all of these outdated ones.

37
38 Then I think one of the issues has been the SSC has wanted to
39 take a more comprehensive look at MSY and things like that, and
40 I think that's fine, but I still think we should press forward
41 with having these things on the books, consistent with the
42 Magnuson Act, and then we can take a more detailed sort of
43 longer look, or, if they get new information and you want to
44 change some of these things, that can always happen. I guess I
45 would be interested in sort of hearing sort of a firm commitment
46 to get this done in a timely manner.

47
48 **CHAIRMAN GREENE:** Mr. Gregory.

1
2 **EXECUTIVE DIRECTOR GREGORY:** Should we just do hogfish alone at
3 this time and then follow it up with the other species, the
4 other FMPs?
5

6 **MS. LEVY:** You could do that, but, in my opinion, the time would
7 be better spent dealing with them all as quickly as we can, to
8 just get them all done. I mean, for hogfish, we have ACLs and
9 ABCs that are in place, based on OFLs and MSYs that are based on
10 the same sort of reference points.
11

12 We just have that technical issue with the OY, and, if we can
13 address that in the status determination criteria and move the
14 whole thing along quickly, so that the whole Reef Fish FMP has
15 these important reference points in place, then I think that
16 would be the best, but obviously it's up to you if you want to
17 quickly address hogfish, and I still would want you to quickly
18 address the other ones as well, and it just seems like that's
19 double the effort.
20

21 **CHAIRMAN GREENE:** Mr. Atran.
22

23 **MR. ATRAN:** First of all, on OY, there is a number of questions
24 on how we're going to address OY, and so, whether we do one
25 stock or a bunch of stocks, it's still going to take a little
26 bit of time to sort that out, and so we might as well address
27 them all at once.
28

29 The other thing that I wanted to mention is that, as of right
30 now, this SDC Amendment is set up to address the reef fish
31 stocks plus red drum, the finfish that we manage, basically.
32

33 My understanding is that our invertebrates, the spiny lobster
34 and the shrimp, already have adequate SDC and OY, and, if we
35 wanted to address the mackerels, that brings it into the realm
36 of a joint amendment, and that would slow things down, because
37 we would have to coordinate with the South Atlantic Council, and
38 so, at the moment, we're looking at this just to focus on the
39 reef fish, and maybe include red drum with that as well.
40

41 **CHAIRMAN GREENE:** All right, committee. Anybody have any
42 opinions here? Mara, or Doug Gregory, do we need to make this
43 in the form of a motion to move it up on the priority list, or
44 how would you like to proceed?
45

46 **EXECUTIVE DIRECTOR GREGORY:** Yes, I think we are trying to move
47 more to get the council to make motions for us to follow, rather
48 than have individuals ask us to do something. It's starting to

1 get a little confusing, and my concern is that, if we get three
2 people asking us to do something and we go, okay, and we forget
3 one person, it could cause problems, and so we would prefer to
4 get motions for everything like this.

5
6 **CHAIRMAN GREENE:** Okay. Based on what Mara said and everything
7 that's been around, I guess we're going to need a motion to move
8 this status determination criteria to a higher priority.
9 Anybody willing to float a motion? Ms. Guyas. Thank you.

10
11 **MS. GUYAS:** I don't know if this amendment has a number, but I
12 guess it would just be to move the Status Determination Criteria
13 Amendment a priority on the proposed action schedule.

14
15 **CHAIRMAN GREENE:** Instead of "to move the status determination",
16 I guess we need "to make the status determination criteria".
17 That makes Ms. Bosarge happy, and so please change that to
18 "make". We have a motion on the floor, and it was seconded by
19 Mr. Robinson. Thank you.

20
21 **The motion is to make the Status Determination Criteria**
22 **Amendment a priority on the proposed action schedule.** Any
23 further discussion? **Seeing no further discussion, is there any**
24 **opposition to the motion on the floor before you? Seeing no**
25 **opposition, the motion carries.**

26
27 With that, we will go into our next Other Business item, which
28 will lead us to Ms. Gerhart.

29 30 **TURTLE RELEASE GEAR**

31
32 **MS. GERHART:** A while ago, the council required turtle release
33 gear, and you saw the placard earlier for that, and there was
34 certain gear that was approved to meet those requirements. At
35 the time, what the council did was point to the HMS regulations
36 for that list of approved gear. We didn't have our own.

37
38 Now the Science Center has found a couple of other gears that
39 they have approved. One is a net. It's a collapsible net.
40 Right now, all the nets that are required have rigid frames, and
41 this makes it something that is a little more usable on a
42 smaller vessel, where they don't have as much room to store
43 those larger nets.

44
45 It does open up to the correct size, and it can hold the
46 hundred-pound weight that's required for pulling turtles
47 onboard. The other one is a different kind of de-hooker that is
48 very easy to use, and it is apparently very popular with for-

1 hire fishermen, in particular.

2
3 We would like to allow those gears to meet the requirements.
4 However, they're not appropriate for HMS, and so we can't just
5 ask HMS to add it to their list of approved gears. The South
6 Atlantic Council also has these same requirements in place, but
7 they actually created an appendix for their own gear list in our
8 codified text that they can just refer to and very easily
9 update, without having to come forward to the council and just
10 add that on there.

11
12 What we would like to do is have the council request staff to
13 work on -- I am not sure if we've decided if it should be a plan
14 amendment or a framework, but something to set up the same
15 process for the Gulf Council, so that we can create the same
16 appendix, and perhaps even use the same appendix that the South
17 Atlantic Council has, since it's the same list of gear, so that,
18 in the future, this would be easier to take care of changes like
19 this.

20
21 **CHAIRMAN GREENE:** Thank you. I have a comment, but I will hold
22 it until the rest of the committee has any comments or concerns.
23 This is something that we're going to I guess have a motion to
24 figure out if we're going to do a plan amendment or a framework.

25
26 I don't see any comments, and so I'm going to throw one out
27 there, Ms. Gerhart. This whole turtle thing is very cumbersome
28 to begin with, and you have to carry dog-bone type deals and
29 mouth-opening devices, dog-chew toys, PVC couplings to go in to
30 hold the turtle's mouth open, eighteen-inch-long needle-nose
31 pliers to go in and get the hook out. You have to carry these
32 nets, and you have to carry a car tire.

33
34 We're all engaged in fishing activities, and, while we all do it
35 a little differently, it becomes kind of hard, I would imagine,
36 for some of these small guys in smaller boats to carry car tires
37 and dip-nets, et cetera.

38
39 I hope, when we get to this point, we can look at not only the
40 new de-hooker and the items that you mentioned, but some of this
41 other stuff that is kind of archaic, and it's kind of hard to
42 have an area to carry this stuff on a boat, because some of this
43 stuff is rather long.

44
45 Depending on the height of your gunnel, from the top of the
46 gunnel to the water, it has to be 150 percent, and so some of
47 these things, in my case, are almost ten feet long to carry, and
48 so these are things that we need to look at with this, and so I

1 just wanted to throw that out there for informational purposes
2 as well.

3
4 We're going to need a motion to start a framework or a plan
5 amendment, and I didn't know which one, or do we just need to
6 direct staff to do that, or does someone want to throw a motion
7 out there? I think we need to do that as well. Ms. Bosarge.

8
9 **MS. BOSARGE:** I think we can probably just say "document", and
10 that will give staff the leeway to talk with the agency and
11 confer with the IPT and figure out which type of document is the
12 proper one, and so, if somebody wants to make that motion, we
13 can just say generally a document. It's not five o'clock yet,
14 and so we're still making motions, and so who wants to make the
15 motion?

16
17 **DR. CRABTREE:** I would like to move that we direct staff to
18 begin work on a document to revisit turtle release gear in the
19 reef fish fishery.

20
21 **CHAIRMAN GREENE:** Thank you. Is there a second to the motion?
22 It's seconded by Ms. Guyas.

23
24 **DR. CRABTREE:** I am still working on my motion a little.

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

27
28 **MS. LEVY:** I don't know that you need to fix the motion, but, at
29 some point, someone, or the council, is going to need to be
30 clear about what that means, and so exactly what about turtle
31 release gear? Other than what Sue said, if there are other
32 specific things that you want the document to look at, I think
33 you're going to need to tell staff, because that's just a
34 completely wide-open motion.

35
36 **CHAIRMAN GREENE:** I think, to get started, the stuff that Sue
37 had mentioned, the points that I made, and I'm sure there will
38 be a lot of other stuff that will come out as well. If anybody
39 else has anything specifically, outside of a different de-hooker
40 and the collapsible net and car tires and other possible
41 solutions for that, and so, with that, I'm going to look over at
42 the staff table. Do you all want more or need more?

43
44 I know they always want more information, and I know a lot of
45 the people at the table are not very familiar with this, and
46 that's why I'm jumping in, which I try not to ever do, as Chair,
47 but it's one of those things that it is fairly complex, and it
48 is something that, when I've been boarded twice this year, they

1 have asked to see my turtle release gear, which I fail to see
2 how I'm going to get a 300-pound turtle up to the boat on fifty-
3 pound test, but it's part of the requirements.

4
5 Anything else that anybody can think of, throw it in there.
6 Otherwise, I will pledge to work with the staff on this and
7 provide some more substance, but, Mara, I don't know what else
8 we could add at this particular point. I really don't. Ms.
9 Levy.

10
11 **MS. LEVY:** That's fine. One thing that might be useful, because
12 we were going down sort of a narrow path of addressing the
13 couple of things that Sue mentioned, but you have kind of
14 broadened it, and that is that staff may need, within this
15 document or whenever this comes back up, to look at also what
16 was put in place and why and then what the biological opinion
17 assumed was going to be in place, because you may not want to
18 carry the car tire, but, if it was for a particular purpose and
19 it does something that the bi-op assumes reduces turtle
20 mortality, then I think you would want to know that before you
21 decide that it shouldn't be required anymore.

22
23 **CHAIRMAN GREENE:** Thank you. **We have a motion on the board to**
24 **direct staff to begin work on a document to address the turtle**
25 **release gear.** It was seconded by Martha. Any further
26 discussion? **Seeing no further discussion, is there any**
27 **opposition to the motion on the floor before you? Seeing none,**
28 **the motion carries.** Our last item on Other Business is Mr.
29 Banks.

30
31 **LOUISIANA REEF FISH MANAGEMENT PLAN**

32
33 **MR. BANKS:** Thank you, Mr. Chairman. I just emailed the staff.
34 I wasn't sure if we would get to this today, and so I just
35 emailed the staff the draft options that we had put together in
36 Louisiana, and a little bit of background.

37
38 We asked some recreational anglers and some of the leaders of
39 the angling groups to Baton Rouge a couple of weeks ago, to sit
40 down with us and go through this plan, and we knew that we
41 needed to come here and least propose it to you guys, not
42 necessarily for a discussion, but at least so that the council
43 would know what we were thinking, and so it was very helpful to
44 have those folks in the room with us.

45
46 Leann was able to join us via phone call, and both Ed and Camp
47 were there, and so it was helpful to us, and so what came out of
48 that meeting was the document that I just sent around, which

1 goes through the options that describes what we're thinking
2 about in Louisiana, in terms of a Louisiana-only reef fish
3 management plan.

4
5 I will start walking through it real quick, and, again, it's
6 completely up to the council as to whether you all want to ask
7 questions or make comments or whatever, but it has eleven
8 options, or eleven actions.

9
10 The Number 1 Action is Louisiana management, and, basically, it
11 establishes a management program that designates Louisiana as
12 the management authority for private angling and charter/for-
13 hire components of the recreational sector for all reef fish
14 included in this amendment and landed in Louisiana by Louisiana
15 anglers at Louisiana ports. The amendment will continue the
16 separate management of the private angling and charter/for-hire
17 components of the recreational sector.

18
19 Action 2, the species included, and certainly we had talked
20 originally about it just being red snapper, but we thought,
21 since all these other species were in Amendments 41 and 42 and
22 the group seemed to agree that we added at least what our
23 preferred would be, and that would be not just red snapper, but
24 greater amberjack, gray triggerfish, gag, and red grouper.

25
26 Geographic is Action 3. The region covered in this document
27 includes the territorial seas adjoining the EEZ and Louisiana
28 coastal communities, and so basically Louisiana waters out to
29 200 nautical miles.

30
31 The duration would be for the years that we specified in the
32 motion at the last meeting, 2019 through 2021, after which it
33 will either sunset or be renewed by council action, and
34 certainly there were a couple of reasons, as you guys probably
35 know from that motion, that I used those years. One was to try
36 to push us forward to this issue, but then also not to lock us
37 in on the issue if it turned out that this was not what the
38 folks wanted or what the council wanted.

39
40 Action 5 is apportioning the recreational ACL or the quota.
41 Louisiana recreational reef fish quotas will be determined for
42 each sector component as that component's annual catch limit
43 times the average of 50 percent of each component's average
44 historical landings between 1986 and 2015, with 2010 excluded,
45 and 50 percent of the component's average historical landings
46 for the years 2006 through 2015, and so that's basically
47 following in line with 39 and 40 on how those were determined,
48 with historical landings as well as the more recent landings.

1
2 Composition of the charter/for-hire component, our preferred
3 alternative would be that the recreational reef fish plan will
4 continue to separate management of the charter/for-hire and
5 private angling components, but that state-permitted
6 charter/for-hire vessels will be included in private angling
7 components, which is basically the status quo.

8
9 In-season accountability, Louisiana would monitor landings in
10 coastal communities through LA Creel and prohibit landings in
11 Louisiana when the Louisiana quota or specified component quota
12 is met or projected to be met. That is exactly what we do right
13 now. We have a self-imposed quota, and we close when that is
14 projected to be met.

15
16 Post-season accountability, while red snapper and other reef
17 fish included in this amendment are overfished, if a component
18 of Louisiana's recreational sector exceeds their ACL, then
19 Louisiana will reduce the component's ACL in the following year
20 by the amount of the ACL overage in the prior years, unless the
21 best scientific information available determines that a greater,
22 lesser, or no overage adjustment is necessary.

23
24 Action 9 is a post-season carryover. If a component of
25 Louisiana's recreational sector is under their ACL, then
26 Louisiana may increase the component's ACL in the following year
27 by the amount of the ACL deficit in the prior year, unless the
28 best scientific information available determines that a greater,
29 lesser, or no deficit adjustment is allowable, and certainly
30 like we just did earlier, minus the natural mortality, et
31 cetera.

32
33 Size limit will stay with the same, the sixteen-inch size limit,
34 and the bag limits stay with the two fish per season, and so,
35 again, it mainly describes the season we have in Louisiana right
36 now out to nine miles and just extending that out into 200
37 nautical miles, and so those were the ideas that we put forth to
38 the group and the group discussed, Louisiana anglers did, and so
39 that is what we're going to propose, and we felt like putting it
40 down on paper for everybody to see what the ideas were may be
41 helpful for our future discussions. I will be happy to answer
42 any questions, or we can just leave it at that and be prepared
43 for the next meeting. Thanks.

44
45 **CHAIRMAN GREENE:** Thank you, Mr. Banks. Any discussion? Ms.
46 Bosarge.

47
48 **MS. BOSARGE:** I just wanted to say thank you for allowing me to

1 be on that call. I did very much appreciate it. I think, a lot
2 of times, there is a fear of the unknown, and, as I tell you a
3 lot of times, sometimes I feel like I'm under a rock when I
4 leave this council meeting and I don't know what the other
5 states have in store, and so I did really appreciate that.

6
7 I think you have laid it out pretty clearly what you hope to
8 accomplish and how you hope to run your system. You had two
9 council members at that meeting, and I think that's very open
10 and transparent, and so I think we're making some good progress,
11 and surely that's some guidance to staff as to what Louisiana is
12 hoping to see in their amendment, and maybe we will get some of
13 the same as we go forward with Mississippi and Alabama. I think
14 we have some optimism here. We're looking good, guys. We might
15 make progress on some stuff, and so a happy note to end the day.

16
17 **CHAIRMAN GREENE:** Well, Dr. Crabtree.

18
19 **DR. CRABTREE:** Why did you say it like that? I think this is
20 some good guidance, but I just wanted to make a -- We had, at
21 the last meeting, we had three motions made to work on three
22 independent amendments along these lines.

23
24 One thing to bear in mind though is the allocation part of those
25 three amendments is intertwined, because they can all only come
26 to a 100 percent, and so, somehow, we need to think about how
27 we're going to approach the allocation parts of these
28 amendments, because they are not independent of each other,
29 because, if we allocate so many fish to one state, then there is
30 only so many fish left to be allocated, and so they affect each
31 other.

32
33 **CHAIRMAN GREENE:** Thank you. Any further discussion? Okay.
34 Right on time. Well, we're a few minutes early. We've still
35 got fifteen minutes, but, Chairman Bosarge, anything else?
36 Steven Atran.

37
38 **MR. ATRAN:** During the discussion of the MSST amendment, the
39 committee had asked for some updates on a couple of the numbers,
40 as far as the biomass levels for some of the fish. I have those
41 numbers now, if you want them.

42
43 **MS. BOSARGE:** Yes, we'll do that real quick, especially since
44 it's slated for final action.

45
46 **MSST AMENDMENT BIOMASS LEVEL UPDATE**

47
48 **MR. ATRAN:** Okay. The two stocks that we're looking are greater

1 amberjack and red snapper. Greater amberjack, with the SEDAR 33
2 assessment, we were at 47 percent of our target, our 30 percent
3 SPR target. With the SEDAR 33 update, we went backwards. We
4 are now at about 29 percent of the target, and so we're going
5 the wrong way there, and it would be overfished under any of the
6 MSST alternatives.

7
8 With red snapper, that's a little bit better information. As of
9 the update assessment, we are at 54 percent of our target, our
10 26 percent SPR target, and so, under a 50 percent MSST, we would
11 be above the overfished threshold, and I have an email that I
12 got from Andy Strelcheck, who tells me that, based on
13 projections from the Southeast Fisheries Science Center, the
14 stock biomass for 2017 is projected to be around seventy-one-
15 and-a-half percent, and so we're getting very close to that 75
16 percent threshold. We're not quite there, but we're getting
17 close to it.

18
19 **CHAIRMAN GREENE:** Mr. Gregory.

20
21 **EXECUTIVE DIRECTOR GREGORY:** I have a question for Dr. Crabtree
22 or Ms. Levy. If the council chooses the 50 percent level, and
23 red snapper are longer overfished, does the rebuilding plan go
24 away and then the overfishing definition take over?

25
26 **DR. CRABTREE:** No.

27
28 **EXECUTIVE DIRECTOR GREGORY:** Because they are slightly different
29 fishing mortality rates.

30
31 **DR. CRABTREE:** No, the rebuilding plan remains until we reach
32 BMSY, but the status of the stock would change from overfished
33 to not overfished, and then that has some bearing, I think, on
34 some of the accountability measures and things, but the
35 rebuilding plan is until we actually achieve 26 percent SPR.

36
37 **EXECUTIVE DIRECTOR GREGORY:** Okay. When we do the standard
38 assessment, and the conclusion is going to be that that
39 assessment -- That the population is no longer overfished, and
40 that's a determination by the SSC. Wouldn't that make the
41 rebuilding plan go away?

42
43 **DR. CRABTREE:** No, because the rebuilding plan is not complete
44 until you reach the rebuilding target, which is BMSY, and so you
45 would still be rebuilding until you get to 26 percent SPR, and
46 we've had this happen in several other stocks, when you pass the
47 MSST, but you're still not fully rebuilt, and so that's the way
48 the guidelines and things are set up.

1
2 **CHAIRMAN GREENE:** Okay. Thank you. Is there further
3 discussion? Seeing none, Madam Bosarge.
4

5 **MS. BOSARGE:** All right. That should wrap us up for the day.
6 We're ten minutes ahead of schedule, and so I will let you out
7 of here a whole ten minutes early. We are going to start
8 tomorrow at eight o'clock again, and so I will see you bright
9 and early. Before we leave the day, I wanted to thank our
10 Florida Commissioner Priddy again for coming and joining us. We
11 appreciate your enthusiasm and your willingness to come and sit
12 at the table with us. Thank you.
13

14 (Whereupon, the meeting recessed on June 5, 2017.)
15

16 - - -

17
18 June 6, 2017
19

20 TUESDAY MORNING SESSION
21

22 - - -
23

24 The Reef Fish Management Committee of the Gulf of Mexico Fishery
25 Management Council reconvened at the Naples Grand Beach Resort,
26 Naples, Florida, Tuesday morning, June 6, 2017, and was called
27 to order by Chairman Johnny Greene.
28

29 **CHAIRMAN GREENE:** Good morning. We will pick up on Item Number
30 VII, and this will be Tab B, Number 7 in your book, and, Mr.
31 Rindone, if you're ready.
32

33 **DRAFT - FRAMEWORK ACTION TO MODIFY THE ACT FOR RED SNAPPER**
34 **FEDERAL FOR-HIRE AND PRIVATE ANGLER COMPONENTS**
35

36 **MR. RYAN RINDONE:** I am sir. We are talking here, in Tab B,
37 Number 7, about modifications to the recreational red snapper
38 annual catch target, or ACT, buffers. We have used quota-based
39 management for red snapper for forever, or for an exceptionally
40 long time, and we have been using ACTs ever since the federal
41 lawsuit that directed the council to put the buffer between the
42 ACT and the ACL, and, right now, those buffers are set at 20
43 percent, respectively, for the private recreational component
44 and the for-hire component.
45

46 The landings history for the ACT and the ACL versus actual
47 landings is shown in Table 1.1.1, which is on page 7 in the
48 background section, and that goes through 2016. Since we had

1 sector separation the last couple of years, 2015 and 2016, the
2 private angling sector has exceeded their ACT twice and their
3 ACL once, and the for-hire sector has not exceeded their ACT or
4 ACL, and you can see that in Table 1.1.2, the next page down.
5 Those data are directly from the Southeast Regional Office's ACL
6 monitoring webpage.

7
8 The purpose of this document is to examine looking at adjusting
9 the ACT buffer for the red snapper recreational sector or sector
10 components to a level that will allow greater harvest without
11 exceeding the component ACLs. The season length for both is set
12 based on the ACT, and obviously, with the private angling
13 component, we have exceeded that a couple of times, and, with
14 the for-hire component, they're not actually -- The season
15 length isn't long enough, it appears, to allow them to reach
16 their ACT.

17
18 The need is to allow the recreational sector components to
19 harvest red snapper at a level consistent with achieving optimum
20 yield while preventing overfishing and also to achieve more
21 accurate and fair implementation of annual catch targets and to
22 address social and economic impacts, keeping the respective
23 recreational red snapper fishing seasons open longer, while
24 allowing rebuilding targets to be achieved. At any point, stop
25 me if you guys have any questions.

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

28
29 **MR. DIAZ:** I just have a quick comment. I like the purpose and
30 need statement that you have there, and I really like that you
31 put in there that we're trying to be more accurate and fair,
32 because I think that's the whole thing that I've been trying to
33 drive home in talking about this over the course of the last
34 nine or ten months.

35
36 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.
37 Rindone.

38
39 **MR. RINDONE:** Thank you, Mr. Chair. We only have one action in
40 here right now, and I'm looking for lots and lots of feedback
41 from you guys. Action 1 would modify the red snapper
42 recreational annual catch target buffers.

43
44 Alternative 1, obviously, does the opposite of that. It does
45 nothing at all and leaves it where it is, at 20 percent, for
46 both components. Now, Alternatives 2, 3, and 4 go about things
47 generally the same way.

48

1 Alternative 2 would set the ACT for the combined recreational
2 red snapper sector at some percentage below or above the -- At
3 some percentage below the recreational ACL. This is contingent
4 on the final combined recreational landings estimates for red
5 snapper in 2017 being within some percentage of the combined
6 component ACLs, and so it's dependent on what happens this month
7 and next month.

8
9 Option 2a would set the combined ACT, and so it's both sectors,
10 at 25 percent below the ACL, in the event that the 2017 landings
11 are at least 5 percent over the combined ACL. Now, in the
12 opposite direction, Option 2b would set the combined ACT at 15
13 percent below, and that's 5 percent below what it currently is,
14 the combined ACL, so long as the 2017 landings are at least 5
15 percent below the 2017 combined ACL.

16
17 Option 2c would set the combined ACT 10 percent below the
18 combined ACL, so long as landings are at least 10 percent below
19 the 2017 ACL, and so, with Option 2a, it's going to increase the
20 buffer to 25 percent if the landings are at least 5 percent
21 over. Option 2b, it's going to decrease it to 15 percent, as
22 long as the landings are 5 percent under, and Option 2c is it's
23 going to decrease it to 10 percent, as long as the landings are
24 10 percent under, and this is all contingent on the 2017
25 landings.

26
27 **CHAIRMAN GREENE:** Ms. Levy.

28
29 **MS. LEVY:** I just have a question about how b and c relate to
30 each other. It would reduce it to 15 percent below as long as
31 the 2017 landings are 5 percent below the combined ACL, but then
32 it's going to reduce it less, 10 percent, if the combined
33 landings are 10 percent below, and is that right? Meaning
34 you're reducing it more if the landings are less below the ACL.

35
36 **MR. RINDONE:** No. If the landings are 15 percent below the
37 combined ACL, then the new ACT -- Sorry. You would set the
38 combined ACT 15 percent below the combined ACL if the landings
39 are 5 percent below the ACL in 2017, and so you're going to
40 reduce it by -- You're going to reduce the buffer by 5 percent,
41 and so from 20 percent to 15 percent, as long as the landings
42 were 5 percent under. 5 percent underage in landings equates to
43 a 5 percent reduction in the buffer, and does that make sense?
44 Okay. I have lots of thumbs-up now. Does anybody else have a
45 question about how that math is working out?

46
47 **CHAIRMAN GREENE:** Dr. Stunz.

48

1 **DR. GREG STUNZ:** Ryan, just so I'm clear, and maybe it's just me
2 not following this, and so I'm wondering, sort of based on the
3 discussion that we had yesterday, and so this just resets every
4 year then? What happens in 2018 or 2019 or --

5

6 **MR. RINDONE:** That's a wonderful question.

7

8 **DR. STUNZ:** Is there a way to build this in so you --

9

10 **MR. RINDONE:** To make it fluid like that, we could add to it,
11 and you can guys can certainly request that. The way that this
12 is set up right now is that, based on what happens in 2017, we
13 would make a hard adjustment to the ACT. If you wanted it to be
14 a more fluid adjustment, based on a moving average, we could
15 look at something like that. By all means, propose some ideas.
16 We're a little thin on this, because we only have two years of
17 landings data to look at, which makes landings-based data
18 analysis more difficult.

19

20 **DR. STUNZ:** I guess I am not opposed to this, but there
21 certainly are some challenges. One is if you're using one year.
22 We're all well aware that there's a lot of dynamics happening
23 that could greatly influence setting something from 2017, and so
24 building in some type of annual resetting, but then,
25 complicating that, is we're just getting those final landings in
26 very late in the year, and so that's same problem that we had
27 yesterday, is do we use the year prior or something, since you
28 don't have these landings data in time to actually have as firm
29 numbers as we might want, but I don't know. I would be for
30 setting some type of flexibility in here, so it's not just fixed
31 one year, since things are changing.

32

33 **CHAIRMAN GREENE:** Thank you. Ms. Levy.

34

35 **MS. LEVY:** I have a question about that, too. Last time, when
36 we set the buffer, and I think the table is in here, but there
37 was an analysis of what the buffer meant in terms of the
38 percentage of exceeding the ACL, and so there was an analysis
39 of, if you choose this buffer, this is the likelihood of
40 exceeding.

41

42 Why aren't we looking at that? Meaning, why aren't we looking
43 at a history and kind of figuring out what the appropriate
44 buffer may or may not be or a range of alternatives, based on
45 the probability of exceeding the ACL, and I guess I sort of have
46 the same question about relying on 2017 as the only year that's
47 going to be the basis for deciding what the buffer should be,
48 given that we do have some history.

1
2 **MR. RINDONE:** Really, we only have two years of history, because
3 we've only been managing red snapper in the way that we
4 currently are for two years, and so it's just an average with an
5 N of two, and, because of that, using the ACT control rule to
6 try to determine what the buffer should be is not functional,
7 because the ACT control rule requires more years of data than
8 just two.

9
10 What we're stuck with is either using the average of two years,
11 which we can certainly try to look at, but, again, it's not very
12 meaningful, because it's just an N of two, or we can look at
13 making adjustments based on what will trend to happen in the
14 future, or, if there's another way that you guys would like us
15 to explore, we can look at that, too. I mean, we're very early
16 in the development of this.

17
18 **CHAIRMAN GREENE:** Ms. Levy.

19
20 **MS. LEVY:** I guess, and maybe I need to look back at the thing
21 we did that set the buffers in place, but I didn't think that
22 was based on the control rule. Maybe it was, but I thought NMFS
23 just did some analysis, and I realize that we had more years to
24 put into that analysis, but I don't think it was based on the
25 control rule.

26
27 I am just suggesting that we maybe think of other ways to come
28 up with what an appropriate buffer is based on what has happened
29 and maybe what we think will happen, but I do see sort of an
30 issue with this reliance on what's going to happen this year.
31 That seems a little bit difficult.

32
33 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.
34 Rindone.

35
36 **MR. RINDONE:** Thank you, sir. Alternative 3 and 4 essentially
37 do the exact same thing as Alternative 2, except Alternative 3
38 does it specifically for the private angler component and
39 Alternative 4 does it specifically for the for-hire component.

40
41 Based on what we were looking at here, we thought you guys might
42 prefer different options here, and the other thing is that you
43 could -- If we were going to base this measure on what happens
44 in 2017 only, then selecting multiple options would be something
45 that you could do, and it's kind of like hedging a bet and
46 covering yourself, but it would be something that you could do.

47
48 **CHAIRMAN GREENE:** Dr. Ponwith.

1
2 **DR. PONWITH:** Thank you. Looking at this, one advantage of
3 Alternative 3 that I can see is that it gives you some
4 granularity, in terms of differences in burn rates. If the burn
5 rates among those sub-components are dramatically different, it
6 would be at least some sort of rationale for having those
7 buffers be proportionally different.

8
9 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Ms.
10 Bosarge.

11
12 **MS. BOSARGE:** Ryan, maybe I am just missing it, but is there a
13 table in here that gives the overall ACT and ACL percentages? I
14 see, on page 2 of my paper copy, and I have no idea what that is
15 electronically, but where you give the percent ACTs for 2015 and
16 2016, like by sector, by sub-sector, but do we give the overall
17 anywhere? If not, could we add that?

18
19 **MR. RINDONE:** I can add the overall. That's fine. I can just
20 add a -- On Table 1.1.1, I will add a column that shows the
21 percentage. To Dr. Ponwith's point from before, and to what Dr.
22 Stunz was saying, there might be some mingling that could happen
23 there between those two ideas, if you guys wanted to explore
24 something that was going to be more fluid, and you could have --
25 If you're going to look at like a moving average, you could have
26 multiple options in place to determine how the buffer would
27 change based on the results of that moving average, and so
28 that's something else to think about.

29
30 Again, we're looking for any and all input from you guys on
31 this, and, like I said, with only two years of data, it does
32 make it a little bit more difficult to come up with a solid plan
33 moving forward.

34
35 **CHAIRMAN GREENE:** Mr. Diaz.

36
37 **MR. DIAZ:** Thank you, Mr. Chair. I kind of like the way Ryan
38 has got it set up here, especially for Alternatives 3 and 4. I
39 think there was some discussion around the table, when we talked
40 about this at the last meeting, that what happens with one group
41 affects the other group.

42
43 The way it's set up here now is what happens in 2017, what that
44 group actually experiences, what actually happens with that
45 group, is what's going to affect that group, and we have these
46 things separated now.

47
48 I do like that concept and the way we're going here, and so, if

1 one group happens to overfish, then we could set up the ACT
2 based on that experience. If we look at historically how it's
3 happened lately, the charter/for-hire, two years in a row, has
4 been 87 percent of its ACT and 88 percent of its ACT.

5
6 If they underfish again, then we could set it up based on the
7 experience of that group, and, like I said earlier, I like the
8 need statement, because it talks about us trying to be more
9 accurate and fair, and so I do think it moves us towards before
10 more fair.

11
12 The only other thing that I would like to comment on is it's
13 been said a few times that we only have two years of data, and I
14 know we only have two years of data under sector separation. We
15 have three years of data if you count since we put the ACT in,
16 but the group was combined in 2014, and I realize that, and I do
17 think that the private recreational group is harder to deal
18 with, with only two years of data, and it would be preferable to
19 have more data, but there is a lot of things that do not apply
20 to the charter/for-hire sector that applies to the private
21 recreational, when we start thinking about how complicated it
22 is.

23
24 They're not under a moratorium. They can't fish in state
25 seasons. There is no uncertainty about state-water season
26 lengths, and there is no uncertainty about state-water catch
27 rates. I mean, those are a lot of things that are very
28 complicated for us to deal with, and it just does not apply to
29 the charter/for-hire sector, and so, anyway, that's all for now.
30 Thank you, Mr. Chairman.

31
32 **CHAIRMAN GREENE:** Thank you, Mr. Diaz. Is there further
33 discussion? Mr. Swindell.

34
35 **MR. SWINDELL:** You have to probably go back a little bit and
36 explain to me, since we are trying to manage this in such finite
37 terms, and we're so close with allowable catches and so forth,
38 especially for the private angler, that I am getting really
39 concerned about it, and I should be. How does the ACL compare
40 to the MSY for this fishery?

41
42 **MR. RINDONE:** We're in a rebuilding plan right now, and, the way
43 that the OFLs are trending right now, based on the rebuilding
44 plan, is they're actually higher now than they will be at the
45 completion of the rebuilding plan. The OFL, once the stock has
46 rebuilt, I think is going to be 12.8 million pounds, and so then
47 you will have the ABC, which is 7.5 percent below that, and then
48 the ACLs and ACTs and everything just keep branching off down

1 below those.

2
3 Once we're rebuilt, all things being equal, no new -- If we
4 assume no new stock assessment and no adjustment to the OFLs or
5 anything like that, we'll actually be catching fewer fish than
6 we are right now.

7
8 Where the ACLs are right now, they're all on track for us to
9 rebuild when we are supposed to, so long as the sectors land
10 their ACLs and they're not exceeding what they're allowed to
11 catch, more so than the model permits them to catch, and so the
12 model says you can catch X, and you catch no more than X, and
13 everything is fine. If you catch more than that, then you need
14 to go back and look at things again, because it will affect the
15 rebuilding timeline.

16
17 **MR. SWINDELL:** But what is the overall maximum sustainable yield
18 that we're trying to get to?

19
20 **MR. RINDONE:** Give me just a second, and I will pull it up.

21
22 **CHAIRMAN GREENE:** Okay.

23
24 **MR. SWINDELL:** I am assuming that that's what we're trying to
25 reach to. I mean, am I correct?

26
27 **EXECUTIVE DIRECTOR GREGORY:** Right, and we're estimated to reach
28 that level in the year 2032, but I don't know what number that
29 is relative to what our ACL is.

30
31 **MR. SWINDELL:** Well, I don't think we should ever get away from
32 knowing what the number truly is, because I mean you can rebuild
33 things, and you're going to go up and down as you rebuild, but
34 you need to keep an eye on just where in the world are we trying
35 to get and how many successes or failures are we going to have
36 along the way, and so I'm just trying to understand clearly as
37 to where we're trying to get to.

38
39 **CHAIRMAN GREENE:** Mr. Rindone.

40
41 **MR. RINDONE:** To that point, what we estimate we're rebuilding
42 to is going to change as we update our stock assessments and our
43 understanding of the stock changes and we add new data, et
44 cetera, and so, in 2032, when the stock is supposed to be
45 rebuilt, our fishing mortality should be a little bit lower than
46 it is now.

47
48 For 2017, it was predicted to be 0.051, and, when the stock is

1 rebuilt, it should be at 0.05, and so just marginally lower,
2 but, again, our OFL right now is 14.79 million pounds, and it
3 will be 12.8 million pounds in 2032. It's trending down to that
4 lower equilibrium level.

5
6 When you're talking about maximum sustainable yield, we're
7 defining that as the harvest rate for red snapper at fishing
8 mortality at 26 percent spawning potential ratio, which is going
9 to allow us -- Which is what results in an overfishing limit of
10 12.8 million pounds, and so it's more than that today, but we're
11 still on track to rebuild by 2032.

12
13 For those playing the home game, this is Table 4.9 in the SEDAR
14 31 update assessment, and I can send this to the admin staff to
15 send to you guys, so you can take a look at it, but it shows you
16 how the fishing mortality rate changes as we continue to rebuild
17 and how the stock biomass continues to increase as we rebuild
18 and what the overfishing limit should be.

19
20 When we're talking about MSY, MSY itself is not a directed
21 number of pounds. MSY for red snapper is defined as a proxy,
22 which is the fishing mortality rate at 26 percent SPR.

23
24 **CHAIRMAN GREENE:** Thank you. Dr. Stunz.

25
26 **DR. STUNZ:** My comment is kind of just for the record. I mean,
27 I agree, Ryan, that what you put here makes sense, sort of the
28 baseline year and trying to work through that kind of stuff,
29 but, looking from the Data Collection Committee and the data
30 collection hat, I am wondering -- We're talking about just a few
31 percentage points here, and I'm wondering if we're trying to
32 develop things that are not within the scope of the error of the
33 data, and I don't remember -- Nick Farmer gave a presentation
34 last time, and I remember something like 15 percent error, I
35 think, or maybe it was 30 percent total in this entire
36 recreational sector.

37
38 In other words, are we trying to do things that is outside of
39 what we can explain with the data? That is sort of independent
40 of this discussion, and we want to divide it up equitably, but I
41 guess I just wanted to point that out, and maybe, as we're
42 proceeding further and Bonnie's team is working on better data
43 collection, that will help refine this, but now I don't know --
44 It seems that -- Maybe the Science Center can correct me if I'm
45 wrong, but these percentages we're talking about here are sort
46 of within our margin of error of what we know about the catch
47 rates in those fisheries, and so I kind of question, do we have
48 data at that refined level to even make some of these sort of

1 nuanced percentage changes?

2
3 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.
4 Diaz.

5
6 **MR. DIAZ:** All I would like to say is we've got a public hearing
7 tomorrow, and I would be curious to see what kind of public
8 comments we get on the document. For me, I would like us to
9 continue to work on the document, maybe incorporate some of the
10 discussion that was had at this meeting into the document, and
11 that would be my preference.

12
13 **CHAIRMAN GREENE:** Thank you. Dr. Mickle.

14
15 **DR. PAUL MICKLE:** Thank you, Mr. Chairman. Just a few points
16 that I want to, I guess, discuss with the group. In reading
17 this document last week, when I was going through it, I started
18 running some numbers in some of the things that we deal with in
19 Mississippi, and the variability in our fishery is increasing,
20 because of the variability in seasons and catch rates.

21
22 We are learning a lot about the weather is probably one of the
23 largest factors in our catch rates, and, when you get down to
24 these ACLs and ACTs, the catch rate seems to be the one thing
25 that I focus on the most, and I think a lot of us should as
26 well, when we start going down the road of these buffer metrics
27 and going down and identifying when we put the brakes on, but
28 the good news is the data programs are getting better, and so
29 I'm identifying all these high variabilities, and we all are,
30 and then the data is starting to go down this much better road.

31
32 I think there is two parts to it, and I'm kind of torn as to the
33 decision to make, or the example of this decision we're at right
34 now, and so that's just something to think about.

35
36 **CHAIRMAN GREENE:** Okay. Thank you. Is there further
37 discussion? Mr. Rindone.

38
39 **MR. RINDONE:** To Dr. Mickle's point, perhaps something like a
40 moving average would better smooth over some of that interannual
41 variability, as opposed to picking a single point year.

42
43 **DR. MICKLE:** Yes, I would support that in the terms of now.
44 Yes, absolutely.

45
46 **CHAIRMAN GREENE:** Okay. Thank you. Any further discussion?
47 All right. Mr. Rindone.

48

1 **MR. RINDONE:** We only have one action in here, Mr. Chairman, but
2 I will take direction back to incorporate an action or
3 alternatives in some appropriate way that looks at a moving
4 average, both for the entire recreational sector and for the
5 components specifically.
6

7 **CHAIRMAN GREENE:** Okay. Thank you. All right. Any further
8 discussion before we leave this action item? Okay. Seeing
9 none, that will carry us on to our next agenda item, which will
10 be the Draft Framework Action for Greater Amberjack ACL and
11 Management Measures. This will be Tab B, Number 8, and Dr.
12 Froeschke.
13

14 **DRAFT - FRAMEWORK ACTION - GREATER AMBERJACK ACL AND MANAGEMENT**
15 **MEASURES**
16

17 **DR. JOHN FROESCHKE:** Good morning. This Tab B, Number 8, if you
18 recall, you took a look at this document last time. At that
19 time, it was a single-action document meant to apply an updated
20 ACL based on the recent stock assessment.
21

22 After you looked at it, you decided that you wanted to
23 reconsider some other potential management actions, and so we
24 have added those to the document. Just for those of you who may
25 not be familiar, we have assessed amberjack in 2000, 2006, 2010,
26 2014, and 2016. Every time, it's been overfished and
27 overfishing.
28

29 This time, the most recent stock assessment came back and the
30 SSC recommended some reductions in ABC, and so Action 1 has
31 options in it that would consider ACLs and ACTs that would
32 reflect the reduction in the ABC, and so, before we get to that,
33 I would like to have you just look at the purpose and need of
34 this document. It is on page 8, 1.2.
35

36 The purpose is to adjust the amberjack rebuilding time, ACLs and
37 ACTs, and to incorporate updated stock status information from
38 the 2017 assessment. Then the need for this is to end
39 overfishing and rebuild the stock. I would just make sure that
40 everyone is comfortable with that before we get into the
41 actions.
42

43 Taking no comments on that, let's go to Action 1, Chapter 2 on
44 page 11, Modifications to the Greater Amberjack Rebuilding Time
45 Period, ACLs and ACTs, and what we have here are four
46 alternatives, and I will just go through these one-by-one.
47 Alternatives 2 and 3 have a couple of options.
48

1 Alternative 1, this is the no action, what we're currently at,
2 and the ABC is 1.72 million pounds, and the ACLs reflect that,
3 based on the allocation of 73 percent to the recreational and 27
4 percent to the commercial. However, these ACLs exceed the
5 recommendation for ABC from the current stock assessment, and so
6 it's appropriate to look at alternatives.

7
8 Alternative 2, there are two options, and Alternative 2 would
9 set the ACL equal to the ABC, as recommended by the SSC, from
10 2018 through 2020, and there is a table on page 11. For 2018,
11 the ABC would be 1.182 million pounds, and then the ACLs would
12 be apportioned, again, off of the 73 and 27 percent allocation.

13
14 Currently, we have an ACT that we have by applying the ACL/ACT
15 control rule, and so Option a would continue to do this and
16 update it based on the most recent data, incorporating the
17 overages from previous years.

18
19 That results in a 13 percent buffer for the commercial sector
20 and a 17 percent buffer for the recreational, and so that would
21 reduce the recreational ACT by 17 percent from the ACL, and it
22 would reduce the commercial ACT by 13 percent from the ACL. Any
23 questions on that?

24
25 **CHAIRMAN GREENE:** Any comments or discussion by the committee?
26 Ms. Bosarge.

27
28 **MS. BOSARGE:** John, in the document, is there any way that on
29 some of our tables that we can go a little further back in time,
30 just because this is a species where I think we did our first
31 amendment on it as Amendment 2 to the Reef Fish Plan, in 2002,
32 based on a stock assessment from 2000, where we were overfished
33 and undergoing overfishing, and this is 2017, and we're still
34 overfished and undergoing overfishing, and so, if we could kind
35 of see a longer-term picture of where it was back in maybe the
36 1990s and see what happened and where we're at, I think that
37 gives us a little better idea of how steep of a hill we need to
38 climb, to make our decisions on what we need to do. Thanks.

39
40 **DR. FROESCHKE:** Yes, I will definitely make that note to the
41 IPT. 2000 was the first time that it was assessed, and so
42 there's no information in the 1990s that it wasn't overfished,
43 but it just wasn't assessed at that point, but we will
44 definitely make that recommendation.

45
46 **CHAIRMAN GREENE:** Thank you. Is there further discussion?
47 Okay, Dr. Froeschke.

48

1 **DR. FROESCHKE:** Okay. Alternative 2, Option b, is the ACLs are
2 the same as Option a. The difference is that you would not
3 retain the ACT as a management target. You would retain the ACL
4 as a management target, and so this would reduce or eliminate
5 the 13 and 17 percent buffers. However, you would be right up
6 against that cap, and there is a payback on this if you go over.

7
8 Alternative 3, instead of -- The difference between Alternative
9 2 and Alternative 3 is the increasing ACL each year is part of
10 the rebuild. Alternative 3 would retain the earliest year, the
11 2018, at the 1.182-million-pound ACL and not automatically bring
12 in those stepped increases. The rationale for considering this
13 is that, again, this long history, and, for whatever reason, the
14 stock hasn't responded to management in the way that we thought,
15 and so it just doesn't seem to be rebuilding at the rate that we
16 would expect it to.

17
18 For this one, we have the two options, where essentially you
19 would apply the ACL/ACT control rule buffer and use an ACT,
20 which would be Option b, or you wouldn't with Option a. Any
21 questions on this one?

22
23 If you recall, we did something similar to this in red grouper,
24 where the stock assessment came back with results of large
25 stepped increases through time. The stock was in good
26 condition, and there was concern that, from on the water, that
27 maybe the current conditions weren't quite as favorable, and so
28 you all elected to go with a constant catch at the lowest level
29 recommended. Any questions on that?

30
31 **CHAIRMAN GREENE:** Are there comments or questions or discussion?
32 I don't see any, Dr. Froeschke.

33
34 **DR. FROESCHKE:** Okay. Then Alternative 4 would set the stock
35 ACL at zero. This alternative obviously is the most severe. It
36 is projected to rebuild the stock the most quickly, and it's in
37 there. If there is no questions on this one, I can go to Action
38 2.

39
40 **CHAIRMAN GREENE:** Thank you. Mr. Boyd.

41
42 **MR. DOUG BOYD:** John, just a quick question. In that last
43 option, Alternative 4, it rebuilds by 2022. The other options
44 have us rebuilding by 2024, around in there, and why doesn't the
45 stock rebuild quicker if you have no take at all versus when you
46 have a take, just two years difference?

47
48 **DR. FROESCHKE:** Well, I mean, amberjack, the life history of

1 this, it's a fast-growing stock, and it should rebuild quickly,
2 and so the good thing is that none of these are on long
3 rebuilding plans like red snapper, and so that's the good news.
4 The bad news is that we have been on these similar trajectories
5 for a long time, and we just haven't realized the -- It just
6 hasn't responded like we thought, but that's our best estimate
7 of how it is. Were you expecting it to be the ones that weren't
8 closing it to have much longer rebuilding relative to the
9 complete closure?

10
11 **MR. BOYD:** Yes, that's what I'm thinking. Either it ought to
12 take longer than we think to rebuild when we have take or it
13 ought to take a shorter amount of time if we don't have any
14 take. I am just trying to apply some logic, which doesn't work
15 sometimes.

16
17 **DR. FROESCHKE:** Yes, and, again, these are projections. I mean,
18 to me, what it suggests is that the gains, the biological gains,
19 of a total closure may not be all that good relative to what you
20 would have to give up, from the fishery perspective, for two
21 years or something.

22
23 **MR. BOYD:** Thank you.

24
25 **CHAIRMAN GREENE:** Thank you for that question, Mr. Boyd. I was
26 thinking along the same lines as well, and so I appreciate the
27 explanation there. Any further comments or questions? Okay.
28 Dr. Froeschke.

29
30 **DR. FROESCHKE:** Okay. Action 2 has alternatives that would
31 modify the recreational season for greater amberjack. If you
32 recall, the last amendment, we put in place a June/July closure
33 for the season. The rationale at that time was trying to keep a
34 trophy fish, i.e., red snapper or amberjack, open for a longer
35 period of time, and, at that time, red snapper was open during
36 June and July, and so we closed amberjack and then tried to
37 reopen it.

38
39 Well, it's a different game now, in terms of red snapper, and so
40 we do have some other alternatives that may either direct the
41 effort during a different portion of the year, give you longer
42 days, depending on what it is you're trying to maximize.

43
44 Alternative 2 would mirror the March 1 to May 31 closure that's
45 in the commercial sector. The rationale for this is that is the
46 period between March and likely June. That's the peak spawning
47 period, and so this would provide them some additional
48 protection from fishing during that period.

1
2 Alternative 3 would modify the recreational closed season from
3 March 1 to June 30. This would extend it out another month,
4 which, based on more recent research, would likely capture the
5 peak spawning period, and so there is some debate as to what
6 peak spawning is, and it may vary through different portions of
7 the Gulf. They have an extended spawning season, but we have
8 tried to narrow this down to what we think is the peak.

9
10 Then Alternative 4 would modify the recreational closed season
11 from January 1 through June 30. Mike Larkin prepared a decision
12 tool, and he's going to go through that here briefly. All of
13 these options, keep in mind that the season would be closed
14 prior to year-end if the harvest was expected to be reached.

15
16 For example, Alternative 4, January 1 to June 30, it likely
17 wouldn't -- It may not be open the rest of the year if the ACL
18 or ACT, whatever you go with, is met before that, and so it
19 could still close in November or December, something like that.

20
21 Just keep that in mind, and we can go through those in more
22 detail on the decision tool, but I guess what we would like,
23 from the IPT, is some guidance on what it is that you're trying
24 to maximize. Do you want a longer season? Do you want the
25 season in a different time of year? The decision tool is set up
26 to maximize the number of days, but, if that's not what you're
27 trying to maximize, then it may not be set up to get what you
28 want, and so we do have some ability to modify those, if you
29 give us some additional feedback. If there are no questions on
30 that, I will go to Action 3.

31
32 **CHAIRMAN GREENE:** Okay. I have a few comments, but I will hold
33 them until the end, and I will go ahead and let the committee
34 discuss this first. Are there comments or discussion? Ms.
35 Guyas.

36
37 **MS. GUYAS:** Thank you. I've got a couple of things. One thing
38 I have heard from fishermen, just so far, is that maybe a
39 closure early in the year would be better, just because there
40 seem to be a lot of catch rates in January and February, and
41 these early closures are really, really tough, and so there's
42 that.

43
44 Also, I think, depending on what comes out of this decision tool
45 process, it might be nice to have a season or an option in here
46 where we know that the season will be somewhat predictable, and
47 maybe we can avoid an early closure. I don't know if that means
48 that we would set -- Just assume that we're going to close on

1 December 31 and then work forward, given that we've had some
2 late final data for the recreational sector lately, but I think
3 that's one thing I would be interested in, just going into
4 looking at the decision tool.

5
6 **CHAIRMAN GREENE:** Thank you. Is there further discussion?
7 Okay. I will share my comments at this particular point. I
8 mean, I haven't reviewed the decision tool, and I know we're
9 going to get into that, according to what Dr. Froeschke said,
10 but the trophy fish idea was something what I had led the charge
11 with back shortly after the oil spill, when we were having to
12 deal with all of these closures at random times and trying to
13 keep something open year-round. I just hate to have the Gulf
14 closed to everything at one time. I just don't think that's
15 productive or efficient, and this was something that I had
16 pushed pretty hard back six or seven years ago.

17
18 I still believe that we need to have something open year-round
19 for access, because, when the weather is pretty, I think people
20 should be allowed to go fishing year-round. I don't think it
21 needs to be any different than that.

22
23 I do agree with Martha that we do need to look at potentially
24 pushing back the opening later in the year, especially with the
25 last couple of years with the high catch rates early in the year
26 and so on and so forth. I do drive the boat every day, and I do
27 change the oil on the boat, and, when I'm not doing that, I do
28 clean fish, a lot of days, and I do think there is something to
29 where that fish is at during the course of the year, as to when
30 they spawn.

31
32 The last couple of years, when I have cleaned fish early in the
33 year, I have seen large females that are full of roe in March
34 and April, which is surprising, because it used to be that it
35 was later in the year, and I don't know if it has something to
36 do with water temperatures or whatever, but it has been there,
37 and I have seen it, and I do think we've missed something on
38 that.

39
40 I was a big proponent for the June and July closure, because
41 that was according to the science, and that was when they were
42 supposed to be spawning, but I think it's way earlier than that
43 ever could have been, and so, in all fairness, I will come to
44 you and say that I think that I was wrong in that, but I think
45 that the closure should be sooner in the year.

46
47 However, I do think it's paramount that we look at something.
48 We will have the decision tool before us here before long, and I

1 would like to see something that would open up, potentially,
2 August 1 and run through the end of the year. I think there is
3 a lot of benefit to that, and I think having fisheries that
4 everything opens on January 1 is the way that it's been, but I
5 don't know that necessarily it's the way it needs to be.

6
7 I think having fisheries that open later in the year provide
8 access and opportunities to people, potentially, in different
9 parts of the Gulf, and it's something that we should consider.
10 I am not going to make a motion at this time, but, at Full
11 Council, I will probably make one to open August 1 and let it
12 run through the end of year and go forward with that, and so, as
13 Chairman, I'm just letting you know that I don't intend to make
14 any motions, but, when we get to Full Council, that's probably
15 my intentions. Does anybody have any comments? Mr. Walker.

16
17 **MR. WALKER:** Thank you, Mr. Chairman. I was just going to add
18 some comments. I had some communication with the recreational
19 fishermen who have children in school that like to go fishing,
20 and a lot of times they can't go on the weekends, and a lot of
21 times they can't go during the weekends when school is in,
22 because of activities with school, and they had mentioned that
23 they would like to see it opening sometime in the summertime,
24 when the kids were out of school, so they would have the
25 opportunity to go. Maybe, if it's not the weekends, during the
26 week or some other time, but I would just like to pass that
27 along.

28
29 **CHAIRMAN GREENE:** Thank you. Is there further discussion?
30 Okay. Seeing no further discussion, I will turn it back over to
31 Dr. Froeschke.

32
33 **DR. FROESCHKE:** Okay. Thanks. Next, I would like to go to
34 Action 3, and this one has some alternatives that would modify
35 the recreational minimum size limit.

36
37 Again, if you recall, the last time we did amberjack, a couple
38 of years ago, we increased the size limit from thirty inches to
39 thirty-four inches, and the rationale was -- There is a table in
40 here, and it's Table 2.2.1, which shows the proportion mature,
41 and so, the thirty-inch size limit, what you will see is that
42 you're harvesting immature animals. Only 11 percent are
43 estimated to be mature at that size.

44
45 Given that the stock is overfished and experiencing overfishing,
46 you all elected to increase that up to thirty-four inches, to
47 allow a larger proportion of the stock to mature before entering
48 the fishery. That was implemented in 2016. The commercial,

1 just for your information, is thirty-six inches minimum size
2 limit.

3
4 In 2016, we had a large overage in the ACL, and that resulted in
5 a very early closure in 2017, because of the payback, and so
6 we've already closed it, and so there was some discussion that
7 did this increase in minimum size drive up the size of the
8 harvested animals, meaning that we reached the ACL much faster
9 than we anticipated, and so we looked at that a little bit, and
10 so that's sort of the reason that we have some alternatives in
11 here of, well, maybe if that's the cause, then lowering it back
12 down may reduce that problem.

13
14 There is a couple of figures in here. 2.3.1 shows the average
15 weight of amberjack harvested by sector through time, and so
16 what you will see is that it's a fairly noisy time series.
17 2016, again, is the only year on this with a thirty-four-inch
18 minimum size limit in here. It's trending upward, I guess, but
19 it doesn't seem to be out of the range of the noise of the
20 previous data, and some of this, to note, is fairly noisy. It's
21 based on fairly low sample sizes, and so it wasn't as insightful
22 as we had hoped.

23
24 Figure 2.3.2, again, is a histogram-ish chart denoting the size
25 of percentage of animals at each size limit landed between 2013
26 and 2016. In 2016, you do see a bump upwards, at the thirty-
27 four-inch, but, again, there wasn't anything -- There was no
28 smoking gun here, suggesting that that was the culprit, if you
29 will.

30
31 I looked at some of the MRIP data, the numbers of fish, and it
32 appeared to be more influential than size, and so it wasn't
33 clear to me that, based on what we have, that changing the size
34 limit was the driving factor in the increased harvest in 2016.
35 Are there any questions or comments?

36
37 **CHAIRMAN GREENE:** Is there discussion by the committee? Dr.
38 Crabtree.

39
40 **DR. CRABTREE:** Given that we just set the size limit in mid-
41 2016, I don't think enough time has gone by to be able to tell
42 any meaningful analysis of what it's done, and so my advice to
43 you would be to leave the size limit where it is and take this
44 action out of the document. I just don't think it's productive
45 for us to keep moving size limits around every year, and so that
46 would be my suggestion to you, that we remove Action 3.

47
48 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Ms.

1 Bosarge.

2
3 **MS. BOSARGE:** I went to the SSC meeting, as the liaison, at the
4 meeting where they went through the stock assessment, to give it
5 their blessing, and it was a very in-depth discussion, and so,
6 having gone to that, I also tried to -- Because you know me. I
7 like to read everything, and so I tried to read the stock
8 assessment.

9
10 I say tried, because I made it through most of it, but I am not
11 sure that I understood all of it, and so I guess I just kind of
12 wanted to summarize, for the council, that learning process for
13 me and what I saw and hopefully what may can get us to a point
14 where we get this fishery back out of a condition where it's not
15 overfished and undergoing overfishing.

16
17 As I mentioned before, we assessed it for the first time, I
18 think, around 2000 or 2002, and that assessment said, well, as
19 of 1998, we're pretty confident that you were overfishing and
20 had an overfished stock, and so we started a rebuilding plan
21 that was implemented in 2002.

22
23 Essentially, what we did there was the council said, all right,
24 well, let's have some seasonal closures, both recreational and
25 commercial, to try and get this thing back on an upward
26 trajectory. Well, as we know, that didn't work, and we had to
27 update our rebuilding plan and try and do something different,
28 because the next stock assessment, in 2006, I think it was,
29 said, nope, you're still overfished and undergoing overfishing,
30 and so, in 2008, in response to that stock assessment, we said,
31 all right, we're going to cut these quotas, and we cut them
32 hard. We reduced the quotas by about 40 percent, so that we
33 wanted to reduce the number of fish that we were killing by
34 about 40 percent, and so that was in 2008.

35
36 We got a new stock assessment a few years later that said, nope,
37 still overfished and undergoing overfishing, and so we cut the
38 quotas even more, both commercially and recreationally, and so,
39 as we were going through this process, in that SSC meeting, I
40 said, well, you know, my goodness, we've done everything we can
41 do. We have cut the fishermen back, and we've got a
42 stranglehold on them, trying to rebuild this fishery, and what
43 are we doing wrong?

44
45 I think this table on page 17, that proportion of mature
46 females, all I can figure is that maybe that's our smoking gun.
47 Maybe that's where we've been going down the wrong path. Prior
48 to 2016, we had a thirty-inch size limit, and only 11 percent of

1 those fish have ever had a chance to reproduce and make babies
2 and contribute to growing the population.

3
4 We spent a lot, a lot of years killing babies, and now we did
5 change that, in 2016, to the thirty-six-inch size limit, and so
6 now 97 percent of those fish have a chance to reproduce before
7 we land them.

8
9 Now, as Dr. Crabtree said, that really -- We haven't had a new
10 stock assessment since then, and it's only been one year with
11 that, and maybe we do have wiggle room if the for-hire sector is
12 having some issues, and I don't know, because 85 percent of them
13 are mature at thirty-four inches, and so that's still a pretty
14 high percentage, but I'm hoping that maybe that is where we've
15 been going wrong.

16
17 We just were harvesting immature fish for too many years, and,
18 now that we've changed that, maybe in our next stock assessment,
19 since these fish do grow pretty quickly, hopefully we'll see it,
20 but I just wanted to give you a quick synopsis of what I heard
21 there and my take-away from it and hopefully how we can get it
22 headed in an upward direction.

23
24 **CHAIRMAN GREENE:** Thank you. We've had pretty good discussion.
25 Does anybody else want to weigh in on size limit or any other
26 alternatives? Dr. Froeschke.

27
28 **DR. FROESCHKE:** Just a couple of comments, and then I would let
29 Mike do his presentation about the decision tool. What I would
30 like to get from you on this document, before we move, is some
31 recommendation on the range of alternatives and actions in the
32 document, if you wanted to remove an action or if you're
33 satisfied with the alternatives, such that we can complete the
34 document and bring it to August for potential final action.
35 That's what we have on the schedule, so we can get something
36 implemented in 2018, and so just keep that in the back of your
37 mind.

38
39 **CHAIRMAN GREENE:** Thank you. Any further discussion? Dr.
40 Froeschke, you said we have a decision tool, and I believe it
41 was put online yesterday, and is that correct?

42
43 **DR. FROESCHKE:** Yes, and Mike is ready.

44
45 **PRESENTATION OF DECISION TOOL**

46
47 **DR. MIKE LARKIN:** I am going to go over the recreational
48 decision tool for the Gulf of Mexico greater amberjack. First

1 of all, I know you guys already talked about this, and so I'll
2 go over this pretty fast, the rationale.

3
4 The Gulf of Mexico greater amberjack stock is experiencing
5 overfishing and is overfished, based on the recent assessment.
6 Additional management measures are needed to rebuild the stock.
7 The framework action is proposing a range of ACLs and ACTs and
8 changes to seasonal closures and size limits.

9
10 I apologize that this slide is kind of a mess, but the fishery,
11 with all the closures, has been a mess, trying to determine what
12 landings would be if we didn't have all of these closures like
13 we've had in recent years, as well as that June and July
14 closure.

15
16 I am going to try to give you the baseline of what we predict
17 the future landings would be if you did keep it open all year,
18 and so the real reasoning behind this is really to assume that
19 recent landings is a reflection of future landings, and so, in
20 trying to look at the most recent years of complete data for the
21 whole year, and so, for the first two waves, the
22 January/February and the March/April, I took the average
23 landings by wave from 2014 through 2016. The stock was open
24 during those three years, but I first have to point out that all
25 of these landings were modified, the landings before 2016,
26 because we had the new size limit in 2016.

27
28 These landings were modified by taking the reduction, a small
29 reduction, but a reduction of harvest from increasing the size
30 limit. In 2014 and 2015, they were back to thirty inches, and
31 what is now 2016, we have the thirty-four-inch fork length size
32 limit.

33
34 I am going to go through these little waves, and then down here
35 is -- The figures on the bottom are to try to show you -- The
36 red, dashed line is the predicted landings, and so, real quick,
37 for the January/February and March/April waves, take the average
38 landings from 2014 through 2015, and then May and June is
39 tricky, because we've had that June and July closure, at least
40 since 2011.

41
42 What I did for that was I determined the daily catch rate from
43 taking the average landings from 2014, 2015, and 2016 in May and
44 then applying that daily catch rate to June, because I didn't
45 have any landings in June, because June has been closed, and so
46 the assumption behind that is that the daily catch rate in May
47 is the same as it is in June, and then I added the May landings
48 and added the June landings.

1
2 Then, in July and August, I had to use a different time series,
3 because it was closed in August in 2014 and 2016, and so the
4 most recent years of complete data are 2012, 2013, and 2015,
5 but, in this one, it's kind of the same setup, and so we're
6 looking at the landings in August, and we're looking at the
7 daily catch rate, taking the average of 2012, 2013, and 2015,
8 and applying that daily catch rate to July, because -- Just a
9 quick reminder that it's been closed in June and July.

10
11 That's why, if you go down to that red, dashed line, if you kind
12 of follow it along here, you can see, for example, in January
13 and February, it's kind of in the middle of the recent landings,
14 and 2016 is pulling it up, because, in recent years, the
15 landings have been really high.

16
17 Also, in the March/April, that red, dashed line is being pulled
18 up again by those 2016 landings, which are high, but, in May and
19 June, you can see that red, dashed line is above the other
20 lines, because keep in mind those other ones were just landings
21 from one month. They were just May, whereas that red, dashed
22 line is the landings from May and June, and, again, in that red-
23 dashed line above, that July/August, that is incorporating
24 landings from July and August, where the other ones just had
25 landings in August, because of that June and July closure.

26
27 Then, for September/October and November/December, we had to go
28 further back in time, when the stock was actually open, and so I
29 had to take the average of landings from 2011 to 2013, and you
30 can kind of follow the red, dashed line to see what the
31 predicted landings would be.

32
33 Also, I had to use preliminary 2016 landings, because we still
34 don't have final 2016 landings yet, and so I do think it will
35 change. I don't think it will change dramatically. I looked
36 briefly between the final and the preliminary landings, and they
37 could change 1 percent, or they could change as much as 10
38 percent, but, when we do have the final 2016 landings, I will
39 incorporate that, and I do expect a change, but I'm expecting it
40 to be relatively small.

41
42 The decision tool was basically developed to allow you to
43 evaluate these different seasonal closures, which you folks were
44 talking about earlier today. Some caveats for it though. The
45 decision tool does not account for effort shifting. If you
46 closed everything and just let everything open in January, does
47 everyone suddenly fish in January? That's certainly something
48 to keep in mind, effort shifting.

1
2 It does not take into account changes in average size during the
3 stock rebuilding and changes in fishing effort, and so there are
4 caveats to the decision tool.
5
6 The basic equation behind it is projected landings -- We
7 actually break it down by mode and month in the decision tool,
8 and so mode meaning break it down by charter, private, and
9 headboat, and then you take the predicted landings and times it
10 by OM. OM is essentially the percent of the month open to
11 fishing.
12
13 If you close half the month of August, then the landings for
14 August will be reduced by half, by 50 percent. If you close it
15 completely, then those landings in August will be zero. 100
16 percent of it will be closed.
17
18 Then I also have a little feature at the bottom. I'm going to
19 show you the decision tool in a minute, but, at the bottom, I
20 also incorporate some data on discards and total removals. I go
21 through a quick example here. If you have predicted landings of
22 let's say it's 400,000 pounds, and then you choose a seasonal
23 closure that reduces their total landings down to 350,000
24 pounds, 50,000 pounds are discarded.
25
26 The way this works, discards, it assumes that the harvest is
27 going to continue, but instead of -- If you close a month,
28 instead of it being harvested, now they're released, and those
29 released pounds are converted to fish by dividing by the average
30 weight. You get the recent average weight from the recent
31 assessment, and those are discarded fish.
32
33 Then those discarded fish are multiplied against the discard
34 mortality rate, which is 20 percent from the recent assessment
35 for the recreational sector, and then you get dead discards.
36 That is the number of fish discarded times the mortality rate.
37
38 I also have a feature, down at the bottom, if you want total
39 removals, which is your dead discards plus the number of fish
40 landed, and so, if you wanted to look at the total fish dead
41 from everything, from harvesting and from dead discards, and so
42 I'm just telling you the math behind that, which I will show you
43 the decision tool, and so I'm going to jump over to that real
44 quick.
45
46 Really, I am sure a lot of you guys have seen this before. If
47 you want to go through and change -- If you want to change seven
48 days in February, or if you want to keep February completely

1 open, or if you want to -- It takes a second for it to kick in,
2 but let's say that you want to close April and May. Anyway, you
3 can see the predicted annual landings changes, and the
4 recreational landings by wave for each month changes, and then
5 you can go down and look at how do these landings compare to the
6 ACL.

7
8 I have the Alternative 1 ACL listed here and then the
9 Alternative 2 and 3, Options a and b. They're actually the same
10 for the recreational sector, the same ACL. You see there that
11 862. Then you can see, based on the seasonal closures you
12 chose, is it above the ACL? In this case, it is. You can see,
13 the one I just picked, it's 27 percent above, and 85 percent
14 above the Alternatives 2 and 3 ACL.

15
16 Then, down here, I have the ACT, the Alternative 1 as well as
17 the Alternative 2 and 3 ACTs listed there, and you can go
18 through and see is it above the ACT, yes or no, and then the
19 next step down here is your predicted closure date, when the ACT
20 is met. In this case, it would be August 12 for the Alternative
21 1 ACT, and the Alternative 2 and 3 ACT would be July 3, the
22 number of days in the season open.

23
24 Then, over here, it's just -- This figure is modified every time
25 you change the seasonal closure, and so the top black line, the
26 dashed, black line, is the Alternative 1 ACT. Then the green,
27 dashed line is the Alternative 2 and 3 ACT, and so you can see
28 how it lines up there against those. Then the landings are
29 tracked per month.

30
31 Then, down here, it's that stuff that I just went through, if
32 you did want to look at total discards, total number of dead
33 discards, chosen on your different seasonal closures, as well as
34 the total landings, if you want numbers of fish, and then total
35 removals, which is the combination of the dead discards as well
36 as the number of dead fish from the harvest. That's it, and I
37 would be happy to answer any questions about this decision tool.

38
39 **CHAIRMAN GREENE:** Thank you, Dr. Larkin. Any questions or
40 comments about the decision tool and the presentation? Okay. I
41 don't see any. Thank you, Dr. Larkin. That gets us through the
42 amberjack thing. Is there anything else that we want to offer
43 Dr. Froeschke in regards to amberjack before we leave this
44 agenda item? Mr. Anson.

45
46 **MR. ANSON:** Well, picking up on what Dr. Crabtree said earlier
47 about the action item dealing with the minimum size limit, I
48 think, as he stated, we've only had really one year of working

1 the recreational fishery with that thirty-four-inch size limit,
2 and I think it would be a little premature to try to adjust that
3 or tinker with that right now, and so I would suggest moving
4 that action to Considered but Rejected. That would be a motion.
5 Motion to consider that action dealing with the recreational
6 size limit to Considered but Rejected.

7
8 **CHAIRMAN GREENE:** I think everyone understands the motion, as
9 they're getting it up on the board. Is there a second for the
10 motion? Dr. Frazer.

11
12 **MR. ANSON:** It would be Action 3 to Considered but Rejected.

13
14 **CHAIRMAN GREENE:** We have a motion to move Action 3 to
15 Considered but Rejected, which is the -- There is it in front of
16 you. It's to modify the minimum size limit, and it was seconded
17 by Dr. Frazer. We did have some discussion around the table
18 about this. Is there any further discussion? Ms. Guyas.

19
20 **MS. GUYAS:** I agree with a lot of what Leann said and what's
21 been said around the table already, and I think we all
22 understand that this -- When we did bump the size limit up from
23 thirty to thirty-four, that was kind of painful for people, but
24 I do think that this is probably something that we need to do
25 and just hold the course for the time being, until we get
26 another assessment and see what the results were of that, and it
27 just seems like this is what we need to do.

28
29 **CHAIRMAN GREENE:** Thank you. Mr. Diaz.

30
31 **MR. DIAZ:** I agree with Martha and most of what's been said, and
32 I don't know that I am in favor of doing anything with the size
33 limit. My only hesitation is this document is in a pretty early
34 stage, and we do have some public comments that -- We're going
35 to take public testimony tomorrow, and that would be my only
36 hesitation, is maybe leave it in there, now that there's a
37 document, and there are some tables for people to analyze that
38 wasn't there before, and that would be my only hesitation about
39 taking it out at this point. Thank you.

40
41 **CHAIRMAN GREENE:** Thank you. Point well made. Any further
42 discussion? We have a motion on the board, and it was seconded.
43 We've had discussion. **Is there any opposition to the motion on**
44 **the board before you? Seeing one in opposition, the motion**
45 **carries.** Is there any further discussion? Is there anything
46 else on amberjack before we leave and move on?

47
48 **DR. FROESCHKE:** Just so everyone is clear, we will complete the

1 document, based on your recommendations. We will do our normal
2 outreach things, and we will bring a document back that you can
3 consider for final action in August, which means that you will
4 need to select preferreds at that time, and potentially take
5 final action, in order to get it implemented in January, and so
6 that's the schedule.

7
8 **CHAIRMAN GREENE:** That's a great question by Mr. Anson, that, if
9 we're going to send it out to the public, if anyone wishes to
10 choose any of these as a preferred, this might be the time to do
11 that. We are kind of under a time crunch with this, if I'm
12 correct. Mr. Gregory.

13
14 **EXECUTIVE DIRECTOR GREGORY:** Just a little clarification.
15 Framework actions, we don't normally take to the full run of
16 public hearings. We do a video and do an online webinar.

17
18 **CHAIRMAN GREENE:** Yes, and I think Mr. Anson was saying to just
19 kind of select preferreds to show our intent, regardless of what
20 type of an action it was, and I hate to speak for Mr. Anson, but
21 is that correct?

22
23 **MR. ANSON:** Yes, that's correct. Dr. Froeschke had mentioned
24 the timeline, in order to meet obligations to get this
25 implemented for next year, and I think it might be best, before
26 it goes out for the public review, to let the public know where
27 the council is leaning, relative to each of the action items and
28 the alternatives that are provided.

29
30 **CHAIRMAN GREENE:** Okay. I think that may be something that we
31 need to do at Full Council, because we are going to get public
32 testimony. I am going to add another alternative at Full
33 Council as well, and I want to make sure that that's considered
34 for a preferred alternative. Ms. Guyas.

35
36 **MS. GUYAS:** I agree with you. I think maybe after we get public
37 testimony, but I was going to make a motion to add your
38 suggestion here, and so I will make a motion to add a new
39 alternative that would, I guess under Action 2, that would
40 modify the recreational closed season to January 1 through July
41 31, and I can explain more if I get a second.

42
43 **CHAIRMAN GREENE:** They are getting the motion up on the board.
44 I believe that is correct as written, and is there a second for
45 this motion? It's seconded by Mr. Sanchez. Is there
46 discussion? Ms. Guyas.

47
48 **MS. GUYAS:** This was Johnny's idea here. Just looking at the

1 decision tool, it does look like, if we set an opening starting
2 August 1, the fishery could potentially run through the end of
3 the year, which would be positive. It would be nice to have
4 some predictability here with this fishery, since it's been so -
5 - We've had these wild closures the past few years, and I know
6 that's really -- That's tough on a lot of businesses that rely
7 on this fishery, and so this may give us a little bit more
8 stability.

9
10 **CHAIRMAN GREENE:** Is there further discussion? Dr. Frazer.

11
12 **DR. FRAZER:** I just looked at that decision tool though. If you
13 move that back, to address David's concern of getting people to
14 fish in the summer, if you move it back to July 15, you still
15 stay under the cap, and I so I would adjust that.

16
17 **CHAIRMAN GREENE:** Thank you. We have a motion on the floor, and
18 it's been seconded. Is there further discussion about the
19 motion? **Seeing no further discussion, is there any opposition**
20 **to the motion on the floor before you? Seeing no opposition,**
21 **the motion carries.**

22
23 We are trying to decide at this point, now that we've added an
24 alternative, and I understand that the document will be updated
25 accordingly, and we're working within a time, and does anyone
26 feel comfortable in picking a preferred alternative in Action 1
27 or 2 or 3 at this particular point?

28
29 I know it seems a little premature, and I'm not trying to be
30 pushy, but I know that we have a time constraint that's coming
31 in. We can do this at Full Council if you feel more inclined at
32 that point, but I'm just trying to do as much work in committee
33 as possible, because I'm sure, by Thursday, all of us will be
34 ready to get out of here, and so it's one of those things. Ms.
35 Bosarge.

36
37 **MS. BOSARGE:** I think, at this meeting, we're going to need to
38 pick some preferreds, if this is scheduled for final action at
39 our next meeting. If we're going to have public testimony
40 tomorrow, I really think it would probably be good to have our
41 preferreds today, so that the public can see what we're aiming
42 for currently and give us some feedback on whether they think
43 that's going to work or what the issues may be with it.

44
45 **CHAIRMAN GREENE:** Mr. Matens.

46
47 **MR. MATENS:** Thank you, Mr. Greene. Of course, I am not a
48 professional in this field, but I really would like to hear some

1 discussion from one of the professionals about these things,
2 specifically Alternative 3.

3
4 **CHAIRMAN GREENE:** Okay. Point well taken. I will encourage
5 you, as a committee, that, when we get to Full Council, let's
6 pick some preferreds, after we hear public testimony, and move
7 on. That way, we can try to stay within the parameters we need
8 to move this document forward. Ms. Levy.

9
10 **MS. LEVY:** Just when you're thinking about what you might want
11 to select for Action 1, in terms of the rebuilding timeframe and
12 the catch levels, I would just encourage you to think about the
13 requirement that it be as short as time possible, taking into
14 consideration the needs of the fishing community.

15
16 Not only looking at what the catch levels would be, but looking
17 at how that correlates to the rebuilding time and then thinking
18 about your rationale for selecting any one of those
19 alternatives. Thank you.

20
21 **CHAIRMAN GREENE:** Okay. Thank you. All right. If there is
22 nothing else for amberjack, we will move on to our next agenda
23 item, which will be the Report of the Ad Hoc Red Snapper Private
24 Angler AP. In conferring with Madam Chair Bosarge, we're going
25 to go ahead and take a fifteen-minute break, because I've got a
26 feeling that, once we get into some of these other items coming,
27 it might be best that we stick to it, and so let's go ahead and
28 take a fifteen-minute break, and we will pick back up at 9:30
29 sharp.

30
31 (Whereupon, a brief recess was taken.)

32
33 **CHAIRMAN GREENE:** We are going to go ahead and start with our
34 next action item, which will be Report of the Red Snapper
35 Private Angler AP, and this will be Tab B, Number 9, and, Dr.
36 Froeschke, whenever you are ready, we are ready.

37
38 **REPORT OF THE AD HOC RED SNAPPER PRIVATE ANGLER AP**

39
40 **DR. FROESCHKE:** Good morning. Tab B, Number 9, this is the
41 summary of the Ad Hoc Red Snapper Private Recreational Advisory
42 Panel meeting. It was a long-awaited meeting that we had in New
43 Orleans. I think, on the first day, we had at least six council
44 members there, in one capacity or another, and so thanks for the
45 interest.

46
47 We had a large panel, with almost all new members, and our
48 strategy for the meeting was we tried, myself and Emily and

1 others, tried to provide them some background information about
2 management, red snapper, the MSA, the council process, and
3 things like that, and we tried to illustrate the problem, as we
4 understand it, and tried to get them to hone in on some ways
5 that we could extend or improve federal access.

6
7 We presented a series of presentations and things, and the AP
8 was extremely skeptical of the data and the process that goes
9 into the decision-making process, and so what happened, instead
10 of making specific recommendations on how the fishery could be
11 improved, it was their opinion that they didn't have sufficient
12 background information in order to provide that guidance at that
13 time, and so they made some specific requests for presentations
14 at an additional meeting, to provide them some what they felt
15 was required background information before they could make any
16 recommendations.

17
18 On page 2 of the summary, there are some bolded terms, and so
19 fishery-dependent data, and then I have some bullets under there
20 of things that they specifically requested, and then, below
21 that, is a little bit of rationale.

22
23 If this was the route that you all wanted to go, that's
24 something that we could identify the right people and things and
25 do that, but they did -- Essentially, the data, the MRIP, how
26 these things are done, how they're calculated, what are the
27 inputs into the stock assessment process and how this -- There
28 was some discussion that, while this may be interesting to the
29 panel, it may not help them provide a longer season or
30 something, but they were also interested in the role of
31 economics and potential legislative options outside of the
32 council process, and so they requested some information about
33 that.

34
35 There was a lot of discussion about allocation or reallocation,
36 both how the allocation was initially determined between the
37 commercial and the recreational sectors and how the sector
38 separation part was done. We did our best to provide this
39 information, as we have it, and we did provide them a lot of
40 information, but this is what they requested, and so I would
41 open the floor to discuss.

42
43 **CHAIRMAN GREENE:** Thank you. Is there discussion? I wasn't at
44 the AP meeting. I know there was a good many of you there. Any
45 discussion? Mr. Anson.

46
47 **MR. ANSON:** Well, I attended the meeting, and it was a good
48 meeting, and there was lots of participation among the AP

1 members, and, as John mentioned, they asked for a lot of
2 information, and some of this information may seem kind of
3 basic, I guess, to us sitting at the table, or even people out
4 in the audience that normally attend and travel with us
5 throughout the Gulf, but most of these people that are on the AP
6 aren't engaged as deeply as we are.

7
8 They came into the meeting with some information, but some of
9 that information may not be correct, or they may misunderstand
10 it, and so, in order to help frame the issue relative to our
11 perspective, the introduction and the summary information that
12 John and staff had provided was a good starting point, but, for
13 them to make any progress, they made it very clear that they
14 would like some additional information that, again, on the face
15 of it, might not seem to be important relative to the question
16 or task at hand, but it will help them kind of get to our place,
17 I guess, to help understand what we have to deal with relative
18 to the requirements in Magnuson-Stevens.

19
20 I think, if it's of the council's intent to keep that AP going,
21 that we try to support them and provide them the information
22 that they had requested.

23
24 **CHAIRMAN GREENE:** Thank you. Dr. Crabtree.

25
26 **DR. CRABTREE:** I was at that meeting, and we have this Marine
27 Resource Education Program, and a lot of you have been there and
28 seen it. That's what these guys need, and we can't do the full
29 program with them, but they essentially need a morning spent on
30 how assessments work and the data and all the pieces, and then
31 they probably need an afternoon that goes through the Magnuson
32 Act and the management process, kind of an abbreviated version
33 of that, because they need to have a better understanding of
34 what's going on before we're going to be able, I think, to get
35 to a productive outcome.

36
37 **CHAIRMAN GREENE:** Okay. Thank you. Ms. Guyas and then Mr.
38 Swindell.

39
40 **MR. SWINDELL:** Did they elect a chairman? I didn't see a
41 chairman listed here of their committee at all. Was anybody
42 selected that they appointed, or did we appoint one?

43
44 **CHAIRMAN GREENE:** Charlie Caplinger is the Chair, and Troy
45 Williamson is the Vice Chair. Ms. Guyas.

46
47 **MS. GUYAS:** I am supportive of doing some kind of abbreviated
48 MREP or giving these guys what they need. I certainly can

1 understand that they don't understand all the sideboards that
2 come with the council process and MSA and all these other
3 things, and, in my mind, this was probably going to be an
4 advisory panel that's going to have to meet several times to
5 really understand and be able to dig into the issues and work
6 through them. It's going to take time, and so I'm fine with
7 proceeding with getting them together again and helping to get
8 them the information they need.

9
10 **CHAIRMAN GREENE:** Mr. Walker.

11
12 **MR. WALKER:** Thank you, Johnny. I am just going to echo what
13 Roy and Martha have said, that MREP is of great value. I was
14 there last year, and we had some folks that came there that kind
15 of had a -- Some of them seemed to have kind of a negative
16 feeling, and, after the meeting was over, it was kind of like a
17 light went off, and they were like, I get it. I understand how
18 it works now, and kind of one of the things that we kept hearing
19 at the end of the meeting too was more funding will help, too.

20
21 **CHAIRMAN GREENE:** Thank you. Emily.

22
23 **MS. MUEHLSTEIN:** Thank you, guys, and I'm sorry to interrupt.
24 However, I just wanted to let you know that MREP has actually
25 talked about coming up with some sort of abbreviated program
26 that is sector-specific, and so, if it is the pleasure of the
27 council, I can talk to the MREP folks, and we can potentially
28 consider having them sort of come in as a third-party to work
29 with this advisory panel specifically, and so I haven't talked
30 to them about it, because it's the first time I'm been hearing
31 it from you guys, but I can have that conversation, if that is
32 the pleasure of the council.

33
34 **CHAIRMAN GREENE:** Thank you for that, Emily. Dr. Crabtree.

35
36 **DR. CRABTREE:** I mean, that sounds good. I think the thing to
37 think about though is how are we going to pay for that, because
38 we're going to bring in a lot of people, and I think part of the
39 discussion is how much funding is available to go into this.

40
41 **CHAIRMAN GREENE:** Mr. Gregory.

42
43 **EXECUTIVE DIRECTOR GREGORY:** Minimal, given the budget
44 situation, but the MREP people organize the workshops, but they
45 don't do the teaching. It's the FWC and National Marine
46 Fisheries Service people that do the instruction, and so we can
47 do this piecemeal, easily, without expending any excess money.

48

1 **CHAIRMAN GREENE:** Thank you. Dr. Froeschke, did you have your
2 hand up?

3
4 **DR. FROESCHKE:** Just one observation. I think one thing that
5 was difficult at the meeting, and we tried to frontend the
6 information, and, from our understanding of the situation, it's
7 that there is the data thing, and there is a lot of uncertainty
8 and skepticism and other things about that, but, in totality, it
9 seems unlikely that resolving the data alone would make a
10 drastic improvement in the management.

11
12 There is going to have to be some cuts to the meat, either bag
13 limits or a different paradigm, and we struggled to move the AP
14 to have that conversation, and I am not certain how we could get
15 them to discussing those things, if more information about the
16 data will lead naturally to more discussion about the other
17 things that they probably need to talk about in order to make a
18 meaningful difference in the access.

19
20 I don't know if there is any guidance that you could give us on
21 how to do that and then if you want us to have a meeting and
22 when and those kinds of things.

23
24 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.
25 Anson.

26
27 **MR. ANSON:** Well, to answer, or attempt to answer, John's
28 question, you know, I think, when you formulate the agenda for
29 the next meeting, and maybe it, again, will be a day-and-a-half
30 or two-day meeting, and I understand these guys have jobs, for
31 the most part, and it's difficult to take time off, but, you
32 know, in order to have even an abbreviated rundown of the
33 questions or to address the questions that they came up with for
34 the first meeting, it's still going to take some time.

35
36 They're going to need to process that, and, you know, whether
37 that's a one-day meeting, but then you've got the extra travel
38 costs to bring them back for another day, but a two-day meeting,
39 potentially, again, with the summary, and I think it was also
40 suggested that they have some of the stock assessment folks that
41 can answer some of maybe those more technical questions, if they
42 have an MREP-type -- An abbreviated MREP program.

43
44 It's going to be a half-day, a good half-day, you know maybe
45 three-quarters of a day, to answer the data questions, and then
46 they probably could at least start getting to those issues, and
47 that's about the only comment I can provide, John. I can't give
48 you any direction as to, at this time, as to what things that I

1 would do or what agenda items I would add on there specific to
2 get to where you want to get to.

3
4 **CHAIRMAN GREENE:** Okay. Thank you. Is there further
5 discussion? Ms. Bosarge.

6
7 **MS. BOSARGE:** I attended that meeting too, and I attended in-
8 person the first day, and then I listened via webinar the second
9 day, and I was very encouraged. There were a lot of great
10 questions.

11
12 I will say one thing, feedback, is, as we formed that AP, or the
13 ad hoc, we had a lot of discussion about whether to set that up
14 like our other APs, where it's a pretty diverse group, as far as
15 a cross-section between private anglers, for-hire, and
16 commercial, and maybe even some environmental-type interests,
17 and we had a pretty heated discussion about that, really, and we
18 decided, no, that this would be a group of private recreational
19 anglers only, and, when I went to that meeting, and I was kind
20 of on the fence about that.

21
22 I thought, well, but, you know, maybe it could help to have some
23 of those perspectives in there, but, when I went to that
24 meeting, I have to say that, our private angler representatives
25 around this table, you were absolutely right. It was wonderful
26 to have a group of pure private anglers for that first meeting.

27
28 You could just see they were all on the same wavelength, and I
29 was even able to kind of get into that wavelength, even me,
30 coming from the commercial sector, but so it was. It was very
31 refreshing, and I really loved the conversation that they had.

32
33 One of the questions they asked -- As they were getting their
34 presentations, they were trying to give some background as to
35 how we got to where we are, right, and sometimes -- Around this
36 table sometimes, I think, well, I can't see the forest for the
37 trees, because I'm so bogged down in the details.

38
39 When they gave this presentation, I really kind of stepped back
40 and took a 30,000-foot view of this, and what they were telling
41 the group was, well, you know, traditionally, when you're
42 catching too many fish, when you're overrunning your quotas, one
43 of the first traditional management measures that we take is to
44 cut the season back. Usually, when you cut the season back, it
45 will reduce your landings, right, which was our goal.

46
47 Unfortunately, in this case, red snapper is such a popular fish
48 for private anglers that, as we've cut that season back, we've

1 seen an effort compression, right, and so they go out there and
2 fish just as hard, but they just do it in a shorter number of
3 days.

4
5 So somebody asked the question of, well, you know, and we showed
6 a graph, and, you know, you can imagine what it looked like. It
7 kind of went like that, with time and landings, and so number of
8 days, season days, time, and landings, and somebody said, well,
9 you know, if it rolled up that way when you cut the season back,
10 would it unroll the same way, and I thought, well, it's a scary
11 question, but it's a good question. It's a very insightful
12 question. I am a little scared to even bring it up, because the
13 ramifications, if it didn't unroll that way, would be pretty
14 bad, but I think it's something we ought to at least look into.

15
16 We ought to ask for some data of how much -- As we've cut the
17 season, what's the effort compression versus what is the actual
18 increase in effort, overall effort, because surely there is also
19 some overall effort increase, right, and see if we can't somehow
20 parse that out and feel comfortable enough with that data to at
21 least take a look at it and see what it would mean.

22
23 Obviously you couldn't just unroll it with no safeguards. I
24 mean, we have worked since what -- I think it was -- Where is
25 Andy Strelcheck? Is it 1998 that we had a 2 percent SPR in this
26 fishery, somewhere around that?

27
28 **MR. ANDY STRELCHECK:** 1990.

29
30 **MS. BOSARGE:** 1990, okay, and this is 2017, and so we've worked
31 a long, long time, and it's been tough for all fishermen to get
32 us to the point where we are rebuilding and we are on a good
33 trajectory.

34
35 The fishermen aren't in a good place, but the fish are, but I
36 think we should take a look at that. I think we should ask for
37 some data on it, maybe have a presentation at our next meeting,
38 and see if it's even plausible, with enough safeguards built
39 into it. There would have to be a lot of cooperation, maybe
40 even from some state data collection programs. You know, if
41 that was to happen, you would probably have to have a trip
42 number before you left the dock. You would have to report your
43 landings, things like -- You would have to have some sort of
44 monitoring that could be closer to real time and not six months
45 later, right?

46
47 Anyway, I think we should look at it. That's my two-cents.
48 There is tons of holes that we could poke in that idea. There's

1 a lot of scary things about it, but I think it might be
2 worthwhile to at least look at the information.

3

4 **CHAIRMAN GREENE:** Thank you. Dr. Stunz.

5

6 **DR. STUNZ:** I agree, Leann, with what you said, and there's been
7 -- Some of us have been saying that for a long time, that, you
8 know, to some extent, the effort is not always coupled directly
9 to the season length. You know, you wake up with four to six-
10 foot seas, and you don't go when there's a thirty-day season,
11 but, in a three-day season, you've got to go.

12

13 I talked with Roy some, and, to me, and we talked for a long
14 time about this 20 percent buffer and rolling over, and, to me,
15 this seems like a really good option of what to do with some of
16 those buffer fish. For example, you could do some of those
17 scientific tests with that, and so, in other words, you're not
18 taking fish from anyone. That 20 percent buffer was just kind
19 of there, and whatever we decide to do with that, but you could
20 take some of those fish and do some Gulf-wide EFPs, for example,
21 where you test that very thing.

22

23 You open up the season some and see what happens, and so we
24 don't -- It's not quite as scary as your scenario, where it's
25 like the real season and the real fish. You have this 20
26 percent buffer, which is set aside, but you could distribute
27 that out, of course, to a select group of anglers, and I know
28 that's controversial, and just see what happens with that
29 effort.

30

31 Do they go every day that they would get or do they spread it
32 out? Then that gives us some indication of what it would look
33 like if those days were expanded, and so, yes, I think there's
34 some real opportunity there that we could take advantage of.

35

36 **CHAIRMAN GREENE:** Thank you. Is there further comments? Mr.
37 Matens.

38

39 **MR. MATENS:** Thank you, Mr. Greene. I also attended. I was the
40 council representative there, and some of the things in that
41 group really hit me. One of them was, when we populated this,
42 we populated it with twenty-five people, and I don't know all of
43 these people, but the ones I know all have jobs and careers.
44 Twenty-three came, and I think that's pretty strong. Now, I
45 know the council went to a lot of trouble to find days that they
46 could come, but these guys showed up on business days.

47

48 One of the other things that struck me was the preponderance of

1 the people that were there were prepared. They had done
2 research. One particularly gentleman, who is not from
3 Louisiana, and an engineer like me, has a ring binder about a
4 half-inch thick with research that he had done, a typical
5 engineer, but he had it.

6
7 The other one, the third thing that really hit me, is these guys
8 were engaged. They were excited about this. They were into it.
9 They were prepared, they were smart, and they were passionate,
10 and so I thought that it was a really good meeting. Quite
11 frankly, it exceeded my expectations about how this was going to
12 go down.

13
14 I understand the logistics of putting future meetings together,
15 and I agree with Roy, although he's not here, and I wish he was
16 here to hear me say that I agreed with him, that there is an
17 education curve here, but you know that's just the price of
18 doing business.

19
20 If we want people's opinions, we need to have them as prepared
21 as possible, and so, again, I thank the council for putting this
22 together, and I thank my friends on the staff for arranging it
23 and doing all of the logistics, and, quite frankly, not only did
24 I think that it great value, but it was interesting that four
25 council members were there.

26
27 I mean, I think that said a lot, the people who were there, and
28 one of the council members was coming and had a situation where
29 he just couldn't arrive, and there would have been five there.
30 Again, I want to thank you guys for putting this together, and
31 let's see how this thing works out, and let's see what we can
32 get in the future out of it.

33
34 **CHAIRMAN GREENE:** Thank you. Is there further comments? Dr.
35 Froeschke.

36
37 **DR. FROESCHKE:** We have a long outstanding motion to begin work
38 on a private recreational management amendment at some point,
39 pending the outcome of these meetings, and so is it your intent
40 that we will hold off on initiating something on that document
41 until we receive some further guidance from the AP?

42
43 **CHAIRMAN GREENE:** All right, committee. We have a question by
44 staff. How would you guys like to proceed is the question. Mr.
45 Anson.

46
47 **MR. ANSON:** Well, I think we had talked about this a meeting or
48 two ago, and my comment, at the time, was that anything that the

1 council does, including staff, in developing a document that
2 starts to identify issues and potential solutions to issues or
3 options would be premature before we got any feedback,
4 officially, from the AP.

5
6 I know it's been a long process, and some people think maybe too
7 long, but, again, we've got different challenges in the private
8 recreational community relative to getting information from
9 them, as representatives of that community, that would be
10 helpful to us, and that just takes time, and so, again, I think
11 it would be -- It wouldn't be wise to go down and start
12 identifying things when we've got this AP meeting on its own
13 timeline and track to come to the table with ideas they feel
14 would be appropriate on how they would like to be managed.

15
16 That doesn't mean to say that we can't add things that they come
17 to the table with, but I just think it would be premature to
18 start a document before we got a report from them.

19
20 **CHAIRMAN GREENE:** Mr. Swindell.

21
22 **MR. SWINDELL:** As I look at this council, and I know that us
23 sitting around the table -- There are not many people here that
24 are not private recreational anglers and have some experience in
25 fishing for such things as red snapper, at one time or another.

26
27 I don't see any problem with having the staff at least start to
28 put something together that tries to address things and give
29 them, the private angler recreational angler group, something to
30 really contemplate, to get more in-depth with, and the staff can
31 then bring to them, I think, a good analysis of just what they
32 went through in trying to get to these points, to give them some
33 information that we know that we're going to be needing, rather
34 than just open it up and not give them anything that they have
35 really there to discuss. Thank you.

36
37 **CHAIRMAN GREENE:** Thank you, Mr. Swindell. Are there further
38 comments? Dr. Simmons.

39
40 **DR. SIMMONS:** Thank you, Mr. Chairman. I was just looking at
41 that motion, and I'm glad that John brought it up. It was
42 passed in June of 2016, and one thing we could do is, if we
43 convened the panel again later this year, such as in the fall,
44 is we could bring the information that they requested for the
45 first day, and have more of an educational-type format, and
46 then, possibly, on the second day, we could bring drafts of the
47 state management plans or some concepts that would be in those
48 state management plans to the group and put those ideas before

1 them.

2
3 In the motion that was passed in June, it's to direct staff to
4 create a new amendment for the management of red snapper for the
5 private recreational fishery in the Gulf of Mexico, considering
6 all options, including regional management, with input from the
7 Ad Hoc Private Recreational AP. We would also know a little bit
8 more, hopefully, about our budget too, if we had the meeting in
9 the fall as well, and so that's just something to think about.

10
11 **CHAIRMAN GREENE:** Thank you, Dr. Simmons. Is there discussion?
12 Okay. Seeing no discussion and no one wishing to seek action on
13 anything -- Mr. Boyd.

14
15 **MR. BOYD:** Do we need a motion to reconvene, or can we just ask
16 staff to do that?

17
18 **CHAIRMAN GREENE:** I would prefer a motion if you want anything.
19 That would be my feeling, but, Mr. Gregory.

20
21 **EXECUTIVE DIRECTOR GREGORY:** I think we were planning on holding
22 another meeting sometime in the fall, like Carrie mentioned,
23 anyway, and so -- We have the budget for it. The meeting will
24 be in Tampa, and it saves us a lot of money to have these
25 meetings at our council office, and that's our intent from now
26 on, and so we're planning to do that sometime in the fall
27 anyway. A motion would just reinforce that.

28
29 **CHAIRMAN GREENE:** I think that's correct. I think I will
30 retract my previous statement. I mean, I think it's going to
31 happen regardless. If you want something specific, like it to
32 happen next month or whatever, then that would be okay. I am
33 just trying to make sure that -- I kind of agree that the staff
34 has asked that we do more stuff by motion, formally, to make
35 sure that things go on, but I think this is something that's
36 going to happen, unless you want to make it happen sooner or
37 later or have anything -- Mr. Boyd, I certainly don't want to
38 speak for you.

39
40 **MR. BOYD:** No, I'm not trying to push it one way or the other,
41 but I just wanted to be sure that we had it on staff's agenda,
42 and it sounds like it is.

43
44 **CHAIRMAN GREENE:** Okay. Mr. Gregory is telling me that, yes, it
45 is, and it will continue. Okay. Is there further discussion
46 on the recreational AP meeting that was held or desires to do
47 anything there? Okay. Then our next item, under this same
48 heading, is Discussion of Red Snapper Allocation Issues, Tab B,

1 Number 10, and Ms. Levy.

2
3 **DISCUSSION - RED SNAPPER ALLOCATION ISSUES**
4

5 **MS. LEVY:** Thank you. I think, at the last meeting, there was a
6 request for me to discuss, I guess in a little bit more detail,
7 the decision that came out of the lawsuit that challenged the
8 Amendment 28 final rule and how that relates to allocation. I
9 just can give you a brief overview of that decision, and then,
10 really, I think the discussion is going to be up to you about
11 allocation issues.

12
13 I did want to let you know that the agency has published a rule
14 that reinstates the pre-Amendment 28 quotas, consistent with
15 that decision, and that just went on public inspection today,
16 and it will actually publish in the Federal Register tomorrow,
17 and so we needed to do that to comply with the court order in
18 that case.

19
20 I guess, in summary, the lawsuit that challenged Amendment 28
21 raised a number of different issues, and so I sort of break them
22 out into three categories. One was an alleged statutory
23 violation that the allocation violated 407(d)(2), which is that
24 part that says that you have to have recreational and commercial
25 quotas that reflect the sector allocations and no harvest in
26 excess of those allocations.

27
28 There was that piece, which was the statutory piece, and there
29 were challenges based on other provisions of the Magnuson Act
30 that focused on the biological effects of the rule and the
31 amendment, and then there were issues related to the economic
32 and social effects analysis, and then there was the National
33 Standard 4 claim, which relates to fair and equitable
34 allocation, as well as the biological claim under National
35 Standard 4 that the allocation wasn't reasonably calculated to
36 promote conservation, and so, again, that goes to the
37 biological, and so we have pure statutory interpretation type of
38 question, biological effects issues, and social and economic
39 issues.

40
41 The decision found in favor of the agency on all of those issues
42 that were raised except the National Standard 4 fair and
43 equitable claim, and so that was the basis for saying that the
44 rule violated the Magnuson Act.

45
46 The court did say a few things about the National Standard 4
47 claim. It recognized that it was reasonable for the agency to
48 pursue a new allocation and reasonable to reexamine past

1 landings and reallocate based on the findings of that, but, on
2 the specific record that was before the court, the court found
3 that Amendment 28 wasn't fair and equitable, because it put the
4 commercial sector at a permanent disadvantage by failing to take
5 into account what the IFQ system does with respect to that
6 sector, which basically is very effective at constraining them
7 to their quota.

8
9 It was really a very narrow issue about what the amendment said
10 or didn't say and the rule said and didn't say about how the IFQ
11 system for the commercial side played into the decision to
12 reallocate to the recreational side. There really wasn't a lot
13 of discussion about that in the amendment or the rule, and I
14 just want to emphasize that it's one decision on one rule and
15 one amendment. It's very fact-specific.

16
17 There is nothing in the decision that says you can't reconsider
18 the red snapper allocation. There is nothing in the decision
19 that says you can't consider past landings when you're looking
20 at red snapper allocation issues.

21
22 It's just a matter of articulating how whatever allocation the
23 council and the agency implement meets all the standards in the
24 Magnuson Act, including the fair and equitable standard, and
25 articulating that in such a way that the reviewing court
26 believes that you considered all the pieces and made a decision
27 about fair and equitable allocations. If you have any
28 questions, I will try and answer them, but that's pretty much
29 it, in a nutshell.

30
31 **CHAIRMAN GREENE:** Thank you. Is there discussion? Mr. Anson.

32
33 **MR. ANSON:** Mara, relative to the landings question, I guess,
34 you said that, you know, the council would have to use some
35 rationale to justify how it would go about redistributing the
36 percentage of red snapper between recreational and commercial,
37 and you talk about using the landings, but I thought the
38 landings history that we used was part of the basis for the
39 judge to defer or use the National Standard 4, relative to fair
40 and equitable, and that, during those years when we had the IFQ
41 program, that the commercial fishery was set at a cap of pounds,
42 but the recreational sector was not, and so they were allowed to
43 fish over their allocation, their sector allocation, and that we
44 used those landings during those years as part of the
45 calculation for determining the percentage that we used for the
46 new reallocation.

47
48 Is that what actually happened, is that the process wasn't

1 flawed, but it was that the data was flawed, in that the
2 recreational sector was not capped, and they could, therefore,
3 catch more, which would then adjust for the percentages that
4 they were eligible for, based on our criteria, and isn't that in
5 fact the case?

6
7 **MS. LEVY:** I'm not sure that really accurately describes what
8 the allocation in Amendment 28 was based on, because it wasn't
9 based on a straight we're looking at landings and this is the
10 allocation.

11
12 It was how those landings interplayed with the assessment and
13 the increase in the total allowable catch that that allowed, and
14 so they're interrelated, but it wasn't a straight relationship,
15 and I think part of the issue for the court was we didn't
16 specifically articulate how the IFQ system and the effect that
17 that has on the commercial sector -- How that interplays with
18 the decision to reallocate, based on what the landings did to
19 the assessment.

20
21 I guess what I'm saying is that it wasn't articulated. It
22 wasn't expressly articulated how the IFQ system and the cap that
23 that creates -- We didn't expressly consider how that
24 interplayed with the allocation decision, and so, I mean, it
25 could just be that there needs to be a better explanation or
26 articulation or discussion acknowledging that fact and saying
27 and building the record for why there is still a fair and
28 equitable decision to move landings to the other side, based on
29 historical landings.

30
31 I think that it's easy to read more into some of these decisions
32 than maybe there is, because they're all very, very fact-
33 specific, and so this was a decision about one prong of National
34 Standard 4 on one particular action, and that doesn't mean that
35 you can't develop a record that would support some other type of
36 shift in allocations based on historical landings, but we just
37 have to think about what flaw was found here and articulate
38 something that addresses that.

39
40 **CHAIRMAN GREENE:** Thank you. Dr. Crabtree.

41
42 **DR. CRABTREE:** Remember this was based about some modifications
43 to the MRIP dockside sampling methodology, and so we reran the
44 assessment using the calibrated landings and without the
45 calibrated landings, and the difference in the TAC that came out
46 was the amount that was reallocated to the recreational fishery.

47
48 What seems to have bothered the judge is she viewed it as the

1 system could only go one direction and that the commercial
2 fishery could never get an increase. In my judgment, that's
3 wrong.

4
5 If the revision to the MRIP methodology had in fact showed the
6 recreational catches were lower than we thought, and if we had
7 applied the exact same process, then the allocation would have
8 shifted more fish to the commercial fishery, and so I don't
9 think the court understood that, but there was nothing inherent
10 in what we did that would result in the allocation necessarily
11 going one way or the other. It could have gone either way, and
12 I don't think that came through, and I don't think that was
13 explained very well, and I think that was really why we lost the
14 decision.

15
16 **CHAIRMAN GREENE:** Ms. Levy.

17
18 **MS. LEVY:** I also wanted to just -- I mean, if you decide that
19 you want to reexamine this issue again, that you consider taking
20 a more holistic approach, and so start out looking at the
21 objectives of the FMP and what you're trying to achieve and then
22 look at both sides.

23
24 Look at the commercial side, look at the recreational side, and
25 take sort of a more comprehensive look at the allocation in
26 general and consider what kind of shift is appropriate, one way
27 or the other, because I think that will help support, in the
28 end, if you make a decision, the decision that you make if there
29 is a broader approach to the allocation issue.

30
31 **CHAIRMAN GREENE:** Thank you. Is there further discussion?
32 Okay. Seeing no further discussion, that will conclude that
33 portion of the agenda, which will move us on to Options Paper,
34 Amendment 36B, Commercial Reef Fish IFQ Modifications, Tab B,
35 Number 11, and Dr. Lasseter.

36
37 **OPTIONS PAPER - AMENDMENT 36B - COMMERCIAL REEF FISH IFQ**
38 **MODIFICATIONS**

39
40 **DR. AVA LASSETER:** Thank you, Mr. Chairman. Okay. We're going
41 to begin first by -- Dr. Jessica Stephen is going to provide a
42 presentation for you on the Fishery Finance Program, and so that
43 is going to be Tab B, Number 11(b).

44
45 **FISHERY FINANCE PROGRAM PRESENTATION**

46
47 **DR. JESSICA STEPHEN:** At the last council meeting, there was
48 questions asked to have an update on what the loan programs were

1 doing in the IFQ program, and so what I am going to talk to you
2 today about is the Fishery Finance Program, the FFP Program,
3 that is a national loan program.

4
5 This program had traditional loans that provided long-term
6 financing for such things as reconstruction and improvement of
7 fishing vessels, purchase of used fishing vessels, and
8 improvements to aquaculture facilities, and this authority
9 includes refinancing of any existing debt for these types of
10 things. Down below, I have put down the web link for the
11 Fishery Finance Program's website as well as the contact of the
12 Regional Loan Program Officer.

13
14 Historically, when we looked at loans for the IFQ program, what
15 happened is that, the financing and the refinancing of those,
16 the council had to submit a loan program, and the Secretary had
17 to approve the loan program. Currently, we only have two loan
18 programs in the nation for IFQ programs, and that is two out of
19 the sixteen catch share programs that are out there. Those two
20 are both the Northwest halibut and sablefish fisheries and the
21 Bering Sea Aleutian Island crab fishery.

22
23 What happened this year is that the Coast Guard Reauthorization
24 Act authorized the FFP to actually finance the purpose of
25 harvesting rights in any fishery under a limited access system,
26 and so that includes our IFQ programs. This rule to implement
27 harvesting rights lending is currently in process, and I'm not
28 quite sure what the timeline is, but I am anticipating sometime
29 this year or next year for it to be finalized, and it's been
30 agreed that this is a non-significant action, and so it can just
31 go forward.

32
33 There are some key points that relate to this program with the
34 IFQ. The rule requires that harvesting rights have to be
35 specifically identifiable to the government, and so we had a
36 problem when we looked at loan programs before with this. I am
37 currently working with the FFP group, in order to show them how
38 we can have our current online IFQ system specifically identify
39 those, and I'm feeling fairly confident that, once we go through
40 a discussion, that we will have a method to identify them as
41 we're going forward.

42
43 Some other information is that the FFP may lend up to 80 percent
44 of what's called the depreciated actual cost of those harvesting
45 rights. That is the purchase cost of the rights or, if you're
46 refinancing, the current market value for those rights.

47
48 With this, the loan authority has to be reauthorized each year

1 in the fiscal budget, and so the amount of money going into this
2 program can be variable from year to year, and that might depend
3 on what the budgeting authority is in other loan programs, and I
4 can't give you a definite amount of how much is in this national
5 budget each year, and a portion of it is always set aside for
6 those traditional programs that the loan program was initially
7 intended for.

8
9 What does someone have to do in order to apply to these loans?
10 They have to first meet any of the general FFP requirements.
11 They have to meet any requirements of their FMP. As I get into
12 discussions with this group, we'll probably be coming back to
13 see what those requirements from the FMP would be. They also
14 need to have some additional guarantees, and they have to go
15 through a background and credit check. There is always an
16 application fee for this, which is 0.5 percent of the loan
17 amount requested. Part of that is refundable, and part is non-
18 refundable.

19
20 They will only finance up to 80 percent of that depreciated
21 actual cost of the project. Loan terms can be up to twenty-five
22 years, and the way the interest rates work is they are 2 percent
23 above the Treasury cost for the program. For example, if the
24 loan program was made on May 16 of this year for a twenty-five-
25 year term, they would have an interest rate of 5 percent, and so
26 the 2 percent plus the 3 percent makes the 5 percent. That's
27 the last slide, and so now I will take any questions you guys
28 have about the program.

29
30 **CHAIRMAN GREENE:** Thank you, Dr. Stephen. Is there discussion
31 or questions or concerns or comments or anything? Mr. Diaz.

32
33 **MR. DIAZ:** It's not really about the loan program, but is there
34 private capital or is there a way for private folks to get loans
35 currently? Is that a big problem, Dr. Stephen?

36
37 **DR. STEPHEN:** Every now and then, I get a bank who calls the
38 catch share support line asking information about the program,
39 and, initially, before we had the public participation, the bank
40 couldn't come in and buy anything, and so they couldn't have any
41 guarantee of right.

42
43 I think, with each bank, it kind of depends on what their feel
44 is about giving the loan out and that the shares or allocation
45 remain in the hands of the person obtaining the loan, and they
46 have the right to do whatever with it, and so one of the aspects
47 of this loan program is that we could probably stop someone from
48 transferring shares, in order to make sure that that value asset

1 was still there if they defaulted on the loan.

2

3 **CHAIRMAN GREENE:** Mr. Walker.

4

5 **MR. WALKER:** I think this program is critical for young
6 fishermen, to give them the opportunity to get into the fishery,
7 and it doesn't take away from anyone, and I also would like to
8 know what the council can do to support development and
9 implementation of the program.

10

11 **DR. STEPHEN:** In answer to that right now, the council doesn't
12 need to submit anything. The IFQ programs would automatically
13 be included. What will probably happen is we have further
14 discussions on how to work our IFQ programs into it. I might
15 have to come back to the council and get some clarification on
16 intent for what some of their requirements might be, and, as I
17 get more involved in these discussions, I will have more to
18 report back to you.

19

20 The one other thing that I do want to point out, that I forgot
21 to mention, is that some of the FFP requirements is, if a
22 fishing stock is overfished or experiencing overfishing, there
23 are certain requirements to how the loan goes out, and one of
24 those is that they cannot give a loan for that species if it is
25 more than 20 percent of that person's revenue.

26

27 **CHAIRMAN GREENE:** Interesting. Mr. Diaz.

28

29 **MR. DIAZ:** Dr. Stephen, one more question, and I don't know if
30 you can answer this or not, but is there any information to let
31 us know if a loan program might drive up prices of shares,
32 artificially or really, and, the two loan programs that are out
33 there, do we know if it had an impact on prices?

34

35 **DR. STEPHEN:** I am not aware of anything, but I can look into
36 that further and see if I can get an answer of if it changed
37 anything.

38

39 **CHAIRMAN GREENE:** Mr. Walker.

40

41 **MR. WALKER:** I am just making a comment that I have heard from
42 fishermen who would be very interested in this program and
43 giving them an opportunity to get in the program, if it's a new
44 entrant, or a replacement entrant, as others get out, and so I
45 am a strong supporter of this.

46

47 I think it would be good for industry, and I know a lot of
48 people here have mentioned about new entrants or replacement

1 entrants, and this could be a solution with a very good interest
2 rate and secured loan, approved through the government, and I
3 guess, if they default, I would assume that fish would just go
4 right back to the federal government, if they defaulted on the
5 loan.

6
7 **DR. STEPHEN:** That's one of the aspects we have to work out with
8 the program, of what happens when it defaults or if they allow
9 it to be sold or something like that, but, as I said, as we
10 start having more discussions about this, we will have more
11 information to give you guys.

12
13 **CHAIRMAN GREENE:** Ms. Bosarge.

14
15 **MS. BOSARGE:** So that requirement that it can't be more than 20
16 percent of their income, like from that species that's
17 overfished, I assume that's from a risk perspective, so that --
18 I mean, if you're making that person a loan, there is probably
19 high risk that the council could come in and change something in
20 a fishery that's overfished, and so that puts a little more risk
21 on the government, but is there any way to adjust that
22 somewhere?

23
24 **DR. STEPHEN:** No, that's a federal regulation, and so I asked
25 that at the time. There is no control over it. Now, for
26 example, in red snapper, what it could still allow is a loan
27 program to help people who are discarding fish through
28 incidental catch who aren't targeting it, because that might not
29 be 20 percent of their overall income.

30
31 **CHAIRMAN GREENE:** Interesting concept. Mr. Matens.

32
33 **MR. MATENS:** Dr. Stephen, this probably goes without saying, but
34 I am a little curious. As I read this, particularly your last
35 statement, a person to be an applicant would have to be bidding
36 for a substantial amount and not a de minimis amount of these
37 fish, like some shrimper that wants a small allocation to deal
38 with bycatch. In addition to that, may I assume that one of the
39 requirements of being an applicant would be that you would have
40 to have a permit and that I couldn't, for example --

41
42 **DR. STEPHEN:** As we hit the discussions, that would probably be
43 one of the things we want, because it's for the people fishing
44 and not necessarily say a public participant who is not fishing
45 it. That wouldn't go to kind of the intent of that. Again, we
46 would need to work out all of those details as we get closer,
47 and there are numerous other catch share programs that are also
48 working on similar kinds of concepts.

1
2 **CHAIRMAN GREENE:** Further questions? I had one question. On
3 the loan applicant slide that's up there on the board right now,
4 interest rates are 2 percent above the Treasury cost, and is
5 that fixed for the term of the loan or is that variable?
6

7 **DR. STEPHEN:** I believe it's variable.
8

9 **CHAIRMAN GREENE:** Okay. Thank you. Any further questions or
10 comments? Seeing none, we will go back to Dr. Lasseter at this
11 point.
12

13 **REVIEW OF AMENDMENT**

14

15 **DR. LASSETER:** Okay. Thank you, Mr. Chairman. We are going to
16 review the options paper, which is Tab B, Number 11(a), and,
17 based on what's in your action schedule, we're hoping to get the
18 committee to begin discussing and considering the IFQ program's
19 goals, in terms of whether the goals have been met, whether
20 further progress is needed, or whether new goals should be
21 defined. Also, we're hoping to get the committee to discuss and
22 provide guidance to staff on the actions and scope of
23 alternatives provided here.
24

25 To jump into the document, why don't we look at the table of
26 contents first, which is Roman Numeral page IV, just as an
27 outline of what we've brought, and so, as always, our Chapter 1
28 is we've got a lot of background information. Much of that does
29 overlap with what you saw in 36A. There is a little additional
30 information that compares the overlap of the program, of vessels
31 participating in both programs.
32

33 I am going to discuss quite a bit the purpose and need and the
34 program goals evaluation sections, and so that's really a bulk
35 part of the document right there. Then Chapter 2 is where we
36 have outlined the potential actions, and so the 2.1, we have
37 lumped a couple of your items that you wanted to explore and
38 provided several potential sub-actions.
39

40 Then the rest of them follow your additional items that you
41 wanted to look at, and we're not going to go through it, but the
42 Chapter 3, we have just provided you information that was also
43 in 36A, from the same chapter, and this is just looking at the
44 geographic distribution of the shareholders, just in case you
45 had questions pertaining to where shares and allocation were
46 being held.
47

48 Then, finally, I will just go over the appendices, what we've

1 provided here, and some of them are very similar to 36A, and so
2 Appendix A, again, we have provided you an IFQ program glossary,
3 and that's very useful for referring to, because some of these
4 terms get thrown about, and it's good to refer to, so we're all
5 using the same definitions.

6
7 Appendix B, we have provided that purpose and need statement,
8 the goals statements, from each of the amendments that
9 implemented, respectively, the red snapper and grouper/tilefish
10 programs, and then the remaining three appendices are similar to
11 what was in -- They're exactly the same as Amendment 36A. We
12 have taken this document -- We have taken 36 out for scoping,
13 and it included all of the same actions that are in this
14 document, and so the scoping workshop summaries are provided
15 there for your reference as well.

16
17 We will move into the document. On page 6, we have the purpose
18 and need and the program goals evaluation. In Amendment 36A,
19 the actions that you took final action on addressed improving
20 enforcement, and another action addressed a recommendation from
21 the red snapper five-year review, and another one granted the
22 Regional Administrator the authority for withholding quota if a
23 quota is going to change, if a quota reduction is going to
24 occur.

25
26 None of those was really in conflict with the existing program
27 goals and objectives, but the items that you're looking at and
28 proposing to look at here are not necessarily supporting the
29 existing goals and objectives, which most generally are reducing
30 overcapacity and reducing the derby conditions and improving
31 safety at sea. That's kind of general, and there's a little
32 more specifics in the grouper/tilefish, and, again, Appendix B
33 provides the goals of each of those programs.

34
35 The IPT needs to craft a better purpose and need after we
36 receive some guidance on the intent and the purpose of the
37 council for the proposed actions that you wish to pursue, and
38 so, at the moment, that is what the purpose and need states, is
39 that it's going to review and consider updates to the program
40 goals and objectives, but we hope to replace that with a more
41 refined purpose and need, to address the problem you are
42 specifically wanting to solve.

43
44 That first paragraph there in 1.3, the program goals evaluation,
45 really gets at what we're looking for the discussion to address,
46 and so, again, the Appendix B has those goals reproduced from
47 each of the programs, and the five-year review for red snapper
48 noted that, while progress toward existing goals has been made,

1 further progress could be made to reduce overcapacity, safety at
2 sea had been improved, and, from the results we've seen from the
3 studies for the grouper/tilefish review, those conclusions are
4 very similar. Progress has been made towards reducing
5 overcapacity, and further progress could be made to make the
6 fishery more efficient, and safety at sea has been improved.

7
8 While progress has been made towards these goals, the IFQ
9 programs have fundamentally changed the way fishing for IFQ-
10 managed species is conducted, and now, given that the programs
11 have been in place for several years, we are asking you to
12 evaluate whether the original goals of the program have been
13 met, is further progress needed toward achieving these goals,
14 and should new goals be added to address changes that have
15 occurred in the fishery?

16
17 The next two sections, again, delves more into the program goals
18 for each program and discusses the progress made toward those
19 goals, and there are tables that show you the change. For
20 example, Table 1.3.1, on page 7, shows you the number of vessels
21 landing red snapper and how that decreased initially after the
22 program started, and it is now increasing, and that is partly to
23 do, we believe, with the movement of red snapper into the east,
24 and so vessels are obtaining allocation to account for bycatch,
25 and so further reducing overcapacity may not be desirable. You
26 may recognize this as a positive trend of what is happening
27 right now, that additional vessels are obtaining allocation and
28 bycatch, hopefully, is being reduced.

29
30 Then the next section, again, the grouper/tilefish program
31 goals, and similar information is provided for your background.
32 If we go to page 14, we have the two sections here. One is
33 evaluating the existing goals, and then the next one is
34 considerations for modifications to the goals.

35
36 Again, we will be making a presentation at the August meeting on
37 the grouper/tilefish five-year review, although the studies that
38 have already come out, as I said, support -- They're very
39 similar to the red snapper goals, and so it is possible that the
40 council will decide that capacity should be increased even to
41 account for these vessels that are fishing for red snapper or
42 landing red snapper as bycatch and obtaining allocation for
43 that.

44
45 Is there any discussion on how the council feels about these
46 goals? Have they been addressed? Should a capacity be defined?
47 I am going to stop there for just a moment and see if there's
48 any discussion.

1
2 **CHAIRMAN GREENE:** Thank you. Is there discussion? Mr. Anson.

3
4 **MR. ANSON:** I don't know if it's appropriate here, but one of
5 the issues that I have been thinking about, and it was brought
6 up earlier in the document that you reviewed today, is the issue
7 of more fish, more red snapper, now showing up in the eastern
8 Gulf and that, historically, just prior to the implementation of
9 the IFQ program, that wasn't necessarily the case and that there
10 was a lot more snapper available in the western Gulf.

11
12 In order to address bycatch issues and such, we ought to -- In
13 my opinion, we ought to try to develop mechanisms that get some
14 of those historic fishing, if you will, if they start
15 transitioning out of the fishery, get some of that fishing
16 effort that was normally in the western Gulf, potentially, and,
17 if that's where a lot of the pounds are going now in the eastern
18 Gulf, as far as leasing and that type of thing, that we ought to
19 try to look at mechanisms that do that.

20
21 I think -- I don't know how specific you want these goals to be,
22 Ava, or they need to be, but it's kind of highlighted a little
23 bit in the document, as to that's an issue, and that's something
24 that could potentially be addressed.

25
26 As we go through the individual action items, or options, those
27 are, I think, areas that we could further clarify as to what
28 direction we intend to go or how we might go about doing those
29 things, and so, again, I think what you provided here, in my
30 mind, kind of identifies those things, but, if others have any
31 comments, certainly they can talk about it.

32
33 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Ms.
34 Bosarge.

35
36 **MS. BOSARGE:** As far as the goals, when I read that purpose and
37 need, and I think back to some of the discussions that we had
38 had around the table about tweaking this program, I hope that we
39 will have some specific input from the council on -- In the
40 purpose and need, one of the goals says to address social and
41 economic issues, and I think, if we could really pinpoint what
42 we feel our biggest heartache is, some social inequity issue or
43 an economic inequity issue, with the program as it stands today,
44 I think that would really help point us in the direction of what
45 action items we need to focus on and what alternatives should be
46 in those.

47
48 Maybe we can have that discussion as we go through the different

1 possible alternatives, but I think, from a broader perspective,
2 we need to hammer out what are those specific social issues that
3 we're looking to address here, and, once we know that and we put
4 that forward for staff, then they could probably better craft a
5 document to meet those.

6
7 **CHAIRMAN GREENE:** Ms. Bosarge.

8
9 **MS. BOSARGE:** For example, so that maybe we can have some
10 feedback here, for example, I have heard a lot of negative
11 feedback about the possibility that the way the program is set
12 up right now that you could have essentially middle men in the
13 program. In other words, somebody who owns no shares and who --
14 In other words, somebody that wasn't given an initial
15 allocation, somebody that has no boat and nothing like that.
16 Essentially, all they're doing is flipping.

17
18 They come in at the beginning of the year and buy up a certain
19 amount of allocation, and they know exactly what they want to
20 make per pound on that allocation, and they turn around and
21 resell it, right, just like flipping a house, okay?

22
23 If that's something we want to address, then I bet staff could
24 get us an action item that would address that specific social
25 issue with the program, because the program is functioning well,
26 as far as the biology of the stock and the fish are concerned,
27 and so we've got to pinpoint what it is that we're trying to
28 fix, socially and economically, and make sure that that's what
29 we focus on.

30
31 **CHAIRMAN GREENE:** Thank you. Mr. Walker.

32
33 **MR. WALKER:** I just was going to add, kind of what to Kevin had
34 mentioned in the eastern Gulf -- I guess the west coast of
35 Florida has had some increase in some snappers. I think the
36 little small fish are starting to show up, but also, in the
37 western Gulf, there has been a huge increase in the biomass
38 there as well, and so, I mean, we know the stock is healthier in
39 the western Gulf right now.

40
41 I am hearing they're getting closer and closer into Galveston.
42 I've heard some discussion of that from fishermen, but I think a
43 lot of the increase in that has been people in the eastern Gulf
44 have been asking for allocation, and we've had a few new
45 entrants that have come in that were not participants in the
46 fishery and came in and started leasing some fish from folks
47 from wherever, probably from the western Gulf, but I am just --
48 The fish is getting healthier, especially in the western Gulf,

1 and everyone around here knows that, and there are certain areas
2 that I've seen some depletion of them, but it sounds like the
3 western Gulf is getting stronger every year.

4
5 **CHAIRMAN GREENE:** Further discussion? Okay, Dr. Lasseter.

6
7 **DR. LASSETER:** Thank you, Mr. Chairman. Just to kind of
8 summarize what I heard, I heard themes here of addressing
9 bycatch, potentially addressing bycatch, as a direction that a
10 goal could go in and, in terms of participation, active
11 participation, which would need, of course, to be defined more
12 thoroughly, but maybe we're getting some themes here that we can
13 start to return to as we go through the document. Then the next
14 section is --

15
16 **CHAIRMAN GREENE:** Hold on one moment, please. Ms. Levy.

17
18 **MS. LEVY:** Just to comment on the bycatch. I think, if you look
19 back at Appendix B that has the paragraph about the purpose of
20 the red snapper IFQ program, it is very broad, when it says to
21 reduce overcapacity and eliminate, to the extent possible, the
22 problems associated with derby fishing, but, if you look more
23 closely at the discussion, I think some of the anticipated
24 benefits of reducing overcapacity dealt with bycatch and bycatch
25 mortality and regulatory discards.

26
27 Maybe that was the broader goal, but there was also a bycatch
28 thing, and maybe it's just a matter of recognizing that it did
29 that, to some extent, but, because the stock is expanding, it
30 didn't necessarily address that piece, because you weren't
31 anticipating that would happen, necessarily, or it wasn't
32 happening at the time, and so it seems like it's built in there,
33 and so maybe something to think about is honing in on that
34 piece, and it's not necessarily a new goal, but it's just sort
35 of recognizing that the overcapacity issue didn't address all of
36 the bycatch issues that we're now seeing as the fishery expands.

37
38 **CHAIRMAN GREENE:** Okay. Thank you. Dr. Lasseter.

39
40 **DR. LASSETER:** Great. Thank you. Let's go back to page 14, the
41 bottom half of page 14, which is the second section. In
42 addition to evaluating, which we didn't quite get into the issue
43 of whether you feel that overcapacity has been met or needs to
44 be further reduced, but we've already started discussing these
45 considerations for potential new program goals.

46
47 The actions taken to modify the programs that might be
48 accomplished through this amendment should have a purpose that

1 is supported by the program goals, as we've stated, and, given
2 the suite of actions that are proposed here, we're looking for
3 more guidance on these, and so I've got a couple of themes that
4 we're starting with here, but, if you read through the rest of
5 this section, there are some more ideas that are kind of touched
6 on that staff has been able to glean from some of your past
7 discussions, and there is a citation for a paper that I'm going
8 to go into in a moment that also attempted actions like this,
9 and their intent was to address active participation, is how
10 they framed it, and so that sounded very similar to what Ms.
11 Bosarge was talking about.

12
13 I will just take one more moment. Is there any more discussion
14 on goals, or would we like to just further discuss it as we go
15 through the proposed actions?

16
17 **CHAIRMAN GREENE:** Yes, I think that would be the right way.

18
19 **DR. LASSETER:** Okay. Sounds good. Chapter 2 includes our
20 potential actions, and it begins on page 16. The first one we
21 have labeled "Program Participation", and there is three
22 potential sub-actions with this, and also this potential action
23 includes two of the items that you were interested in exploring.

24
25 You expressed interest in reconsidering the requirement for
26 shareholders to have a commercial reef fish permit and also to
27 consider restricting the amount of shares and/or allocation that
28 may be held by a shareholder without a commercial reef fish
29 permit, and so we saw those as related, and, also, this number
30 two is touching on a later item that you wanted to look at of
31 restrictions on share and allocation transfers, and Dr. Crabtree
32 has previously asked whether this initial section on requiring a
33 permit might get at some of those issues, and it's this second
34 item that really kind of ties those together.

35
36 The beginning of this section is kind of a history of the permit
37 requirement, and so, for the first five years of each of the
38 programs, shareholders were required to have a commercial reef
39 fish permit to obtain shares.

40
41 At the end of five years, any U.S. citizen or resident alien
42 could buy shares and participate in the program by opening an
43 account and transferring shares. Prior to the opening of each
44 of these programs to this public participation, the council did
45 discuss whether or not they wanted to allow this public
46 participation or to modify that provision, which was in each of
47 the amendments implementing these programs, and, ultimately, the
48 council did decide to allow the programs to open up to public

1 participation, but, for each of the programs, the council did
2 request that NMFS publish a control date, which they did in the
3 Federal Register, that notified program participants that the
4 requirements for participation may be modified in the future,
5 and so you had discussed this before, and did not take action at
6 the time, but you had made notice to shareholders that
7 participation may change in the future.

8
9 If we go down to the bottom, we have a kind of currently
10 statement, and this would be equivalent to what our Alternative
11 1 would be. It's basically our -- I'm sorry. I will pause for
12 just a moment.

13
14 **CHAIRMAN GREENE:** Mr. Diaz.

15
16 **MR. DIAZ:** Ava, while you're talking about that, did the council
17 -- Was there any rationale given of why they wanted, at that
18 time, to allow public participation? What was the rationale
19 behind that line of thought? Do you know, from reading the
20 record?

21
22 **DR. LASSETER:** I may let Dr. Crabtree speak to this further, but
23 I do remember somebody said that that was agreed to when the
24 programs were each respectively implemented. The shareholders
25 did vote in the referendum and allow the program to go forward
26 with that as a caveat, that anybody would be able to own shares,
27 and so the feeling seemed to be that they should go ahead and
28 stay with that agreement. Dr. Crabtree, do you have any
29 different memories of what the rationale was?

30
31 **DR. CRABTREE:** Well, there was a big debate about that that went
32 on over a number of meetings, and I guess, when I read back
33 through it, those who were arguing to not put any restrictions
34 on who could acquire shares and who could be a shareholder, it
35 seemed to be a philosophical thing with them, as to why should
36 there be any constraints on this.

37
38 There were concerns on the other side of it, and it went on for
39 many meetings, and, finally, this five-year sunset came up as a
40 compromise, to move the program forward. Generally, it was the
41 recreational folks on the council that were opposed to putting
42 any restraints on who could acquire shares, but it's difficult
43 for me, having looked back at it, and the motivations aren't all
44 that clear.

45
46 **CHAIRMAN GREENE:** Thank you. Mr. Walker.

47
48 **MR. WALKER:** I was actually on the ad hoc panel that helped

1 develop the profiles for the red snapper, and we did not want it
2 opened up. We wanted to keep it in the commercial fishery. We
3 didn't want to open it for five years, but it was you can get it
4 this way or you're not going to get it at all, and so we had to
5 go along with the five years.

6
7 We didn't want it opened up. We wanted it to stay in the
8 fishery, with the fishermen, and that's just the way it came
9 about, and then there's a lot of fishermen who have bought in
10 since then, and so I just wanted to make sure that everyone knew
11 that, that the commercial industry did not, and then the
12 assumption was, and I think some of the comments that people
13 heard, was there was the hopes that the recreational fishery
14 could just buy out the commercial industry at the end of five
15 years, and that's when the control rule or whatever came out
16 saying that they could buy them, but they couldn't do anything
17 with them.

18
19 **CHAIRMAN GREENE:** Thank you. Mr. Boyd.

20
21 **MR. BOYD:** I read down just a little bit further, and it said
22 "potential alternatives", and just a question on process here.
23 Are we going to structure this where we have alternatives and
24 sub-alternatives, like we do in any other document, or is this
25 document going to continue with potential?

26
27 **DR. LASSETER:** As an options paper, we did not structure it
28 formally with actions and alternatives. This is still
29 exploratory, and so, with the guidance that we get from the
30 council, if we feel like enough of these actions -- If we have
31 some guidance to start constructing actions and alternatives, we
32 will start moving from this draft even into an amendment, and
33 then it won't say anymore "potential actions".

34
35 It will say "management actions", and so, really, this was just
36 to be a little more fluid, as is typical of an options paper.
37 It's more your initial considerations, and so it's a little
38 easier. Rather than writing out all of these formal
39 alternatives, it's just kind of some bulleted lists to let you
40 review, and maybe you want to add some, or maybe you don't even
41 want to consider some, but this would be your opportunity to
42 just provide us guidance on which of these items and sub-actions
43 you would be interested in pursuing.

44
45 **MR. BOYD:** Thank you.

46
47 **CHAIRMAN GREENE:** Mr. Anson.

48

1 **MR. ANSON:** Just a question to agency staff, Jessica,
2 potentially you. If we were to proceed with a requirement
3 reversing our decision to not requiring a commercial reef fish
4 permit, and we changed our minds and required a commercial reef
5 fish permit for shareholders, leaseholders, those that are
6 actively in the fishery, who are going to be using the shares or
7 allocations to fish, that is not a -- Although it could be a
8 burden, it is not an overwhelming burden that you could not
9 identify those individuals who may be fishing or using shares,
10 not have the -- Can that be established and a reef fish permit
11 given back to an individual who may have relinquished it, for
12 one reason or the other, when there was originally the IFQ
13 shares were established, and, if they don't have one now, could
14 a permit be reissued to them, even though it may be a temporary
15 permit or a historical fishing permit, that would stay with that
16 individual and not be able to be transferred?

17
18 **DR. STEPHEN:** Okay. I think you're asking a couple of different
19 things. I will start with it's an entirely online program, and
20 so we track who had a permit and made landings and, if share
21 transfers or allocation transfers were done, if there was a
22 permit currently connected to that. That information, we can
23 backtrack.

24
25 It is a limited access permit, and so, when a permit isn't
26 renewed, it terminates, and, currently, all permits are owned,
27 and so I don't foresee any mechanism where we could create more
28 permits for that purpose.

29
30 **DR. CRABTREE:** I mean, what you're talking about is changing the
31 whole permitting status and reissuing permits, and so, I guess,
32 if you amended the plan and set up a process for that, you could
33 do it.

34
35 **MR. ANSON:** My question was relative to the option that we're
36 discussing in the document. I want to make sure that the agency
37 can actually do that. If we chose to require reef fish permits,
38 that the agency can go back, and I'm talking specifically to
39 those that were initially identified as eligible for shares. If
40 they don't have one now, and we needed them to have a permit,
41 and let's just call it a permit and not a reef fish permit,
42 unless you need to call it that, but can those be identified and
43 reissued or given a permit, even though we're under a
44 moratorium?

45
46 Because, as you stated, those permits are owned, and that means
47 we would have to have eminent domain and take over those permits
48 from those individuals, if they don't want to relinquish them

1 voluntarily.

2
3 **DR. CRABTREE:** If you really wanted to go down that path, we
4 could look at it. I suspect it would be complicated and have a
5 lot of issues. I have assumed, if we want to reinstate the
6 permit requirement, that those folks who own shares and don't
7 have permits would have to go out and buy a permit from somebody
8 and not that we would just issue them one, but --

9
10 **CHAIRMAN GREENE:** Dr. Stephen.

11
12 **DR. STEPHEN:** I will just add to it. We can identify what
13 accounts were initial shareholders, and, if you wanted to do
14 some kind of grandfathering in, where they didn't need a permit,
15 and it's complicated, probably, to do, but I would assume that
16 we could go around and do that.

17
18 The one thing to keep in mind is that it's the specific permit
19 holder at the time, and so, for example, if John Smith had a
20 permit and he later added his wife, that new account wouldn't
21 qualify. It would have to go back to the John Smith account,
22 which he probably transferred all of his shares and allocation
23 out of, and so there are little caveats that can make this
24 extremely complicated.

25
26 **DR. CRABTREE:** Just to follow up, bear in mind too that the --
27 It's not just a permit. They're going to have to buy a boat,
28 because you have to have a vessel to put the permit on, and then
29 the vessel is going to have VMS and all the other things that
30 are required on a commercial fishing vessel, and I suspect that
31 is a much larger expense and endeavor than just acquiring a
32 permit would be.

33
34 **CHAIRMAN GREENE:** Mr. Anson.

35
36 **MR. ANSON:** I appreciate those remarks, and this might need to
37 be further fleshed out in the goals, depending upon motions that
38 may come up, but, you know, the IFQ program, part of that
39 program was to assist and provide better business opportunities,
40 in addition to a variety of other things biologically for the
41 stock, but it was to assist those that were actually engaged in
42 fishing.

43
44 Maybe it was perhaps a little shortsighted, but, as we've gotten
45 ten years down into this program, we're starting to realize that
46 there are some issues involved with some of the social issues
47 and economic issues in the fishing communities, that fishermen
48 will retire and they won't be engaged in fishing, and they are

1 no longer an active fisherman in the fishery, and so those are
2 some issues, I think, that are higher up that might need to be
3 further fleshed out in the goals, as Ava was trying to get at
4 earlier, but that's where, potentially, I see that we can
5 address several things related to that particular aspect. Yes,
6 it would require, potentially, people to buy a boat, if they're
7 not using their shares and going out and fishing currently.

8
9 **DR. CRABTREE:** Just one last thing. I think it would be
10 helpful, in the course of this meeting, if these are things you
11 want to look at, to give us a list of things that you want to
12 look at and questions with respect to it, and then we could go
13 back and look into all of this more thoroughly and report back
14 to you at the next meeting.

15
16 **CHAIRMAN GREENE:** Mr. Anson.

17
18 **MR. ANSON:** Would that be appropriate for that list, to have it
19 as a motion in the options document, or do we have to just say
20 here is our list and then we come back, depending upon your
21 answers, to put it as an option in the options document?

22
23 **DR. CRABTREE:** Well, I would think you would need to have some
24 agreement among the council as to these are the things we want
25 to look at, and so I guess, at some point, some sort of a motion
26 would be good.

27
28 **CHAIRMAN GREENE:** Ms. Bosarge.

29
30 **MS. BOSARGE:** Kevin, this is kind of for you. I appreciate your
31 comments, because I think this is going to hone in on what we
32 think the social issues are. My question is you were talking
33 about that now we have some older fishermen that maybe aren't on
34 the water anymore, and so which social issue are we wanting to
35 try and get at?

36
37 Are we wanting those individuals back on the water? Is that
38 what we're wanting, more active fishing, or is it more I don't
39 want them leasing their shares and I want, somehow, new entrants
40 to come in and own that share and be on the water? I guess I am
41 trying to hone in further on where we're headed with that. What
42 is the social issue that you really want to get at with those
43 fishermen?

44
45 **MR. ANSON:** The social issue I would see is to positively affect
46 the fishermen, and, again, I would define a fisherman as that
47 person who is able and active in going out and engaging in the
48 fishery, and so they have a boat, and they're on the boat, and

1 they're catching their fish.

2
3 Now, there is several ways that you can go about further
4 defining that fisherman, relative to how much shares they lease
5 and such, and identify thresholds or a minimum percentage that
6 they would have to fish each year, and some of those concepts
7 are being developed in Amendment 41, relative to charter boats
8 and some of the ways of distributing access.

9
10 I think those could be further fleshed out, as far as options,
11 if a motion were to go forward that would identify those, but I
12 am thinking of potentially both of those, and then, in that way,
13 you would then be able to, potentially be able to, distribute or
14 get those fish to those fishermen, and then you can minimize the
15 hardship, if you will, for those that have current shares, and,
16 as they aren't able to go out on the water, that you have some
17 sort of time period that you would have like a cyclical
18 redistribution, where each year they lose a little bit.

19
20 They maintain their shares, but they lose a certain percentage
21 and, over a certain period of time, that they would divest
22 themselves of the shares, but those shares would be
23 redistributed.

24
25 There is other issues relative to resource rent too that we
26 could be addressing in the document relative to how we
27 redistribute those shares and whether or not they go through an
28 auction program or auction methodology, in order for the
29 government to earn some money from those fish, and so we'll be
30 going through, and, as we get into the sections here, I guess,
31 we can talk about those things, or motions can be offered.

32
33 **CHAIRMAN GREENE:** I have Dr. Frazer and then Mr. Boyd.

34
35 **DR. FRAZER:** Thank you, Mr. Chair. When I was thinking about
36 this, as this document has developed, and you have alternatives
37 and you have options, and I appreciate what Kevin is saying.
38 Anytime you make a change or a decision, because, in part, this
39 program was set up to stabilize an industry, and so there will
40 be socioeconomic consequences of any decision, and so I'm
41 thinking, as you kind of roll through this document, and there
42 is a discussion section for each of those action items and the
43 alternatives and the options, that I would like to see, in that
44 document, what some of those socioeconomic consequences are in
45 the discussion section right there. Otherwise, this becomes
46 very difficult to evaluate whether or not it's a good decision
47 or a bad decision.

48

1 **CHAIRMAN GREENE:** Ms. Levy, is it to that point?
2
3 **MS. LEVY:** Just a comment. I think part of the issue with
4 developing this right now is that the first thing we talked
5 about were the goals and objectives, right, and whether you
6 thought the ones that were articulated when this went in place
7 are met or they need more work or are there other goals or are
8 there tweaks to the goals that you want.
9
10 Then, the way this is structured now as potential alternatives,
11 it's because I don't think staff knows exactly what you're
12 trying to achieve, and they're trying to give you sort of
13 options for alternatives or actions that may or may not achieve
14 the current goals or objectives or modified goals or objectives
15 that you're looking at and then honing it down into actually
16 what types of goals you want to achieve and what actions and
17 alternatives you think will achieve those goals, and then, it
18 seems to me, it would be easier to get into an analysis.
19
20 I am not saying not to do an analysis, but I feel like one of
21 the issues here might be that there are just too many things.
22 Like to have an economic or social effects analysis of all the
23 different types of potential alternatives that are listed here
24 seems like it might be an issue. I mean, I guess I would leave
25 that to staff, but it doesn't seem at the place right now where
26 it's really feasible to do a good effects analysis.
27
28 **CHAIRMAN GREENE:** Thank you. Mr. Boyd, thank you for your
29 patience.
30
31 **MR. BOYD:** Sure. I think I will hold my comment, because I was
32 going to make a comment on Table 2.1.4, and we're going to get
33 to that in a few minutes. It's relevant to the complexity of
34 going back to shareholder only, and so I will just wait.
35
36 **CHAIRMAN GREENE:** Okay. Thank you. Is there further
37 discussion? Okay, Dr. Lasseter.
38
39 **DR. LASSETER:** Thank you, Mr. Chairman. I am going to get into
40 these -- There is actually three potential sub-actions, the way
41 the document is outlined right now, and, just as an overview,
42 the first one is going to address what shareholders can or can't
43 do if they have a permit. The second one will address who needs
44 to have a permit, and then the third one proposes some potential
45 exceptions to the requirement to have a permit. That's just
46 kind of an outline of the three potential sub-actions.
47
48 The first one, and, again, we're at the bottom of page 16, is,

1 status quo right now, our current situation is that shareholders
2 are not required to possess a valid or renewable commercial reef
3 fish permit to open an account, to obtain, retain, or transfer
4 shares, or to transfer, which includes buying and selling,
5 allocation to other shareholder accounts, and I will point out
6 that it is still required to have a commercial reef fish permit
7 with, of course, the attending vessel, in order to land
8 allocation, and so that remained in place. That is a constant.

9
10 For the potential alternatives to our current situation, it
11 could be to require shareholders to possess a valid or renewable
12 commercial reef fish permit to do various things in the online
13 IFQ system. The first one, potential, would be to even open an
14 account, and then the remaining ones are to maintain shares that
15 they are already holding, require a permit just for those to
16 keep, require the permit for shareholders just to obtain
17 additional shares, and so they could keep the ones that they
18 currently have, but they would need a permit if they're going to
19 increase their shareholdings.

20
21 Require the permit to do anything with shares, to transfer them
22 in or out, to buy or sell shares, and then the same thing with
23 allocation. Just require a reef fish permit in order for that
24 IFQ account to be able to obtain, get more allocation, or to do
25 either, to buy and sell allocation.

26
27 I will point out that, in the online system, what the accounts
28 are doing is transferring, is moving shares or allocation back
29 and forth. The arrangement between the two people making this
30 transfer within the system, they're engaged in a transaction
31 that's outside of the system, and that's where we use the term,
32 or fishermen are using the term "leasing".

33
34 When they say "lease", that's not going on inside the system.
35 The transfer of that allocation is moving, but that financial
36 transaction is incurring between those individuals outside of
37 the program.

38
39 However, they are to put the amount, for shares or allocation,
40 and there is a place to list the price, if there was one, for
41 that transaction, and so that's just a little difference there
42 of the terminology. Are there any questions on that, or should
43 I go through all three of these? I think perhaps it might make
44 a little more sense. Okay. Seeing nothing at the moment, let
45 me go through the other two.

46
47 The next one addresses who would need a permit to do the
48 preceding things, and so, currently, again, there is public

1 participation in the programs. You need the reef fish permit to
2 hand the allocation, but anybody can open an IFQ account and
3 make transfers within the system with shares and allocation.
4

5 Some potential alternatives would require all shareholders to
6 possess a permit or all shareholders who enter the program after
7 that control date was set, after the five years, and so allowing
8 the participants from that first five years, if they have
9 surrendered their permit, if they have sold their permit,
10 allowing them to continue to remain shareholders and not have a
11 permit.
12

13 Then the next one is the same, but for the grouper/tilefish,
14 when the grouper/tilefish date opened. To all shareholders who
15 entered the program after January 1, 2015, they must possess a
16 permit, and, again, that is allowing then for the people that
17 participated in the first five years, initial recipients, people
18 that bought a permit within those first five years, but then
19 have since sold it, to not have to obtain a new permit.
20

21 Then, finally, all shareholders who enter the IFQ program
22 following implementation of this amendment, and so, essentially,
23 going forward, if you wanted to just make this requirement from
24 the date of this amendment going forward. Any new shareholders
25 would be required to obtain a permit. Those are some potential
26 alternatives, and, again, for any of these sub-actions, you
27 could recommend adding additional ones for us to look at, or, if
28 there is agreement to remove ones completely, we would
29 appreciate that guidance.
30

31 Let me go through the last one, which addresses exceptions to
32 the requirement to have a permit. Currently, again,
33 shareholders who do not possess a permit may or may not be
34 directly involved in the fishing activity, but some of these
35 shareholders directly involved in the fishery may be non-vessel-
36 owning captains and crew members, and so they're fishing on a
37 vessel that has a permit, but they themselves do not have a
38 permit, and so you want to consider, well, they're small
39 entities, they're building up into the fishery, they're buying
40 some shares as they go along, and it could be difficult for
41 those individuals to have to get a permit and the attending
42 vessel, when really they're working as crew on an existing
43 vessel, and so that's an example of a potential exception that
44 you may want to consider.
45

46 Currently, fish house owners and dealers have been buying
47 permits. Some of the results of the grouper/tilefish study,
48 many fishermen did not seem to have a problem with that. Other

1 fishermen did, because they felt that it required them to -- If
2 they bought allocation from them, then it required them to land
3 at that place for that price, and so there is pros and cons to
4 having fish house owners and dealers be required to have a
5 permit or allowing them to not have a permit. That's another
6 example.

7
8 Of course, we would have to clearly define all of these
9 participation roles, and so some potential alternatives here
10 would be -- The first one is shareholders that are individuals,
11 and they're not businesses or corporations, and I'm going to
12 come to that in just a second, but individuals who can
13 demonstrate direct participation in the fishery may not be
14 required to possess a permit or to retain shares or obtain
15 additional shares.

16
17 This is similar to the idea of the not businesses or
18 corporations. The Alaska halibut and sablefish IFQ program,
19 which is involved in that Fishery Finance Program, tried to make
20 modifications to their program. Their council was interested in
21 addressing some of these very similar issues that the council
22 here is discussing, and so they had an amendment to require the
23 next -- Instead of saying "new entrants", they say "next
24 generation", which I think is a very good term.

25
26 To require the next generation of shareholders must be
27 individuals that are fishing actively on the boats and not
28 corporations, and that was their way of operationalizing that
29 distinction. In the Gulf, many owner-operated vessels still
30 incorporate their vessels, and I don't know that that specific
31 requirement would be the direction to achieve the goal that you
32 may be wanting to address, but, as an example, that is what
33 another council attempted to do.

34
35 Now, they ended up finding mixed success with that, because what
36 they found was, since it was only going forward, people with
37 existing shareholdings that were not fishing on the vessels
38 continued to hold onto their shares, and the council ended up
39 ultimately modifying that provision.

40
41 That is just one way to look at it, is that these individuals,
42 this next generation, could be those that are crew members, that
43 are hired captains, that do not own the vessel or permit, but
44 are hired to work on that vessel, and they are the ones buying,
45 incrementally, shares, as time goes on, potentially with the
46 goal to be the vessel owner one day.

47
48 Another approach for these alternatives could exempt how much

1 shares, how many shares, shareholders are allowed to possess
2 without having a commercial reef fish permit, and, again, this
3 could be the situation for the same groups, crew members, hired
4 captains that are buying small amounts of shares, and so
5 shareholders that hold less shares than some amount of shares,
6 which we would define in a reasonable range of alternatives,
7 allow them to be exempt from the requirement to possess a
8 commercial reef fish permit.

9
10 There would need to be a qualifier in there, in terms of
11 provided they're not related to another shareholder entity.
12 Again, this section goes further into related accounts. A lot
13 of IFQ program participants, for various business reasons, are
14 separating their shares and putting their allocation in
15 different accounts. Basically, they're using the structure of
16 the program to organize their business, and so there are
17 accounts that may have small amounts of shares, but they're held
18 by the same entity, or overlapping entities, and there is
19 additional information in this section for that.

20
21 I am going to pause there for a moment. Those are the three
22 sub-actions, and that's a lot of material, and I will see if
23 there's any discussion or questions.

24
25 **CHAIRMAN GREENE:** Mr. Boyd.

26
27 **MR. BOYD:** Another procedural question. One of the potential
28 alternatives will always be no action, and that will be put in,
29 won't it, at some point? We don't have to make motions and do
30 things like that?

31
32 **DR. LASSETER:** Absolutely. Everywhere where we have the bolded
33 "currently", that's essentially what's going to become the
34 Alternative 1. In order to analyze, we always start with what
35 we have at present and then have our reasonable range, to
36 analyze against what the current status quo is.

37
38 **CHAIRMAN GREENE:** Ms. Bosarge.

39
40 **MS. BOSARGE:** Yes, and because some of these alternatives would
41 require fishermen, or shareholders, to probably go out and
42 purchase a permit, a boat, and a VMS and get it all hooked up
43 and have it all ready, will there be some sort of phase-in
44 associated with some of these, like some options for us to have
45 a one-year phase-in after implementation, or a two-year phase-
46 in? I mean, that's just not something you run out to the store
47 and get. That's not a dozen eggs. You have to have a little
48 time to do that.

1
2 **DR. LASSETER:** Actually, that is the next section, and so that
3 would lead us right into that. I can go ahead and review that
4 real quick, and then we can talk about all of this together.
5 Let's take a look at page 28.

6
7 We separated this, because those preceding three sub-actions
8 just address who needs a permit and what they can do with or
9 without the permit, and so that is a very good point, that it is
10 likely that implementing this requirement -- The cost of permits
11 would likely go up, and what would happen if shareholders who
12 would now be required to have a permit and what happens if they
13 can't get one?

14
15 Currently, since they're not required to have a commercial reef
16 fish permit, that would be no action alternative, but, in the
17 event the council requires them to possess a permit, a range of
18 alternatives are provided there, such that a commercial reef
19 fish permit must be obtained and linked to the shareholder
20 accounts, and here are some timeframes.

21
22 At the time of the final rule implementing this amendment, and I
23 am imagining that it's going to take us a while to get to a
24 final version of this document. We are at the options paper
25 phase. Provide one, three, or five years. Those are our
26 preliminary proposals for alternatives for time periods. I will
27 pause there for discussion.

28
29 **CHAIRMAN GREENE:** Is there discussion? Mr. Anson.

30
31 **MR. ANSON:** This might be the appropriate section to bring up or
32 further discuss what I had brought up earlier relative to
33 creation of new permits, because, yes, it will be an additional
34 hardship for those to try to go out and acquire a reef fish
35 permit for those that were originally provided shares, if they
36 have released the permit, and so, Jessica, it sounded like you
37 said that it could be a little burdensome, cumbersome maybe, but
38 you could -- You do have the records to go back and identify
39 those individuals who had a permit and were provided initial
40 shares that do not have a permit linked to the accounts now,
41 correct?

42
43 **DR. STEPHEN:** Correct. We can identify all the initial
44 shareholders.

45
46 **MR. ANSON:** All right, and so we might want to add here, and,
47 Ava, I am looking to you, but to add an additional alternative
48 that the agency create a legacy permit, let's call it, and that

1 would be available to those who met the qualifications regarding
2 having initial shares at the implementation of the IFQ program
3 who no longer have a commercial Gulf reef fish permit.

4
5 **DR. LASSETER:** Okay, and so is that -- I am trying to think
6 where that would go. I am going to let Mara address this.

7
8 **CHAIRMAN GREENE:** Just one second. We're trying to decide on an
9 options paper, and if you want this in a motion or how --

10
11 **DR. LASSETER:** A motion, please.

12
13 **CHAIRMAN GREENE:** A motion, please. Okay, Ms. Levy.

14
15 **MS. LEVY:** So it seems to be getting at -- I am not sure where
16 it's appropriate to put it in the scheme of the document, but it
17 seems to be getting at sort of a larger action, meaning it's not
18 just an alternative, but it's are you going to provide some sort
19 of separate permit for folks who had shares at some point in
20 time and no longer do, and, if you're going to look at this, I
21 would suggest not just limiting the alternatives to initial
22 shareholders, right?

23
24 There may be shareholders that came in a year later that had a
25 permit, that then got rid of their permit, and so, if you're
26 going to be looking at giving some sort of what you called a
27 legacy permit, maybe it's an action with alternatives that looks
28 at who would qualify for that type of permit.

29
30 **CHAIRMAN GREENE:** Mr. Anson, to that point?

31
32 **MR. ANSON:** Potentially, Mara, and we're in kind of a -- It's
33 kind of a throw it at the wall and see if it sticks kind of
34 phase, but I was thinking more in tune of -- Trying to think of
35 limiting participation, because that's one of our goals, is to
36 try to kind of cap the effort, and that it would only pertain to
37 those that were provided the initial distribution and do not
38 currently have a commercial Gulf reef fish permit now, and I
39 heard about the motion and such, and I can certainly offer that,
40 but I think it just applies to this, because it's another -- It
41 just deals with the requirement to have the reef fish permit,
42 and so it would be another alternative. Now, whether it passes
43 and goes to action, it might be better to have it as a separate
44 action than the rest of these alternatives, but that's all.

45
46 **DR. LASSETER:** Just for further clarification, this idea of
47 those people who would qualify for a legacy permit, would then
48 then be exempt from acquiring an existing valid or renewable

1 commercial reef fish permit? Is that what you're referring to?
2

3 **MR. ANSON:** Yes, that's where I was going, because, again, they
4 would have to spend the extra money to go and acquire a permit,
5 and I believe, as Leann stated, that the prices would probably
6 go up if this were to go down that road, and so that's even more
7 of a burden, and so I was trying to minimize the burden to those
8 that were historical participants.
9

10 **DR. LASSETER:** To that point then, I am wondering if, rather
11 than creating a legacy permit, if it wouldn't just be an
12 alternative under those to exempt from the requirement to have a
13 permit, and so not requiring this legacy permit, but just those
14 participants who held a permit at the time of initial
15 apportionment, if I understood that, would be exempt from the
16 requirement to hold a commercial reef fish permit, and is that
17 what you're getting at?
18

19 **MR. ANSON:** Well, I don't know. I don't know what's easier for
20 the agency to have, if they have an actual permit out there or
21 that people have a little piece of paper that says this allows
22 me these privileges or if they just have it on their paper,
23 internally, and then enforcement stops them, and, again, I was
24 thinking of those types of things.
25

26 **DR. CRABTREE:** Remember anyone that enforcement stops on the
27 water has to have a reef fish permit now. What bothers me about
28 what you're bringing up is it's not clear to me why someone who
29 was in on the initial allocation and then sold his permit -- Why
30 should he get a free permit, but someone who got in the fishery
31 a year later and then sold his permit is going to have to buy a
32 permit, and it's not clear to me why we would favor one of those
33 over the other. That is what I am having a hard time with.
34

35 **CHAIRMAN GREENE:** To that point, Kevin? Then I will get you,
36 Martha.
37

38 **MR. ANSON:** Thank you, Chairman Greene. Again, we could have it
39 as the initial transfer, or the initial share distribution, or
40 we can have it as an option that includes those that bought it
41 from another person and then sold it at some point after the IFQ
42 program started, but I was looking at trying to provide some
43 protection, security, to those that had the initial distribution
44 of shares, and so that they were a fisherman, and then, for some
45 reason or another, they may have gotten out, or, because there
46 was no requirement to the permit, they decided to make a few
47 bucks and sell it, and so I was just thinking of those initial
48 ones, but we can certainly include others, but I was also trying

1 to minimize it, so that -- The effects that the additional
2 permits have for effort.

3
4 **DR. CRABTREE:** So it seems to me though that we looked at some
5 of the potential alternatives earlier, and there were
6 alternatives that only required folks who entered the program
7 after a date certain to get the permit, and so it would
8 essentially grandfather the initial applicants and the people
9 who got in early out of the requirement, and so it seems to me
10 that's a more straightforward way of doing what you're talking
11 about. Now, you can argue why is that even fair, but it seems
12 simpler than what you're talking about, if that's what you're
13 trying to do.

14
15 **MR. ANSON:** I guess I may have misinterpreted it, but I saw that
16 a commercial reef fish permit must be obtained in order for it -
17 - Again, they would have to go to the expense of someone
18 voluntarily wanting to sell them the permit and then paying the
19 price that they want to sell them at. I am trying to avoid that
20 initial burden for those initial participants, for those initial
21 individuals that were provided the shares, and that's all that I
22 was attempting to do, and add it as an additional alternative.

23
24 **CHAIRMAN GREENE:** Thank you. Ms. Guyas.

25
26 **MS. GUYAS:** I was kind of waiting maybe to see if a motion was
27 going to be dropped, but I guess, if we're going to go down this
28 road and potentially think about getting these guys permits,
29 these people that have either transferred their permits away or
30 whatever, I think we need to be mindful that the reef fish
31 permit is for more than just IFQ. I mean, there's a lot of
32 people, like from the Keys, for example, that have a reef fish
33 permit, and they're not part of this.

34
35 Then, of course, people that are catching IFQ species are using
36 it for IFQ, but also taking other things that are not IFQ, and I
37 just don't want us to lose sight of that and think about the
38 bigger picture of how these permits are used.

39
40 **CHAIRMAN GREENE:** I've got you, Mr. Walker, in just a second.
41 Mr. Boyd.

42
43 **MR. BOYD:** Just a comment. I want to go back to Table 2.1.4 in
44 a second, but this is obviously a very complex issue, because
45 it's taken ten pages of this document to just talk about the
46 possibility of going back to a shareholder-only kind of permit,
47 and, to further complicate it, whether it was intended or not,
48 the system has created a secondary market, a financial market,

1 and, when you go back and you try to undo a market that is in
2 the public domain and is complicated in itself, it makes it even
3 more difficult. Try to undo the stock market, or try to undo
4 the bond market at this point. This is much smaller, I agree,
5 but, still, you're getting into the financial world with
6 decisions you're making about permits.

7
8 I just wanted to point out, which I was going to do a while ago,
9 if you look at this table, in 2007, we had 596 accounts, and
10 eighty-eight of those were what's called public participants, or
11 primary accounts. In 2016, we have 964 accounts, of which 331
12 are public participants. The related accounts go from twenty-
13 four to 512, and I think that says something to the complexity
14 of this whole process and this whole ability to fish in the IFQ
15 program and what's possibly happening in that secondary
16 financial market, and that's my comment.

17
18 **CHAIRMAN GREENE:** Okay. Thank you. Mr. Walker.

19
20 **MR. WALKER:** I was just going to add that these permits that
21 Kevin was talking about, where the permit was either sold or it
22 to expire, and so, if you issue them another permit, then they
23 can just sell that permit too, and so I don't think that's where
24 we need to head to, but I do appreciate some of the passion that
25 we're getting here on the commercial IFQ program, and I would
26 like to see some of that in the private angler when we get to
27 that point, because a lot of these things the commercial
28 industry is not asking for, but I would just like to mention
29 that I would like to see that enthusiasm when we get along with
30 that.

31
32 **CHAIRMAN GREENE:** Mr. Anson.

33
34 **MR. ANSON:** I was going to make a motion. Let me try to get
35 back to where I was in the document. Ava, what page are we on?

36
37 **DR. LASSETER:** Page 17 has the potential alternatives that I was
38 thinking could have -- While I have the microphone, if I could
39 just respond to Mr. Boyd for a moment. One of the effects, as I
40 mentioned, of this could potentially dramatically increase the
41 cost of a permit, but, also, because there is a finite number of
42 permits, it would be expected, I would assume, to consolidate
43 those related accounts, and so, rather than people separating
44 their assets with those related accounts, people aren't going to
45 obtain a permit for each and every one of those, and they may
46 reduce that number of related accounts.

47
48 **CHAIRMAN GREENE:** To that point?

1
2 **MR. BOYD:** To that point. Don't quite a few of those accounts
3 not have permits?

4
5 **DR. LASSETER:** Yes.

6
7 **MR. BOYD:** They hold shares, but they don't have permits? That
8 is just a question. I'm not sure.

9
10 **DR. LASSETER:** Yes, and we do have information on that. Jessica
11 has provided this analysis, and so I'm going to let her answer
12 this.

13
14 **DR. STEPHEN:** Sure. If we go to Table 2.1.5, the next table
15 there, you look at we kind of -- We kind of looked at the public
16 participant accounts, and I'm going to use 2016. There were 331
17 of those. There were 512 related accounts, and so then I looked
18 into how many of the related accounts were actually also public
19 participant accounts, and it was 248.

20
21 Our truly public participant without a relation, direct
22 relation, to another account is -- I think I calculated about
23 eighty-three accounts, and so it's a much smaller number that
24 we're thinking about. Most of the ones that are related and
25 public participant will most likely move their shares into an
26 account with a permit, and that's the way they're going to solve
27 that issue if we go down that route.

28
29 Then it's probably not in here, but, in the IFQ annual reports,
30 we look at how many accounts are public participant with no
31 shares and no allocation, and give me a second to pull that up
32 here on my screen, and, in 2015, we only had ten of those
33 accounts, of those middle men, just to give you a little broader
34 perspective of the participation, and my recollection is that a
35 lot of those are dealers.

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

38
39 **MS. BOSARGE:** Kevin, for some of these initial shareholders -- I
40 am trying to figure out the demographic, because you're
41 obviously trying to make sure that we don't harm anybody, and I
42 am trying to figure out the -- If what you want is active
43 participation, and part of me says, well, the easier you make it
44 to get a permit, the less of that element that's not actively
45 participating you're going to weed out, right?

46
47 The harder it is to get the permit, get the boat, get the VMS,
48 and to jump through all the hoops you're going to have to jump

1 through to now either lease or own or whatever, the more people
2 you're going to probably have say, you know what, it's not worth
3 it anymore and I'm getting out of this.

4
5 This demographic that you're looking out for, is this
6 essentially people that maybe were initial shareholders, kept
7 their shares and allocation, and maybe are still fishermen, but
8 are not reef fish fishermen anymore?

9
10 I am trying to figure if this guy still has a boat and a VMS and
11 so, therefore, if we sort of do some sort of legacy permit for
12 him, he can put that permit on that boat that he's already
13 fishing and he's okay, because, if they don't have the boat and
14 the VMS and all of that -- If they don't have the boat, then
15 that permit is not going to help them much. They're still going
16 to have to put a six-figure investment in something.

17
18 **CHAIRMAN GREENE:** Mr. Anson.

19
20 **MR. ANSON:** Leann, I don't know the answer to that question. I
21 suspect there will be some that may be fishermen, but not reef
22 fish fishermen, to go to Martha's point earlier. If they're
23 landing other species of reef fish, then they should have a reef
24 fish permit, and so, for those folks, it's probably not much of
25 an issue, but, for those that, for whatever reason, they have
26 relinquished their permit, and I would assume, if they
27 relinquished their permit, they're not at least in that
28 particular fishery, in the reef fish fishery, for red snapper or
29 grouper/tilefish, and that they may have to go out and purchase
30 a boat if it's their intent to keep their shares.

31
32 Now, I have got a program in mind, or what I think the program
33 should morph to, but, whether or not we get there or not, I
34 don't know, but this is one piece of the puzzle, in order to get
35 to that program, and we'll be talking about that as we go
36 through the document.

37
38 To the extent that the agency or the council can provide the
39 least amount of burden to those, if it's selected that a legacy
40 permit is established for those, again, historical participants
41 that were provided the initial shares, that that could just be
42 issued to them, and then they renew it as often as they need to,
43 but, as they get out of the fishery for good, they can't pass
44 that permit on. There is no monetary value. There is no
45 transferability with the permit, and it just goes away.

46
47 Again, it's only a mechanism. I thought, in my mind, as Dr.
48 Crabtree pointed out, that you need a piece of paper when you're

1 stopped on the water, and so this would not be a reef fish
2 permit, which would provide those privileges that are assigned
3 or the ability to transfer and everything, but it would just
4 stay with that individual until that individual is permanently
5 out of the fishery and it's no longer renewed.

6
7 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Andy
8 Strelcheck.

9
10 **MR. ANDY STRELCHECK:** I have not been at the last couple of
11 council meetings and privy to previous discussions, but, in
12 sitting here listening to the group and hearing what Roy had to
13 say a little bit earlier, I feel like the council is really
14 struggling with what are we trying to address here and how is it
15 best to address, and, whether it's a legacy permit or a reef
16 fish permit requirement, I still don't think it's getting at the
17 crux of what I have heard this council talk about as a major
18 concern over the last few years, which is leasing of shares by
19 participants in the program.

20
21 Yes, a reef fish permit or a legacy permit will provide that
22 kind of additional bar or hurdle to overcome, but it still
23 doesn't get a crux, I think, of your major concern with the
24 program, and so I think, going back to what Roy had to say
25 earlier, it would be really helpful for the council to think
26 about kind of the key questions, or the key issues, that you're
27 trying to resolve and then maybe take that back to staff to
28 think about and bring back kind of pros and cons as to how best
29 to address this, and I think staff has started to attempt to do
30 that, but we don't want to second-guess, obviously, the
31 council's intent and really the issues that you're trying to
32 address with the program.

33
34 My main concern is with the actual issue that needs to be
35 addressed that will improve the program versus a perceived issue
36 that might modify the program and actually be detrimental to the
37 program, and there's a fine line there, in terms of where that
38 balance might exist, and so that's my advice, and it would be
39 helpful to kind of really define the problems you're trying to
40 address, and we maybe can come back with some better answers for
41 you the next council meeting.

42
43 **CHAIRMAN GREENE:** Thank you, Andy. Is there further discussion?
44 Mr. Anson.

45
46 **MR. ANSON:** I thought, Andy, that our discussion here, as part
47 of the procedural process for this document, was that the
48 Council Chair had asked that we go with motions to further

1 define what it is that the council's desire is, so that staff
2 can provide the appropriate analysis and discussion in the
3 document, and, further, to your comment regarding leasing, yes,
4 that might be something that comes up, but there are other
5 sections in the document, and it might be just because we
6 haven't gotten to those points in the document yet, but I think
7 this is our opportunity to go ahead and try to provide further
8 clarification in the document.

9
10 **To that end, if we could scroll back to page 17, I make a motion**
11 **to add another alternative under Section 2.1, an alternative**
12 **which requires initial shareholders to possess a permit to be**
13 **established by NOAA.**

14
15 **CHAIRMAN GREENE:** Thank you, Mr. Anson. Does that reflect your
16 motion? Okay. Do we have a second for this motion? Seconded
17 by Mr. Matens. Is there further discussion? Ms. Levy.

18
19 **MS. LEVY:** Just some clarification. The permit would be
20 required to do what, meaning is it to fish, to possess the
21 shares, just to be more specific about what it would be either
22 required for or allowing folks to do.

23
24 **MR. ANSON:** It would be required to do all of the things that
25 the current commercial reef fish permit would allow them to do
26 or as they get fleshed out in the document.

27
28 **CHAIRMAN GREENE:** Ms. Levy.

29
30 **MS. LEVY:** I just want to make sure -- Are we talking fishing?
31 So we're talking fishing, and are you envisioning it having the
32 same requirements as the current reef fish permit, meaning VMS
33 and all of that other stuff, reporting requirements? It's all
34 the same as the reef fish permit, except it's a subset, or it's
35 called something else, other than the commercial reef fish
36 permit?

37
38 **MR. ANSON:** That's correct.

39
40 **CHAIRMAN GREENE:** Thank you. Dr. Lasseter.

41
42 **DR. LASSETER:** Okay. I am going to tie back to Andy. In terms
43 of goals and objectives, one of your current goals and
44 objectives of the program is to reduce overcapacity, and so I
45 just wanted to point out that this would create additional
46 permits, which is conflict, I would say, with that goal.

47
48 **CHAIRMAN GREENE:** Mr. Anson.

1
2 **MR. ANSON:** Yes, and that capacity issue, in my mind, is not a
3 traditional sense of capacity, when you have an open fishery.
4 This is a closed fishery, in a sense, and now bycatch
5 notwithstanding, and I understand that, but, since we have
6 basically a cap on the number of pounds, and we have a cap as to
7 who owns those pounds, inasmuch as the pounds that are
8 harvested, that won't change.

9
10 It's harvested by somebody, but it's just that it's going to be
11 harvested now by the individual who was initially provided the
12 shares versus someone else who may have a reef fish permit, but
13 they're leasing those, to have access to red snapper. I don't
14 see the harvest changing much. Potentially the bycatch may
15 increase, but that is what I envision.

16
17 **CHAIRMAN GREENE:** Ms. Guyas.

18
19 **MS. GUYAS:** Kevin, I am just trying to read this wording here,
20 and I think what you're trying to do is say that these initial
21 shareholders would get some kind of new created permit, but,
22 just reading this at face value, to me, it just means that they
23 may have to go buy a permit. The creating a permit part is not
24 apparent to me. I am just trying to -- A month from now, when
25 I'm trying to go through this and trying to figure out what
26 happened, I am trying to make sure that I'm going to know.

27
28 **MR. ANSON:** Well, if people feel that I need to change it to
29 make it more clear, I certainly will attempt to do that, but it
30 just says to possess a permit to be established by NOAA, and
31 there's not an indication as to whether or not it costs money or
32 doesn't cost money, but it's just to be established by NOAA at
33 this point, just for discussion purposes, and something to get
34 something for potential review in the document.

35
36 **CHAIRMAN GREENE:** Okay. Thank you. Dr. Lasseter.

37
38 **DR. LASSETER:** I just want to say that I wasn't suggesting that
39 it not be an alternative to include, but I was providing an
40 example of perhaps this would be a reason why that goal of
41 reducing overcapacity may no longer be one of your goals. That
42 may be a goal that you would want to remove, through a motion
43 and through further discussion.

44
45 **CHAIRMAN GREENE:** To that point?

46
47 **MR. ANSON:** I talked a little bit earlier about it, and that is
48 that, maybe after we get done with -- We may not -- We can leave

1 it as is, I guess, as a goal, unless it's just totally
2 counterintuitive to the direction of the document, but we can
3 come back and I think clear up those things, depending upon what
4 gets included in the document.

5

6 **CHAIRMAN GREENE:** Ms. Levy.

7

8 **MS. LEVY:** I think this is correct, but just initial
9 shareholders that don't currently possess a commercial reef fish
10 permit, right, and so it's not just all initial shareholders are
11 going to get this new permit? Okay.

12

13 **CHAIRMAN GREENE:** Mr. Strelcheck.

14

15 **MR. STRELCHECK:** I am going to go back to what is this helping
16 us to resolve? If we're essentially giving them a permit to do
17 exactly what they're currently doing, I am not sure how that
18 helps us.

19

20 I guess my other concern is are these reef fish permits, and are
21 they transferable? Are they going to be authorized for use to
22 harvest non-IFQ reef fish species? There's a lot of details to
23 this that are not, obviously, explained at this point.

24

25 **CHAIRMAN GREENE:** Mr. Anson.

26

27 **MR. ANSON:** Well, yes, it goes -- It is for initial shareholders
28 that currently do not possess a commercial reef fish permit. It
29 would provide them all the privileges that are assigned a reef
30 fish permit, minus the ability to harvest those other reef fish
31 species, and that's all.

32

33 **CHAIRMAN GREENE:** Dr. Stephen.

34

35 **DR. STEPHEN:** Just to clarify, again, would these be the initial
36 shareholders that still have shares or the ones that who have
37 also sold everything?

38

39 **MR. ANSON:** That's a good question. I didn't think about it
40 that far, but I would say that it would be those that still have
41 shares.

42

43 **CHAIRMAN GREENE:** Ms. Levy.

44

45 **MS. LEVY:** Could we, if you agree, modify the motion a little
46 bit to capture some of this stuff, because I have a concern,
47 kind of like Martha, that we're going to see this motion in the
48 summary and we're not going to understand exactly what it means,

1 and so requires initial shareholders who currently possess
2 shares, but no commercial reef fish permit, right, to -- But no
3 commercial reef fish permit to be issued a -- I am going to call
4 it an IFQ permit, but you don't have to say that, but created by
5 NMFS or something like that, and feel free to tweak that however
6 -- I want it to capture what your intent is.

7
8 **CHAIRMAN GREENE:** Okay. We're working on the motion. I guess
9 the concern I have would be that, if someone has a permit now
10 and decides to sell it today so that they can qualify for this
11 next one, that's a bit of concern as well. Mr. Anson.

12
13 **MR. ANSON:** We have already established a control date, and that
14 would be tied into this. If I need to -- Mara, Johnny had a
15 question about people who may qualify as being an initial
16 shareholder that currently have a reef fish permit today, and
17 that they could sell that reef fish permit and then apply for
18 this, and so that's not my intent.

19
20 It was only to try to get those folks that don't have the reef
21 fish permit back at a place that could allow them an opportunity
22 to go fishing with that permit, and so -- But I thought that it
23 would be tied into the control date. If that's not the case,
24 then tell me. If it is the case, do I need to add some verbiage
25 in here relative to the control date?

26
27 **MS. LEVY:** We might want to say then who currently possess
28 shares, but no commercial reef fish permit, as of whatever that
29 date was. Was it January 1, 2012 or something like that?

30
31 **DR. LASSETER:** The control dates were set such that people were
32 notified at the five-year point, and so after five years had
33 gone by. The participation could be changed, but you're talking
34 about initial shareholders and not anybody within that first
35 five years, and so the control rule addressed future public
36 participation by people who enter after the first five years of
37 each program, and the dates would be January 1, 2012, or 2015,
38 for red snapper and grouper/tilefish respectively.

39
40 **MR. ANSON:** Yes, unless, administratively or legally, that we
41 can't use that control date, I think it suffices for the
42 situation that Johnny brought up, relative to today a commercial
43 reef fish permit holder that also has shares and if -- Using
44 that control date, that they can't go out and sell that permit
45 and then apply for this. I guess if that's -- If you're able to
46 do that under this scenario.

47
48 **CHAIRMAN GREENE:** Mr. Diaz.

1
2 **MR. DIAZ:** Kevin, would you consider putting the word "non-
3 transferable" before "IFQ"?

4
5 **MR. ANSON:** I would be more than happy to add "non-
6 transferable". Thank you.

7
8 **CHAIRMAN GREENE:** Dr. Crabtree.

9
10 **DR. CRABTREE:** All right. So what about the initial shareholder
11 who didn't have a reef fish permit on January 1, 2012, but he
12 bought one on January 2, 2012? You're going to issue him a free
13 reef fish permit?

14
15 **MR. ANSON:** If he has one currently, he's --

16
17 **DR. CRABTREE:** That's not what this motion does. Aside from --
18 Kevin, it's just what is this -- What are you trying to do with
19 this? Why do you want these guys to have permits? What is it
20 that you're trying to do, and why are you doing it? Is it your
21 intent that this would be coupled with an overall requirement in
22 the fishery that everyone has to have a reef fish permit and
23 you're trying to grandfather some of the initial people in?

24
25 **MR. ANSON:** That is correct. There are other sections in the
26 document that will address that, and I was waiting for that, and
27 so this is an important part of that, and so I guess we could
28 just wait until we get to that and see if that motion passes and
29 then come back to this section and address it, and that might be
30 clearer, or it might be easier for everyone to understand at
31 that point, but, yes, that -- Again, I had a vision, and it may
32 not be a very good one, very blurry, but I had a vision as to
33 what changes could be made to the IFQ program that would address
34 some of these items that we as a council have discussed and
35 members of the public have brought up that they're dissatisfied
36 with.

37
38 I guess I could withdraw the motion and we could come back to
39 this section, but I was just trying to -- Because everyone was
40 thinking about permit requirements, that it would be best to put
41 it here.

42
43 **CHAIRMAN GREENE:** Okay. We're coming up on lunchtime here, and
44 we seem to have bogged down. We have a motion on the floor.
45 Mr. Anson, is it -- Based off of your previous comment, is your
46 desire to withdraw, or would you like to send this to a vote?
47 Mr. Anson.

48

1 **MR. ANSON:** I will withdraw it for now.

2
3 **CHAIRMAN GREENE:** Thank you. With that, just sitting here
4 listening to all the conversation, it sounds like there is
5 certainly a desire to go back and understand that, in the first
6 five years, you had to have a permit. After that five years, it
7 was opened up, and it sounds like the council may have an idea
8 that they want to go back and change that to be that you have to
9 have a permit to have shares.

10
11 It seems like that's kind of where Kevin is getting at, and it
12 seems like there's a little bit of support with that, and so I'm
13 just trying to kind of keep everybody glued in here, as best we
14 can, and I know it's getting up to lunchtime, and I know we've
15 kind of bogged down, and we have done very well on our agenda
16 items, and we still have a half-day to get through a couple of
17 other things, and we will take whatever time necessary to get
18 through those accordingly, and so, with that, I will turn it
19 back over to Madam Chair Bosarge for a few announcements.

20
21 **MS. BOSARGE:** I am in agreement with you, Chairman Greene.
22 Let's get some food in our stomachs and chew on these thoughts
23 right here over lunch, and let's come back and have, before we
24 delve too far into it, an overarching discussion of where we
25 want to see this program go. Anyway, we'll get into it then.
26 We're going to go to lunch until 1:30. That gives you an extra
27 ten minutes over what you were scheduled, I am proud to
28 announce, and so we will recess for lunch, and I'll see
29 everybody back here at 1:30.

30
31 (Whereupon, the meeting recessed for lunch on June 6, 2017.)

32
33 - - -

34
35 June 6, 2017

36
37 TUESDAY AFTERNOON SESSION

38
39 - - -

40
41 The Reef Fish Management Committee of the Gulf of Mexico Fishery
42 Management Council reconvened at the Naples Grand Beach Resort,
43 Naples, Florida, Tuesday afternoon, June 6, 2017, and was called
44 to order by Chairman Johnny Greene.

45
46 **CHAIRMAN GREENE:** I think everybody is here, or pretty much in
47 the room, and so we had a pretty spirited debate there before we
48 left for lunch, and I know it seemed kind of confusing, but I

1 think we were actually --

2
3 **MS. BOSARGE:** All right, guys. If you're having conversations
4 in the back of the room, if we could get you to maybe just take
5 them outside the door, so that everybody around the table can
6 hear what Chairman Greene is saying. Thank you.

7
8 **CHAIRMAN GREENE:** Okay. Thank you. We didn't quite get the
9 momma voice yet, but it was coming, and I don't have that voice.
10 That's probably the reason I have lived as long as I have, and
11 so, with that being said, we had a pretty spirited debate
12 earlier, and I appreciate that debate, and I think it's
13 something that's been coming for a while, and I think that there
14 are times that we just have to sit down and hash our way through
15 something to ultimately get to where we're going. With that,
16 we're going to pick back up our discussion on this particular
17 item. Chairwoman Bosarge.

18
19 **MS. BOSARGE:** Right. Before we get too far back into the
20 document, Ava, I would like to have a broader discussion about
21 where we're going with the ultimate changes that we make to this
22 program, and I guess I will try and say the stuff that doesn't
23 seem to want to be said, and it's not to say that I agree with
24 the comments that I am going to make or disagree, but this seems
25 to be what we're dealing with.

26
27 In a traditional commercial fishery, as fishermen either age or
28 for whatever reason they come to the point where they're ready
29 to leave the fishery, they do, right, and so there is some
30 excess capacity there, and I guess you called them new
31 generation fishermen, but they step up, and they start catching
32 those fish, but they still have to work for it. I mean, you're
33 still going to have to probably be a deckhand or a captain on
34 somebody else's boat for a certain number of years, maybe your
35 daddy's boat or whatever, and learn what you need to learn and
36 save your money and buy your own boat.

37
38 There is a whole economics there that is still present, even in
39 the IFQ system. That is still happening, right? It seems the
40 thing that perplexes certain people, both inside and outside the
41 industry, is that, with the IFQ system, there is one more step
42 to it.

43
44 If you want to be an owner, you also have to buy shares, right?
45 You can still go in and lease some shares and fish in that
46 fishery and be active participant, but you don't have that
47 ownership in it, and so one thing that's happening, and, again,
48 I don't necessarily disagree with it or agree with it, but one

1 thing that we see happening is that sometimes the older
2 fishermen are -- Not even older.

3
4 They may just be moving into a different part of the industry.
5 They may become dock owners and start unloading, and so that's
6 just a different aspect of the industry, but, for whatever
7 reason, they're not on the water anymore, right, and so the new
8 generation fishermen are coming in, and they're going out there
9 and fishing that, but maybe they're having to lease that from
10 that previous fisherman that used to be on the water catching it
11 himself, right? That, I think some people have a qualm with.

12
13 So we need to decide, around the table, what it is we're trying
14 to fix and what we have qualms with and what we're okay with and
15 what we accept as, all right, that socially, to us, is okay, and
16 focus in what we really want to change and really want to fix,
17 and I guess one thing that I threw out there earlier, as
18 something that I would like to see fixed, in my opinion, is that
19 middleman aspect that there is an opportunity for right now in
20 the system, where you have no ownership or activity in the
21 fishery at all.

22
23 You are simply coming in, and you're leasing fish for a certain
24 price. Then, at some point later on, you're turning around and
25 leasing those fish back out for a higher price, and so you're
26 not a shareholder. You don't have a fish house. You have no
27 ownership. You've got no skin in the game. You're just
28 flipping those shares.

29
30 That might be something we could probably all rally around that
31 that's not necessary to make this program function, but, other
32 than that, we've got to figure out where we're going, because
33 what we're doing really does have ramifications.

34
35 If we're really wanting to focus on that next generation
36 fisherman and finding some ways to make that ownership hurdle
37 easier for them, then that's what we need to focus our efforts
38 on and really think hard about the decisions that we're making,
39 permit-wise and what's going to be required, to make sure that,
40 as we make each of those decisions, they are having the outcomes
41 and the effects that we really want for that next generation
42 fisherman.

43
44 I just want to have some conversation about what is it that we
45 really think needs to be tweaked or fixed or made better or
46 improved, however you want to look at it. What's wrong with the
47 program? What is it that we're aiming for here?

48

1 If our focus is on that next generation, then let's focus on
2 that and see what we need to do to improve that, but, if our
3 focus is not really on that next generation, if it's on
4 something else, if it's on the middleman like I'm talking about,
5 or if it's -- Whatever it is, we need to figure it out, so that
6 we don't make a whole bunch of changes that don't have an
7 ultimate vision attached to them, but that definitely are going
8 to have ramifications for everybody involved, because, no matter
9 what we do, we're probably going to hurt some people and help
10 others.

11
12 There is going to be negative consequences to anything we do,
13 because it's an established system. There is people
14 participating in it, and so I think we really need to focus in
15 and figure out what we want to fix.

16
17 **CHAIRMAN GREENE:** Mr. Anson.

18
19 **MR. ANSON:** Thank you, Leann. I was given some comments and
20 feedback to what I was trying to do through my motion and some
21 of my discussion prior to lunch, and that was -- A comment that
22 was made to me is to be a little bit more explicit, I guess, as
23 to what it is that we are attempting to do with the document,
24 and so you had mentioned it earlier, just now, about trying to
25 help the fishermen, and, quite frankly, the IFQ programs were
26 set up to help the participants.

27
28 As we go through time, that definition or that makeup of a
29 participant and who is a participant changes, and so I think we
30 have to look at the participants that are here today in the
31 fishery, and we have to keep an eye on those that are the next
32 generation, or the ones that are thinking about it, or
33 potentially could find themselves getting into the fishery at
34 some date future.

35
36 I think that's what I was trying to get at earlier with some of
37 my discussion and my motion, was to try to get at a point where
38 we could address that issue, and it's a big issue, and that's
39 where a lot of folks, as you said, both within the industry,
40 those that don't have shares and have to lease them, as well as
41 those that are spectators and they own the fish that are in the
42 water, at least as citizens of the country, and they feel like
43 the current system doesn't quite capture the way they want that
44 system to be managed.

45
46 I think that's something that we should start with, is how we
47 look at defining access to participants to the fishery, and
48 where do we get from a point that we have a situation where

1 shares are held with an individual who is identified as being a
2 historical participant and provided some of those initial
3 shares, looking at those individuals and transitioning to a
4 point where we have those shares that are able to be distributed
5 to the new participants, or the current participants, as well as
6 those future participants, and so that's where I think that this
7 document should go, is to try to address those particular
8 issues, in a larger sense.

9
10 **CHAIRMAN GREENE:** Thank you. Is there further conversation?
11 Dr. Crabtree.

12
13 **DR. CRABTREE:** I think those are all fair points, and I've heard
14 from fishermen too about some of the concerns, but I would just
15 make a couple of comments. It's a complicated program, and it's
16 been around for a good while now, and we just need to be
17 careful.

18
19 Generally speaking, this program works well. It's very
20 efficient at catching the fish and getting them into the
21 marketplace, and, as we try to make these adjustments to it, we
22 need to be very careful that there aren't going to be a lot of
23 unintended consequences.

24
25 Some of the things we're talking about are probably unintended
26 consequences of decisions that were made sitting here a decade
27 ago, and so we just need to be careful and really think it
28 through.

29
30 You know, I think, in the Gulf, we talk a lot about fishermen
31 being out on the water, but it seems to me, in commercial
32 fishing in the Gulf of Mexico, there has been a long history of
33 vessel owners who own multiple fishing vessels, and they hire a
34 crew to fish those vessels, and so the notion somehow that
35 everybody who owns fishing vessels is out there on the water
36 every day, I don't think that's really true in the Gulf of
37 Mexico.

38
39 Now, there is no question that, to get into the fishery, red
40 snapper fishery, under the IFQ system, it requires more
41 investment by a fisherman who wants to get in. You're either
42 going to have to buy shares or you're going to have to lease,
43 and so you're going to have to put more money in. It's not just
44 buy a boat and buy a permit.

45
46 There is more to it than that, but I think, if you look at the
47 economic performance of this fishery, the benefits of being in
48 it and the rewards for being in it are a lot more than they

1 would, and the guys, when you get in it, it's more profitable
2 than it used to be, and so, yes, there is a higher upfront cost
3 to get into it, but it's a more valuable fishery and business
4 once you're into it, but I think we just need to be careful, and
5 we need to think really hard about what's the problem we're
6 trying to fix and how big of a problem it is and is the cure
7 worse than the disease. That would be my advice, is just we
8 need to be careful.

9
10 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.
11 Sanchez.

12
13 **MR. SANCHEZ:** It's almost like a lot of the things that have
14 been created as this evolved, mechanisms to get shares around to
15 different people, they're there now. Whether we shouldn't have
16 taken that approach early on, but it's almost like an irrelevant
17 point.

18
19 To do away with some of those transferring mechanisms now would
20 cause probably undue harm to a lot of people, and there is so
21 many -- As you try to develop some catchall, fix-it-all program,
22 there is so many scenarios, little nuances that surface, that
23 you couldn't even foresee coming, that it almost begs to take a
24 -- All right, you kind of leave that the way it is in the past
25 and you do something from this point forward, to try to prevent
26 it from just perpetuating this, but I don't see how you can undo
27 some of the things that are there right now.

28
29 **CHAIRMAN GREENE:** Mr. Banks.

30
31 **MR. BANKS:** The concern I have with the whole situation and the
32 IFQ system in commercial is one of more of a personal concern.
33 As a fisheries manager, I share what Roy said. It's an
34 extremely efficient way to manage. We know how many fish are
35 being caught, and we can count them. It works well.

36
37 The thing that disturbs me about the whole discussion
38 surrounding this is not that it's not important. I think this
39 is an important issue for us to deal with, but what it's done is
40 it has captured our attention and our time and our efforts and
41 moved it away from a segment of this fishery that needs our full
42 attention, and that's the recreational fishery.

43
44 I think we all would like to have this particular program
45 tweaked in some fashion, and that's probably appropriate, but I
46 am not so sure that it's the most pressing need for this council
47 right now, and I think the more time we spend on things like
48 this without fixing the other sectors that need fixing, it seems

1 to me that it's a distraction that we shouldn't allow to occur
2 for us.

3
4 We need to fix the sector that doesn't seem to be working very
5 well and accept that this is working very well from a fisheries
6 management standpoint. Maybe not from a personal or a
7 philosophical standpoint for all of us, but, from a fisheries
8 management standpoint, this system is working, and it's
9 efficient. Let's put that to the side and let's fix the parts
10 that are not working, and then we can come back and see how to
11 tweak this so that it meets a lot more of our personal and
12 philosophical feelings and that of some of the people out there.
13 Thanks.

14
15 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.
16 Walker.

17
18 **MR. WALKER:** I would just add too that it's a very efficient
19 program, and I have mentioned before, for every action you take,
20 there's going to be a reaction, and so there's not much in here
21 that's going to really affect me, but there are a lot of people
22 in this industry that it will affect in a negative way, whether
23 you like it or not, and so they have learned to adapt, to where
24 this fishery has evolved and how we had to work.

25
26 We got some things we didn't want, but we got around it.
27 Fishermen got around it, and they did what they had to do to
28 make this program work. They never wanted it open in five
29 years, but that's what I am more concerned about, and there
30 could be some tweaks, and I would like to hear some public
31 testimony. Maybe we can get some public testimony from the
32 industry.

33
34 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.
35 Anson.

36
37 **MR. ANSON:** I am sure that we'll get some comments during public
38 testimony tomorrow, but the IFQ program for red snapper has been
39 in place for nearly ten years, and we had an IFQ review, as
40 required, and so it's our job to deal with this, as a council,
41 to look at the program and see where it is and where things need
42 to be changed and identify those things as a council, as to
43 body, as to whether or not we deem them to be important enough.

44
45 We will go through the process, and we will develop a document
46 that will have plenty of opportunity for the public to comment
47 on, and we'll develop the document under a process within
48 Magnuson and be guided by counsel as to whether or not certain

1 motions will be appropriate to go forward, and we'll just kind
2 of see where things go.

3

4 **CHAIRMAN GREENE:** Mr. Boyd.

5

6 **MR. BOYD:** Ava, is this document that we're putting together the
7 final step in the five-year review?

8

9 **DR. LASSETER:** No, the five-year review is a completely separate
10 document, and so this is an amendment. Just like under the red
11 snapper program, you received an actual document that was the
12 red snapper five-year review. You approved it in 2013, I
13 believe. There is a link to it in the appendix.

14

15 Then you began Amendment 36, which is an amendment to address
16 the actual regulatory changes, and so the review is just an
17 analysis, a summary of all the studies that are done to look at
18 the program performance, but they're completely separate
19 documents.

20

21 **MR. BOYD:** I understand they're separate documents, but these
22 actions that we're talking about came out of the review, and is
23 that correct or not?

24

25 **DR. LASSETER:** No, these items came from -- I believe it was in
26 2013, shortly after you received the red snapper five-year
27 review, and you were interested in addressing some changes, and
28 you came up with a list of things that you wanted to consider
29 exploring.

30

31 Mara then took that list, and, through NOAA GC, made an
32 evaluation of those items that you could continue to explore
33 that would not trigger the referendum requirement. Remember
34 that red snapper has the two changes, or the two referenda. You
35 have to have the initial one, before the program is designed,
36 and then one for approval. Only a final one is required for
37 grouper/tilefish.

38

39 The council came up with this list, plus a couple of the
40 recommendations came from the red snapper five-year review.
41 That was to address those non-activated accounts, and so one did
42 come from that, and then one other item from Amendment 36 came
43 from something that Roy wanted to address, but, otherwise, all
44 of these items in this document came from you guys, came from
45 the council.

46

47 **MR. BOYD:** Thank you.

48

1 **CHAIRMAN GREENE:** Ms. Guyas.
2
3 **MS. GUYAS:** Speaking of five-year reviews, what is our timeline
4 for the grouper one, because I know that's coming soon.
5
6 **DR. LASSETER:** I believe all of the studies that the Science
7 Center contracted out have been received and reviewed. The SSC
8 has also received presentations on those, and the IPT is now in
9 the process of developing the five-year review. We will at
10 least make a presentation in August on the five-year review.
11
12 **CHAIRMAN GREENE:** Is there further discussion? Madam Chair,
13 does that do what you had hoped that it would do and we can
14 continue back on?
15
16 **MS. BOSARGE:** Yes, I think we actually had some pretty good
17 discussion there and some good overview, and we still have to go
18 through part of the document, right? Okay.
19
20 **CHAIRMAN GREENE:** Yes, ma'am. Okay. Thank you. Dr. Lasseter,
21 I guess we'll just pick up where you left off, and we will just
22 move forward from there. Mr. Anson.
23
24 **MR. ANSON:** While we're at this point in the document, and
25 considering the conversation that was just had relative to the
26 goals moving forward with addressing those things that are
27 perceived to be an issue in the fishery, I want to go back and
28 revisit my motion, but not the actual motion. I want to put a
29 new motion in.
30
31 **The new motion would be to grandfather in those fishermen with**
32 **initial shares, and I might need some help here, but a permit, a**
33 **Gulf reef fish permit, that provides them the privileges**
34 **associated with the Gulf reef fish permit.**
35
36 **CHAIRMAN GREENE:** Mr. Anson, does the motion on the board
37 reflect what you were after?
38
39 **MR. ANSON:** Yes.
40
41 **CHAIRMAN GREENE:** Thank you. We have a motion on the board. Is
42 there a second to this motion?
43
44 **MR. MATENS:** I will second it for discussion. I want to see
45 where this goes.
46
47 **CHAIRMAN GREENE:** It's seconded for discussion by Mr. Matens.
48 Is there discussion? Mr. Anson.

1
2 **MR. ANSON:** We had some conversation before lunch, and I might
3 amend my motion here, but, again, in the context of addressing
4 problems that exist relative to participants in the fishery, and
5 so, again, we have a variety -- We could institute multiple
6 options within the rest of the document that would require some
7 provisions of either fishing with a certain amount and catching
8 certain amounts of shares, and that would require a permit, or
9 we might go down avenues that wouldn't necessarily require a
10 permit, but it would, in light of the cyclical distribution
11 thing, where they basically just have an opportunity to record
12 landings or not, and, if they choose not to get a Gulf reef fish
13 permit, then, over time, the shares go down, and so a period
14 over five years and you lose 20 percent each year type of thing.

15
16 I am trying to go back to some of the conversation that we had
17 relative to the Gulf reef fish permit and establishing that and
18 whether or not it was required. I thought maybe some of the
19 agency staff said that maybe it wasn't necessary to establish
20 the permit itself, but just grandfather them in without a
21 permit, just for the purposes -- Just for the purposes, if they
22 did want to fish, that they would have the ability to do so.

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

25
26 **MS. BOSARGE:** I am sorry, Dr. Crabtree, would you want it to be
27 a non-transferable permit, like you did before?

28
29 **MR. ANSON:** I would, yes.

30
31 **CHAIRMAN GREENE:** Dr. Crabtree.

32
33 **DR. CRABTREE:** So you want to issue a non-transferable Gulf reef
34 fish permit to everyone who was an initial shareholder? I am
35 trying to just understand what you're doing and what the motion
36 means.

37
38 **MR. ANSON:** Again, thinking ahead in the document of some
39 potential ways that we could get at the issue of redistributing
40 shares for participants that were initial shareholders that no
41 longer fish those and are just leasing those, that we have a
42 mechanism in there that transfers those shares back into a quota
43 bank or some other mechanism that would reallocate those shares
44 among those that do fish, whether they be shareholders or
45 leaseholders, that type of thing, but yet, if we have the
46 fishing provision attached to it, then they will need to have a
47 permit to go out and actually catch part of those shares, and so
48 that's what I am trying to -- As far as providing as much

1 flexibility as possible, that this would need to be here, rather
2 than just --

3
4 **DR. CRABTREE:** I am asking exactly what the motion does, because
5 the word "grandfather" -- We are not grandfathering them in.
6 We're giving them a permit, right? I think that's what you
7 mean, and we're going to give everyone who was an initial
8 shareholder one of these, even if they already have a permit?

9
10 **MR. ANSON:** No, and, again, this would be for those that --

11
12 **DR. CRABTREE:** Well, that's why I am trying to get the motion so
13 it's clear.

14
15 **MR. ANSON:** So about then we change "grandfather" to "issue".
16 Could you scroll up to the previous motion? Could you copy
17 "requires" down to "permit", and we might have to copy the rest
18 too here in a second, and then put that in place of "to
19 grandfather in those fishermen", and copy over that? Could you
20 remove "to require"? Then, after -- Could you add "IFQ" before
21 "permit"? I am trying to figure out where to insert -- In front
22 of "initial", "NMFS will provide to initial shareholders", and
23 let's do that.

24
25 **CHAIRMAN GREENE:** Well, I'm not sure how to move forward here,
26 because we have modified the motion, and the seconder has left.
27 There he is. I didn't see him. Mr. Anson.

28
29 **MR. ANSON:** Before Camp -- One more change. Could you take out
30 "with initial shares"? Thank you.

31
32 **CHAIRMAN GREENE:** Okay. We have a motion on the board, and, Mr.
33 Anson, is that your motion?

34
35 **MR. ANSON:** Yes.

36
37 **CHAIRMAN GREENE:** So the motion reads: National Marine Fisheries
38 will provide to initial shareholders who currently possess
39 shares, but no commercial reef fish IFQ permit, a non-
40 transferable Gulf reef fish permit that provides them privileges
41 that are associated with a Gulf reef fish permit. Mr. Matens,
42 you seconded this motion. Are you fine with the changes that
43 have been made? He agrees.

44
45 Okay. We have modified the motion significantly, and we'll have
46 some discussion about it as modified. Dr. Mickle, and then Ms.
47 Guyas.

48

1 **DR. MICKLE:** Thank you, Mr. Chairman. Just for clarity, Mr.
2 Anson, are you identifying initial shareholders as the
3 shareholders in the very beginning of the program, and so people
4 in year two and year three are excluded from this? Is that
5 correct?
6

7 **MR. ANSON:** That's my intent with this motion, yes.
8

9 **CHAIRMAN GREENE:** Ms. Guyas.
10

11 **MS. GUYAS:** Another clarifying question. I assume this means
12 they would get privileges that are associated with the Gulf reef
13 fish permit that would pertain to the IFQ that they're holding
14 and not necessarily harvest of non-IFQ species.
15

16 **MR. ANSON:** Maybe, to clarify that then, is to remove the "IFQ"
17 reference and put in, after the first "Gulf reef fish", and so
18 it's a commercial reef fish permit that would allow them to
19 participate in the IFQ Gulf reef fish plan.
20

21 **CHAIRMAN GREENE:** Okay. Ms. Guyas, are you good with -- I had
22 you on the list, but I think you just spoke. Mr. Sanchez and
23 then Mr. Boyd.
24

25 **MR. SANCHEZ:** I still don't know why we're doing this. I mean,
26 I am at a loss. It seems to me that we're trying to give back
27 some sort of non-transferable permit to somebody or an entity
28 who probably originally had one, and, for whatever reason, they
29 chose to get rid of it, and now we're trying to bring this back
30 around.
31

32 I mean, if I could hear, I guess a -- Dummy it down and give me
33 an example of who exactly are you trying to benefit with this.
34 Give me a hypothetical scenario, because I just can't get my
35 arms around this.
36

37 **CHAIRMAN GREENE:** To that point, Mr. Anson.
38

39 **MR. ANSON:** Again, I talked a little bit about it before lunch,
40 and I was hoping to improve clarity and reduce confusion, but I
41 may not have been successful. Again, seeing that we're at this
42 point in the document, where we're trying to identify those who
43 may need permits in order to access the fishery and identify
44 what those permits and the entitlements or requirements that are
45 provided them, relative to other points in the document, there
46 may be motions that are brought up, and there may be things that
47 are already in the document that would require someone to have a
48 permit in their possession if they were on the water with an IFQ

1 species, and so that's what this was an attempt to do, was to
2 get this on the board, but it may be best to just move forward
3 and do those motions, or make sure that that is a requirement
4 that we would have to just come back later to this section of
5 the document and put in this type of verbiage or this type of
6 motion.

7
8 **CHAIRMAN GREENE:** Okay. Mr. Boyd, Mr. Banks, and then Dr.
9 Crabtree.

10
11 **MR. BOYD:** Thank you, Mr. Chairman. Kevin, this is going in as
12 what we're calling potential alternatives, and we're not
13 choosing preferreds or anything else, but my question is what is
14 the reason that people don't have those permits now, if they had
15 them before?

16
17 If it's because they sold them, the logic is they received some
18 value at that point in time. If they want to get back into the
19 fishery, let them use the value they received at that point in
20 time and buy back into the fishery. I don't know why we would
21 have to give them a right that they ended up profiting from in
22 some way.

23
24 **CHAIRMAN GREENE:** To that point, Mr. Anson?

25
26 **MR. ANSON:** Well, I don't know exactly all the reasons why
27 someone would give up a commercial reef fish permit, but they
28 were able to do so and able to maintain their shares, and so a
29 lot of them will lease them, or they could sell them, and so
30 this would be an opportunity, as part of the discussion, is to
31 just make that so it would be a free permit to them, not getting
32 into the issue as to whether or not it should cost them or not,
33 but that's what my motion is, is just to -- Since it may be a
34 requirement, if they're going to go out and fish those shares
35 now, they will need a permit to go on the water, and so this
36 would be a non-transferable permit for them to have access to
37 the fishery, to go out on the water and actually harvest those
38 fish, until such time in the future that they will no longer --
39 That they don't want to harvest those fish, and so it will be
40 just they can have that permit until they no longer need the
41 permit to go and fish.

42
43 **CHAIRMAN GREENE:** Okay. Mr. Banks and then Dr. Crabtree, and
44 then we're going to vote it up or down and move on.

45
46 **MR. BANKS:** Kevin, the only rationale I can see for this is if
47 you're alluding to something later on in the document. It makes
48 me think that you're going to -- At some point, you're hoping

1 that we will require that anybody that holds shares must
2 participate in the fishery, and certainly, if that did get voted
3 up or down, they couldn't do so without having a permit, and is
4 that where you're going?

5
6 **MR. ANSON:** That's where -- Again, I was just looking where, at
7 this point of the document, people would kind of have their
8 brains kind of geared into permit requirements. Granted, if you
9 read it in advance and kind of knew all of those things, the
10 nuances, it may not particularly pertain, but there may be some
11 discussion that's brought up relative to that, again, as a
12 discussion, as an option item to discuss in the document or have
13 for discussion in the document, that we could further discuss at
14 a future meeting or meetings.

15
16 **CHAIRMAN GREENE:** Dr. Crabtree.

17
18 **DR. CRABTREE:** It just seems, to me, that we've gotten out of a
19 logical sequence here. If the reason for this is because, at
20 some future point, we're going to decide that people have to go
21 and fish the shares, it seems to me that we ought to get to that
22 decision and make that decision. Then, if that's what we're
23 going to do, come back to this, and so it just seems out of
24 sync.

25
26 The other thing that would probably keep me from supporting this
27 is I just don't see why the initial shareholders should be
28 treated as a privileged class. I mean, there probably is
29 someone there who bought shares nine years ago, and wasn't an
30 initial shareholder, but invested and got in and has been in
31 this fishery for a long time and doesn't have a permit, and it's
32 just not clear to me why he has to pay for it, but the initial
33 ones get it for free. It just seems inherently unfair, to me.

34
35 It seems, to me, if you want to give them permits for free, you
36 would give everybody a permit. They're all in the fishery, and
37 they're all playing by the rules, and it just seems, to me, to
38 give some free ones and not others, is the problem. I think the
39 bigger decision is are we going to require people to fish their
40 shares or not, because, if we decide we're not going to do that,
41 then I am not sure what this accomplishes.

42
43 **CHAIRMAN GREENE:** Okay. We've had a lot of discussion about
44 this. We need to move on, and so we're going to vote this up or
45 down. **All those in favor of the motion on the board before you,**
46 **please signify by raising your hand; all of those opposed, like**
47 **sign. The motion fails.**

48

1 Dr. Lasseter, if you will try to remind us where we were in the
2 document and pick up and carry on.

3
4 **DR. LASSETER:** Absolutely, Mr. Chairman. I am just going to
5 rehash one little part there. So, in addition to the initial
6 couple of themes that I heard that could lead towards potential
7 goals, what I heard was maintaining active participation,
8 further addressing bycatch, potentially, and this last
9 discussion, one main one that I heard was possibly assisting
10 entry for the next generation, and so I just wanted to check in
11 with you guys again on that.

12
13 Moving forward to the next potential action, it begins on page
14 28. Actually, we covered the one on 28. This was the phase-in
15 time periods for obtaining a commercial reef fish permit. We
16 reviewed that, and so let's go on to the following page, page
17 29.

18
19 This potential action addresses your item that was a quota
20 redistribution or quota set-aside. Should you pursue this,
21 there is going to be several issues that you're going to need to
22 address. First is how much quota would be set aside or
23 redistributed, from which share categories, who would be the
24 recipients of the quota, and what would be the method of
25 redistribution, or how would you provide access to the quota,
26 and so there's a lot of decisions to make, and you would
27 definitely need to define all of the different entities as a
28 part of this.

29
30 Currently, annual allocation is distributed to shareholders by
31 January 1 of each year, or, if there's a quota increase midyear,
32 at the time of that in-season quota increase. Some potential
33 alternatives that we think support the direction you're headed
34 here is, first, we would need, again, to determine the share
35 category to which this is going to apply.

36
37 Set a threshold is another option, set a threshold of quota
38 above which this redistribution or set-aside occurs, unless you
39 were going to do it 100 percent, but I envision, the way you
40 discussed this, to be some proportion of the quota, for example,
41 potentially future increases to the commercial quota above what
42 they are currently for each share category, the quota at the
43 time the program was implemented, each program was implemented,
44 the largest quota within a selected time period, and so there's
45 many ways that you could define at what level, what size of
46 quota, above what you would want to redistribute or set aside.

47
48 I will just note on the following page, Table 2.3.1, we have

1 provided a table there of the quotas for, beginning in 2004, and
2 so three years before the red snapper program started, and for
3 each of the other share categories, and so you see, when I say
4 "share category", what we're referring to, and you can see how
5 the quotas have changed, and I will point out, for red snapper,
6 while it has greatly increased since the program started, the
7 first year of the program was a substantial drop from the
8 previous year's quota.

9
10 Let's go back up to the potential alternatives on page 29.
11 Carrying on, another possible sub-action would be to determine
12 the recipients of the quota that is to be redistributed or set
13 aside. Also, determine whether shares are what you're going to
14 redistribute or allocation only, and then there would be many
15 different ways to do that as well.

16
17 You would have to define, for example, if you wanted the
18 recipients of quota to be small shareholders, new entrants, and
19 both of these you considered previously under 36A, when you were
20 looking at redistributing shares from the non-activated
21 accounts, and we did have an action where you were working on
22 defining that, and that earlier got put to Considered but
23 Rejected in Amendment 36A, and so we could pull that back for
24 you to review as well.

25
26 I did note that, the way the North Pacific Council considers
27 these groups collectively, small shareholders and new entrants,
28 they refer to the next generation, and so we may want to even
29 move towards that, and that might be a better approach.

30
31 Another one is allocation-only account holders with a commercial
32 reef fish permit and landings in 2015 for that share category.
33 This one, again, is one of your alternatives for redistributing
34 to the non-activated accounts, and that was in the document
35 until you took final action, and you did move that to this
36 document, which we will touch on in just a moment. It's the
37 next action.

38
39 The next decision to make is how you would need to determine the
40 method of distribution and specify whether the shares themselves
41 or just the allocation would be distributed, and the method
42 could be equally among all eligible recipients, however you
43 should define those eligible recipients, or a quota bank, and
44 we've received a presentation on quota banks. That's another
45 approach.

46
47 There is an idea for an allocation clearinghouse, which we would
48 need to explore in much greater detail, but the idea is that all

1 allocation transfers would be made anonymously through a
2 centralized market rather than as private transactions between
3 individual shareholders or allocation holders, and, finally, a
4 lottery is another potential alternative.

5
6 The rest of the discussion here, again, is just providing
7 different information, ways to look at the information, and
8 there is one separate section here. You also had an item called
9 Lease-to-Own Provision, and so this section starts on page 31.

10
11 We interpreted that as a form, a way, of redistributing quota,
12 which is why we've put it underneath this section, and so there
13 is discussion here about it. I will note that there was a GAO
14 publication that noted this concept and cited that Iceland was
15 trying to do this. However, there, it would be crews of small
16 vessels that would be able to purchase the quota, but it was
17 purchasing the quota directly from the government, in which case
18 it would be from NMFS and whatever bank is provided for for
19 holding these shares.

20
21 It may be difficult to implement. It would be very challenging
22 to implement a lease-to-own provision that requires shareholders
23 then -- That monitors their leasing activity and then takes
24 their shares away. They would be disincentivized to be leasing
25 those shares then.

26
27 We do hear that there are private transactions between fishermen
28 that are engaged in this for this next generation, and so a
29 fisherman with shares may be currently having this kind of an
30 arrangement, such that, after some period of time of a fisherman
31 leasing his shares, they may be able to get these shares. I
32 have heard a story of that. That is this item, and let me turn
33 it over there for discussion.

34
35 **CHAIRMAN GREENE:** Thank you. Is there discussion? Mr. Boyd.

36
37 **MR. BOYD:** I would like to offer another potential alternative,
38 and, staff, I sent an email this morning, and I don't know if
39 you all got it all or not, with a motion, since we're doing
40 motions.

41
42 **My motion is to add to Amendment 36B, Draft Options Document, an**
43 **option to distribute allocation based on 4.65 million pounds,**
44 **which was 51 percent of the 9.12 of the original allocation.**
45 **Any commercial ACL available above 4.65 million pounds would be**
46 **available to other shareholders and non-shareholders each year**
47 **through an auction program.** If I can get a second, I will
48 elaborate.

1
2 **CHAIRMAN GREENE:** Okay. We have a motion on the floor, and it's
3 been read into the record. Is there a second for this motion?
4
5 **MR. MATENS:** I will second it.
6
7 **CHAIRMAN GREENE:** It's seconded by Mr. Matens. Is there
8 discussion? Mr. Boyd.
9
10 **MR. BOYD:** Thank you, Mr. Chairman. We have talked a lot about
11 how to make additional quota available, whether it's been in the
12 unused portion of the fishery or whether it's in the current
13 portion, and we've talked a lot about the underutilized quota in
14 the commercial industry and how to do it.
15
16 This would be a way to distribute fish to fishermen, and anybody
17 else who wants to buy them, through an auction. It would also
18 allow the American people to participate in the financial
19 portion of the industry, as I have tried to do before. I think
20 that, if you want to call it a resource rent or an auction,
21 whatever you want to call it, I would like to get that back in
22 there.
23
24 This would help with new entrants. They could buy their way
25 back in, or buy their way in, and it would also help with those
26 who have leased and want to buy and can't buy shares at this
27 point and several other reasons.
28
29 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Ms.
30 Guyas.
31
32 **MS. GUYAS:** Doug, I have a question for you. Are you thinking
33 that -- I mean, there has been some conversation around the
34 table about somehow requiring shareholders to have a reef fish
35 permit, but you're thinking maybe if that wasn't -- That
36 wouldn't necessarily be the case, and anyone could just buy in
37 one of these auctions, or, if we went towards the route of
38 having to have a reef fish permit to own shares, or what are you
39 thinking with this?
40
41 **MR. BOYD:** It's a good question. I was basing this on the way
42 we currently stand, which is that anybody can buy or sell quota
43 without a reef fish permit. They can't fish it, but they can
44 buy it and sell it, and so that's the context that this is in,
45 to what we're doing today.
46
47 **CHAIRMAN GREENE:** Thank you. Ms. Levy.
48

1 **MS. LEVY:** When we first started the process of looking at
2 things that the council wanted to consider changing or looking
3 at changing with respect to the red snapper IFQ program, the
4 council put together a list of action items that they were
5 thinking about, and I went back to my office and looked at that
6 list, and I looked at the referendum requirements for red
7 snapper, and I'm assuming this applies to red snapper, even
8 though it doesn't say that, but, given what the quota is, that's
9 my guess.

10
11 After looking at that list that had fairly specific items in it,
12 the one thing that I advised that would require a referendum was
13 setting up some sort of auction system, and red snapper requires
14 two referendums under 407. It requires a referendum before you
15 start preparing the plan amendment and then before submission,
16 and so the whole reason for submitting the list before you
17 started working on it was to see whether there were any items on
18 that list that would require a referendum before you started
19 working on it.

20
21 The reason that an auction has not been included in this
22 document is because of that prior advice that that was the one
23 thing on that list that would trigger the requirement, and so, I
24 mean, I am just going to repeat that prior advice.

25
26 I haven't gone back and reevaluated it, and I haven't looked at
27 anything else other than what was on that list, really, except
28 one other question that came up, and so, when you start tweaking
29 things about what you want to add here, it could require that we
30 go back and look at the referendum requirements and whether such
31 a thing would trigger it.

32
33 **CHAIRMAN GREENE:** Thank you. To that point, Mr. Boyd?

34
35 **MR. BOYD:** To that point. The motion is speaking to the quota
36 above the 4.65 that was originally allocated and not the
37 original allocation, if that makes a difference.

38
39 **CHAIRMAN GREENE:** Ms. Levy.

40
41 **MS. LEVY:** Well, so the reason that the auction provision was
42 the one thing that stood out was because that the provision in
43 303A that gives the authority to set up an auction program talks
44 about, in establishing the program, that the council consider
45 and may provide, if appropriate, an auction system or other
46 program to collect royalties for the initial or any subsequent
47 distribution of allocation.

1 You see there is the initial and any subsequent distribution,
2 and so the reason that that is different is that it implies
3 that, at that beginning of the program, you are supposed to look
4 at whether you are going to require auctions for any initial or
5 subsequent distributions, and what you're talking about here,
6 from what I can tell, is some sort of subsequent distribution.

7
8 The only thing I am going to say is that, if you pass it, I am
9 probably going to have to reconvene with my office and figure
10 out whether this actually triggers any requirement with respect
11 to the referendum provision.

12
13 **CHAIRMAN GREENE:** Thank you. Dr. Lasseter.

14
15 **DR. LASSETER:** I just wanted to let you know how staff is going
16 to interpret this. In the potential alternatives that I just
17 reviewed, there were essentially four separate decisions, which
18 we would set up as sub-actions, and I see in here three of the
19 four, and so this would be spread across those.

20
21 For the second one, set a threshold of quota, and your threshold
22 is established there, and the recipients of the quota are other
23 shareholders and non-shareholders, and I would imagine that
24 we'll have to elaborate on that a bit further. Then, finally,
25 the determine method of distribution sub-action, you have
26 provided an additional alternative there, and so I would ask --
27 The only other one that's missing, as Mara pointed out, was the
28 share category, which we're assuming red snapper, since that was
29 the quota, and so perhaps we could add that to the motion.

30
31 **MR. BOYD:** I would be happy to add "red snapper". That was my
32 intent.

33
34 **CHAIRMAN GREENE:** Okay. So, the motion on the board, please add
35 "red snapper". It would be distribute red snapper allocation
36 based on --

37
38 **DR. LASSETER:** Perhaps any commercial red snapper ACL.

39
40 **CHAIRMAN GREENE:** Okay. Mr. Walker.

41
42 **MR. WALKER:** I am just going to add that the 51 percent and 49
43 percent is of the ACL, and the ACL has changed to like twelve-
44 point-something million or whatever, but it's -- I can't speak
45 in favor of this. This looks more like some type of
46 reallocation, and so I would -- I am opposed to this.

47
48 **CHAIRMAN GREENE:** Ms. Bosarge.

1
2 **MS. BOSARGE:** Just out of curiosity, Mara, if something like
3 that happened and went through an auction program, and if it's
4 purchased by somebody, it still has to be landed with a
5 federally-permitted dealer as commercial quota that's being
6 purchased, and so, in order to be landed, you would have to
7 still -- To catch it, to actually catch it and land it, you
8 would have to have your federal reef fish permit, you would have
9 to have a boat with a VMS and hail-in and hail-out, and land it
10 at a federally-permitted dealer?

11
12 **MS. LEVY:** Well, I guess that would be my assumption, unless you
13 all changed whatever standards are required for these folks as
14 opposed to other folks, although I can't see the basis for doing
15 that. I mean, you're ultimately the ones that come up with the
16 requirements to land fish and catch fish and do all of those
17 other things.

18
19 **DR. CRABTREE:** I see this -- It is a reallocation, but it's a
20 reallocation among the commercial shareholders, but I don't see,
21 inherent in this motion, that it changes any of the other
22 provisions of the IFQ, and so you would still have to have a
23 reef fish permit to fish it, and you would have to abide by all
24 of the other provisions in it.

25
26 The sticker with all of this is the referendum thing, and, if
27 you guys really want to pursue auctions or something like that,
28 I can request GC review the meaning of that language again, and
29 what makes it especially awkward is we still have this old
30 language in Section 407 that was set up back in the 1990s and
31 requires the two referenda take place, and so, if that does
32 apply, then, really, we would need to stop work on this
33 amendment and conduct a referendum among the shareholders, using
34 the vote weighting that's in the statute, and that doesn't
35 really seem productive to me, and so I think, at this point, the
36 question would be to check with GC again about how solid the
37 view of the auction triggering a referendum requirement is,
38 because, if it does, then I just don't see how this is a very
39 productive avenue to go down.

40
41 **CHAIRMAN GREENE:** Ms. Bosarge.

42
43 **MS. BOSARGE:** Just to be clear, I wasn't speaking in favor of
44 the motion. I just wanted to make sure, if there was a
45 different goal in mind, that we were clear on how that quota had
46 to be used and landed.

47
48 **CHAIRMAN GREENE:** Ms. Guyas.

1
2 **MS. GUYAS:** I think this is a Mara question, and so, if we move
3 towards this and we did have to do a referendum for this, would
4 we be doing a referendum just on this issue or the whole 36B,
5 like all the different ideas that we have in there? I assume
6 all of it, right?
7
8 **MS. LEVY:** I mean, I would assume so, given that we're going to
9 add this to 36B, meaning -- I guess if you wanted to do a
10 referendum for a separate amendment, before you started work on
11 it, that addressed that, then you could leave it out of 36B, but
12 the motion is to add it to 36B.
13
14 **CHAIRMAN GREENE:** Mr. Swindell.
15
16 **MR. SWINDELL:** In order to be a shareholder, do you have to
17 previously have a permit? In order to be a shareholder, before
18 you become a shareholder, do you have to have a reef fish
19 permit?
20
21 **DR. CRABTREE:** No, that requirement expired five years after the
22 program was created, and so anybody can become a shareholder now
23 and have an account, but you can't fish the shares without
24 having a reef fish permit.
25
26 **MR. SWINDELL:** Another question is why an auction? What's the
27 purpose of an auction?
28
29 **CHAIRMAN GREENE:** Mr. Boyd.
30
31 **MR. BOYD:** To reimburse the American public for the resource.
32
33 **CHAIRMAN GREENE:** Mr. Anson.
34
35 **MR. ANSON:** Just to be clear, an auction -- We're going to get
36 clarification from GC, but, as the motion is on the board, as it
37 stands, but an auction would trigger a referendum, but, if an
38 auction weren't in the document, we would go through all of the
39 things, as long as it didn't pertain to an auction, and then,
40 whatever we develop as a plan is what we perceive to be changes
41 for the fishery, and that's going to go to the original
42 participants, the historical participants, for review? That's
43 what I thought I heard Dr. Crabtree or Mara say.
44
45 **DR. CRABTREE:** If there's not a referendum, then it doesn't,
46 but, if there is a referendum, and if it's conducted as laid out
47 in Section 407, then only a person who held an annual vessel
48 permit with a red snapper endorsement for such permit on

1 September 1, 1996 and vessel captains, et cetera, et cetera, et
2 cetera, would be allowed to vote, and there is a formula that
3 would have to be used to weight the votes based on the landings
4 between 1993 and 1996.

5
6 Now, I don't even know if we could figure out how to apply that
7 language today. That is what we used in 2005 or 2006, when we
8 did the original referendum, and I don't know how many of those
9 initial permit holders are even left to vote, honestly.

10
11 **CHAIRMAN GREENE:** Okay. Thank you. I had Mr. Walker.

12
13 **MR. WALKER:** He said this was to reimburse the nation, but what
14 is the recreational -- What are other sectors reimbursing them?
15 Are they collecting 3 percent or paying 3 percent? We are
16 paying for running this operation, and it's successful. It's
17 not a failure. It's been successful for the American public.
18 They are getting access year-round now.

19
20 **CHAIRMAN GREENE:** To that point, Mr. Boyd?

21
22 **MR. BOYD:** David, we've had that discussion before around this
23 table. Just theoretically, every other commodity that the U.S.
24 government has is either in an auction or a lease of some sort.
25 You have oil leases, and you have mining leases and grazing
26 leases. This is the only industry that consumes an American
27 resource that the people don't have to compensate for, and, yes,
28 you are paying 3 percent, and that's to administer a program.
29 It doesn't cover the entire cost of the program, but you are
30 paying to help administer that program.

31
32 **CHAIRMAN GREENE:** Mr. Walker.

33
34 **MR. WALKER:** To that point, there's been a lot of land in this
35 country that's been given to folks, and they have resources on
36 those lands. Are you suggesting that they give that land and
37 those resources back to the federal government? I mean, there's
38 a lot of things that we can sit here and argue about, but this
39 has been a successful program, and why do you want to add some
40 tax to it to something that's been good? You all ought to be
41 rewarding folks for that.

42
43 I mean, we have got to come together, and we worked hard on
44 this, and we want to work hard with the recreational sector to
45 help them, too. We're not up here opposing you, and we're not
46 up here voting against the recreational sector to form an AP to
47 work on solutions. If you look at the records, and you can pull
48 the minutes and the records and all of it, and you can look at

1 the commercial industry has not been attacking the recreational
2 industry.

3
4 **CHAIRMAN GREENE:** Okay. Dr. Crabtree, and then we're going to -
5 -
6

7 **DR. CRABTREE:** I understand your argument, Doug, but I think
8 just the reality of it right now, it appears to me that we need
9 legislation in order to get to where you want to get to, because
10 if the NOAA Office of General Counsel's view on this stands,
11 we're just stuck.
12

13 Now, Congress may reauthorize the Magnuson Act sometime in the
14 next couple of years, and they may or may not address this, but,
15 right now, we have some seemingly insurmountable hurdles to get
16 to royalties or auctions with this fishery, because of these
17 requirements and the language in the statute in Section 407(d).
18 Regardless of the merits of the argument, I am just not sure how
19 to get around that.
20

21 **CHAIRMAN GREENE:** Mr. Boyd, I will give you the last --
22

23 **MR. BOYD:** I would say let's pass this and let's ask General
24 Counsel to review it and determine whether a referendum is
25 required. That's a simple thing to do. Over the past six years
26 that I have been here, we have thrown out referendum time and
27 time again, and we don't have a definitive ruling on whether a
28 specific request or a motion triggers a referendum or not, and
29 this would be that, and so I would say let's pass this. Let's
30 get an opinion, and then we know what we're dealing with.
31

32 **CHAIRMAN GREENE:** Okay, Mr. Walker.
33

34 **MR. WALKER:** I was just going to mention that, my very first
35 meeting, this came up, and Mara went over this and told us that
36 -- Even Roy went over this, and we've already been down this
37 road. This has already been brought up, but, you know, it's --
38 How many times are you going to keep beating the same old drum?
39 It's just I thought this has already been explained one time,
40 and it was on my very first meeting on this council.
41

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

44 **DR. CRABTREE:** Well, I would suggest, Doug, a better way to
45 proceed on this, rather than this motion, might be to pass a
46 motion and write a letter to the Fisheries Service requesting a
47 more formal opinion on the referendum requirements associated
48 with auctions and royalties in the red snapper fishery, and it

1 seems to me, if that's what you want, then ask for that, and
2 then, once you have that, you can come back and make a decision.

3
4 **CHAIRMAN GREENE:** Okay. Any further discussion? Mr. Diaz.

5
6 **MR. DIAZ:** Real quick, I am probably going to vote against this
7 motion, because I think we'll spend a lot of time, and,
8 basically, the people that have shares will be voting to give
9 half their shares to repurchase them or something, and I think,
10 in my mind, we're probably going to waste a lot of time that we
11 can't afford to waste.

12
13 I do approve of the concept of trying to do some type of
14 redistribution, especially the people that are small
15 shareholders that are having to constantly lease at these high
16 prices. If we can look at some options to do something to give
17 some relief to folks, especially in areas where we have a lot of
18 discards that would benefit the fishery, and so part of the
19 concepts I agree with, but I just think, right now, where we're
20 at with this, it's going to waste too much time. Thank you,
21 sir.

22
23 **CHAIRMAN GREENE:** Thank you. All right. We're going to go
24 ahead and vote this up or down. The motion has been read into
25 the record, and it was seconded. **All those in favor of the**
26 **motion on the floor before you, please signify by raising your**
27 **hand; all those opposed like sign. The motion fails.** Okay.
28 Mr. Anson.

29
30 **MR. ANSON:** I am just wondering, Doug, as Dr. Crabtree had
31 stated, that that motion -- From what I heard from Mara, it
32 would have potentially triggered a referendum and stopped work
33 on the document and the whole nine yards, and so that might not
34 have been the best approach, but, to get some clarification on
35 the issue, because this is, I think, a little subtlety to the
36 whole introduce an auction to the entire portion of the ACL, and
37 so I'm just wondering if you wanted to revisit that.

38
39 **CHAIRMAN GREENE:** Mr. Boyd.

40
41 **MR. BOYD:** To that point, I don't have a problem at all asking
42 for an opinion, but I don't think you can get an opinion that is
43 nebulous without -- You will get one that's nebulous without
44 specific facts like are in this motion, and so, if we wanted to
45 do a letter to GC asking for an opinion, I would want that
46 letter to have specifics like this in it that they have to
47 address and not just a general question about what constitutes,
48 because we can read that and we can see that, but it's open for

1 interpretation.

2
3 **CHAIRMAN GREENE:** Thank you. Is there further discussion?
4 Okay, Dr. Lasseter.

5
6 **DR. LASSETER:** Thank you, Mr. Chairman. I did just want to
7 check in on time. Since we do have three more sub-actions, and
8 one of them might be lengthy, am I good to carry on or do we
9 need to move on in the agenda? Okay.

10
11 Carrying on, Section 2.4 starts on page 33. This action should
12 look very familiar. This was the action that you moved to this
13 current document at the time that you took final action on
14 Amendment 36A, and so, in 36A, you decided to close the accounts
15 with the non-activated shares and return those shares to NMFS.
16 NMFS will be holding those shares until you make a decision on
17 how to distribute those shares through Amendment 36B.

18
19 This is essentially the same action from 36A, and, hence, we
20 have maintained the alternative structure, because it has
21 already been developed to that extent.

22
23 Alternative 2 was your preferred in Amendment 36A, and, from
24 what I remember of Dr. Crabtree's conversation, that was --
25 Moving away from that was part of your reason for delaying
26 action on this at that time. You were discussing the
27 Alternative 4, and my sense was that you were wanting to further
28 develop that alternative in that direction.

29
30 Finally, the other potential alternatives, at the bottom, I
31 brought in -- We brought in the modes of distribution from the
32 previous section that we just discussed. You could add the
33 shares to a quota bank or the allocation from those shares to
34 this allocation clearinghouse idea, and I apologize that this is
35 one that I put in here, and I meant to speak with Mara, and I
36 did not before, but I was not sure of, with this small amount of
37 reclaimed shares, since this was not be redistributed, if an
38 auction was a possibility or not, and so distributing through a
39 lottery or auction, and I had not verified that with Mara, and I
40 am thinking the answer now is no, and so my apologies. That
41 would be -- I take the blame for that one. Okay. Is there any
42 discussion on this action?

43
44 **CHAIRMAN GREENE:** Thank you. Is there discussion? Okay. I am
45 not seeing any, Dr. Lasseter.

46
47 **DR. LASSETER:** Thank you, Mr. Chairman. The next section,
48 Section 2.5, starts on page 38. This is your item that you

1 wanted to look at restrictions on share transfers and
2 restrictions on allocation transfers, and, the last time, when
3 we brought you the presentation about this, we were requesting
4 some further guidance on what types of restrictions, what did
5 you want to do here, and staff has really struggled with this
6 item.

7
8 We were requested to just bring you some information for
9 different ways to look at transfers, and so this section
10 consists mostly of information, mostly from the annual reports,
11 the grouper/tilefish and red snapper annual reports, that shows
12 you landings by share status, for example, those with shares and
13 without shares.

14
15 It's the same for grouper/tilefish, and then there are separate
16 sections for restrictions on share transfers and restrictions on
17 allocation transfers, each of which is followed by several
18 tables that also provide information on the number of such
19 transfers and various ways to look at each one of those.

20
21 On page 40, we had the Section 2.5.1, restrictions on share
22 transfers, and so, currently, there are not restrictions on the
23 transfer of IFQ shares, as far as we understood what you mean.
24 You must be a U.S. citizen or permanent resident in order to
25 obtain them, and so that is -- If you want to consider it a
26 restriction, but it's more of a requirement, I guess.

27
28 Otherwise, IFQ program participants may transfer shares between
29 accounts, as long as the account is not in an inactive status,
30 and so there's not really a restriction on a quantity or to who
31 you can transfer them to, and so there's where we were really
32 struggling with what types of restrictions we wanted to
33 consider.

34
35 Potential alternatives, we would need some further guidance on
36 placing restrictions on the transfer of all IFQ shares. Some
37 potential ideas, perhaps, of where you were going was to
38 restrict the transfer of IFQ shares by shareholders not actively
39 engaged in fishing and restricting the transfer to allow only
40 those entities that possess a permit, reef fish permit, to
41 receive shares.

42
43 This one and the following one, which is more specific, they
44 must possess a permit and make IFQ landings in some defined time
45 period. Both of these would really overlap with the decisions
46 that you make in the first section on permits, and so, if that's
47 the direction you're thinking, we would incorporate that kind of
48 restriction, if that's what you want to call it, more into that

1 program participation action and sub-actions.

2
3 Really, it's the same as the last one, to restrict the transfer
4 of IFQ shares to allow transfer only to entities defined as --
5 Here, we had small participants, but, again, we're
6 conceptualizing this more as the next generation, but, again,
7 that could be somehow couched in some of those sub-actions of
8 the first action. Let me turn it over there for discussion.
9 There's a lot of tables that we can discuss further, but let me
10 see if there is any discussion first.

11
12 **CHAIRMAN GREENE:** Is there discussion? Carry on, Dr. Lasseter.

13
14 **DR. LASSETER:** Okay. Restrictions on allocation transfers
15 begins on page 44. Again, as far as we're understanding
16 restrictions, there are no restrictions on the transfer of IFQ
17 allocation. IFQ program participants can transfer them between
18 shareholder accounts. Of course, always the allocation must be
19 harvested on a vessel with a commercial reef fish permit, and
20 that does not change.

21
22 Again, we're struggling with these potential alternatives and
23 what kind of restrictions are you considering that you want to
24 explore on the transfer of IFQ allocation. Again, if you're
25 restricting it just to shareholders, not allowing ones that are
26 not actively engaged in fishing, that would mean they should
27 have a permit, we assume, and so, again, this whole section we
28 think we would be lumped into the earlier section on program
29 participation, and, again, the third one there was restrict the
30 transfer of IFQ allocation to allow transfer only to those
31 possessing a permit. Again, that would be subsumed in that
32 first section.

33
34 Then, thereafter, there are several tables, a few pages of
35 tables, for both the red snapper and grouper/tilefish program,
36 looking at the quantity of accounts with and without shares and
37 with and without permits, just to provide you with information
38 on how you can -- Maybe you can look at this and try to identify
39 what is the problem that you're trying to solve with
40 restrictions, and then perhaps that could help us better
41 understand what potential alternatives there could be, and so I
42 will stop there for discussion.

43
44 **CHAIRMAN GREENE:** Is there discussion? Carry on. Sorry. Ms.
45 Bosarge.

46
47 **MS. BOSARGE:** On restrictions on allocation transfers, one idea
48 that I had was almost like a -- If you're going to lease your

1 allocation out, it would be a concept that would be kind of like
2 lease to land. In other words, to land the fish. You lease
3 your shares so somebody can land them, and that being me trying
4 to get rid of any middlemen that are in there that may be just
5 trying to lease at a low price and then turn around and lease it
6 back out at a higher price, to make that margin on it.

7
8 Now, one thing that I thought may be a negative unintended
9 consequence is I don't know how that -- I know that the one
10 group has that quota bank, and I know people donate certain
11 quota to the quota bank, and then that quota is turned around
12 and leased out to fishermen for bycatch purposes, so that they
13 can land that bycatch instead of throwing it back dead, and so
14 maybe that's an unintended consequence there, but, anyway, that
15 was just an idea I had and maybe something we can flesh out.

16
17 **CHAIRMAN GREENE:** Tom.

18
19 **DR. FRAZER:** Along those lines, I guess you could just restrict
20 the number of times that you would transfer a share, for
21 example, just put a cap on it.

22
23 **CHAIRMAN GREENE:** Dr. Crabtree.

24
25 **DR. CRABTREE:** You're talking allocation and not shares, right?
26 The downside I see with the lease one time and then you have to
27 fish it is if a fisherman leases an amount of allocation and
28 then, for whatever reason, something happens and they're not
29 fishing, and those fish just won't be caught, and that's a loss
30 of seafood and everything else, and it doesn't make sense, to
31 me, why it wouldn't be better for that fisherman to be able to
32 transfer that allocation to someone who will fish it.

33
34 I guess I don't have the problem with middlemen. This world is
35 full of middlemen, and they serve a function, and I guess it
36 doesn't cause me that much heartache, but this is one of those
37 unintended things.

38
39 If we start restricting it, then you're going to end up with
40 fish not getting caught and somebody getting stuck holding the
41 bag, because they became ill or their boat sank or they just got
42 a better job doing something else.

43
44 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.
45 Walker.

46
47 **MR. WALKER:** I was just going to add one thing. I understand
48 what you're communicating about, and maybe it's a fish house and

1 he leases fish from someone and he leases those fish to someone
2 who fishes for him, or his own vessel. Maybe you get to the end
3 of the year and you've got some fish left over and you broke
4 your leg and you can't go, and so you want to lease that
5 allocation, to maximize the benefit for the nation, and then, of
6 course, you've got, in order for a disaster -- I can remember,
7 during the oil spill, they kept closing areas up and closing
8 areas, and so they just moved us to Apalachicola. That's just
9 something to take into consideration too, if you're thinking
10 about that.

11
12 **CHAIRMAN GREENE:** Ms. Bosarge.

13
14 **MS. BOSARGE:** All good comments. Thanks. I always appreciate
15 the feedback, and I think that's the kind of discussions we have
16 to have as we go through this. We throw out an idea and pick it
17 apart and see if it's going to fly or not.

18
19 **CHAIRMAN GREENE:** Thank you. Is there further discussion?
20 Okay, Dr. Lasseter.

21
22 **DR. LASSETER:** Okay. Thank you, Mr. Chairman. Our final
23 section is 2.6, and that begins on page 52. This addresses
24 allocation caps, caps on the amount of allocation. Now, there
25 are share caps. There's a share cap on the red snapper program,
26 and there are share caps for each of the share categories in the
27 grouper/tilefish program.

28
29 In the grouper/tilefish program, there is an allocation cap
30 already in place. There is not an allocation cap currently in
31 place for the red snapper program. You are not required to
32 establish a cap for red snapper, but this action is provided for
33 you to consider whether you do wish to do so.

34
35 Some potential alternatives for this would be capping the amount
36 of red snapper IFQ allocation that can either be landed by a
37 single vessel, cumulatively over a year, or amount of allocation
38 that can be held by an account over the course of the year or
39 held by an account at any point during the year, and so these
40 are three different ways that could be measured within the IFQ
41 online system as a way on which an allocation cap could be set.

42
43 Then, on the subsequent pages, there are some tables that show
44 you the allocation caps for the grouper/tilefish program, and
45 that is the final action here, and I will turn it over for
46 discussion.

47
48 **CHAIRMAN GREENE:** Thank you, Dr. Lasseter. Is there discussion?

1 Okay. Mr. Anson.

2
3 **MR. ANSON:** I wonder if we can go back to Section 2.3. We
4 talked about this earlier, when we came back from lunch, both
5 Leann and I, and that is, again, looking at a program that
6 identifies one of the perceived problems, and one of the
7 perceived problems is trying to make sure the fishermen that are
8 fishing can have access to the resource.

9
10 I think this would be an appropriate area, and, Ava, you can
11 tell me if I'm wrong, but we talked a little bit about it before
12 lunch and after lunch, but, in Amendment 41, there's an adaptive
13 management redistribution method for those that are inactive or
14 no longer fishing, and so I was thinking that it would go here
15 under this option, 2.3, that it would go here, adaptive
16 management, and would that be the best location?

17
18 **DR. LASSETER:** If I understand, you are suggesting the cyclical
19 redistribution, and so that would be, if there was some amount
20 of quota that was set aside, this would be a potential method of
21 distribution, and so I am thinking that you're going to ask to
22 add an alternative to that last section there.

23
24 **MR. ANSON:** Yes, and is 2.3 the right section?

25
26 **DR. LASSETER:** I would believe so.

27
28 **MR. ANSON:** Okay. I would like to make a motion, and that is
29 add an alternative to 2.3 an adaptive management redistribution
30 method based on cyclical redistribution which depends on fishing
31 participation.

32
33 **CHAIRMAN GREENE:** Okay. We have a motion on the board. Kevin,
34 is that --

35
36 **MR. ANSON:** I think it is.

37
38 **CHAIRMAN GREENE:** Okay. Is there a second for this motion?
39 It's seconded by Dr. Frazer. Is there discussion? Mr. Anson.

40
41 **MR. ANSON:** This is something that was brought forward in
42 Amendment 41, and we'll be discussing that amendment here
43 shortly, but we had talked about it at a prior meeting, and,
44 basically, that identifies those permit holders who are not
45 fishing, and so those folks who demonstrate over a period of
46 time, and that could be determined here in the document later,
47 but basically it depends on their fishing and their
48 participation in the fishery, and, if they don't fish over a

1 certain period of time, a certain percentage of their shares
2 would be distributed, or redistributed, back to a quota bank or
3 through equally among all eligible participants.

4
5 I mean, we have a suite of options there that we could do, but,
6 basically, it's, again, trying to get those shares to fishermen,
7 to people that are participating in the fishery, and this would
8 be potentially another way to do that, and it would be a step-
9 wise redistribution, where, over time, if, for whatever reason,
10 the fishermen cannot fish those, that they would still maintain,
11 for a short period of time, those shares, but, eventually, they
12 would be migrated back into fishermen.

13
14 **CHAIRMAN GREENE:** Dr. Crabtree.

15
16 **DR. CRABTREE:** So it's essentially a use-it-or-lose-it
17 provision.

18
19 **MR. ANSON:** Essentially, I guess, if you want to put it that
20 way, yes.

21
22 **DR. CRABTREE:** If you're a shareholder, because it's not permit
23 holders, right, because they don't have permits, but, if you're
24 a shareholder and you lease everything, then, at some point,
25 we're going to start reducing your shares, and that's what
26 you're getting at, I take it.

27
28 **MR. ANSON:** Yes, if you don't fish them, and so you could lease
29 them or you could not lease them, but it's just that those
30 shares are not being utilized.

31
32 **DR. CRABTREE:** If you don't lease them, then presumably you're
33 fishing them.

34
35 **MR. ANSON:** Presumably, yes. I mean, that's under the current,
36 but I don't want it to be restricted just to leasing. It's just
37 that, again, the idea is to get the allocation associated with
38 the shares on the water and the fish brought back to the dock.

39
40 If someone decides to lease 100 percent of their allocation over
41 whatever time period, a two-year time period or a single year or
42 three years or what have you, then a percentage of those --
43 Those shares that they have, they would go back into a quota
44 bank, or they would be distributed equally among the other
45 shareholders. I mean, there is a variety of other mechanisms,
46 but, over a period of four or five years, if 20 percent of your
47 shares get redistributed, then you have five years, essentially,
48 if you don't fish them anytime during those five years, as an

1 example.

2
3 **CHAIRMAN GREENE:** Okay. Thank you. Is there further
4 discussion? Mr. Walker.

5
6 **MR. WALKER:** This seems more like a reallocation, and it seems
7 to me like it might trigger a referendum, but when you refer to
8 it as something that was like in Amendment 41, which is another
9 amendment, and so I would speak in opposition. It seems like a
10 use-it-or-lose-it to me, and it could cause some unintended
11 consequences with the way the industry is operating now. Of
12 course, I would like to hear some public testimony on it, too.

13
14 **CHAIRMAN GREENE:** Thank you. Is there further discussion?
15 Okay. Seeing no further discussion, we have a motion on the
16 board, and it has been seconded. I have already heard
17 opposition against the motion. **All those in favor of the motion**
18 **on the floor before you, please signify by raising your hand.**

19
20 **EXECUTIVE DIRECTOR GREGORY:** Eleven for.

21
22 **CHAIRMAN GREENE:** **All those opposed, like sign.**

23
24 **EXECUTIVE DIRECTOR GREGORY:** **The motion passes.**

25
26 **CHAIRMAN GREENE:** Okay. Is there further discussion? Okay, Dr.
27 Lasseter. We've had a lot of discussion. Are you good on
28 everything Okay. That will wrap up that particular discussion.
29 Mr. Boyd.

30
31 **MR. BOYD:** Thank you, Mr. Chairman. **Pursuant to our**
32 **conversation a while ago about my motion and taking into**
33 **consideration Dr. Crabtree's recommendation, I would like to put**
34 **forth a motion to ask National Marine Fisheries Service General**
35 **Counsel to determine if an auction for red snapper commercial**
36 **quota above the initial quota distribution of 4.65 million**
37 **pounds would require a referendum. If Dr. Crabtree wants to**
38 **help me wordsmith that, I would appreciate it.**

39
40 **CHAIRMAN GREENE:** Let's make sure that we get it on the board
41 first.

42
43 **DR. CRABTREE:** Just wordsmithing, I would just suggest that you
44 instruct staff to write a letter to NMFS and ask for a
45 determination, and, when I get the letter, I will then ask the
46 NOAA Office of General Counsel to provide me with such a
47 determination.

48

1 **MR. BOYD:** Okay. Can we change that?
2
3 **DR. CRABTREE:** Direct staff to write a letter to NMFS requesting
4 a determination. Doug, I would suggest that you send the letter
5 to me.
6
7 **EXECUTIVE DIRECTOR GREGORY:** Correct. Now, the motion -- The
8 word "of" in the last line should be "above", correct?
9
10 **MR. BOYD:** Yes.
11
12 **DR. LASSETER:** That was not the initial -- That was not the
13 2007. That was the year before, and so I would recommend just
14 removing the word "initial", because I think you have just -- I
15 don't know that the word "initial" is important, but the initial
16 distribution was 2.986.
17
18 **CHAIRMAN GREENE:** Mr. Boyd, does that accurately --
19
20 **MR. BOYD:** I am trying to read it. We're talking about
21 commercial red snapper quota, and, Ava, why is the 4.65 not
22 accurate? Isn't that the 51 percent of the initial
23 distribution?
24
25 **DR. LASSETER:** In the first year of the program, the quota
26 decreased, and so, according to Table 2.3.1 that provides you
27 the quotas, from 2004 to 2006, possibly before, that was the
28 commercial quota, 4.65. For the initial year, the initial
29 distribution, it was based on 2.986. That was the first year of
30 the red snapper program, and the quota dropped substantially
31 that year. I am going to turn it over to Roy.
32
33 **DR. CRABTREE:** No, she's right, but I don't think the magnitude
34 of the quota is relevant to the issue. It's really whether
35 putting an auction in place triggers the referendum requirement
36 or not, and I don't see anything in the language that Mara is
37 quoting that has anything to do with the magnitude of the quota.
38
39 **CHAIRMAN GREENE:** Mr. Anson.
40
41 **MR. ANSON:** Doug, 4.65, isn't that -- That's 51 percent of the
42 9.12 million pounds, and so I think that was basically the TAC
43 that the fishery, during most of the time to which the landings
44 were used to determine the initial shares, that was -- It was
45 4.65 million pounds was 51 percent of 9.12 million pounds, and
46 so that was kind of the historical fishery, the benchmark, if
47 you will, and so aren't you trying to get above what was kind of
48 the historical benchmark? Is that why it's important to put the

1 4.65 in there?

2
3 **MR. BOYD:** Yes, and the intent is to talk about the quota above
4 the initial allocation to the commercial fishermen and not their
5 allocation that they received, but anything that has happened
6 since then, or whatever the number is in a given year above that
7 initial allocation, and I think that is a legal point.

8
9 **CHAIRMAN GREENE:** Okay. We're going to get back on procedure
10 here. We have a motion, and it has not been seconded. We need
11 to make sure that it is correct as written, and then we will
12 seek a second, and then we will have further discussion. Mr.
13 Boyd, are you comfortable with the motion?

14
15 **MR. BOYD:** Yes, let's go with that.

16
17 **CHAIRMAN GREENE:** Okay. The motion is to direct staff to write
18 a letter to National Marine Fisheries Service to request a
19 determination if an auction of commercial red snapper quota
20 above 4.65 million pounds would require a referendum. Is there
21 a second for this motion? It's seconded by Mr. Matens. Now, is
22 there further discussion? Mr. Walker.

23
24 **MR. WALKER:** I would just add that, Doug, are you going to offer
25 a similar motion for the recreational sector? Maybe, since
26 there's no referendum, maybe you could offer up an auction for
27 the recreational fish? Maybe, while we're at it, we'll just go
28 ahead in the federal waters, the freshwater fish and all the
29 fish, and we'll just throw all of those in.

30
31 **CHAIRMAN GREENE:** Okay, David. I think that's getting a little
32 bit out of the scope of this motion. Anybody have any relative
33 comments to the motion on the board before you? Okay. **Seeing**
34 **no discussion about the motion, is there any opposition to the**
35 **motion on the board before you? Seeing no opposition, the**
36 **motion carries.** Anything else before we leave Amendment 36?
37 Dr. Lasseter.

38
39 **DR. LASSETER:** I would just ask, very politely, if everybody
40 could continue to think about the goals and objectives. I am
41 going to really harp on this, in terms of would you like to
42 revise existing goals, would you like to add new goals, and so I
43 will end with that plea. Thank you very much.

44
45 **CHAIRMAN GREENE:** Okay. Thank you. Good job, guys. That is a
46 very sticky situation, and I appreciate all of the spirited
47 conversation around the table. I know it's tough to get
48 through, but we have succeeded with that.

1
2 It is 3:11, and we're going to take a fifteen-minute break, and
3 then we're going to get through 41 and 42 before we leave here
4 tonight, and so, whatever it takes to get done, we're going to
5 be here until it happens.

6
7 (Whereupon, a brief recess was taken.)

8
9 **CHAIRMAN GREENE:** Find your seats, and take your conversations
10 outside. We're going to get into Revised Draft Amendment 41,
11 Allocation-Based Management for Federally-Permitted Charter
12 Vessels. It's Tab B, Number 12(a) and (b), and we're going to
13 be working with Dr. Freeman and Dr. Stephen. With that, I will
14 turn it over to Dr. Freeman, or whoever is going first.

15
16 **REVISED DRAFT AMENDMENT 41 - ALLOCATION-BASED MANAGEMENT FOR**
17 **FEDERALLY-PERMITTED CHARTER VESSELS**

18
19 **DR. MATT FREEMAN:** Thank you. As a reminder from the April
20 council meeting, we had two motions in relation to Amendment 41,
21 the first being adding an action item to include cyclical
22 redistribution of red snapper and the second to add the
23 additional species of gag grouper, gray triggerfish, greater
24 amberjack, and red grouper as annual catch limit allocation
25 action items.

26
27 The second motion wound up taking the form of two actions in
28 Amendment 41, and so I will cover the second motion, and then
29 Dr. Stephen will discuss the first motion, regarding the
30 cyclical redistribution.

31
32 Our new Action Number 3, Species to Include, the Alternative 1
33 is simply no action, to not define reef fish species to include
34 in the management program. Alternative 2, for which there is a
35 note that more than option may be selected, simply includes a
36 suite of options, 2a being red snapper, which was originally in
37 41, and then 2b through 2e are including the four additional
38 species of greater amberjack, gray triggerfish, gag, and,
39 lastly, red grouper.

40
41 Our new Action 4, Alternative 1 is no action, do not allocate a
42 percentage of the recreational ACL to the charter vessels.
43 Alternative 2, and I should note the remainder of the
44 alternatives are now mirroring what is in Reef Fish Amendment
45 42, in particular given that red snapper is involved. That way,
46 if 41 and 42 proceed, the council could look at those time
47 series in conjunction with one another.

1 Alternative 2 looks at average landings from 2011 to 2014, with
2 the options to use all years, exclude 2014, exclude 2014 and
3 2015. Alternative 3 looks at average landings from 2004 through
4 2015, again using all years, excluding 2010, 2014, or excluding
5 2014 and 2015.

6
7 Alternative 4 allocates the percentage with 50 percent based on
8 average landings from 2011 to 2015 and the other 50 percent
9 based on average landings from 2004 through 2015, again with
10 options of using all years, excluding 2010, excluding 2014, or
11 excluding 2014 and 2015.

12
13 Lastly, Alternative 5, which takes the time series of the
14 preferred alternative from Amendment 40, is based on 50 percent
15 of the average landings from 1986 through 2013, with 2010
16 excluded, and 50 percent of the average landings from 2006
17 through 2013, with 2010 excluded.

18
19 At this point, I will let Dr. Stephen talk about the action
20 regarding the cyclical redistribution. Following that, if you
21 all would like, there is tables at the end of the presentation
22 that corresponds with each of these alternatives, which is also
23 in the new Amendment 41.

24
25 **DR. STEPHEN:** I am going to go over the adaptive catch shares.
26 You might remember that before we were calling it cyclical catch
27 shares, but the cycle is only one part of it, and so we have
28 changed the name to be more reflective of what the entire
29 concept is of the adaptive catch shares.

30
31 The point behind adaptive catch shares is to continuously
32 redistribute some portion of the shares to participants who are
33 landing species within that share category on some kind of set
34 timeframe, some kind of set cycle, and the aim is to have those
35 distributions make the fishery more representative in the shares
36 and allocations of the people who are actually harvesting, to
37 have a match between those two.

38
39 The reason that we came up with this type of concept was to
40 address some concerns about the newer replacement fishermen
41 coming in and also concerns that are often brought up about the
42 fact that catch shares have an initial distribution that's one
43 time only, based on only one set of history, and so this goes
44 away from those two concepts that we've seen in catch share
45 programs before.

46
47 There are three major components to creating a type of adaptive
48 catch share. There is the cycle length, which is how long of a

1 cycle before you do something, and the reclamation percentage,
2 which is the amount of shares that you will be bringing back,
3 and then the redistribution method, how you redistribute those
4 shares that you reclaimed.

5
6 At any point in time within a cycle, the program operates the
7 same way that a typical catch share program operates, and a
8 cycle can be more than one year, and I will get into that a
9 little bit more later. The adaptive part only occurs at the end
10 of the cycle, prior to the start of the new cycle.

11
12 Here is just a little graphic to kind of help walk everyone
13 through the way it works, and so, in this example, we have a
14 cycle that is containing three years, and, at the very first
15 cycle of it, we have distributed shares, initial shares, based
16 on whatever methodology was picked at the time. Allocation is
17 distributed from those on January 1, and harvest or fishing
18 occurs throughout that year.

19
20 At the start of the next year, similar to a typical catch share
21 program, those who have shares get annual allocation, and they
22 harvest. The same thing works with year three. Now, at the end
23 of the year three which is the end of the first cycle, this is
24 where we have the adaptive management occurring.

25
26 At this point, we reclaim a portion of shares from all accounts
27 that have shares. We calculate what the landings were, and so
28 who had harvest during those three years in that cycle, and then
29 redistribute the shares.

30
31 At that point, we start our second cycle. The second cycle,
32 again, people have shares, some of what they originally had, and
33 then, whatever is redistributed to them, that gives you annual
34 allocation, harvest occurs, and then, for the next two more
35 years after that, it functions like a typical catch share
36 program, and then you have adaptive management, again.

37
38 Now I am going to kind of get into the actions, now that I've
39 described the concept of the adaptive management program, and so
40 the first part is the cycle. Alternative 1 in all of these is
41 basically to not to have that adaptive management aspect to the
42 program.

43
44 In Alternative 2, what we had is the cycles are occurring on
45 some type of set cycle, and so we've done 2a as one year, and
46 that's shown in the graphic below, where you see one year
47 continuously. 2b is two years, and, again, seen in the graphic
48 below, or you can do 2c, pick whatever number of years is most

1 appropriate for it to go forward. This is the same set cycle
2 all the time for the program.

3
4 It differs a little bit from Alternative 3. Alternative 3 is
5 where the cycle is progressive, and so you start off with say a
6 one-year cycle, and then you're making the cycles longer by
7 years as you're going along.

8
9 3a has a one-year cycle, and then it increments by one year
10 continuously until you hit three years within the cycle. For
11 example, you would have one year in the first cycle. The second
12 cycle would be two years, and the third cycle, and the cycles
13 thereafter, would be three years.

14
15 Alternatively, you could start with an initial two-year cycle,
16 as shown in 3b, and increment, again, by one year, until you hit
17 some amount of years. Option 3c allows you guys to set the
18 initial cycle, how many years you want to increment by, and what
19 years you want to hit to where you're at a stable percentage.

20
21 Some thoughts when you're thinking about what the cycle lengths
22 are, and so short cycle lengths might have a tendency to magnify
23 localized or personalized events, and so, if you think about it,
24 if a cycle is one year and you break your leg and you're not
25 fishing, that might have an undue impact on one person versus
26 the rest in the fishery.

27
28 Similarly, you could have some localized events, like red tides
29 or hurricanes, other things that may affect you if you have a
30 short cycle length. On the other hand, a benefit to a short
31 cycle length, particularly when you're not sure about the
32 historical landings and distributions initially, is that it
33 allows for very rapid management in that short cycle, and so you
34 can more quickly get to what you think would be representative
35 of the fishery.

36
37 On the other hand, just looking at long cycles, long cycles
38 could be negatively influencing your new replacement fishermen,
39 because it's going to take longer for them to have the chance to
40 get shares based on their harvest. It also could be a
41 disproportional effect to people who come into the fishing cycle
42 at a different point in time.

43
44 If you have say a five-year cycle and someone joins in year
45 three, the average landings that they're taking, depending on
46 your distribution method, they only have three of those five
47 years, versus someone who has been in the entire time, and so
48 these are things to think about further as you decide if you

1 want to do this and what type of lengths you want.

2
3 The other thing that I showed you guys was the set duration
4 versus a progressive duration. Set durations are something that
5 is known, and it's constant. Someone can plan out from here to
6 forever, knowing that, every two years or three years or
7 whatever, something is going to happen where they're going to
8 lose a portion of their shares.

9
10 This could be an appropriate idea if you have a very stable
11 industry in relation to your participants and how the shares and
12 allocation are distributed. On the other hand, the progressive
13 durations, while it's still known in advance when the cycles
14 will occur, you have shorter time periods initially, which might
15 mean a little bit more uncertainty in the stability of the
16 program initially before you hit a more constant cycle.

17
18 Again, this one might be more appropriate if you don't know your
19 initial distribution really well and you think it might be
20 skewed or not representative of what is currently happening.

21
22 The next part of adaptive management is the reclamation of
23 shares. Alternative 1 is not to reclaim any shares. In
24 Alternative 2, and this would be by each share category, and so,
25 as Matt mentioned earlier, you guys now have the option to
26 consider more species. Each one of these adaptive management
27 would be within a share category just for one species.

28
29 Within a share category, you would reclaim a set percentage of
30 shares from the shareholder accounts. We have given some ideas
31 of 2a at 10 percent for every cycle, and 2b is 25 percent, and
32 2c allows you to have a choice of some other value.

33
34 Similar to the cycles, we can also have a progressive
35 reclamation percentage, and this is where the amount being
36 reclaimed from them is progressively decreasing, in this case,
37 over time. In here, in Option 3a, we did a cycle with 40
38 percent in the first cycle, and the second cycle was 30 percent
39 and then 20 percent and then 10 percent and remained at 10
40 percent thereafter, and that was put in there mostly as an idea
41 for you guys to have numbers going through it. 3b allows
42 options for whatever values the council feels might be
43 appropriate.

44
45 Just thinking about how the reclamation percentage works, it's a
46 mechanism that, again, helps the new replacement fishermen
47 obtain shares, because you're gathering shares back from the
48 industry and redistributing, and it's also a method to reclaim

1 shares from what we can call latent permit holders, or the
2 people who aren't fishing, whether they're not fishing at all or
3 not fishing for that particular share category, and so you could
4 have someone latent in red snapper, but not latent in gag.

5
6 The percentage that should be chosen should work with the
7 program's goals and objectives without creating any type of
8 barrier to the business practices, and so, for example, you want
9 to retain sufficient shares in everybody's account so that they
10 can have future planning, but still have some amount of
11 percentage coming back to allow for those new entrants and to
12 reclaim from latent permit holders.

13
14 Low reclaimed percentages will provide a little bit more
15 stability, but it will also take longer to get those shares
16 redistributed representatively. A high reclaimed percentage
17 will get you to turnover shares more quickly, but it might
18 create instability, and so those are things to consider when
19 choosing a share percentage.

20
21 The last part of adaptive management is how you redistribute
22 those shares. Alternative 1 would be not to redistribute them.
23 Alternative 2 takes the redistributed shares and divides them
24 equally among all the participants who had landings in that
25 share category. Therefore, the person who had one pound, versus
26 the person who had 5,000 pounds, equally would receive the same
27 amount of shares.

28
29 In Alternative 3, those shares that are reclaimed are
30 redistributed to those based proportionally among the landings
31 within that cycle, and so an individual's percentage of landings
32 out of the total landings within the cycle, and, therefore,
33 someone who harvests more would, in theory, get more shares back
34 to them than someone who didn't harvest as much.

35
36 Some thoughts on this. Equal redistribution, again, you could
37 redistribute shares to those who are not landing it, and,
38 therefore, not necessarily accomplishing the goal of the
39 adaptive management. You might not redistribute enough shares
40 to the people who need them.

41
42 Proportional redistribution, you do have a greater proportion
43 going to those with greater landings, and that might also be a
44 concern, depending on how the industry shapes up over time. You
45 would increase the reclaimed shares to those who do encounter
46 the fish more often and are more likely to land it.

47
48 Kind of the final thing that I want everything to think about

1 with this is that these three components work together, and so,
2 if you choose a different cycle length with a different
3 reclamation, you might get different results, and so you have to
4 think of them kind of in combination to each other.

5
6 These different combinations of cycle length, percentage, and
7 redistribution will affect the speed of the adaptive management
8 portion of this, and the last point I want to make is that, in
9 order for those new entrants to gain by this system, you need to
10 have allocation transferable, and so they need to be able to
11 have allocation transferred to them in order to harvest, so that
12 they then get some reclaimed shares redistributed to them. At
13 this point, I will take any questions.

14
15 **CHAIRMAN GREENE:** Okay. Thank you. Are there questions? Okay.
16 I am not seeing any questions, and so I guess we will go back to
17 Dr. Freeman.

18
19 **DR. FREEMAN:** Thank you, Mr. Chair. Again, we do have the
20 revised Amendment 41 as the next tab, and I believe it's 12(b).
21 I will note that Amendment 41 is still undergoing revision by
22 council staff, and so, primarily, we would appreciate feedback
23 from the council on these three new actions, so that we'll
24 better know how to incorporate those into the language of the
25 amendment. That way, it will reflect the updates. If anyone
26 has any comments on those new actions, please feel free to chime
27 in.

28
29 **CHAIRMAN GREENE:** Okay. Mr. Sanchez.

30
31 **MR. SANCHEZ:** Mr. Chairman, on some of these items that we've
32 been discussing for a while, I would like to kind of revisit
33 them and perhaps pick some preferreds, and would that be
34 appropriate right now? Are we there in this presentation?

35
36 **DR. FREEMAN:** Certainly. We can go through certain actions that
37 you would like to address. I will note that there may be one or
38 two that may refer to materials from a previous action that,
39 because of the inclusion of new actions, may need to be updated,
40 but I can let you know if that occurs.

41
42 **MR. SANCHEZ:** Okay. I'm sure we can work that out as we
43 progress. With that, Mr. Chairman, I guess, when it comes to
44 Action 1, I would like to make a couple of motions, as it
45 relates to Action 1.

46
47 **That would be that we go ahead and pick as a preferred**
48 **Alternative 2, Option 2b, which takes this in the orientation of**

1 a PFQ type of program, and that would be my first motion.

2
3 **CHAIRMAN GREENE:** Okay. I was trying to get to Chapter 2,
4 Action 1, which is on page 19 of the document. I know some of
5 you are trying to get there, and that's where we're at. Mr.
6 Sanchez, does that accurately reflect -- Does what's on the
7 board accurately reflect what you're after?

8
9 **MR. SANCHEZ:** Yes, Mr. Chairman.

10
11 **CHAIRMAN GREENE:** Thank you. In Action 1, make Alternative 2,
12 Option 2b the preferred. Alternative 2 is establish a fishing
13 quota program that provides participants with shares and annual
14 allocation. Option 2b is a permit fishing quota (PFQ) system.
15 Is there a second for this motion? Seconded by Mr. Walker. Is
16 there discussion? Okay. Seeing no further discussion, we will
17 go ahead and vote on it. Any opposition to the motion on the
18 floor before you? Seeing no opposition, the motion carries.

19
20 **MR. SANCHEZ:** Mr. Chairman, also in Action 1, there were some
21 action items referencing harvest tags, and I would like to move
22 them to Considered but Rejected. If I can get a second, I will
23 elaborate a little bit on that.

24
25 **CHAIRMAN GREENE:** We have a motion going up on the board for, in
26 Action 1, to move Alternative 3 to Considered but Rejected.
27 Alternative 3 is to establish a harvest tag program that
28 provides participants with annual allocation distributed in the
29 form of harvest tags. Annual allocation be calculated -- Then
30 there was two options, accordingly. We have a motion on the
31 board. Mr. Sanchez, is that motion correct? Okay. Mr. Walker
32 seconded the motion. Any discussion about the motion on the
33 board? Mr. Swindell.

34
35 **MR. SWINDELL:** John, the harvest tags, are you against harvest
36 tags in general, or do you believe that they're already going to
37 be supplying enough information, the charter boats will, that
38 harvest tags are just kind of a water of additional time?

39
40 **MR. SANCHEZ:** I think that would be a characterization. In
41 general, I am not opposed to the concept of harvest tags. I
42 just think, in this application, since it's for-hire, as opposed
43 to individual persons, it's just not suited for this
44 application, and I think there would be a lot of problems in
45 ironing out the wrinkles with administering that, and so I would
46 rather just as soon not see us spending an inordinate amount of
47 time evaluating it if it's really probably not going to go
48 anywhere.

1
2 **CHAIRMAN GREENE:** Thank you. Dr. Stunz.
3
4 **DR. STUNZ:** John, we have had this discussion a lot around this
5 table, and so I would speak in opposition to this motion,
6 because I think there is still some viability to have at least
7 some type of tag option in place, to have a wider range of
8 alternatives to still consider, and so it would be my opinion
9 that we leave this alternative in the document.
10
11 **CHAIRMAN GREENE:** Is there further discussion? Okay. Seeing no
12 further discussion, and hearing opposition, we will go ahead
13 call for a vote on this. **All those in favor of the motion on**
14 **the board before you, please signify by raising your hand.**
15
16 **EXECUTIVE DIRECTOR GREGORY:** Five.
17
18 **CHAIRMAN GREENE:** All those opposed, like sign.
19
20 **EXECUTIVE DIRECTOR GREGORY:** Nine. **The motion fails five to**
21 **nine.**
22
23 **CHAIRMAN GREENE:** Thank you. All right. Is there further
24 discussion? Okay. All right. That takes care of Action 1. Is
25 there any further items that we want to cover? Do you want to -
26 - Mr. Sanchez, I am getting the feeling that you're wanting to
27 go through this item-by-item. Okay. That's no problem. I just
28 want to make sure I'm on the same page with you there, and so I
29 guess we'll go on to Action 2, and we'll try to figure out what
30 page we're on and get there. Action 2 is program participation.
31 Mr. Sanchez.
32
33 **MR. SANCHEZ:** For Action 2, I would make a motion that we choose
34 **Alternative 1 as the preferred, the no action alternative.**
35
36 **CHAIRMAN GREENE:** Okay. We have a motion going up on the board
37 to choose the no action, Alternative 1, and that would read do
38 not establish a voluntary red snapper management program for
39 charter vessels. The red snapper management program applies to
40 all charter vessels with a valid or renewable Gulf
41 charter/headboat permit for reef fish. I am sure they will get
42 that up there on the board pretty quickly, but I just read it
43 into the record to try to keep things moving forward here. Is
44 there a second for this motion? It's seconded by Mr. Walker.
45 Is there discussion? Ms. Levy.
46
47 **MS. LEVY:** Just to clarify that this is one of those actions
48 that needs to be updated to reflect the fact that we have action

1 that addresses five species, I'm assuming, because, right now,
2 it's very red-snapper-specific, but then we have the other
3 actions, and so we just haven't had a chance to update that
4 language.

5
6 **DR. FREEMAN:** Correct. We would need to -- Where it says "red
7 snapper", in both of those senses -- I believe, and, Mara,
8 please feel free to chime in, but, if we put "do not establish a
9 voluntary reef fish management program", would that be adequate,
10 or do we need to refer specifically to the action where they
11 would select each species?

12
13 **MS. LEVY:** I think if you just use the language from Action 1,
14 which is allocation-based management program, something like
15 that, but we can talk about it.

16
17 **CHAIRMAN GREENE:** Dr. Crabtree.

18
19 **DR. CRABTREE:** I think I will support this motion. If you look
20 at the cyclical management, adaptive management, options that
21 Jessica took us through, which seems to be where this is
22 heading, I think this would make it almost unworkable if it was
23 a voluntary program, where vessels could go in and out, and so
24 it's hard for me to see how that is workable.

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

27
28 **MS. BOSARGE:** Just for clarification, I don't think we
29 necessarily need to do any wordsmithing to the motion. I think
30 we understand that that's the alternative as it's written in the
31 document right now, but that the document still is under
32 revision to reflect other species. We're just picking a
33 preferred, and so I think that's fine.

34
35 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.
36 Sanchez.

37
38 **MR. SANCHEZ:** Given that this is an evolving document, in some
39 instances, I totally give staff all the editorial license in the
40 world to make these necessary kinds of obvious adjustments.

41
42 **CHAIRMAN GREENE:** Okay. Is there further discussion in Action
43 2? **Seeing no further discussion, we have a motion on the board
44 before you, and is there any opposition to the motion? Seeing
45 no opposition, the motion carries.** Dr. Crabtree.

46
47 **DR. CRABTREE:** John, given that there was no opposition to that,
48 I would make a motion that we move Action 2 to the Considered

1 **but Rejected appendix.**

2
3 **CHAIRMAN GREENE:** Okay. We have a motion to move Action 2 to
4 the Considered but Rejected section. Is there a second for this
5 motion? It's seconded by Dr. Frazer. Any discussion? Mr.
6 Matens.

7
8 **MR. MATENS:** I just wonder if there is any value in just leaving
9 it in, just to have it in the document. Do we know whether
10 there is any interest in charter guys pursuing this?

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

13
14 **DR. CRABTREE:** It just presents a lot of extra work on staff and
15 slows getting the document down, and, as I said, I don't see how
16 making it voluntary works with all these cyclical ideas that
17 we're having, but it's up to you, but it is a workload issue.

18
19 **MR. MATENS:** No, that's fine. I was just looking for
20 clarification. Thank you.

21
22 **CHAIRMAN GREENE:** Thank you. Is there further discussion about
23 the motion on the board? **Seeing no further discussion, is there**
24 **any opposition to the motion on the board before you? Seeing**
25 **none, the motion carries.**

26
27 Per Mr. Sanchez's request, I guess we will go to the next
28 action, Action 3. Mr. Sanchez.

29
30 **MR. SANCHEZ:** Thank you, Mr. Chairman. **I make a motion that we**
31 **remove the species of gag grouper and red grouper from Action 3.**
32 **That would be -- They were Option 3d, gag, and 3e, red grouper.**
33 **That is Alternative 2, to be specific.**

34
35 **CHAIRMAN GREENE:** Dr. Crabtree.

36
37 **DR. CRABTREE:** I think what you want to do, John, is to choose
38 **Alternative 2, Option 2a, 2b, and 2c as your preferred.**

39
40 **MR. SANCHEZ:** Okay. Let's do that.

41
42 **CHAIRMAN GREENE:** Okay. We'll take just a second to get it up
43 here on the board. Mr. Sanchez.

44
45 **MR. SANCHEZ:** A point of clarification. It was my intent then
46 to have that with the three species, sans the groupers, to make
47 that the preferred, and do I need to do that in separate
48 actions, or can we do this in one swoop? What would be the best

1 way to approach this?

2

3 **CHAIRMAN GREENE:** Ms. Levy.

4

5 **MS. LEVY:** I just wanted to be clear that it was 2a, 2b, and 2c,
6 to make those three the preferreds.

7

8 **CHAIRMAN GREENE:** Okay. Mr. Sanchez, does that reflect your
9 intent?

10

11 **MR. SANCHEZ:** Yes, it does. Thank you, Mr. Chairman.

12

13 **CHAIRMAN GREENE:** We have a motion on the board that, in Action
14 3, Alternative 2, Options 2a, 2b, and 2c, to make that the
15 preferred alternative. Option 2 is include the following
16 species in the management program. Option 2a is red snapper, 2b
17 is greater amberjack, and 2c is gray triggerfish. Is there a
18 second for this motion? It's seconded by Dr. Crabtree. Is
19 there further discussion? Ms. Guyas.

20

21 **MS. GUYAS:** I kind of liked the motion the way it was before, to
22 pull the groupers out. The comments that I've gotten from a lot
23 of the Florida charter guys is that they really don't want to
24 have the groupers in here. They are generally happy with the
25 seasons and management that's going on now, and they don't
26 necessarily want to get wrapped into this amendment. They kind
27 of feel like they have a good deal as it is, and so this motion
28 doesn't really do that anymore, and so I guess, depending on
29 where this goes, maybe I will make a motion after to pull those
30 out of the document again.

31

32 **CHAIRMAN GREENE:** Dr. Crabtree, to that point?

33

34 **DR. CRABTREE:** I think that is what this motion does. As I read
35 it, the only three that would be included in this management
36 program would be red snapper, greater amberjack, and gray
37 triggerfish.

38

39 **CHAIRMAN GREENE:** Ms. Guyas, to that point?

40

41 **MS. GUYAS:** Yes, but if the intention is to not even consider
42 that, the groupers, then why wouldn't we just take them out of
43 the document and save staff a bunch of time in having to analyze
44 all the different allocation options and all that. Do you see
45 what I'm saying?

46

47 **DR. CRABTREE:** Yes, I hear what you're saying, and I guess that
48 just depends on how certain we are that that's what we want to

1 do.

2

3 **CHAIRMAN GREENE:** Okay. Mr. Banks.

4

5 **MR. BANKS:** I think that the question has been answered.
6 Thanks.

7

8 **CHAIRMAN GREENE:** Mr. Anson.

9

10 **MR. ANSON:** At first, I was kind of with Martha, to make it
11 clear, and I would probably support her motion, but I think I
12 could support Mr. Sanchez's motion as is, and we're in Florida,
13 and so this would be a great opportunity to hear from them
14 tomorrow, and we'll get a more definitive answer and maybe
15 address that later on, Martha.

16

17 **CHAIRMAN GREENE:** Mr. Diaz.

18

19 **MR. DIAZ:** This question is for Mr. Sanchez. I am just curious
20 as to your rationale for pulling them out. I know we had -- The
21 last time we took this document up, I think we added those four
22 extra species. Anyway, I'm just curious what your rationale is.

23

24 **CHAIRMAN GREENE:** Mr. Sanchez.

25

26 **MR. SANCHEZ:** As far as background and rationale goes, it's kind
27 of -- I made the motion to add them, and I heard about it, and
28 it was folks in Florida that were saying, listen, right now, as
29 opposed to the other three species up for consideration besides
30 the groupers, that are overfished or experiencing overfishing,
31 and the groupers are not.

32

33 We have seasons that are intact, and, to get onboard with this,
34 for one, you're going to incur a radical change in number of
35 fishing day opportunities. It's a very regionalized situation
36 here in south Florida and Florida, and it's different than the
37 other couple of species that are more widespread throughout the
38 Gulf and experiencing overfishing and are, in some cases,
39 overfished.

40

41 They said that we support what's been going on in Amendment 41,
42 but I don't want to put words in people's mouths. You will
43 probably get to hear some of that from testimony, and perhaps
44 you have received some letters, with the exception of the
45 groupers. We need to take them out. They just don't seem to
46 fit the need right now.

47

48 **MR. DIAZ:** Thank you.

1
2 **CHAIRMAN GREENE:** Ms. Bosarge.

3
4 **MS. BOSARGE:** I guess this would probably be the appropriate
5 time. I did receive an email from one stakeholder that fishes
6 for those species out of south Florida, and, essentially, he
7 said that he was in favor of removing those groupers from
8 Amendment 41, mainly because they are mostly found in the
9 Florida area, and, if we leave them in there and go with some of
10 the distribution and the cyclical distribution options that we
11 have, essentially you're going to spread them out all over the
12 place and then take several years for them to end up coming back
13 to where they're really being caught, just because it is
14 something, like John said, that's not Gulf-wide, per se, like
15 some of the other species. I am just laying out what was sent
16 to me, so that it would be on the record for everybody to
17 consider.

18
19 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.
20 Diaz.

21
22 **MR. DIAZ:** I think that's probably true for the other species,
23 too. I mean, if we take them one-by-one, triggerfish is
24 generally caught in the northern Gulf, more, I believe, than
25 anywhere else, and it's going to be the same thing happen there.
26 It's just different people. To a certain extent, it's the other
27 two we've got on here, and so, I mean, that's a common problem.

28
29 **CHAIRMAN GREENE:** Thank you. Is there further discussion?
30 Okay. We have a motion on the board, and it was seconded.
31 **Seeing no further discussion, is there any opposition to the**
32 **motion on the board before you? Seeing no opposition, the**
33 **motion carries.**

34
35 Is there further discussion before we leave this action item?
36 Okay. Seeing none, I guess we will move on to the next action
37 item, which it should be 2.4, Action 4, if that's correct. Mr.
38 Sanchez.

39
40 **MR. SANCHEZ:** Thank you, Mr. Chairman. **Action 4, I would make a**
41 **motion that we pick Alternative 5 as the preferred for Action 4.**

42
43 **CHAIRMAN GREENE:** We have a motion in Action 4 to make
44 **Alternative 5 the preferred alternative. Alternative 5 is**
45 **allocate a percentage of the recreational ACL for each species**
46 **to the charter vessels based on 50 percent average of the**
47 **landings from 1986 to 2013, 2010 excluded, and 50 percent**
48 **average of the landings from 2006 to 2013, 2010 excluded, the**

1 **time series of the preferred alternative from Amendment 40.** Is
2 there a second for this motion? It's seconded by Dr. Crabtree.
3 Is there discussion? Ms. Levy.

4
5 **MS. LEVY:** Maybe just some discussion about why you decided to
6 pick this as preferred, just so we can get that on the record.

7
8 **CHAIRMAN GREENE:** Mr. Sanchez.

9
10 **MR. SANCHEZ:** Okay. As referenced in the document, this is some
11 of the time series used in Amendment 40, and, also, it does
12 mimic some of the history of some of the charter boats, I guess,
13 participation, particularly for snapper, back before regulations
14 started to get more intensive, like 2008-ish, and so this time
15 series gives you a little bit of that pre, from 1986 to 2013, as
16 well as a little bit of post, sans BP in 2010, and so that was
17 the rationale. There is some track record for it.

18
19 **CHAIRMAN GREENE:** Thank you. Ms. Guyas.

20
21 **MS. GUYAS:** I have a question. Is this one of the actions that
22 maybe would be edited? It kind of seems like there could be
23 scenarios where we would want to choose different allocation
24 schemes for different fisheries based on the dynamics of those
25 fisheries, the fish themselves, and then effort shifts between
26 private recreational and headboats and charter boats, but, the
27 way it's structured now, it's kind of you choose your allocation
28 and it applies to multiple species, assuming that we keep this a
29 multispecies document.

30
31 **CHAIRMAN GREENE:** Okay. Any further discussion? Mr. Diaz.

32
33 **MR. DIAZ:** We had a calculator where you could put in a boat,
34 and it would spit out how many fish you get. I am just
35 wondering, which alternative did the calculator use, because we
36 got an email from one of the charter boats from Panama City this
37 week that said that they caught what they would basically get in
38 a whole year in four days, or close to it in four days, and I am
39 just trying to get my head straight what that was referencing,
40 which alternative here, and so does anybody know which one of
41 these alternatives we were using in that calculator?

42
43 **CHAIRMAN GREENE:** I am sure we can figure it out and get with
44 you, Dale. I don't see anybody that -- Mr. Anson.

45
46 **MR. ANSON:** Martha, you bring up an interesting point. I am
47 just trying to think how we would flesh out or describe why we
48 would pick one time series over another. Granted, there are

1 geographical, I guess, differences in catches to one species
2 over another, but that might be the reason why, but, as John
3 said, and it's in the document, that we used, at least for red
4 snapper, in Amendment 40, that one time series. I am just
5 trying to think of rationale that would give justification for
6 us applying a different one for the other species.

7

8 **CHAIRMAN GREENE:** Ms. Guyas.

9

10 **MS. GUYAS:** I don't know that there would be one, but maybe that
11 comes back to a bigger point here, is that -- At least I don't
12 know that I'm ready to be at a place to choose a preferred
13 alternative for this, because I feel like we've haven't really
14 talked about these a lot.

15

16 **CHAIRMAN GREENE:** Dr. Stephen.

17

18 **DR. STEPHEN:** Just to answer the earlier question, I think
19 you're referring to the decision tool that we had at the AP
20 meetings, and that was just red snapper, and it did have a lot
21 of different options, where you could pick more than one of
22 these scenarios.

23

24 The 50/50 was slightly different in the model than the one in
25 Amendment 40 that went through to 2015, and it excluded 2010 and
26 2014, and so slight differences, but, in that model, you could
27 pick any percentage, and so you could pick the percentages out
28 of this and put it into the model, but, again, it was just to
29 red snapper, and we can work up other species, if that's
30 required.

31

32 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.
33 Matens.

34

35 **MR. MATENS:** Thank you, Mr. Greene. I was looking at some of
36 these, and there's a lot of numbers here. I was looking at some
37 of these numbers, and I really don't think that I'm prepared to
38 vote for something like this without further analysis of these
39 numbers, and I would propose that we would not pick a preferred
40 here.

41

42 **CHAIRMAN GREENE:** Okay. Is there further discussion? Mr.
43 Anson.

44

45 **MR. ANSON:** Jessica, how difficult would it be to have decision
46 tools created for the other species?

47

48 **DR. STEPHEN:** The biggest time constraint will probably be if

1 you guys want to see Florida divided up into three regions, like
2 we did for red snapper. That requires a request down to the
3 Science Center for them to compile the numbers for us.

4
5 **CHAIRMAN GREENE:** Is that a month-long process or a year-long
6 process or can you give us some idea, roughly? I am sorry, but
7 I just don't have any idea.

8
9 **DR. PONWITH:** Let me check with staff on this. It's a
10 challenge, because it's the same people who are working on
11 materials for SEDARs, and so it's less of how long will this
12 take by itself, but how long it takes in light of all the other
13 things that they've got on their agenda.

14
15 **CHAIRMAN GREENE:** Okay. We will look forward to hearing back
16 from you on that. Ms. Guyas.

17
18 **MS. GUYAS:** For what it's worth, I think we would want that
19 breakdown for the three different regions within Florida. I
20 mean, again, with the groupers, there are very different
21 percentages coming out of each of those regions, and I don't
22 know off the top of my head.

23
24 I suspect, for probably triggerfish, and probably amberjack as
25 well, that there are pretty significant regional differences,
26 and so perhaps another reason to remove the groupers, to
27 simplify the data request to the Science Center, if we're not
28 going to go that route, but, yes, we would definitely want to
29 break out Florida, I think.

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

32
33 **MR. ANSON:** I am wondering, Jessica, if you know, or maybe
34 someone out in the audience that's here knows, but I suspect --
35 I am a little fuzzy, I guess, on greater amberjack, but wouldn't
36 the landings, proportionally, be similar within each of the
37 three regions, Martha, as far as triggerfish, greater amberjack,
38 and red snapper? Wouldn't they be kind of primarily
39 concentrated, or dominated, in the Panhandle for those three
40 species?

41
42 **MS. GUYAS:** Red snapper is probably, yes, the majority
43 Panhandle, and I would assume that for triggerfish as well.
44 Amberjack, I am not as sure, and I don't know how different the
45 percentages would be, but, yes, red snapper is strongly
46 Panhandle, for sure, but it's also changed through the years
47 too, and so I don't know how much triggerfish and amberjack have
48 fluctuated throughout the years.

1
2 **CHAIRMAN GREENE:** Thank you. All right. We've had pretty good
3 discussion, and we've got about forty minutes left on our time
4 for the day, and I am not trying to sway anybody to not talk or
5 not make a motion, but I am going to go ahead and move on with
6 this. I have heard opposition for this motion. **With that, all**
7 **those in favor of the motion on the floor before you, please**
8 **signify by raising your hand.**

9
10 **EXECUTIVE DIRECTOR GREGORY:** Three.

11
12 **CHAIRMAN GREENE:** All those opposed, like sign.

13
14 **EXECUTIVE DIRECTOR GREGORY:** Ten. **The motion fails three to**
15 **ten.**

16
17 **CHAIRMAN GREENE:** Okay. **The motion fails.** With that, I assume
18 that Mr. Sanchez will want to go on to the next action item, if
19 that is still your intention.

20
21 **MR. SANCHEZ:** I will tell you what. I'm going to bounce around,
22 maybe, and I will give you a heads-up, being that I am gathering
23 that, for some of these items that are probably newer to this
24 document, maybe it might be a little premature to pick some
25 preferreds, but I will take a stab at some of things that I
26 think that are either, dare I say no-brainers, or things that we
27 have already probably been discussing for a while and see if we
28 can't gain some ground there. If you think that's appropriate,
29 rather than going this for every single item, then I would like
30 to proceed with that approach.

31
32 **CHAIRMAN GREENE:** Personally, I have no problem, at any point,
33 picking a preferred to show the intent of the council to the
34 public, and so I don't have any issue with that, but, seeing
35 that, if you want to move on through the document, we can, or we
36 can just try to cover those newer agenda items that were put in
37 and have discussion about those. Ms. Bosarge.

38
39 **MS. BOSARGE:** John, before you go on, I voted for that, mainly
40 so we would have a preferred, so maybe we could get some
41 feedback from the audience, because, as was noted during the
42 discussion, we haven't had a lot of discussion on where we're
43 going with that allocation.

44
45 There were some comments around the table of would we want to
46 see that decision tool, and then that led to a discussion of,
47 well, we may need some information from the Science Center in
48 order to do that, and, if we want to go down that route, do we

1 need to write a letter and formally request any information,
2 Martha, on some things and partitioning out, or can we get the
3 decision tool just off the conversation that we just had? I
4 want to make sure that we have whatever information we need to
5 spur our discussions going forward.
6

7 **DR. STEPHEN:** I think we're good with the discussion we've had.
8 We didn't request it when we did red snapper that way.
9

10 **CHAIRMAN GREENE:** Okay. I guess, at this point, Dr. Freeman,
11 let's pick up with the three new items that you had and you were
12 looking for some feedback on, and so if you will us through
13 those items, and we will see where we end up.
14

15 **DR. FREEMAN:** Certainly. I believe we have addressed Actions 3
16 and 4, which were two of the three new actions, already, and so,
17 if the council would like, I would suggest looking at Action 6,
18 which is the adaptive management, and addressing the sub-
19 components there, in terms of potentially preferreds or
20 suggestions for new items for inclusion.
21

22 **CHAIRMAN GREENE:** Mr. Sanchez.
23

24 **MR. SANCHEZ:** Thank you. This is one that I guess that I will
25 take a stab at and see where we're at. Adaptive management,
26 we've heard some presentations, and we've heard the industry
27 request this. **I will make a motion that we look at Alternative**
28 **3, Option 3a, and make that the preferred, and I will give some**
29 **rationale if I can get a second.**
30

31 **DR. FREEMAN:** I believe it would be 6.1, I believe.
32

33 **CHAIRMAN GREENE:** Dr. Crabtree.
34

35 **DR. CRABTREE:** Shouldn't we define what the X years -- Is the X
36 years the sub-option?
37

38 **CHAIRMAN GREENE:** I was waiting for them to get it up on the
39 board before I read it into the record and asked for a second.
40 The motion is, in Action 6.1, to make Alternative 3, Option 3a,
41 the preferred alternative. Alternative 3 is the cycles for
42 adaptive management will occur at an increasing progressive
43 range, starting at one year, and incrementing by one year until
44 three years. Thereafter, cycles will be three years in length.
45 I believe I read that correctly. Is that right, Dr. Freeman?
46

47 **DR. FREEMAN:** It is.
48

1 **CHAIRMAN GREENE:** Let's change "X" to "one", because I want to
2 make sure that we get this correct in the record. Ms. Levy.

3
4 **MS. LEVY:** The way that the alternative is written, it's written
5 that way because a, b, and c -- Well, ignore c. Options a and b
6 refer back to X and Y in the beginning, and so I don't think
7 that you need to change what the lead-in is, because the option
8 is telling you what X and Y are, but maybe, when you're done
9 with this motion, you can decide whether you want to keep the c
10 or put numbers in there or do something with those.

11
12 **CHAIRMAN GREENE:** Okay. I will read it again. **In Action 6.1,**
13 **make Alternative 3, Option 3a, the preferred alternative.**
14 **Alternative 3 is the cycles for adaptive management will occur**
15 **at an increasing progressive range, starting at X year, and**
16 **incrementing by one year until Y years. Thereafter, cycles will**
17 **be Y years in length. Option 3a is one year incrementing by one**
18 **year, until reaching three years. Cycle one is one year, cycle**
19 **two is two years, and cycle three plus is three years. Is there**
20 **a second for this motion?**

21
22 **MR. MATENS:** Second for discussion.

23
24 **CHAIRMAN GREENE:** We have a second for discussion. Is there
25 discussion? Mr. Sanchez, some rationale, please.

26
27 **MR. SANCHEZ:** Yes, and the rationale here would be -- Obviously
28 we're talking about doing something, and so, cycle one, boom.
29 You come out in the first year and you do your first
30 distribution. Then, being that we know we don't have some hard,
31 quantifiable numbers, like we do for say the headboats, where
32 there is some recorded landings, you don't want to, in my mind,
33 march too quickly, hastily, with these cyclical redistributions.
34 You want to spread them out over a longer period of time.

35
36 Thus, you stagger that second one a little bit, and then the
37 third one a little more, and then that addresses several things,
38 the uncertainty from the starting point and possible hardship
39 scenarios that were mentioned earlier. This kind of balances a
40 little bit of all of those approaches to this within the toolbox
41 of cyclical redistribution, and that's kind of why I like this
42 one.

43
44 **CHAIRMAN GREENE:** Okay. Is there further discussion? Mr.
45 Matens.

46
47 **MR. MATENS:** Thank you, Mr. Greene. Let me make sure that I
48 understand this, John. We put this in progress, and we have a

1 one-year cycle. The next year, how long is the cycle?
2

3 **MR. SANCHEZ:** My understanding, and I am not going to pretend to
4 not let Jessica chime in, but you're going to wait two years for
5 the second one.
6

7 **MR. MATENS:** Okay. So, year one, we have a cycle. Year two and
8 three is a cycle.
9

10 **MR. SANCHEZ:** I am not sure that I know what you mean by two and
11 three. They take a couple of years as you go. The first one
12 comes the first year, right away, once it's implemented, and
13 then you wait a couple of years for the second one, and then
14 it's incremental as it goes. You are spreading this out over a
15 possible maybe six-year period.
16

17 **MR. MATENS:** Can you help me, Dr. Stephen?
18

19 **DR. STEPHEN:** What you want to do, your first cycle is composed
20 of one year in that cycle, and so it's a pretty rapid cycle.
21 The next cycle is composed of two years, and so, by the end of
22 cycle two, you're three years into the program, and then every
23 cycle thereafter is three years in length. This was, in the
24 presentation, that progressively-increasing cycle length, where
25 you're doing that initially, in order to turn things over, and
26 then you're trying to stabilize that turnover at some kind of
27 set amount of time. Did that help?
28

29 **MR. MATENS:** Yes, ma'am, it did, and, to that point, I had a
30 long conversation with the President of the Louisiana Charter
31 Boat Association last week about this, and he has a high level
32 of concern about these hardships, and his organization is
33 opposed to any kind of cycle. I recognize that he's not here to
34 speak for himself, but he actually had surgery today, and he
35 asked me to bring this up to the council. Thank you.
36

37 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Ms.
38 Guyas.
39

40 **MS. GUYAS:** I kind of have some mixed feelings about this. One
41 part of me says that, yes, we need to do some kind of -- If
42 they're going to do this, do some kind of cyclical
43 redistribution, but another part of me also says that, at some
44 point, we probably need to come back and look at this and see if
45 it's working, and we need to have the flexibility to fix it or
46 adjust it or whatever.
47

48 If we go with this route, then really, to get through a full

1 cycle of the cycles, we're six years in before we even stop to
2 probably look and see what happened. I don't know. I guess
3 it's just because this is new territory for me, and I am just
4 unsure about it.

5
6 **CHAIRMAN GREENE:** Well, obviously it's new to all of us, and
7 we're trying to get our heads around it, but I think I remember
8 -- During the presentation, Dr. Stephen said that we can come in
9 and set that at any specific point that we want to have a stop
10 and reevaluate it at this point, that we can do that.

11
12 I think that, as a council, we can come in at any point and say,
13 hold on, wait a minute, and I believe -- I am not trying to
14 speak for you, Dr. Stephen. If you want to take it from here
15 and run, but I believe that was the idea. Is that correct?

16
17 **DR. STEPHEN:** Yes, that's correct. You guys can change things
18 at any point in time, and, of course, any catch share program
19 has a mandatory five to seven-year review, which is kind of an
20 automatic trigger for you guys looking at things, but it doesn't
21 stop you from looking at it prior to that point in time.

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

24
25 **MR. ANSON:** I too am a little concerned about the time schedule.
26 I mean, I certainly realize the importance of identifying those
27 vessels that won't have landings and trying to redistribute
28 those fish.

29
30 I guess I am thinking in terms of a finite season too, if
31 weather or something impacts one region versus another, but this
32 would be spread out over a longer time period, I suspect, and so
33 potentially that would be minimized, but I'm just a little
34 leery.

35
36 **CHAIRMAN GREENE:** Mr. Banks.

37
38 **MR. BANKS:** Camp brought up a good point, and I am trying to
39 figure out how we could deal with a hardship situation in this.
40 I understand where John is going, that he feels like spread out
41 over this six years can allow us to deal with a hardship, but
42 I'm not so sure.

43
44 I mean, if the hardship comes in year one, the fellow has no
45 landings, and then it seems like, to me, that he loses out on
46 some of his share. If he's diagnosed with a sickness and is out
47 all year, or he gets called into the National Guard and gets
48 sent away, and I'm just concerned about that, from a hardship

1 standpoint. Could there be some sort of an appeal worked in, to
2 where they could appeal a hardship? I don't exactly know how,
3 but, anyway.

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

6
7 **MS. LEVY:** It seems like, if you're concerned that a year for
8 the first cycle is too short to address any hardship, then you
9 would go with another option, like the 3b has the first cycle
10 being two years, or there is 3c, which has X years, which was
11 for you all to see whether you wanted something else. So, if a
12 year doesn't seem like enough for the first cycle, then it
13 doesn't have to be a year.

14
15 **CHAIRMAN GREENE:** Ms. Bosarge.

16
17 **MS. BOSARGE:** This isn't my wheelhouse, but just to also note
18 that the next item, the next action item, that is in the
19 document says, all right, well, after that first year -- You
20 know, say it is somebody that, heaven forbid, had a hardship and
21 there is not an appeal process, we're going to determine, in the
22 next action item, what percentage of that quota or whatever that
23 they didn't use that we take back.

24
25 It might be 10 percent of their overall share, or it might be 25
26 percent, or whatever number we pick, and so, I mean, I guess we
27 could go with 100 percent, but I would venture to guess that we
28 probably wouldn't, based on the options that are listed there
29 now, and so that's just another factor to consider, but an
30 appeal process is a very good idea.

31
32 **CHAIRMAN GREENE:** Mr. Banks.

33
34 **MR. BANKS:** That's a good point, Madam Chair, but I still feel
35 like a fellow who is under a hardship -- I mean, to take any of
36 his share seems, to me, to be unfair. I recognize that we could
37 choose something very, very small, but it just seems unfair.

38
39 **CHAIRMAN GREENE:** Ms. Levy.

40
41 **MS. LEVY:** I suggest dealing with whatever hardship issues you
42 think may occur or that you want to address through the three
43 different components of the adaptive management, right, and so,
44 in that last slide, there was the whole idea that they worked
45 together to address the different things, and I don't know what
46 you would be appealing, or it doesn't seem to me like a hardship
47 appeal would work for something like that.

1 I mean, we didn't even do hardship appeals when we did initial
2 IFQ distribution type of things, and, to come up with standards,
3 it just seems like it's going to be really messy, and I'm not
4 sure how it would work.

5

6 **CHAIRMAN GREENE:** Dr. Crabtree.

7

8 **DR. CRABTREE:** Yes, I agree. When we have had appeals of things
9 in the past, it's been that you can appeal that the numbers are
10 wrong or there is a mistake, but it's never been -- We have
11 always excluded hardship as an appealable thing, and so, if you
12 want to go to a longer time period, then you can switch to
13 Option 3b. The downside with that is there is no
14 redistribution, and they have to wait two years for it, and so
15 it's kind of a balancing act there.

16

17 **CHAIRMAN GREENE:** Okay. Thank you. Is there further
18 discussion? Dr. Stephen.

19

20 **DR. STEPHEN:** I just kind of want to reiterate what Leann said.
21 Remember this works in combination with other actions you
22 choose, and so, in taking a shorter or a longer time period, you
23 might want to see how that works with the percentage that you
24 are reclaiming, and keep that in mind as you're going through.

25

26 **CHAIRMAN GREENE:** Thank you. Is there further discussion?
27 Seeing no further discussion, we have a motion on the board. **Is**
28 **there any opposition to the motion on the board before you? Two**
29 **in opposition, and the motion carries.** Okay. Dr. Freeman.

30

31 **DR. FREEMAN:** Certainly. So, moving forward, if we could
32 address Action 6.2 next.

33

34 **CHAIRMAN GREENE:** Okay. We're looking for some direction here
35 on 6.2, as we talked about just a few minutes ago, and is there
36 discussion? Dr. Stephen.

37

38 **DR. STEPHEN:** What we would probably like is some more ideas of
39 some other percentages that the council might feel is
40 appropriate, especially in Alternative 3, where we have it
41 progressively decreasing the reclaimed portion.

42

43 **CHAIRMAN GREENE:** I am not seeing anybody jumping up and down,
44 and so the intent of Alternative 3 is to, in the first year,
45 cycle it kind of quickly. Then, as it progresses over time, to
46 kind of smooth that out, if I understand that correctly. Mr.
47 Banks.

48

1 **MR. BANKS:** I may be missing some details, but I'm trying to
2 figure out why we would start big at the beginning and then go
3 smaller and not the other way around, and can somebody help me
4 with that? It seems like, to me, that we would start small and
5 then move larger, but --

6
7 **CHAIRMAN GREENE:** Dr. Stephen.

8
9 **DR. STEPHEN:** I am just going back to some of the slides I had
10 there, and, when you think about how much you want to reclaim,
11 what you want to think about is how right did you get the
12 initial distribution initially, and that's one concern in
13 setting the percentage.

14
15 If you feel that you didn't get it very representative, or there
16 is a lot of latent permits out there, you might want to set that
17 percentage higher, so you could rapidly move those shares to the
18 people who encounter the fish.

19
20 One of the other considerations is also your new entrants coming
21 in and how much you want to give them the ability to kind of
22 work their way into the system by harvesting and getting shares
23 back from it.

24
25 If you reclaim a higher percentage, there is a higher amount
26 that can go to those new entrants. In a more stable fishery,
27 you probably have new entrants coming in at a smaller point in
28 time, and, once you stabilize out, you might not want that high
29 percentage, because remember a higher percentage creates more
30 uncertainty for the fishermen in their industry. They are
31 booking trips out a year in advance or more, and they need to
32 know that they have a set amount that they're going to get and
33 then anticipate what they will get back through the
34 redistribution, and so those are kind of the thoughts on the
35 reclamation. Did that help?

36
37 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Ms.
38 Guyas.

39
40 **MS. GUYAS:** Again, I feel like there could be -- You could maybe
41 want to choose different percentages for different fisheries,
42 depending on how right or wrong we think we're going to do the
43 initial allocation. I mean, I'm not trying to make this more
44 complicated, but it might be appropriate to have different
45 options for different species, but we would have to really dig
46 into it and kind of, again, I think really understand where
47 we're going to be able to make that determination, but I don't
48 know. It's hard to choose percentages here, I think.

1
2 **CHAIRMAN GREENE:** Dr. Crabtree.

3
4 **DR. CRABTREE:** I think, in theory, that makes sense, but, in
5 practice, I don't think we have any basis to believe that we
6 would get one species allocation more right than we would get
7 the other, and so I don't think we practically have any basis to
8 know why one species would be different than another, or at
9 least I can't think of any.

10
11 **CHAIRMAN GREENE:** Ms. Guyas, to that point.

12
13 **MS. GUYAS:** Just as a theoretical example, say there is one
14 species on our list that is caught very heavily in a particular
15 region and we end up allocating shares across the Gulf. It's
16 going to take a while for those shares to get back to actually
17 be where they're caught, and that may not be the case across the
18 board for the three or however many species go in here, and so,
19 in that kind of case, maybe you want to choose a different
20 percentage for a different species, and that's kind of what I'm
21 thinking, but I don't know, but, once we really dig into this,
22 maybe we would know if we needed to break this out species-by-
23 species.

24
25 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.
26 Gregory.

27
28 **EXECUTIVE DIRECTOR GREGORY:** Thank you. We brought this
29 document back to the council prematurely, at the request of a
30 council member. If it had been up to staff, we would have
31 waited until August, and so, with that said, that's why some of
32 this stuff hasn't been fully fleshed out.

33
34 I think simulations like you're talking about are really good.
35 The other thing that I would be interested in seeing is if there
36 is a boat that never catches a species and never does catch a
37 species, how quickly does that boat go to zero, and that's the
38 other part of this, but I just wanted to point out that we
39 recognize this is not a fully-fleshed-out document, but it will
40 be by August, or much better.

41
42 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.
43 Matens.

44
45 **MR. MATENS:** Thank you. Mr. Gregory, do you intend to bring
46 this back in August?

47
48 **DR. FREEMAN:** That is our intent. Again, part of presenting

1 this, at the moment, is, in general, just to get feedback from
2 the council on these three new actions and have some direction
3 going forward, to the August meeting.

4
5 **MR. MATENS:** To that point, are we going to see this document in
6 August just as it is?

7
8 **DR. FREEMAN:** Not as is. There will certainly be some
9 revisions, again, to reflect the three new actions, weaving that
10 more into the document, as well as taking into account some of
11 the motions that have been made by the council.

12
13 **MR. MATENS:** Again, to that point, I guess, sir, we will see the
14 new-and-improved version?

15
16 **DR. FREEMAN:** Exactly. Amendment 41.2, I guess.

17
18 **CHAIRMAN GREENE:** Ms. Levy.

19
20 **MS. LEVY:** Thinking about what Martha said, it might be
21 difficult to sort of analyze what you would like as preferreds
22 for this whole adaptive management without looking at how you're
23 initially distributing, because you have a whole action with
24 what you're going to consider for the initial distribution
25 amongst these vessels, and maybe you need to think about that
26 before you decide what the appropriate percentages are and
27 stuff.

28
29 I think, for this version of the document, or when it comes
30 back, what is helpful for these three actions are filling in the
31 blanks or tell staff that you don't want the options that have
32 the X's in them, because they sort of threw out some numbers for
33 you in these three different new adaptive management actions and
34 then put an option in there that said, hey, let us know if you
35 want something else, and, if you don't want it to come back with
36 the X's in it again, the suggestion would be to either give a
37 suggestion for that X or say you just don't want that option in
38 there.

39
40 **CHAIRMAN GREENE:** Okay. I understand. What they're looking for
41 here is in, for example, Alternative 2, Option 2c, they have an
42 X. 2a, they're saying that they're going to reclaim a
43 percentage of the shares of 10 percent, 25 percent, or what
44 other number would you guys feel comfortable with?

45
46 Then, in 3b, they did the same thing with cycle one, two, and
47 three, and so think about it like this. They distribute 100
48 percent, and then they're going to reclaim. They're going to

1 take back a percentage that year, and then they're going to
2 redistribute them accordingly, and so, for example, Option 3a,
3 the first year they issue 100 percent, and then they're going to
4 take back 40 percent of those, and then it's going to be
5 redistributed accordingly. Is 40 percent a fair number?

6
7 As she mentioned, for people booking trips in advance, they know
8 they're going to have at least 60 percent of what they had to
9 work off of in advance, and so they may have 40 percent, et
10 cetera, et cetera, and so just understand that, in the
11 reclamation of this, that these are the shares that are turned
12 back in, that will be redistributed, for new entrants, new
13 people that are coming in, as well as latent permits that didn't
14 fall under that category.

15
16 It kind of goes in hand with what we just did, is what level do
17 we want to take back from the fishermen to make sure that the
18 fish are moved geographically, spatially, from one place to the
19 other and then latent permits, et cetera, and so I am trying not
20 to steer you in one way or the other, but what they're asking
21 for is are we comfortable with this type of percentages or do
22 you want something different? Ms. Levy.

23
24 **MS. LEVY:** Also, I didn't want to -- I think I suggested that
25 you needed to do something. I mean, if you want the X's there
26 because you're not sure and you may want to add things -- I
27 mean, obviously, that is your choice, but I think that's kind of
28 what we were looking for. Are you still ambivalent and kind of
29 want to leave the uncertainty there for now, just to see if you
30 want to put a different value in there, or do you know that you
31 might want to see something higher than 25 percent or not?

32
33 **CHAIRMAN GREENE:** I am not trying to sway anybody, but I am just
34 trying to help explain it, as best as I understand it, and so,
35 if you don't want to make a change, you don't have to. If you
36 want to do something different here, we can. This is our
37 opportunity to do that. Obviously we're going to see this
38 several more times. I know we have picked some preferreds,
39 trying to show our intent, and I don't think we need to get into
40 picking preferreds, and I'm not suggesting that at all, but I'm
41 just saying that this information is here before you. Mr.
42 Sanchez.

43
44 **MR. SANCHEZ:** A lot of this stuff is new, and so I think some of
45 the preferreds that were picked that didn't ensue the kind of
46 debate that we're seeing now, as we get into these newer items
47 and they're a little harder to get your hands around.

48

1 I will withdraw from trying to pick preferreds for some of these
2 newer items, from that approach, but there are a lot of good
3 things here, and they do kind of build on each other, and so it
4 can get confusing, and obviously, but there is a lot of tools
5 here where we can look at how we start to look at this, from not
6 only an equal share allocation distribution, however you want to
7 call it, perspective, but give it some weight to historical,
8 regional, carrying capacity.

9
10 There is all these things in there to kind of balance out some
11 of these concerns, and it was a good attempt by staff to put
12 these things in there, and so I would just ask that maybe we
13 hear from the public and we listen and then we just foster the
14 evolution of this thing as time goes on.

15
16 **CHAIRMAN GREENE:** I agree. Nobody can accuse of not thinking
17 outside the box on this one, and so, Ms. Guyas.

18
19 **MS. GUYAS:** To go back to what Doug said, I think it would be
20 cool, at some point, down the road with this document, to have
21 some kind of like decision tool, where you can simulate these
22 distributions and see what happens, and that would be really
23 awesome. I know that's not an August item, I'm sure, because I
24 think it would be a lot -- It would be, probably, a big effort
25 to build that, but it would be cool.

26
27 **CHAIRMAN GREENE:** I agree, and, if we're going to build that,
28 then we're need to kind of hone in on some of this stuff and
29 make sure we're comfortable with what's there, and we may go in
30 and say, okay, we want to go this way and maybe we have to come
31 back and modify it, because it may not lead in that direction.
32 Mr. Banks.

33
34 **MR. BANKS:** Thank you, Chairman Greene. I am hearing what
35 you're saying about the latent permits, and that's
36 understandable. We certainly want to get those shares to the
37 people who fish as soon as we can, but I just don't know how to
38 want to do that, but still protect the guy who has undergone a
39 hardship, and so, if we can just all think about somehow to
40 protect those hardship guys as we're trying to move these shares
41 to people who are actually fishing.

42
43 **CHAIRMAN GREENE:** Lieutenant Commander Danaher.

44
45 **LCDR LEO DANAHER:** Just an observation from the discussion and
46 from the material that's being presented. Down the road, I can
47 see the pros and cons, but, from an enforceability standpoint,
48 one of the major concerns that I already see, right off the bat,

1 is you're going to need some kind of real-time update when
2 you're reclaiming and redistributing these shares, because the
3 last thing I want to do is kind of wrongfully gig somebody out
4 there for fishing for something that, based on the records they
5 have, they maybe shouldn't be fishing for, or maybe they do have
6 permission to fish for it, but they don't have the updated
7 paperwork.

8
9 I mean, you're going to need some kind of real-time update.
10 Otherwise, we're taking the -- We're issuing out violations
11 against the owner, when it's really more about the system.

12
13 **CHAIRMAN GREENE:** Thank you. Dr. Stephen.

14
15 **DR. STEPHEN:** I don't see that as being a large concern. We
16 will probably build this in the same system we have the
17 commercial, which is a real-time, online system.

18
19 With the redistributed shares coming back, the only thing I see
20 building into it is that you might get your shares minus what
21 was reclaimed on January 1 and allocation from it, and we might
22 need a little bit more time to distribute the rest of those
23 shares within that first month or first quarter, depending on
24 how much work and effort it goes into, but, once you get those,
25 you would then get the allocation for that, and so I think the
26 allocation in hand with them will be the same as it is with
27 enforcing the commercial IFQ.

28
29 **CHAIRMAN GREENE:** Interesting. I hadn't thought about that
30 point, and so thank you, Lieutenant Commander. All right. Is
31 there further discussion? Okay. Dr. Freeman.

32
33 **DR. FREEMAN:** Certainly. Thank you. The last item is Action
34 6.3, and so, again, simply to get feedback from the council on
35 Alternatives 2 and 3, with regards to equal redistribution
36 versus a proportional redistribution, or if council members have
37 any additional suggestions that they would like for us to
38 consider.

39
40 **CHAIRMAN GREENE:** Okay. I am sorry, Dr. Freeman. I was in a
41 conversation, and will you please repeat that?

42
43 **DR. FREEMAN:** Certainly. Again, we're looking just for some
44 guidance from the council members, particularly with
45 Alternatives 2 and 3, which look at equal redistribution of
46 those reclaimed shares versus a proportional redistribution,
47 and, lastly, if the council members are fine with those or if
48 they have any ideas for an additional alternative.

1
2 **CHAIRMAN GREENE:** Okay. So that's the proportional distribution
3 by species, I am assuming. Yes, that's right. Okay, committee,
4 how do you feel about what he is asking? Do you all have any
5 preferences here or any guidance that we can offer to staff?
6 This ties back into what we saw earlier, to a degree, and that
7 was just a percentage, but this is by species, correct, and
8 that's the difference?

9
10 **DR. FREEMAN:** Earlier, it was dealing with the shares that were
11 reclaimed, and this is, once those shares have been reclaimed,
12 how they go back to the fishermen, and so are they redistributed
13 back to the fishermen equally or is it done proportionally based
14 on the landings of that given species?

15
16 **CHAIRMAN GREENE:** Okay. Dr. Crabtree.

17
18 **DR. CRABTREE:** Well, since we're trying to get the fish to the
19 people who are actually fishing for the species, it seems, to
20 me, that it would go back proportionately. It seems, to me, if
21 it goes equally, that's self-defeating to the goal of getting
22 the fish to the people who are fishing for them, and so it
23 seems, to me at least, that it certainly should be Alternative
24 3, proportional.

25
26 **CHAIRMAN GREENE:** Thank you. Anna.

27
28 **MS. ANNA BECKWITH:** As I listen to you guys talk, I also see a
29 third option, which would be 50 percent of each type of
30 redistribution, because, if you're only giving back fish to the
31 people that are catching them, you're also sort of giving --
32 You're not giving folks an opportunity to grow into it, and so
33 if there could be an additional alternative that would consider
34 50 percent, sort of equally distributed, and 50 percent
35 distributed proportionally, that might be something worth
36 discussing.

37
38 **CHAIRMAN GREENE:** Okay. Thank you. Is there further
39 discussion? Dr. Freeman.

40
41 **DR. FREEMAN:** Just to address that item, Dr. Stephen mentioned
42 this during her presentation, and I believe it was the last
43 slide. A preferable move by the council would be to allow
44 transfer of allocation, and so, if a new entrant had allocation
45 and were able to have recorded landings, then, at the end of
46 that cycle, they would receive some of those reclaimed shares,
47 and so that would be built into the system already.

48

1 **CHAIRMAN GREENE:** Okay. Thank you. Is there further
2 discussion? Okay. Dr. Freeman, does this wrap up what you need
3 for Amendment 41?
4
5 **DR. FREEMAN:** It does. Thank you.
6
7 **CHAIRMAN GREENE:** Okay. Dr. Crabtree.
8
9 **DR. CRABTREE:** One last thing for you to think about, and I know
10 we're running out of time, and so we may want to come to this at
11 Full Council, is timing. We still, at some point, need to talk
12 about the referendum and voting procedures, and so the question
13 for you to think about, I guess for Full Council, would be do
14 you want to ask staff to bring in some suggestions for voting
15 procedures at the next meeting? We already brought that and
16 worked that out for Amendment 42, but we don't have that, and
17 some guidance to staff as to how you might want to weight the
18 votes would probably be useful.
19
20 **CHAIRMAN GREENE:** Mr. Sanchez.
21
22 **MR. SANCHEZ:** I would agree. We have that for 42, and I think
23 we should start to develop that for 41, and basically identify
24 those that substantially participated and who would be voting
25 and how we're going to do that and start to put that together,
26 like 42.
27
28 **CHAIRMAN GREENE:** I guess, if that's the direction you wish to
29 go, Mr. Sanchez, we would probably need to put that in the form
30 of a motion.
31
32 **MR. SANCHEZ:** I would make a motion that we create options
33 similar to --
34
35 **CHAIRMAN GREENE:** Hold on.
36
37 **DR. FREEMAN:** We, I think, had discussed bringing it to the
38 August meeting, but, if the council would like to pass a motion
39 specifically requesting it, that would be fine.
40
41 **CHAIRMAN GREENE:** I'm sorry. I'm just trying to make sure that
42 I get it right.
43
44 **MR. SANCHEZ:** Thank you.
45
46 **CHAIRMAN GREENE:** Ms. Bosarge.
47
48 **MS. BOSARGE:** Okay. So you can have that ready by the August

1 meeting, because I know I pushed you all really hard for this
2 meeting, but you're good with that for August? I just want to
3 be clear, and so you're going to bring us referendum criteria
4 for 41 in August? Is that correct? Since we don't have a
5 motion, I just want to be clear.

6
7 **DR. FREEMAN:** Certainly. Let me look to some of the SERO staff
8 and see what their thoughts are. I think they're having a
9 conversation right now with regards to that.

10
11 **MS. BOSARGE:** Dr. Crabtree and Dr. Stephen, is an August
12 timeframe to present referendum criteria possibilities to the
13 council doable for everyone, all staffs involved?

14
15 **DR. CRABTREE:** I think we could bring in some options at the
16 August meeting. I don't know that it will be complete, but we
17 can bring a start in.

18
19 **CHAIRMAN GREENE:** Thank you. I was looking for direction from
20 the Council Chair and Executive Director, and so, with that, we
21 are going to continue on into Draft Amendment Number 42 and move
22 through it accordingly, and so I guess the staff lead with that
23 is going to be Dr. Assane Diagne.

24
25 **DRAFT AMENDMENT 42 - FEDERAL REEF FISH HEADBOAT MANAGEMENT**

26
27 **DR. ASSANE DIAGNE:** Thank you, Mr. Chair. I think we will not
28 use the time going through the actions and alternatives, because
29 you have seen it, and we have discussed it during a previous
30 meeting.

31
32 Amendment 42 still includes the fifteen actions that you decided
33 to look at, and so the few things that we would like to discuss
34 would be, one, the allocation of the resource, if you would,
35 between the sub-component, and, by that, I would mean the
36 headboats, the charter/for-hire, and the private anglers. In
37 some cases, it will be the private anglers and the charter/for-
38 hire together, if that species is not included in the
39 allocation-based management system.

40
41 Right now, we have the exact same allocation action and set of
42 alternatives in both Amendments 41 and 42, and so the first
43 question, perhaps, and you can give us guidance, is if you would
44 like for us to maintain the allocation action in one of the
45 amendments alone, given that we are allocating the same resource
46 at the end of the day, and so, if there is, I guess, a suspicion
47 that 42 would go slightly faster than 41, then perhaps we could
48 withdraw the allocation action from 41 and leave it here in 42,

1 because the numbers are exactly the same, and, again, we are
2 allocating the same resource. I will stop here and perhaps get
3 some feedback and some guidance from you before proceeding.

4
5 **CHAIRMAN GREENE:** Thank you. Is there discussion? Mr. Anson.

6
7 **MR. ANSON:** Just clarification from Mara. If this goes faster
8 and we voted to approve it and 41 is still waiting to be
9 approved, would you do a -- Is there a referendum then for just
10 the headboats, and would everybody get to vote? I am a little
11 unsure, and that's to Mara or whoever.

12
13 **MS. LEVY:** Well, I mean, there would be a referendum for this
14 amendment, for those permit holders that substantially fished
15 the species here, and then there will be a referendum for the
16 permit holders who substantially fished the species in 41, but I
17 guess I am not quite sure how that -- Are you getting at the
18 fact that, if you take it out of one of the documents, then you
19 would have a referendum on a document that has the allocation
20 decision in it, but not in the other -- So the referendum for
21 the other document wouldn't include the allocation decision
22 between the private, charter, and headboat, and is that what
23 we're getting at?

24
25 **MR. ANSON:** That's kind of what I'm getting at. I guess the
26 distinction of the permit holder, and so you have -- It's the
27 same permit for headboats and charter boats, but the headboats
28 are the ones that have been participating in the Beaufort
29 Southeast Headboat Survey, and so they had the same permit, but
30 they've been reporting two different methods, and so is there a
31 distinction -- You are looking at a distinction then for there
32 being essentially a headboat permit, even though it's a Gulf
33 reef fish permit that just happens to be participating in a
34 different survey, reporting survey, that classifies them as a
35 headboat?

36
37 **MS. LEVY:** The referendum is for the plan or amendment that
38 creates an individual fishing program, and so it's a majority of
39 those eligible permit holders, and so each document has its own
40 eligible permit holders, and so they would be voting for their
41 program, and so it goes with who is eligible to participate in
42 the program, and then only those ones who substantially fished
43 the species are supposed to be voting in the referendum.

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

46
47 **CHAIRMAN GREENE:** Mr. Gregory.

48

1 **EXECUTIVE DIRECTOR GREGORY:** At risk, Mara, I guess the
2 allocation decision is not something that has to go to
3 referendum, and so the allocation decision could be in whichever
4 document gets implemented first, and it's not really related to
5 the referendum.

6
7 **MS. LEVY:** I mean, I don't think it's not -- It's a decision
8 point, but I don't think that particular piece requires a
9 referendum. I have to think about it a little bit, just because
10 it's complicated by virtue of the fact that you have two
11 programs being established simultaneously, and a decision point
12 in both of them is how you're going to split the quota between
13 the different sub-groups, and so it's about the program, and so
14 I hadn't really thought about which actions require the
15 referendum, but more that the approval of the program requires
16 the referendum, but I can look into that and think about that
17 and see whether it really is going to make a difference or not.

18
19 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.
20 Anson.

21
22 **MR. ANSON:** So we don't need a motion to ask for counsel review
23 of that allocation and a referendum trigger?

24
25 **MS. LEVY:** Well, are you okay with me just going back and
26 looking into it and reporting back or -- I think, if you want
27 some sort of -- I think the reason for the motion in the other
28 case was sort of the idea that you wanted a more official,
29 written kind of communication back and forth. If you just want
30 me to go back and look into it and then come back with an
31 answer, I can do that without a motion.

32
33 **MR. ANSON:** I guess I am fine with it, but are the other people?
34 Are you fine with it, Johnny? Doug, are you fine with it?

35
36 **EXECUTIVE DIRECTOR GREGORY:** Yes, sir.

37
38 **CHAIRMAN GREENE:** Yes, I don't have any problem with that.
39 Okay. I don't see anybody else with any heartburn or jumping up
40 and down about it, and so, Dr. Diagne.

41
42 **DR. DIAGNE:** Thank you, Mr. Chair. The second thing that we
43 planned on discussing and bringing to your attention, and Dr.
44 Crabtree touched upon it, but it has to do with the referendum
45 criteria.

46
47 If you recall, the last time we discussed this program, I
48 believe in August of 2016, we did bring a referendum eligibility

1 criteria, defining those that substantially fished, and so the
2 question that we have would be perhaps if that is something that
3 you would like to reconsider in August, so that we can bring
4 those alternatives, and, if you wanted to pick a preferred, so
5 that we can proceed and make progress. I will stop here.

6
7 **CHAIRMAN GREENE:** Thank you. Is there discussion? Okay. I
8 don't see any discussion, Dr. Diagne.

9
10 **DR. DIAGNE:** Do I take it as yes or something that would be
11 further discussed during Full Council?

12
13 **CHAIRMAN GREENE:** I think, at this point, I don't know that
14 we're going to get much more out of the committee, and so I
15 think, if there is somebody that's going to have an issue, it
16 will be at Full Council, at that particular point. Staff is
17 asking for direction. Does anybody want to weigh in? Dr.
18 Diagne, please repeat again what it is that -- Your question,
19 what it is that you're asking us. I'm sorry.

20
21 **DR. DIAGNE:** Up to this point, I guess we've developed the set
22 of actions and alternatives that you think would be needed for
23 this program, meaning the headboat allocation-based management
24 system.

25
26 In August, we presented alternatives that would allow you to
27 define the eligibility requirements to go to the next step,
28 meaning to conduct the referendum, but, at the time, the council
29 did not select a preferred alternative, essentially, and so my
30 question to you is would you like to have those presented to the
31 council in August, to give you the opportunity to perhaps pick a
32 preferred alternative when it comes to the eligibility criteria
33 for the referendum?

34
35 **CHAIRMAN GREENE:** Dr. Crabtree.

36
37 **DR. CRABTREE:** Yes.

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

40
41 **MS. BOSARGE:** Yes.

42
43 **CHAIRMAN GREENE:** So there we go. All right.

44
45 **DR. DIAGNE:** Thank you. With that, then I think that would
46 conclude the presentation for Amendment 42, given the fact that
47 we have already discussed the fifteen actions, and we will make
48 it a plan to bring those alternatives to you in August, along

1 with the amendment. Thank you.

2

3 **CHAIRMAN GREENE:** Thank you. That concludes our schedule, as
4 written, and we've taken care of Other Business. Is there any
5 more business to come before the Reef Fish Committee? The Reef
6 Fish Committee stands adjourned.

7

8 (Whereupon, the meeting adjourned on June 6, 2017.)

9

10

- - -